

# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b> Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7) Fort Campbell, KY 42223	<b>USACRC Number:</b> 0086-2006-CID469-75447 <span style="float: right;">5H</span>
<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>MP Report Number:</b> N/A
<b>Referred By:</b> SAC, CID Office: Baghdad CID BN (b)(6), (b)(7)(C) <span style="float: right;">F9</span>	<b>Sub-Installation:</b> AE09393DC
	<b>Referral Date:</b> 12/29/2006
	<b>Suspense Date:</b> 2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b> (b)(6), (b)(7)(C) <b>First Name:</b> <b>Middle Name:</b> <b>Cadency:</b>	<b>Grade:</b> E-6 U.S. Army (SSG) <b>SSN:</b> (b)(6), (b)(7)(C) <b>Date of Birth:</b>
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### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	Dereliction of Duty [5Y2D2]	UCMJ Article 92	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	UNfounded NO Action taken
2				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
4				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant

**Judicial Punishment Authority (select one):**

- GCMCA Imposed  
 General Officer Imposed  
 Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement



**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
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**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspension Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 08
Signature:				
AKO e-Mail Address:	(b)(6),(b)(7)(C)			

b(6), b(7)(C)

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<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>MP Report Number:</b> N/A
<b>Referred By:</b> SAC, CID Office: Baghdad CID BN (b)(6), (b)(7)(C)	<b>Sub-Installation:</b> AE09393DC
F9	<b>Referral Date:</b> 12/29/2006
	<b>Suspense Date:</b> 2/12/2007

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### 2. Offender Identification

<b>Last Name:</b> (b)(6), (b)(7)(C)	<b>Grade:</b> E-4 U.S. Army (SPC)
<b>First Name:</b>	<b>SSN:</b> (b)(6), (b)(7)(C)
<b>Middle Name:</b>	<b>Date of Birth:</b>
<b>Cadency:</b>	

### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	UNfounded NO action taken
2				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
4				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

b(6), b(7)(C)

**ACLU DETAINEE DEATH 2 CID 324**

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspension Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 08
Signature:	(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C)		
AKO e-Mail Address:	(b)(6),(b)(7)(C)	(b)(6),(b)(7)(C)		

b(6), b(7)(C)

**ACLU DETAINEE DEATH 2 CID 329**

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\* Vanit Case \*

## COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
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### 1. Control Information

<b>Thru:</b>	Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223
<b>To:</b>	Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223
<b>Referred By:</b>	SAC, CID Office: Baghdad CID BN (b)(6), (b)(7)(C)

<b>USACRC Number:</b>	0086-2006-CID469-75447-5H1P
<b>MP Report Number:</b>	N/A
<b>Sub-Installation:</b>	AE09393DC
<b>Referral Date:</b>	12/29/2006
<b>Suspense Date:</b>	2/12/2007

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### 2. Offender Identification

<b>Last Name:</b>	(b)(6), (b)(7)(C)
<b>First Name:</b>	
<b>Middle Name:</b>	
<b>Cadency:</b>	

<b>Grade:</b>	E-3 U.S. Army (PFC)
<b>SSN:</b>	(b)(6), (b)(7)(C)
<b>Date of Birth:</b>	

### 3. Referral Information

**Commander Decision Date:** 12/29/2006

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes	No	Yes	No	
1	Murder [5H1P]	UCMJ Article 118	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Declined Without Explanation
3	Obstruction of Justice [5X5]	UCMJ Article 134	5/9/2006	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
4	Conspiracy [5X1]	UCMJ Article 81	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder [5H1P] [5H1P]	G	Murder [5H1P] [5H1P]	G
2	NO ACTION TAKEN -- False Official Statement [5M3A]			
3	Obstruction of Justice [5X5] [5X5]	G	Obstruction of Justice [5X5] [5X5]	G
4	Conspiracy [5X1] [5X1]	G	Conspiracy [5X1] [5X1]	G
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
1/25/2007	Confinement Duration: 1 <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input checked="" type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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**10. Commander's Remarks**

On 13 Apr 10, SA (b)(6),(b)(7)(C) SAC, Tikrit CID Office, coordinated with MAJ (b)(6),(b)(7)(C) Special Victim Prosecutor, SIA Fort Campbell, KY, who provided documentation pertaining to (b)(6),(b)(7)(C) GCM. The Results of Trial reflected on 27 Jan 05, (b)(6),(b)(7)(C) was found guilty of all offenses listed in this ROI and was sentenced to confinement for life, with the possibility of parole.

USASCRC Number: 0086-2006-CID469-75447-5H1P

Sanction: A1 2007/01/25

**11. Commanding Officer *REPORTING***

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	W-2 (b)(6),(b)(7)(C)	
Signature:	(b)(6),(b)(7)(C)		Signature Date: 12/29/2006
AKO e-Mail Address:	(b)(6),(b)(7)(C)		

b(6), b(7)(C)

**ACLU DETAINEE DEATH 2 CID 335**

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**DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL.**  
For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: **Commander 101st Airborne Division (Air Assault), Fort Campbell, KY 42223**

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v \_\_\_\_\_  
PFC (b)(6),(b)(7) C Co, 3d BN, 187 IN Regt, 3d BCT, 101st ABN Div (AASLT), Fort Campbell, KY 42223

2. Trial by General court-martial on 25 January, 2007 at Fort Campbell, KY 42223

convened by: CMCO Number 1 HQ, 101<sup>st</sup> ABN DIV (Air Assault), dated 2 December 2005

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S) (See Continuation Sheet)	PLEA	FINDING
----	----------	------	---	------	---------

4. SENTENCE:

Reduction to the grade of Private (E1); forfeiture of all pay and allowances; to be confined for life with the possibility of parole; and to be discharged from the service with a dishonorable discharge

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20070125 / 20070209  
(See UCMJ Articles 57-58b and R.C.M. 1101)

6. Contents of pretrial agreement concerning sentence, if any:

The Convening Authority agrees to disapprove any confinement in excess of 18 years. The Convening Authority may approve any other lawful punishments adjudged.

7. Number of days of presentence confinement, if any: 224

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: 95

9. Total presentence confinement credit toward post-trial confinement: 319

10. Name(s) and SSN(s) of companion accused or co-accused, if any: SPC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

11. DNA processing IAW 10 U.S.C. § 1565  is  is not required.

12. Conviction(s)  does  does not require sex offender registration IAW 42 U.S.C. § 14071.

CF:

Confinement Facility; FAO; PSB (Adverse Actions); CDR, 3 BN, 187 IN Regt; CDR, 3BCT; CID

TYPED NAME (b)(6),(b)(7)(C)		(b)(6),(b)(7)(B)
RANK MAJ	BRANCH OF SERVICE US ARMY	

b(6), b(7)(C)

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Item 3 Continued:

Charges	Article, UCMJ	Spec	Gist of Offenses	Plea	Findings
I	80	The	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, attempt with premeditation to murder a male detainee of apparent Middle-Eastern descent whose name is unknown by means of shooting him with a firearm	G	G
II	81	The	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, conspire with SPC (b)(6),( ) and SSG (b)(6), to commit premeditated murder of three male detainees of apparent Middle-Eastern descent whose names are unknown, and in order to effect the object of the conspiracy, the said PFC (b)(6), and SPC (b)(6), did shoot at the detainees	G	G
III	118	1	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, with premeditation, murder a male detainee of apparent Middle-Eastern descent whose name is unknown by means of shooting him with a firearm	G	G
		2	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, with premeditation, murder a male detainee of apparent Middle-Eastern descent whose name is unknown by means of shooting him with a firearm	G	G
IV	134	The	While traveling in a vehicle between Forward Operating Base Brassfield-Mora , Iraq and the U.S. Army CID office at Contingency Operating Base Speicher, Iraq, o/a 29 May 06, wrongfully communicate to PFC (b)(6), a threat, to wit: "SSG (b)(6), (b)(7)( ) will not have to kill you because I will kill you if you say anything," or words to that effect	NG	D*

<u>Charges</u>	<u>Article, UCMJ</u>	<u>Spec</u>	<u>Gist of Offenses</u>	<u>Plea</u>	<u>Findings</u>
ADD I	81	The	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, conspire with SSG (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) to obstruct justice in the investigation of the shooting of three male detainees of apparent Middle-Eastern descent whose names are unknown and, in order to effect the object of the conspiracy, staged the murder scene so as to appear that the said PFC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were attacked during an escape attempt	G	G
ADD II	134	The	While traveling in a vehicle between Forward Operating Base Brassfield-Mora, Iraq and the U.S. CID office at Contingency Operating Base Speicher, Iraq, o/a 29 May 2006, wrongfully endeavor to influence the testimony of PFC (b)(6), (b)(7)(C) as a witness in the case of the said PFC (b)(6), (b)(7)(C), SSG (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) regarding the investigation of the shooting of three male detainees of apparent Middle-Eastern descent whose names are unknown, by communicating to PFC (b)(6), (b)(7)(C) a threat, to wit: "SSG (b)(6), (b)(7)(C) will not have to kill you because I will kill you if you say anything," or words to that effect	NG	D*
ADD III	91	The	A/o near Camp Arifjan, Kuwait Theater Field Detention Facility, o/a 21 Jul 06, was disrespectful in language and deportment toward Damage Control First Class (b)(6), (b)(7)(C) a petty officer, then known by the accused to be a superior petty officer, who was then in the execution of his office, by saying to him "My lawyer will fuck you up," or words to that effect, by saying to him "I don't give a fuck about rank," or words to that effect, and by refusing to go to parade rest	NG	D*

CONTINUATION SHEET, DA FORM 4430, PERTAINING TO U.S. v. PFC (b)(6),(b)(7)(C)  
 247-75-5555, U.S. Army, Charlie Company, 3d Battalion, 187th Infantry Regiment, 3d Brigade  
 Combat Team, 101<sup>st</sup> Airborne Division (Air Assault), Fort Campbell, Kentucky 42223

<u>Charges</u>	<u>Article, UCMJ</u>	<u>Spec</u>	<u>Gist of Offenses</u>	<u>Plea</u>	<u>Findings</u>
ADD IV	91	The	A/o near Camp Arifjan, Kuwait Theater Field Detention Facility, o/a 22 Jul 06, treat with contempt Master at Arms Second Class (b)(6),(b)(7)(C) a petty officer, then known by the accused to be a superior petty officer, who was then in the execution of her office, by saying to her "I can do anything in this facility and can't be charged with it," or words to that effect	NG	D*
ADD V	134	The	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, wrongfully endeavor to impede the investigation of the shooting of three male detainees of apparent Middle-Eastern descent whose names are unknown by means of staging the murder scene so as to appear that the said PFC (b)(6), and SPC (b)(6),( were attacked during an escape attempt	G	G

\*Dismissed upon motion of trial counsel and in accordance with the Offer to Plead Guilty



# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
 PRINCIPAL: 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. Control Information

Thru: Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223	USACRC Number: 0086-2006-CID469-75447 MP Report Number: N/A Sub-Installation: AE09393DC
To: Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	Referral Date: 12/29/2006 Suspense Date: 2/12/2007
Referred By: SAC, CID Office: Baghdad CID BN (b)(6), (b)(7)(C)	

AI

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

Last Name: (b)(6), (b)(7)(C) First Name: (C) Middle Name: Cadency:	Grade: E-4 U.S. Army (SPC) SSN: (b)(6), (b)(7)(C) Date of Birth:
---	--

### 3. Referral Information

Commander Decision Date: \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	Murder [5H1P]	UCMJ Article 118	5/8/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	General Court-Martial
2	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	See <del>_____</del>
3	Obstruction of Justice [5X5]	UCMJ Article 134	5/9/2006	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Attached pages for final results
4	Conspiracy [5X1]	UCMJ Article 81	5/8/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
5				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

**Administrative**  
Non-Adverse Referrals  
Adverse Personnel Actions

**Non-Judicial (Article 15)**  
(see details below)

**Judicial**  
Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized
- Company Grade
- Field Grade
- Principal Assistant
- GCMCA Imposed
- General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial
- Special Court Martial
- Civilian Criminal/Magistrate
- General Court Martial

Jurisdiction:

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	See Attached Result of Trial.			
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 00
Signature:	(b)(6),(b)(7)(C)			
AKO e-Mail Address:	(b)(6),(b)(7)(C)			

b(6), b(7)(C)

ACLU DETAINEE DEATH 2 CID 345

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**DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL**

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: **Commander 101<sup>st</sup> Airborne Division (Air Assault), Fort Campbell, KY 42223**

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-30 is hereby given in the case of the United States v \_\_\_\_\_

SPC (b)(6),(b)(7)(C) 495-92-3283, C Co, 3d BN, 187 IN Regt, 3d BCT, 101<sup>st</sup> ABN Div (AASLT), Fort Campbell KY 42223

2. Trial by General court-martial on 11 January, 2007 at Fort Campbell, KY 42223

convened by: CMCO Number 1 HQ, 101<sup>st</sup> ABN DIV (Air Assault), dated 2 December 2005

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSE(S)	PLEA	FINDING
1	80	THE	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, attempt to murder a unknown Middle-Eastern male, by shooting him with a firearm (See Continuation Sheet)	G	G

4. SENTENCE:

Reduction to the grade of Private (E1); forfeiture of all pay and allowances; to be confined for life with the possibility of parole; and to be discharged from the service with a dishonorable discharge

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20070111/20070125  
(See UCMJ Articles 57-58b and R.C.M. 1101)

6. Contents of pretrial agreement concerning sentence, if any:

The Convening Authority agrees to disapprove any confinement in excess of 18 years. The Convening Authority may approve any other lawful punishments adjudged.

7. Number of days of presentence confinement, if any: 210 days

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: 158

9. Total presentence confinement credit toward post-trial confinement: 368

10. Name(s) and SSN(s) of companion accused or co-accused, if any: PFC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

11. DNA processing IAW 10 U.S.C. § 1565  is  is not required.

12. Conviction(s)  does  does not require sex offender registration IAW 42 U.S.C. § 14071.

CF:

Confinement Facility; FAO; PSB (Adverse Actions); CDR, 3 BN, 187 IN Regt; CDR, 3BCT; CID

TYPED NAME (b)(6),(b)(7)(C)	SIGNATURE (b)(6),(b)(7)(C)
RANK MAJ	BRANCH OF SERVICE US ARMY

CONTINUATION SHEET 1, DA FORM 4430, PERTAINING TO U.S. v. SPC (b)(6), (b)(7) (b)(6), (b)(7)(C) U.S. Army, Charlie Company, 3d Battalion, 187th Infantry Regiment, 3d Brigade Combat Team, 101<sup>st</sup> Airborne Division (Air Assault), Fort Campbell, Kentucky 42223

Item 3 Continued:

CH	ART, UCMJ SPEC	BRIEF DESCRIPTION OF OFFENSE	PLEA	FINDING
II	81	THE A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, conspire w/ SSG (b) and PFC (b) to commit premeditated murder of a male of Middle-Eastern descent whose name is unknown	G	G
III	118	1 A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, with premeditation, murder a male of Middle-Eastern descent whose name is unknown, by shooting him with a firearm	G	G
		2 A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, with premeditation, murder a male of Middle-Eastern descent whose name is unknown, by shooting him with a firearm	G	G
IV	134	1 A/o near Muthana Chemical Complex, Iraq, between o/a 10 May 06-15 Jun 06, wrongfully communicate to PFC (b) a threat, to wit: "I will kill you if you tell anyone" or words to that effect	NG	*D
		2 A/o near Muthana Chemical Complex, Iraq, between o/a 10 May 06-15 Jun 06, wrongfully communicate to PFC (b) a threat, to wit: "Don't tell anyone because if I got to jail I will kill you" or words to that effect	NG	*D

CONTINUATION SHEET 2, DA FORM 4430, PERTAINING TO U.S. v. SPC (b)(6), (b)(7)  
 (b)(6), (b)(7)(C) U.S. Army, Charlie Company, 3d Battalion, 187th Infantry Regiment,  
 3d Brigade Combat Team, 101<sup>st</sup> Airborne Division (Air Assault), Fort Campbell, Kentucky  
 42223

Item 3 Continued:

CH ART, UCMJ SPEC BRIEF DESCRIPTION OF OFFENSE PLEA FINDING

Additional Charges

I	81	THE	A/o near Muthana Chemical Complex, Iraq, o/a 9 May 06, conspire with SSG (b)(6), (b)(7)(C) to obstruct justice regarding the investigation into the shooting of three male detainees of apparent Middle-Eastern descent	G	G
II	134	1	A/o near Muthana Chemical Complex, Iraq, between o/a 10 May 06, wrongfully endeavor to influence the testimony of PFC (b)(6) by communicating to PFC (b)(6) "I will kill you if you tell anyone"	NG	*D
	134	2	A/o near Muthana Chemical Complex, Iraq, between o/a 10 May 06 – 15 Jun 06, wrongfully endeavor to influence the testimony of PFC (b)(6), (b)(7)(C) by communicating to PFC (b)(6) "Don't tell anyone, because if I go to jail I will kill you"	NG	*D
III	134	THE	A/o near Muthana Chemical Complex, Iraq, o/a 09 May 06, wrongfully endeavor to impede an investigation into the shooting of three male detainees of apparent Middle-Eastern descent whose name is unknown, by staging the murder scene so as to appear that the aforementioned detainees attacked SPC (b)(6), (b)(7)(C)	G	G

\*Dismissed upon motion of trial counsel and in accordance with the Offer to Plead Guilty

# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b>	Office of the <u>Staff Judge Advocate</u> ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223
<b>To:</b>	Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223
<b>Referred By:</b>	SAC, CID Office: <u>Bahdad CID BN</u> (b)(6), (b)(7)(C)

<b>USACRC Number:</b>	0086-2006-CID469-75447
<b>MP Report Number:</b>	N/A
<b>Sub-Installation:</b>	AE09393DC
<b>Referral Date:</b>	12/29/2006
<b>Suspense Date:</b>	2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b>	(b)(6), (b)(7)(C)
<b>First Name:</b>	
<b>Middle Name:</b>	
<b>Cadency:</b>	

<b>Grade:</b>	E-4 U.S. Army (SPC)
<b>SSN:</b>	(b)(6), (b)(7)(C)
<b>Date of Birth:</b>	

### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes	No	Yes	No	
1	Obstruction of Justice [5X5]	UCMJ Article 134	5/9/2006	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	unfounded No Action taken
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

**Judicial Punishment Authority (select one):**

- Summarized       GCMCA Imposed       Summary Court Martial       General Court Martial  
 Company Grade       General Officer Imposed       Special Court Martial  
 Field Grade  
 Principal Assistant       Civilian Criminal/Magistrate

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspension Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ. USA	
Signature:	(b)(6),(b)(7)(C)		Signature Date: 10 MAR 08
AKO e-Mail Address:			

b(6), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b> Office of the Staff Judge Advocate ATTN: CPT (b)(6),(b)(7)(C) Fort Campbell, KY 42223	<b>USACRC Number:</b> 0086-2006-CID469-75447
<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>MP Report Number:</b> N/A
<b>Referred By:</b> SAC, CID Office: Baghdad CID BN (b)(6),(b)(7)(C)	<b>Sub-Installation:</b> AE09393DC
F9	<b>Referral Date:</b> 12/29/2006
	<b>Suspense Date:</b> 2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b> (b)(6),(b)(7)(C) <b>First Name:</b> <b>Middle Name:</b> <b>Cadency:</b>	<b>Grade:</b> E-5 U.S. Army (SGT)  <b>SSN:</b> (b)(6),(b)(7)(C) <b>Date of Birth:</b>
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### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Unfounded No action taken
2				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
4				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

**Judicial Punishment Authority (select one):**

- Summarized       GCMCA Imposed       Summary Court Martial       General Court Martial  
 Company Grade       General Officer Imposed       Special Court Martial  
 Field Grade  
 Principal Assistant       Civilian Criminal/Magistrate

Jurisdiction:

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 08
Signature:				
AKO e-Mail Address	(b)(6),(b)(7)(C)			

b(6), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b> Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223	<b>USACRC Number:</b> 0086-2006-CID469-75447
<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>MP Report Number:</b> N/A
<b>Referred By:</b> SAC, CID Office, Baghdad CID BN (b)(6), (b)(7)(C)	<b>Sub-Installation:</b> AE09393DC
F9	<b>Referral Date:</b> 12/29/2006
	<b>Suspense Date:</b> 2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b> (b)(6), (b)(7)(C)	<b>Grade:</b> E-5 U.S. Army (SGT)
<b>First Name:</b>	
<b>Middle Name:</b>	<b>SSN:</b> (b)(6), (b)(7)(C)
<b>Cadency:</b>	<b>Date of Birth:</b>

### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	UNfounded No Action taken
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

**Administrative**

Non-Adverse Referrals

Adverse Personnel Actions

**Non-Judicial (Article 15)**

(see details below)

**Judicial**

Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

Summarized

GCMCA Imposed

Company Grade

General Officer Imposed

Field Grade

Principal Assistant

**Judicial Punishment Authority (select one):**

Summary Court Martial

General Court Martial

Special Court Martial

Civilian Criminal/Magistrate

Jurisdiction:

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 06
Signature:	(b)(6),(b)(7)(C)			
AKO e-Mail Address:	(b)(6),(b)(7)(C)			

# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b> Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223	<b>USACRC Number:</b> 0086-2006-CID469-75447 <b>MP Report Number:</b> N/A <b>Sub-Installation:</b> AE09393DC
<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>Referral Date:</b> 12/29/2006 <b>Suspense Date:</b> 2/12/2007
<b>Referred By:</b> SAC, CID Office: Baghdad CID BN (b)(6), (b)(7)(C)	

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The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b> (b)(6), (b)(7)(C) <b>First Name:</b> <b>Middle Name:</b> <b>Cadency:</b>	<b>Grade:</b> E-2 U.S. Army (PV2) <b>SSN:</b> (b)(6), (b)(7)(C) <b>Date of Birth:</b>
---	---

### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Unfounded No Action taken
2				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
4				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: _____ To: _____
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 08
Signature:				
AKO e-Mail Address:	(b)(6),(b)(7)(C)			

b(6), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b> Office of the Staff Judge Advocate ATTN: CPT (b)(6),(b)(7)(C) Fort Campbell, KY 42223	<b>USACRC Number:</b> 0086-2006-CID469-75447
<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>MP Report Number:</b> N/A
<b>Referred By:</b> SAC, CID Office: Baghdad CID BN (b)(6),(b)(7)(C)	<b>Sub-Installation:</b> AE09393DC
f9	<b>Referral Date:</b> 12/29/2006
	<b>Suspense Date:</b> 2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b> (b)(6),(b)(7)(C)	<b>Grade:</b> E-5 U.S. Army (SGT)
<b>First Name:</b>	<b>SSN:</b> (b)(6),(b)(7)(C)
<b>Middle Name:</b> NMN	<b>Date of Birth:</b>
<b>Cadency:</b>	

### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Unfounded NO action taken
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

**Administrative**  
Non-Adverse Referrals  
Adverse Personnel Actions

**Non-Judicial (Article 15)**  
(see details below)

**Judicial**  
Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant  
 GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 08
Signature:				
AKO e-Mail Address:	(b)(6),(b)(7)(C)			

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b> Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223	<b>USACRC Number:</b> 0086-2006-CID469-75447 <b>MP Report Number:</b> N/A
<b>To:</b> Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	<b>Sub-Installation:</b> AE09393DC
<b>Referred By:</b> SAC, CID Office: Baghdad CID BN (b)(6), (b)(7)(C)	<b>Referral Date:</b> 12/29/2006 <b>Suspense Date:</b> 2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b> (b)(6), (b)(7)(C) <b>First Name:</b> <b>Middle Name:</b> <b>Cadency:</b>	<b>Grade:</b> E-3 U.S. Army (PFC) <b>SSN:</b> (b)(6), (b)(7)(C) <b>Date of Birth:</b>
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### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Unfounded No Action taken
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date:	10 MAR 08
Signature:				
AKO e-Mail Address:	(b)(6),(b)(7)(C)			

# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b>	Office of the Staff Judge Advocate ATTN: CPT (b)(6),(b)(7)(C) Fort Campbell, KY 42223
<b>To:</b>	Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223
<b>Referred By:</b>	SAC, CID Office: Baghdad CID BN (b)(6),(b)(7)(C)

<b>USACRC Number:</b>	0086-2006-CID469-75447-5H1P
<b>MP Report Number:</b>	N/A
<b>Sub-Installation:</b>	AE09393DC
<b>Referral Date:</b>	12/29/2006
<b>Suspense Date:</b>	2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b>	(b)(6),(b)(7)(C)
<b>First Name:</b>	
<b>Middle Name:</b>	
<b>Cadency:</b>	

<b>Grade:</b>	E-4 U.S. Army (SPC)
<b>SSN:</b>	(b)(6),(b)(7)(C)
<b>Date of Birth:</b>	

### 3. Referral Information

**Commander Decision Date:** 12/29/2006

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	NO ACTION TAKEN -- False Official Statement [5M3A]			
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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**10. Commander's Remarks**

According to the U.S. Army G-1 Database, (b)(6), (b)(7)(C) is no longer in the U.S. Army. Although it is undetermined whether action was taken against (b)(6), all Soldiers listed for the same offense had no action taken against them.

USASCRC Number: 0086-2006-CID469-75447-5H1P

Sanction: F1 2006/12/29

**11. ~~Commanding Officer~~ REPORTING**

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	W-2	(b)(6),(b)(7)(C)	
Signature:		(b)(6),(b)(7)(C)		Signature Date: 12/29/2006
AKO e-Mail Address:				

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
 PRINCIPAL: 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. Control Information

Thru:	Office of the Staff Judge Advocate ATTN: CPT [REDACTED] Fort Campbell, KY 42223
To:	Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223
Referred By:	SAC, CID Office: Baghdad CID BN [REDACTED] <span style="float: right; font-size: 2em;">F9</span>

USACRC Number:	0086-2006-CID469-75447
MP Report Number:	N/A
Sub-Installation:	AE09393DC
Referral Date:	12/29/2006
Suspense Date:	2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

Last Name:	[REDACTED]
First Name:	[REDACTED]
Middle Name:	[REDACTED]
Cadency:	

Grade:	E-5 U.S. Army (SGT)
SSN:	[REDACTED]
Date of Birth:	[REDACTED]

### 3. Referral Information

Commander Decision Date: \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Unfounded No Action taken
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

**Judicial Punishment Authority (select one):**

- Summarized       GCMCA Imposed       Summary Court Martial       General Court Martial  
 Company Grade       General Officer Imposed       Special Court Martial  
 Field Grade  
 Principal Assistant       Civilian Criminal/Magistrate

Jurisdiction:

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve



**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date: 10 MAR 08
Signature:			
AKO e-Mail Address:	(b)(6),(b)(7)(C)		

b(5), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b>	Office of the Staff Judge Advocate ATTN: CPT (b)(6), (b)(7)(C) Fort Campbell, KY 42223
<b>To:</b>	Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223
<b>Referred By:</b>	SAC, CID Office, Baghdad CID BN (b)(6), (b)(7)(C)

<b>USACRC Number:</b>	0086-2006-CID469-75447-5H1P
<b>MP Report Number:</b>	N/A
<b>Sub-Installation:</b>	AE09393DC
<b>Referral Date:</b>	12/29/2006
<b>Suspense Date:</b>	2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b>	(b)(6), (b)(7)(C)
<b>First Name:</b>	(C)
<b>Middle Name:</b>	
<b>Cadency:</b>	

<b>Grade:</b>	E-4 U.S. Army (SPC)
<b>SSN:</b>	(b)(6), (b)(7)(C)
<b>Date of Birth:</b>	

### 3. Referral Information

**Commander Decision Date:** 12/29/2006

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes	No	Yes	No	
1	Murder [5H1P]	UCMJ Article 118	5/8/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Prosecution Declined/Other
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

\_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder [5H1P] [5H1P]	N	Murder [5H1P] [5H1P]	G
2	NO ACTION TAKEN -- False Official Statement [5M3A]			
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve



**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
12/29/2006	Forfeiture Amount : \$7,800.00 Duration: 6 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
1/9/2007	Confinement Duration: 9 <input type="checkbox"/> Days <input checked="" type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
1/9/2007	Reduction in Grade From: Specialist (SPC) To: Private (E1) (PVT)
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance)Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No  
 If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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**10. Commander's Remarks**

MJ recommended 3 months reduction in confinement if SPC (b)(6), (b)(7)(C) cooperates in prosecution of co-defendants.

USASCRC Number: 0086-2006-CID469-75447-5H1P

Sanction: A1 2007/01/09

**11. Commanding Officer**

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C) SJA, 3rd BCT, MAJ
Signature:	Signature Date: 12/29/2006
AKO e-Mail Address:	

b(6), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
 PRINCIPAL: 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. Control Information

Thru: Office of the (b)(6),(b)(7)(C) locate ATTN: CP [redacted] Fort Campbell, KY 42223	USACRC Number: 0086-2006-CID469-75447 MP Report Number: N/A Sub-Installation: AE09393DC
To: Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223	Referral Date: 12/29/2006 Suspense Date: 2/12/2007
Referred By: (b)(6),(b)(7)(C) ID BN <span style="float: right; margin-right: 50px;">f9</span>	

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

Last Name: (b)(6),(b)(7)(C) First Name: (b)(6),(b)(7)(C) Middle Name: (b)(6),(b)(7)(C) Cadency: (C)	Grade: E-3 U.S. Army (PFC) SSN: (b)(6),(b)(7)(C) Date of Birth: (b)(6),(b)(7)(C)
--	--

### 3. Referral Information

Commander Decision Date: \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
1	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	UNfounded, No action taken
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

**Administrative**

Non-Adverse Referrals  
Adverse Personnel Actions

**Non-Judicial (Article 15)**

(see details below)

**Judicial**

Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate

Jurisdiction:

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration : <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	MAJ, USA	Signature Date: 10 MAR 08
Signature:	(b)(6)		
AKO e-Mail Address:	(b)(6),(b)(7)(C)		

b(6), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

<b>Thru:</b>	Office of the Staff Judge Advocate ATTN: CP (b)(6),(b)(7)(C) Fort Campbell, KY 42223
<b>To:</b>	Commander 3D Infantry Battalion, 3D Brigade Combat Team Fort Campbell, KY 42223
<b>Referred By:</b>	SAC, CID Office: Baghdad CID BN (b)(6),(b)(7)(C)

<b>USACRC Number:</b>	0086-2006-CID469-75447-5H1P
<b>MP Report Number:</b>	N/A
<b>Sub-Installation:</b>	AE09393DC
<b>Referral Date:</b>	12/29/2006
<b>Suspense Date:</b>	2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

<b>Last Name:</b>	(b)(6),(b)(7)(C)
<b>First Name:</b>	(b)(6),(b)(7)(C)
<b>Middle Name:</b>	(b)(6),(b)(7)(C)
<b>Cadency:</b>	

<b>Grade:</b>	E-6 U.S. Army (SSG)
<b>SSN:</b>	(b)(6),(b)(7)(C)
<b>Date of Birth:</b>	(b)(6),(b)(7)(C)

### 3. Referral Information

**Commander Decision Date:** 12/29/2006

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes	No	Yes	No	
1	Murder [5H1P]	UCMJ Article 118	5/8/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
2	False Official Statement [5M3A]	UCMJ Article 107	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
3	Obstruction of Justice [5X5]	UCMJ Article 134	5/9/2006	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
4	Involuntary Manslaughter [5H3A]	UCMJ Article 119	5/8/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted
5	Conspiracy [5X1]	UCMJ Article 81	5/8/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Accepted

b(6), b(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6	Fail to Obey General Order [5Y2B7]	UCMJ Article 92	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Accepted
7	Fail to Obey General Order [5Y2B9]	UCMJ Article 92	5/9/2006	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Accepted
8				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10				Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative**  
 Non-Adverse Referrals  
 Adverse Personnel Actions
- Non-Judicial (Article 15)**  
 (see details below)
- Judicial**  
 Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
- GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
- General Court Martial

\_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder [5H1P] [5H1P]	N	Murder [5H1P] [5H1P]	N
2	False Official Statement [5M3A] [5M3A]	N	False Official Statement [5M3A] [5M3A]	G
3	Obstruction of Justice [5X5] [5X5]	N	Obstruction of Justice [5X5] [5X5]	G
4	Involuntary Manslaughter [5H3A] [5H3A]	D	Involuntary Manslaughter [5H3A] [5H3A]	DCR
5	Conspiracy [5X1] [5X1]	N	Conspiracy [5X1] [5X1]	N

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6	Fail to Obey General Order [5Y2B7] [5Y2B7]	D	Fail to Obey General Order [5Y2B7] [5Y2B7]	DCR
7	Fail to Obey General Order [5Y2B9] [5Y2B9]	N	Fail to Obey General Order [5Y2B9] [5Y2B9]	G
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
3/19/2007	Dishonorable Discharge Effective Date: 12/29/2006
3/19/2007	Reduction in Grade From: Staff Sergeant (SSG) To: Private (E1) (PVT)
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
3/19/2007	Total Forfeiture (all pay/allowance) Duration : 18 <input type="checkbox"/> Days <input type="checkbox"/> Months <input checked="" type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

USASCRC Number: 0086-2006-CID469-75447-5H1P

Sanction: A1 2007/03/19

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	SJA CPT(P)
Signature:		Signature Date: 3/19/2007
AKO e-Mail Address:		

b(5), b(7)(C)

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# COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

## PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943  
**PRINCIPAL:** 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. Control Information

**Thru:** Office of the (b)(6),(b)(7)(C) ate  
 ATTN: CP  
 Fort Campbell, KY 42223

**To:** Commander  
 3D Infantry Battalion, 3D Brigade Combat Team  
 Fort Campbell, KY 42223

**Referred By:** SAC CID DC (b)(6),(b)(7)(C) ad CID BN

H2

**USACRC Number:** 0086-2006-CID469-75447

**MP Report Number:** N/A

**Sub-Installation:** AE09393DC

**Referral Date:** 12/29/2006

**Suspense Date:** 2/12/2007

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

### 2. Offender Identification

**Last Name:** (b)(6),(b)(7)(C)

**First Name:** (b)(6),(b)(7)(C)

**Middle Name:** (b)(6),(b)(7)(C)

**Cadency:** (b)(6),(b)(7)(C)

**Grade:** O-6 U.S. Army (COL)

**SSN:** (b)(6),(b)(7)(C)

**Date of Birth:** (b)(6),(b)(7)(C)

### 3. Referral Information

**Commander Decision Date:** \_\_\_\_\_

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
1	Dereliction of Duty [5Y2D2]	UCMJ Article 92	5/9/2006	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
2				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
3				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
4				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
5				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

(b)(6), (b)(7)(C)

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**3. Referral Information (continued)**

No.	Offense	Basis	Date	Sexual Harassment		Action Taken		Reason
				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
6				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
7				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
8				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
9				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
10				Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

**4. Action Taken**

- Administrative Non-Adverse Referrals  
 Administrative Adverse Personnel Actions
  Non-Judicial (Article 15) (see details below)
  Judicial Court Martial or Civilian Criminal Court

**Non-Judicial Punishment Authority (select one):**

- Summarized  
 Company Grade  
 Field Grade  
 Principal Assistant
  GCMCA Imposed  
 General Officer Imposed

**Judicial Punishment Authority (select one):**

- Summary Court Martial  
 Special Court Martial  
 Civilian Criminal/Magistrate
  General Court Martial

Jurisdiction: \_\_\_\_\_

**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1				
2				
3				
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

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**5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)**

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

**6. Administrative Actions**

**Non-Adverse**

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11 JUL 06	Reprimand	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Censure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Admonition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Adverse**

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

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**6. Administrative Actions (continued)**

Date Imposed	Description
	Military Occupational Specialty Reclassification
	Debarment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Job Termination
	Job Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Leave Without Pay Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Loss of Warrant
	Voluntary Disclosure
	Restitution (to US Government) Amount :
	Restitution (to third party Non-US Government) Amount :
	Civil-Civil Action Initiation
	Other (return to states, etc.)
	Contract Suspension Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Contract Termination
	Cost Adjustment Amount :
	Bid Rejection
	Recoupment Amount :
	Denial of Continuation
	Other Contract Action

**7. Details of Administrative Separation**

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

**8. Non-Judicial/Judicial Sanctions**

Date Adjudged	Sanction
	Fine Amount :
	Forfeiture Amount : Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months
	Extra Duty Days:
	Restriction Days:
	Correctional Custody Days:
	Confinement Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Bad Conduct Discharge Effective Date:
	Dishonorable Discharge Effective Date:
	Reduction in Grade From: To:
	Probation Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Special Assignment Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years
	Total Forfeiture (all pay/allowance) Duration: <input type="checkbox"/> Days <input type="checkbox"/> Months <input type="checkbox"/> Years <input type="checkbox"/> Life
	Death
	Civil Recovery Amount :
	Civil Award Amount :

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**9. Suspended Sanctions**

Were Any Sanctions Suspended?  Yes  No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US\$:	
	Suspension Conditions:	

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10. Commander's Remarks

(b)(6), (b)(7) (C)  
LTC (b)(6),(b)(7)(C) issued a GCMR to COL (C) on 11 July 2006 and directed the filing of the GCMR in COL (b)(6),(b)(7)(C) Official Military Personnel File (OMPF) on 1 September 2006.

11. Commanding Officer

Was a DNA sample collected from the offender?  Yes  No

Name and Grade:	(b)(6),(b)(7)(C)	Col, JA Staff Judge Advocate
Signature:	(b)(6),(b)(7)(C)	Signature Date: 13 Mar 08
AKO e-Mail Address:	(b)(6), (b)(7)(C)	

b(6), b(7)(C)

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Pages 104-105

Referred to:

HEADQUARTERS  
MULTI-NATIONAL CORPS-IRAQ  
BAGHDAD, IRAQ  
APO AE 09342

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Tikrit CID Office  
COB Speicher, Tikrit, IZ, APO AE 09393

23 May 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 3RD FINAL SUPPLEMENTAL/SSI -  
0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 /  
5Y2D2 / 9G2A / 9G2F

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 09 MAY 2006, 0500 - 09 MAY 2006, 1100; ISLAND, NEAR ASR GOLDEN, MGRS  
38S LC 8680 4450, SW OF BALAD, IRAQ

2. 09 MAY 2006, 2301 - 31 JUL 2006, 2259; VARIOUS LOCATIONS IN AND  
AROUND, SAMARA AND TIKRIT, IRAQ

DATE/TIME REPORTED: 17 MAY 2006, 1245

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)  
SA  
SA  
SA

SUBJECT:

1. (b)(6),(b)(7)(C) SSG; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE;  
C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA,  
SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ;  
[DERELICTION OF DUTY]

2. (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION, FORT CAMPBELL,

1

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b(2),b(6),b(7)(C)

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**ACLU DETAINEE DEATH 2 CID 422**

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KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

3. (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE  
OFFICIAL STATEMENT], [CONSPIRACY]

4. (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) (DOB); (POB);  
MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE OFFICIAL  
STATEMENT], [CONSPIRACY]

5. (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) (DOB); (POB);  
MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

6. [DELETE]

7. (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

8. (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE;  
C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA,  
SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE  
OFFICIAL STATEMENT]

9. (b)(6),(b)(7)(C) PV2; (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN,  
TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE  
OFFICIAL STATEMENT]



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10. (b)(6),(b)(7)(C) NMN; SGT: (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

11. (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12. (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

13. (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) (DOB); (POB); MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

14. (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT]

15. (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C) (DOB); (POB); MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

16. (b)(6),(b)(7)(C) SSG; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [INVOLUNTARY MANSLAUGHTER], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

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b(6), b(7)(C)

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VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED); CIV; (DOB); (POB); MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

2. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED); CIV; (POB); (DOB); (POB); MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER] (NFI)

3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED); CIV; (DOB); (POB); MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER] (NFI)

4. HAMID, ZYAD JASIM (DECEASED); CIV; (DOB); (POB); MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

5. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

INVESTIGATIVE SUMMARY:

(U) Investigative Summary:

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, detainees captured during Operation Iron Triangle (OIT); and made false statements claiming (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked and then killed the detainees as they fled.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Murder when he shot and killed one of the detainees after being instructed by (b)(6),(b)(7)(C) to "Put him (the detainee) out of his misery".

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(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULAH, during the initial approach to the residence, who was not positively identified (PID) or a threat; and Failure to Obey a General Order when he posed for a photograph of the remains; and further removed a pistol from Objective Murray and failed to turn the pistol in as evidence. The pistol was later found in his personal belongings.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked and then killed the detainees as they fled.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Murder when he shot and killed one of the detainees after being instructed by (b)(6),(b)(7)(C) to "Put him (the detainee) out of his misery".

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULAH, during the initial approach to the residence, who was not positively identified (PID) or a threat; and Failure to Obey a General Order when he posed for a photograph of the remains; and further removed a pistol from Objective Murray and failed to turn the pistol in as evidence. The pistol was later found in his personal belongings.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of Obstruction of Justice and (b)(6),(b)(7)(C) committed the offense when they threatened members of their squad that they would kill them if they disclosed the murders; (b)(6),(b)(7)(C) attempted to conceal video tapes that incriminated his unit while they were conducting criminal activity.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of False Official Statements when they provided statements to an AR 15-6 inquiry officer and to CID which they knew to be false in regards to their actions and observations on Objective Murray and during OIT.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to immediately inform his chain of command or other authorities of his knowledge of the conspiracy to Murder the detainees.

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(U) The offenses COI (b)(6),(b)(7)(C) was previously listed for were deleted based on a USACIDC amendment process.

(U) STATUTES:

- (U) Article 118, UCMJ: Murder
- (U) Article 119, UCMJ: Involuntary Manslaughter
- (U) Article 134, UCMJ: Obstruction of Justice
- (U) Article 92, UCMJ: Dereliction of Duty
- (U) Article 81, UCMJ: Conspiracy
- (U) Article 107, UCMJ: Making False Statements

(U) EXHIBITS/SUBSTANTIATION:

(U) ADDED ATTACHED:

(U) None

(U) ADDED NOT ATTACHED:

(U) None

(U) STATUS: This is a Third Final Supplemental Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is pending concerning (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

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Report Prepared By:

(b)(6),(b)(7)(C)

Special Agent

Report Approved By:

(b)(6),(b)(7)(C)

Special Agent

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

11th MP BN (CID), Camp Victory, IZ

CDR, 3D MP GRP (CID), FT GILLEM, GA 30297

Chief, Investigative Operations, USACIDC, 6010 6th Street, Fort Belvoir, VA 22060

FILE

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b(6), b(7)(C)

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**ACLU DETAINEE DEATH 2 CID 428**

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Tikrit CID Office  
COB Speicher, Tikrit, IZ, APO AE 09393

21 May 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 2ND FINAL SUPPLEMENTAL/SSI - 7  
0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 /  
5Y2D2

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 09 MAY 2006, 0500 - 09 MAY 2006, 1100; ISLAND, NEAR ASR GOLDEN, MGRS  
38S LC 8680 4450, SW OF BALAD, IRAQ

2. 09 MAY 2006, 2301 - 31 JUL 2006, 2259; VARIOUS LOCATIONS IN AND  
AROUND, SAMARA AND TIKRIT, IRAQ

DATE/TIME REPORTED: 17 MAY 2006, 1245

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)

SA

SA

SA

SUBJECT (b)(6),(b)(7)(C)

1

SSG

(b)(6),(b)(7)(C)

(DOB); (POB); MALE; WHITE;

C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA,  
SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ;  
[DERELICTION OF DUTY]

2

(b)(6),(b)(7)(C)

SPC

(b)(6),(b)(7)(C)

(DOB); (POB); MALE;

WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION, FORT CAMPBELL,

1

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b(2),b(6),b(7)(C)

112

**ACLU DETAINEE DEATH 2 CID 429**



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KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

3. (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE  
OFFICIAL STATEMENT], [CONSPIRACY]

4. (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) (DOB); (POB);  
MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE OFFICIAL  
STATEMENT], [CONSPIRACY]

5. (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) (DOB); (POB);  
MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

6. [DELETE]

7. (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

8. (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE;  
C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA,  
SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE  
OFFICIAL STATEMENT]

9. (b)(5),(b)(7)(C) PV2 (b)(6),(b)(7)(C) (DOB); (POB); MALE;  
WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN,  
TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE  
OFFICIAL STATEMENT]

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10 (b)(6),(b)(7)(C) NMN; SGT (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

11 (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12 (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

13 (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C) (DOB); (POB); MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

14 (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT]

15 (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C) (DOB); (POB); MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

16 (b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C) (DOB); (POB); MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [INVOLUNTARY MANSLAUGHTER], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

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b(6), b(7)(C)

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ACLU DETAINEE DEATH 2 CID 431

VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED); CIV; (DOB); (POB); MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

2. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED); CIV; (POB); (DOB); (POB); MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER] (NFI)

3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED); CIV; (DOB); (POB); MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER] (NFI)

4. HAMID, ZYAD JASIM (DECEASED); CIV; (DOB); (POB); MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

5. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

INVESTIGATIVE SUMMARY:

(U) This is an "Operation Iraqi Freedom" and "Detainee Abuse" Investigation.

(U) This supplemental report documents the receipt of forensic examination reports, interviews of confined personnel, and other investigative activity. No changes were made to the offenses listed in the Final Report and no classified exhibits were added.

(U) Final:

(b)(6),(b)(7) information established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, (C) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, detainees captured during Operation Iron Triangle (OIT); and made false statements claiming

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(b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked and then killed the detainees as they fled.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Murder when he shot and killed one of the detainees after being instructed by (b)(6),(b)(7)(C) to "Put him (the detainee) out of his misery".

(U) Investigation established probable cause to believe (b)(7)(C) committed the offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULAH, during the initial approach to the residence, who was not positively identified (PID) or a threat; and Failure to Obey a General Order when he posed for a photograph of the remains; and further removed a pistol from Objective Murray and failed to turn the pistol in as evidence. The pistol was later found in his personal belongings.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Obstruction of Justice (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense when they threatened members of their squad that they would kill them if they disclosed the murders; (b)(6),(b)(7)(C) attempted to conceal video tapes that incriminated his unit while they were conducting criminal activity.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of False Official Statements when they provided statements to a 15-6 inquiry officer and to CID which they knew to be false in regards to their actions and observations on Objective Murray and during OIT.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to immediately inform his chain of command or other authorities of his knowledge of the conspiracy to Murder the detainees.

(U) Investigation further established probable cause to believe COI (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to make the mandatory notification of a possible LOAC violation regarding the deaths of the detainees.

(U) Investigation established insufficient evidence to prove or disprove COI (b)(6),(b)(7)(C) committed the offense of False Official Statement when he provided sworn testimony wherein he related the killings of the detainees were in accordance with the ROE; then later stated the

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committed the offense of False Official Statement when he provided sworn testimony wherein he related the killings of the detainees were in accordance with the ROE; then later stated the killings were not in accordance with the ROE.

(U) Investigation further established COL (b)(6),(b)(7)(C) order to not report the deaths of the detainees had the actual effect of obstructing justice by delaying the CID interviews, crime scene examination, and forensic examination of the detainees' remains. Because the actual obstruction did occur the offense is not unfounded. COL (b)(6),(b)(7)(C) denied he intended to impede a criminal investigation and investigation established insufficient evidence to establish probable cause.

(U) Further, COL (b)(6),(b)(7)(C) was deleted from the subject block based on the USACIDC amendment process.

(U) STATUTES:

- (U) Article 118, UCMJ: Murder
- (U) Article 119, UCMJ: Involuntary Manslaughter
- (U) Article 134, UCMJ: Obstruction of Justice
- (U) Article 92, UCMJ: Dereliction of Duty
- (U) Article 81, UCMJ: Conspiracy
- (U) Article 107, UCMJ: Making False Statements

(U) EXHIBITS/SUBSTANTIATION:

(U) ADDED ATTACHED:

(U) 442. Memorandum for Request for Amendment of Record - COL (b)(6),(b)(7)(C)

(U) ADDED NOT ATTACHED:

(U) None

(U) The original of Exhibit 442 is maintained in the files at USACRC.

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Report Prepared By:

(b)(6),(b)(7)(C)

Special Agent

Report Approved By:

(b)(6),(b)(7)(C)

Special Agent

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

CDR, 11th MP Bn (CID), Camp Victory, APO AE 09342

CDR, 3D MP GRP (CID), FT GILLEM, GA 30297

FILE

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b(6), b(7)(C)

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**ACLU DETAINEE DEATH 2 CID 435**



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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Tikrit CID Office

31 May 2007

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 1ST FINAL SUPPLEMENTAL/SSI -  
0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 /  
5Y2D2 1992A / 992F

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 08 MAY 2006, 2200 - 09 MAY 2006, 0400; ISLAND, NEAR ASR GOLDEN, MGRS  
38S LC 8680 4450, SW OF BALAD, IRAQ

2. 09 MAY 2006, 1601 - 31 JUL 2006, 1559; VARIOUS LOCATIONS IN AND  
AROUND, SAMARA AND TIKRIT, IRAQ

DATE/TIME REPORTED: 17 MAY 2006, 0545

INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)

SA (b)(2),(b)(6),(b)(7)(C)

SUBJECT: (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) SSG; (b)(6),(b)(7)(C)  
MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

(b)(6),(b)(7)(C) (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION,  
FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

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termination (Chap 3, AR 25-55)

b(2),b(6),b(7)(C)

**ACLU DETAINEE DEATH 2 CID 436**

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<sup>2</sup> (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

<sup>4</sup> (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

<sup>5</sup> (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

<sup>6</sup> (b)(6),(b)(7)(C) COL; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV (AASLT), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, (HOME STATION, FORT CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY], [OBSTRUCTION OF JUSTICE (INSUFFICIENT EVIDENCE)], [FALSE OFFICIAL STATEMENT (INSUFFICIENT EVIDENCE)]

<sup>7</sup> (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

<sup>8</sup> (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

<sup>9</sup> (b)(6),(b)(7)(C) PVT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT

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CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

10 (b)(6),(b)(7)(C) NMN; SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
(C) FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

11 (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
(C) FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12 (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
(C) BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

13 (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT),  
(C) FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ;  
CT ; [FALSE OFFICIAL STATEMENT]

14 (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
(C) BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT]

15 (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C)  
MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

(b)(6),(b)(7)(C) (b)(6)  
(b)(6),(b)(7)(C) SSG  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER],

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[INVOLUNTARY MANSLAUGHTER], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED); CIV; 1 JAN 1991; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

2. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED); CIV; IRAQ; 1 JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER] (NFI)

3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED); CIV; 1 JAN 1988; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER] (NFI)

4. HAMID, ZYAD JASIM (DECEASED); CIV; 1 JAN 1992; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

5. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

INVESTIGATIVE SUMMARY:

(U) This is an "Operation Iraqi Freedom" and "Detainee Abuse" Investigation.

(U) This supplemental report documents the receipt of forensic examination reports, interviews of confined personnel, and other investigative activity. No changes were made to the offenses listed in the Final Report and no classified exhibits were added.

(U) Final:

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and

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b(6), b(7)(C)

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(b)(6),(b)(7)(C) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, detainees captured during Operation Iron Triangle (OIT); and made false statements claiming (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked and then killed the detainees as they fled.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Murder when he shot and killed one of the detainees after being instructed by (b)(6),(b)(7)(C) to "Put him (the detainee) out of his misery".

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULAH, during the initial approach to the residence, who was not positively identified (PID) or a threat; and Failure to Obey a General Order when he posed for a photograph of the remains; and further removed a pistol from Objective Murray and failed to turn the pistol in as evidence. The pistol was later found in his personal belongings.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of Obstruction of Justice. (b)(6),(b)(7)(C) and (b)(6) committed the offense when they threatened members of their squad that they would kill them if they disclosed the murders. (b)(6),(b)(7)(C) attempted to conceal video tapes that incriminated his unit while they were conducting criminal activity.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of False Official Statements when they provided statements to a 15-6 inquiry officer and to CID which they knew to be false in regards to their actions and observations on Objective Murray and during OIT.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to immediately inform his chain of command or other authorities of his knowledge of the conspiracy to Murder the detainees.

(U) Investigation further established probable cause to believe COI (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to make the mandatory notification of a possible LOAC violation regarding the deaths of the detainees.

(U) Investigation established insufficient evidence to prove or disprove COI (b)(6),(b)(7)(C)

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committed the offense of False Official Statement when he provided sworn testimony wherein he related the killings of the detainees were in accordance with the ROE; then later stated the killings were not in accordance with the ROE.

(U) Investigation further established COI (b)(6),(b)(7)(C) order to not report the deaths of the detainees had the actual effect of obstructing justice by delaying the CID interviews, crime scene examination, and forensic examination of the detainees' remains. Because the actual obstruction did occur the offense is not unfounded. COI (b)(6),(b)(7)(C) denied he intended to impede a criminal investigation and investigation established insufficient evidence to establish probable cause.

(U) STATUTES:

- (U) Article 118, UCMJ: Murder
- (U) Article 119, UCMJ: Involuntary Manslaughter
- (U) Article 134, UCMJ: Obstruction of Justice
- (U) Article 92, UCMJ: Dereliction of Duty
- (U) Article 81, UCMJ: Conspiracy
- (U) Article 107, UCMJ: Making False Statements

(U) EXHIBITS/SUBSTANTIATION:

(U) ADDED ATTACHED:

(U) 409. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) CID, Fort McCoy, WI, 28 Nov 06.

(U) 410. AIR of SA (b)(6),(b)(7)(C) CID, Fort Meade, MD, 5 Dec 06.

(U) 411. AIR of SA (b)(6),(b)(7)(C) CID, Fort Polk, LA, 27 Dec 06.

(U) 412. Report of Investigative Activity of SA (b)(6),(b)(7)(C) AFOSI, Barksdale, AFB, LA, 8 Dec 06, detailing her interview of (b)(6),(b)(7)(C)

(U) 413. Statement of (b)(6),(b)(7)(C) 8 Dec 06 wherein he related he had no direct contact with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 414. AIR of SA (b)(6),(b)(7)(C) CID, Fort Lewis, WA, 8 Jan 07.



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(U) 415 (1-10) Interview Worksheets of PVTs (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) all undated), detailing their knowledge of (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 416. AIR of SA (b)(6),(b)(7)(C) CID, Fort Campbell, KY, 14 Nov 06.

(U) 417. Affidavit Supporting Request, prepared by SA (b)(6),(b)(7)(C) 14 Nov 06, detailing the probable cause for the search of (b)(6),(b)(7)(C) person.

(U) 418. Search and Seizure Authorization of Military Magistrate, 14 Nov 06, authorizing the search of (b)(6),(b)(7)(C) person for evidence of wounds.

(U) 419. DA Form 4137, Evidence/Property Custody Document, Voucher number 0259-06, (Fort Campbell), 14 Nov 06, detailing the collection of Compact Disk "Spec (b)(6),(b)(7)(C) Injuries" (USACIDC Copies only).

(U) 420. AIR of SA (b)(6),(b)(7)(C) CID, Fort Wood, MO, 4 Jan 07.

(U) 421. Statement of (b)(6),(b)(7)(C) Jan 07, wherein he related he did not have any direct contact with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 422. AIR of SA (b)(6),(b)(7)(C) CID, Fort Campbell, KY, 7 Dec 06.

(U) 423. Statement and Sketch of PVT (b)(6),(b)(7)(C) Dec 06, wherein he related he did not know (b)(6),(b)(7)(C) of (b)(6),(b)(7)(C)

(U) 424. Report of Investigation of Master at Arms (Petty Officer 1st Class) (b)(6),(b)(7)(C) Navy Command Investigator Navy Consolidated Base, Charleston, SC, 15 Feb 07, detailing the interviews of (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 425. Voluntary Statement of (b)(6),(b)(7)(C) 6 Feb 07.

(U) 426. Voluntary Statement of (b)(6),(b)(7)(C) 6 Feb 07.

(U) 427. Voluntary Statement of (b)(6),(b)(7)(C) 6 Feb 07.



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- (U) 428. AIR of SA (b)(6),(b)(7)(C) CID, Fort Bragg, NC, 26 Apr 07.
- (U) 429. Photographic Line up by PVI (b)(6),(b)(7)(C) 5 Jan 07.
- (U) 430. Memorandum for Record of LTC (b)(6),(b)(7)(C) Deputy Staff Judge Advocate, 101st Airborne Division (AASLT), Fort Campbell, 3 Nov 06.
- (U) 431. Memorandum from TDS, 31 Jan 07.
- (U) 432. US Army Criminal Investigation Laboratory (USACIL) Report, 2006-CID131-1281, Digital Evidence Branch, 28 Nov 06, detailing the examination of the respliced video cassette did not appear relevant to this investigation.
- (U) 433. USACIL Report, 2006-CID131-1281, Latent Print Branch, 28 Dec 06, detailing the examination of the foil and plastic blister package did not reveal any latent prints.
- (U) 434. USACIL Report, 2006-CID131-1281, Firearms Branch, 7 Mar 07, detailing the weapon of SPC (b)(6),(b)(7)(C) fired two of the cartridges collected from the death scene.
- (U) 435. USACIL Report, 2006-CID131-1281 Latent Print Branch, 8 Mar 07, detailing the examination of the pistol of SSC (b)(6),(b)(7)(C) did not reveal any latent prints.
- (U) 436. DA Form 4430, Result of Trial of SPC (b)(6),(b)(7)(C) 9 Jan 07.
- (U) 437. DA Form 4430, Result of Trial of SPC (b)(6),(b)(7)(C) 11 Jan 07.
- (U) 438. DA Form 4430, Result of Trial of PFC (b)(6),(b)(7)(C) 25 Jan 07.
- (U) 439. DA Form 4430, Result of Trial of SSG (b)(6),(b)(7)(C) 13 Mar 07.
- (U) 440. Forensic Laboratory Examination Request, 9 Feb 07, requesting the examination of the pistol found in (b)(6),(b)(7)(C) belonging for identifiable latent prints. (USACIDC copies only)
- (U) ADDED NOT ATTACHED (retained by the evidence custodian, CID, Ft Campbell, KY):

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Protective marking is excluded from automatic  
termination (Chap 3, AR 25-55)

b(6), b(7)(C)

ACLU DETAINEE DEATH 2 CID 443

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(U) 441. Compact Disk, Item 1 (VO # 259-06).

(U) The originals of Exhibits 409-418 and 420-428 are forwarded with the USACRC copy of this report. The originals of Exhibits 432-435 and 440 are retained in the files of the US Army Criminal Investigation Laboratory. The originals of Exhibits 429-431 and 436-439 are retained by the Office of the SJA, 101st Airborne Division, Fort Campbell, KY. The original of Exhibit 419 is retained by the evidence custodian, CID, Ft Campbell, KY.

(U) STATUS: This is a First Final Supplemental Report. On 9 Jan 07, SPC (b)(6),(b)(7)(C) was tried, and convicted of Aggravated Assault under General Court Martial and reduced to E-1; forfeiture of all pay and allowances for 6 months; and to be confined for 9 months. On 11 Jan 07, SPC (b)(6),(b)(7)(C) was tried, and convicted of Murder under General Court Martial and reduced to E-1; forfeiture of all pay and allowances; to be confined for life with the possibility of parole; and a dishonorable discharge. On 25 Jan 07, PFC (b)(6),(b)(7)(C) was tried, and convicted of Murder under General Court Martial and reduced E-1; forfeiture of all pay and allowances; to be confined for life with the possibility of parole; and a dishonorable discharge. On 13 Mar 07, SSC (b)(6),(b)(7)(C) was tried, and convicted of Negligent Homicide under General Court Martial and reduced to E-1; forfeiture of all pay and allowances; to be confined for 10 years; and a dishonorable discharge.

(U) Commander's Report of Disciplinary or Administrative Action Taken (DA Form 4833) is pending regarding COL (b)(6),(b)(7)(C), ISSG (b)(6),(b)(7)(C), SGT (b)(6),(b)(7)(C), SGT (b)(6),(b)(7)(C), SGT (b)(6),(b)(7)(C), SGT (b)(6), SPC (b)(6),(b)(7)(C), SPC (b)(6),(b)(7)(C), SPC (b)(6),(b)(7)(C), PFC (b)(6),(b)(7)(C), PFC (b)(6),(b)(7)(C) and PVT (b)(6),(b)(7)(C).

b(6), b(7)(C)

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Report Prepared By:

(b)(6),(b)(7)(C)

Special Agent

Report Approved By:

(b)(6),(b)(7)(C)

Special Agent

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

1 - THRU: 3rd MP Group (CID), Ft Gillem, GA

- TO: HQUSACIDC, Ft Belvoir, VA

SJA, 101st Airborne Division, Ft Campbell, KY (Action)

FILE

b(6), b(7)(C)

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Protective marking is excluded from automatic  
termination (Chap 3, AR 25-55)

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DATE: 26 JAN 2007  
FROM: SAC, 90 MP DET (CID) (-), CONTINGENCY OPERATING BASE (COB) SPEICHER, TIKRIT, IRAQ, APO AE 09393  
TO: DIR, USACRC, FT BELVOIR, VA  
SJA, 101ST ABN DIV (ATTN: CPT FISCHBACH)  
CDR 3D MP GRP USACIDC FOREST PARK GA//CIRC-OP//  
CDR USACIDC 10TH MP BN FT BRAGG NC  
CDR 22D MP BN (CID)//CIRF-ZA//  
SAC, 90 MP DET (CID) (-), COB (b)(6),(b)(7)(C) TIKRIT, IRAQ  
CG USACIDC FT BELVOIR VA //CIOP-ZA//  
SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL /SSI - 0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 / 5Y2D2

DRAFTER: (b)(6),(b)(7)(C)  
RELEASER: (b)(6),(b)(7)(C)

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 08 MAY 2006, 2200 - 09 MAY 2006, 0400; ISLAND, NEAR ASR GOLDEN, MGRS 38S LC 8680 4450, SW OF BALAD, IRAQ

2. 09 MAY 2006, 1601 - 31 JUL 2006, 1559; VARIOUS LOCATIONS IN AND AROUND, SAMARA AND TIKRIT, IRAQ

2. DATE/TIME REPORTED: 17 MAY 2006, 0545

3. INVESTIGATED BY:

SA (b)(2),(b)(6),(b)(7)(C)  
SA (b)(2),(b)(6),(b)(7)(C)

4. SUBJECT:

1 (b)(6),(b)(7)(C) COL (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV (AASLT), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, (HOME STATION, FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT (INSUFFICIENT EVIDENCE)], [OBSTRUCTION OF JUSTICE (INSUFFICIENT EVIDENCE)], [DERELICTION OF DUTY]

2 (b)(6),(b)(7)(C); SPC: (b)(6),(b)(7)(C)

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b(2),b(6),b(7)(C)

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(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

(b)(6) (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

(b)(7)(C) (b)(6),(b)(7)(C) SSG; (b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [INVOLUNTARY MANSLAUGHTER], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER]

(b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT]

(b)(6),(b)(7)(C) NMN; SGT; (b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

(b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

(b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

(b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C) MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT),

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b(6), b(7)(C)

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FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ;  
CT ; [FALSE OFFICIAL STATEMENT]

10. (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

11. (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12. (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION,  
FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12. (b)(6),(b)(7)(C) PVT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST  
ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

14. (b)(6),(b)(7)(C) SSG; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

(b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

16. (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

5. VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED) ; CIV; 1 JAN 1991; IRAQ;

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b(6), b(7)(C)

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MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM ; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

2. HAMID, ZYAD JASIM (DECEASED) ; CIV; 1 JAN 1992; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM ; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED) ; CIV; 1 JAN 1988; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER]

4. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED) ; CIV; IRAQ; 1 JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER]

5. U.S. GOVERNMENT; ; [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER], [DERELICTION OF DUTY]

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE COMPLETION OF THE INVESTIGATION.

(U) THIS SUPPLEMENTAL REPORT IS SUBMITTED TO DOCUMENT ADMINISTRATIVE ACTIVITY AND ACTIONS TAKEN AGAINST SEVERAL SUBJECTS.

(U) ON 4 DEC 06, THIS INVESTIGATION RE-DEPLOYED WITH PERSONNEL FROM THE 10TH MP BN (CID)(ABN) TO FT BRAGG, NC, WHO CONTINUE TO CONDUCT INVESTIGATIVE ACTIVITY REQUESTED BY THE SUPPORTED SJA PENDING THE RESULTS OF ADDITIONAL USACIL TESTING. ORIGINALS OF MOST EXHIBITS ARE NOW RETAINED BY THE 1000TH MP BN (CID), FT CAMPBELL, KY, TO FACILITATE THEIR AVAILABILITY FOR JUDICIAL PROCEEDINGS.

(U) ON 9 JAN 06, SPC (b)(6).(b)(7) PLED GUILTY TO THE LESSER OFFENSE OF AGGRAVATED ASSAULT AND WAS SENTENCED TO REDUCTION TO E1, AND 9 MONTHS OF CONFINEMENT DURING WHICH HE FORFEITED 6 MONTHS OF PAY AND ALLOWANCES. NO DISCHARGE WAS INCLUDED IN THE SENTENCE.

(U) ON 11 JAN 06, SPC (b)(6).(b)(7)(C) PLED GUILTY TO MURDER, AND WAS SENTENCED TO A DISHONORABLE DISCHARGE, REDUCTION TO E1, 18 YEARS OF CONFINEMENT AND FORFEITURE OF ALL PAY AND ALLOWANCES.

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b(5), b(7)(C)

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(U) ON 25 JAN 06, PFC (b)(6),(b)(7)(C) PLED GUILTY TO MURDER, AND WAS SENTENCED TO A DISHONORABLE DISCHARGE, REDUCTION TO E1, 18 YEARS OF CONFINEMENT AND FORFEITURE OF ALL PAY AND ALLOWANCES.

(U) THE GENERAL COURT MARTIAL OF SSG (b)(6),(b)(7)(C) IS SCHEDULED FOR 6 MAR 06 AT FT CAMPBELL, KY.

(U) INVESTIGATION CONTINUES BY CID.

(U) FINAL REPORT:

(U) "THIS IS AN "OPERATION IRAQI FREEDOM" AND "DETAINEE ABUSE" INVESTIGATION"

(U) THIS OFFICE RECEIVED A MEMORANDUM OF TRANSMITTAL (MOT), FROM THE 78TH MP DET (CID), FORT RILEY, KS, OF AN INCIDENT INVOLVING DETAINEES ALLEGEDLY BEING MURDERED IN IRAQ.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6),(b)(7)(C) AND (b)(6),(b)(7)(C) CONSPIRED TO MURDER, THEN SHOT AND KILLED A. HAMID, N. HAMID AND Z. HAMID, DETAINEES CAPTURED DURING OPERATION IRON TRIANGLE (OIT); AND MADE FALSE STATEMENTS CLAIMING (b)(6),(b)(7)(C) AND (b)(6),(b)(7)(C) WERE ATTACKED AND THEN KILLED THE DETAINEES AS THEY FLED.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF MURDER WHEN HE SHOT AND KILLED ONE OF THE DETAINEES AFTER BEING INSTRUCTED BY (b)(6),(b)(7)(C) TO "PUT HIM (THE DETAINEE) OUT OF HIS MISERY".

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF INVOLUNTARY MANSLAUGHTER WHEN HE SHOT AND KILLED MR. KOMAR-ABDULAH, DURING THE INITIAL APPROACH TO THE RESIDENCE, WHO WAS NOT POSITIVELY IDENTIFIED (PID) OR A THREAT; AND FAILURE TO OBEY A GENERAL ORDER WHEN HE POSED FOR A PHOTOGRAPH OF THE REMAINS; AND FURTHER REMOVED A PISTOL FROM OBJECTIVE MURRAY AND FAILED TO TURN THE PISTOL IN AS EVIDENCE. THE PISTOL WHICH WAS LATER FOUND IN HIS PERSONAL BELONGINGS.

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b(6), b(7)(C)

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(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) AND (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF OBSTRUCTION OF JUSTICE (b)(6),(b)(7)(C) AND (b)(6),(b)(7)(C) COMMITTED THE OFFENSE WHEN THEY THREATENED MEMBERS OF THEIR SQUAD THAT THEY WOULD KILL THEM IF THEY DISCLOSED THE MURDERS. (b)(6),(b)(7)(C) ATTEMPTED TO CONCEAL VIDEO TAPES THAT INCRIMINATED HIS UNIT WHILE THEY WERE CONDUCTING CRIMINAL ACTIVITY.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) AND (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF FALSE OFFICIAL STATEMENTS WHEN THEY PROVIDED STATEMENTS TO A 15-6 INQUIRY OFFICER AND TO CID WHICH THEY KNEW TO BE FALSE IN REGARDS TO THEIR ACTIONS AND OBSERVATIONS ON OBJECTIVE MURRAY AND DURING OIT.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF DERELICTION OF DUTY WHEN HE FAILED TO IMMEDIATELY INFORM HIS CHAIN OF COMMAND OR OTHER AUTHORITIES OF HIS KNOWLEDGE OF THE CONSPIRACY TO MURDER THE DETAINEES.

(U) INVESTIGATION FURTHER ESTABLISHED PROBABLE CAUSE TO BELIEVE COL (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF DERELICTION OF DUTY WHEN HE FAILED TO MAKE THE MANDATORY NOTIFICATION OF A POSSIBLE LOAC VIOLATION REGARDING THE DEATHS OF THE DETAINEES.

(U) INVESTIGATION ESTABLISHED INSUFFICIENT EVIDENCE TO PROVE OR DISPROVE COL (b)(6),(b)(7)(C) COMMITTED THE OFFENSE OF FALSE OFFICIAL STATEMENT WHEN HE PROVIDED SWORN TESTIMONY WHEREIN HE RELATED THE KILLINGS OF THE DETAINEES WERE IN ACCORDANCE WITH THE ROE; THEN LATER STATED THE KILLINGS WERE NOT IN ACCORDANCE WITH THE ROE.

(U) INVESTIGATION FURTHER ESTABLISHED COL (b)(6),(b)(7)(C) ORDER TO NOT REPORT THE DEATHS OF THE DETAINEES HAD THE ACTUAL EFFECT OF OBSTRUCTING JUSTICE BY DELAYING THE CID INTERVIEWS, CRIME SCENE EXAMINATION, AND FORENSIC EXAMINATION OF THE DETAINEES' REMAINS. BECAUSE THE ACTUAL OBSTRUCTION DID OCCUR THE OFFENSE IS NOT UNFOUNDED. COL (b)(6),(b)(7)(C) DENIED HE INTENDED TO IMPEDE A CRIMINAL INVESTIGATION AND INVESTIGATION ESTABLISHED INSUFFICIENT EVIDENCE TO ESTABLISH PROBABLE CAUSE.

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b(6), b(7)(C)

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7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

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(b)(6),(b)(7)(C)

~~REGRADE FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~  
WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
TIKRIT CID OFFICE, COB SPEICHER, APO AE 09393

20 DEC 06

(U) MEMORANDUM FOR: SEE DISTRIBUTION

(U) CID REPORT OF INVESTIGATION - FINAL /SSI - 0086-2006-CID469-75447 -  
5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 / 5Y2D2 *19G2A 19G2F*

(U) DATES/TIMES/LOCATIONS OF OCCURRENCES:

(U) 1. 09 MAY 2006, 0600 - 09 MAY 2006, 1200; ISLAND, NEAR ASR  
GOLDEN, MGRS 38S LC 8680 4450, SW OF BALAD, IRAQ

(U) 2. 10 MAY 2006, 0001 - 31 JUL 2006, 2359; VARIOUS LOCATIONS IN  
AND AROUND, SAMARA AND TIKRIT, IRAQ

(U) DATE/TIME REPORTED: 17 MAY 2006, 1345

(U) INVESTIGATED BY:  
(b)(2),(b)(6),(b)(7)(C)

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(U) SUBJECT:

(b)(6),(b)(7)(C)  
(U) (b)(7)(C); COL (b)(6),(b)(7)(C)  
(b)(7)(C) MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV  
(AASLT), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, (HOME STATION,  
FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT  
(INSUFFICIENT EVIDENCE)], [OBSTRUCTION OF JUSTICE (INSUFFICIENT  
EVIDENCE)], [DERELICTION OF DUTY]

(b)(6),(b)(7)(C)

~~REGRADE FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~  
WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

b(2),b(6),b(7)(C)

REGRADE FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE  
WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

(U) 2 (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT,  
101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349,  
(HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A  
FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

(U) 3 (b)(6),(b)(7)(C) PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF,  
3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ,  
APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER],  
[MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE],  
[CONSPIRACY]

(U) 4 (b)(6),(b)(7)(C) SSG; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD  
BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE  
09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING  
A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [INVOLUNTARY  
MANSLAUGHTER], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER]

(U) 5 (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE  
STATEMENT]

(U) 6 (b)(6),(b)(7)(C) NMN; SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 7 (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 8 (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN  
DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 9 (b)(6),(b)(7)(C) SGT; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; BLACK; HHB. 3-320TH FA, 3RD BCT, 101ST  
(b)(6),(b)(7)(C)

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ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 10 (b)(6),(b)(7)(C) ; PFC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 11 (b)(6),(b)(7)(C) ; PFC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 12 (b)(6),(b)(7)(C) SPC; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION, FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 13 (b)(6),(b)(7)(C) PVT (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; HHB, 3-320TH FA, 3RD BCT, 101<sup>ST</sup> ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 14 (b)(6),(b)(7)(C) SSC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION, FORT CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

(U) 15 (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

(U) VICTIM:

(U) 1. HAMID GUMAR, NAHAD YASIM (DECEASED); CIV; 1 JAN 1991; IRAQ; MALE; WHITE; XZ ; AYA, HASSAN, KOMAR, NIHAD JASIM ; [MURDER];  
(b)(6),(b)(7)(C)

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JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

(U) 2. HAMID, ZYAD JASIM (DECEASED); CIV; 1 JAN 1992; IRAQ; MALE; WHITE; XZ; AKA: HASSAN-KOMAR, ZIAD JASIM; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

(U) 3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED) ; CIV; 1 JAN 1988; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER]

(U) 4. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED) ; CIV; IRAQ; 1 JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER]

(U) 5. U.S. GOVERNMENT; [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER], [DERELICTION OF DUTY]

(U) INVESTIGATIVE SUMMARY:

(U) "This is an "Operation Iraqi Freedom" and "Detainee Abuse" Investigation"

(U) This office received a Memorandum of Transmittal (MOT), from the 78<sup>th</sup> MP DET (CID), Fort Riley, KS, of an incident involving detainees allegedly being murdered in Iraq.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, detainees captured during Operation Iron Triangle (OIT); and made false statements claiming (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked and then killed the detainees as they fled.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Murder when he shot and killed one of the detainees after being instructed by (b)(6),(b)(7)(C) to "Put him (the detainee) out of his misery".

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULLAH, during the initial approach to the residence, who was not positively identified (PID) or a threat; and Failure to Obey a General Order when he posed for a photograph of the remains; and further removed a pistol from Objective Murray and failed to turn the pistol in as evidence. The pistol which was later found in his personal belongings.

(b)(6),(b)(7)(C)

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(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of Obstruction of Justice (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense when they threatened members of their squad that they would kill them if they disclosed the murders (b)(6),(b)(7)(C) attempted to conceal videotapes that incriminated his unit while they were conducting criminal activity.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) committed the offense of False Official Statements when they provided statements to a 15-6 inquiry officer and to CID which they knew to be false in regards to their actions and observations on Objective Murray and during OIT.

(U) Investigation established probable cause to believe (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to immediately inform his chain of command or other authorities of his knowledge of the conspiracy to Murder the detainees.

(U) Investigation further established probable cause to believe COL (b)(6),(b)(7)(C) committed the offense of Dereliction of Duty when he failed to make the mandatory notification of a possible LOAC violation regarding the deaths of the detainees.

(U) Investigation established insufficient evidence to prove or disprove COL (b)(6),(b)(7)(C) committed the offense of False Official Statement when he provided sworn testimony wherein he related the killings of the detainees were in accordance with the ROE; then later stated the killings were not in accordance with the ROE.

(U) Investigation further established COL (b)(6),(b)(7)(C) order to not report the deaths of the detainees had the actual effect of obstructing justice by delaying the CID interviews, crime scene examination, and forensic examination of the detainees' remains. Because the actual obstruction did occur the offense is not unfounded. COL (b)(6),(b)(7)(C) denied he intended to impede a criminal investigation and investigation established insufficient evidence to establish probable cause.

(U) STATUTES:

- (U) Article 118, UCMJ: Murder
- (U) Article 119, UCMJ: Involuntary Manslaughter
- (U) Article 134, UCMJ: Obstruction of Justice
- (U) Article 92, UCMJ: Dereliction of Duty
- (U) Article 81, UCMJ: Conspiracy
- (U) Article 107, UCMJ: Making False Statements
- (U) Article 92, UCMJ: Failure to Obey General Order

(b)(6),(b)(7)(C)

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(U) EXHIBITS/SUBSTANTIATION:

(U) ATTACHED:

(U) 1. Agent's Investigation Report (AIR) of SA (b)(6),(b)(7)(C) 78<sup>th</sup> Military Police Detachment, Fort Riley, KS 66442, 17 May 06, detailing the Basis for Investigation, interview of SFC (b)(6),(b)(7)(C) and coordination for transfer of responsibility.

(U) 2. Sworn Statement of SFC (b)(6),(b)(7)(C) 16 May 06, wherein he related he was informed by PFC (b)(6),(b)(7)(C) of murder allegations.

(U) 3. Printout of email traffic between SFC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C) documenting the murder allegations.

(U) 4. AIR of SA (b)(6),(b)(7)(C) 19 Jun 06, detailing the receipts of the Commander's Inquiry, Article 15-6 Investigation, interviews of HHB, 3/320th FA personnel; interviews of C CO, 3/187th INF personnel; coordinations with SFC (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) Military Police; and collection of 15-6 documents.

(U) 5. Statement and Sketch of PFC (b)(6),(b)(7)(C) 22 May 06, wherein he related he witnessed two bodies with gun shot wounds dropped at a collection point.

(U) 6. Sworn Statement of PFC (b)(6),(b)(7)(C) 28 May 06, wherein he related he processed 5 dead bodies while at the collection point, and there was no evidence of blind folds or zip ties present.

(U) 7. Sworn Statement of SSG (b)(6),(b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 8. Sworn Statement of SPC (b)(6),(b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 9. Sworn Statement of PFC (b)(6),(b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 10. Sworn Statement of SGT (b)(6),(b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 11. Sworn Statement of SPC (b)(6),(b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

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(U) 12. Sworn Statement of SPC (b)(6),(b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 13. Appointment Orders of (b)(6),(b)(7)(C) 11 May 06.

(U) 14. Commander's Inquiry of CPT (b)(6),(b)(7)(C) 11 May 06, in which he concluded the Soldier's acted within the ROE when responding to the attacks by the AIF personnel. They observed a hostile act and reacted with deadly force, killing the AIF and recommended no further action.

(U) 15. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 16. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he related while he and (b)(6),(b)(7)(C) were changing out the flexi cuffs when he was struck in the head and (b)(6),(b)(7)(C) was cut by the detainees in which they engaged the fleeing detainees and eliminated the threat

(U) 17. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 18. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 19. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06 wherein he observed the three detainees running and stated he was informed by (b)(6),(b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 20. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6),(b)(7)(C) that he and (b)(6),(b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U) 21. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of

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what took place on Objective Murray during OIT and stated he was informed by (b)(6),(b)(7)(C) that (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U) 22. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he it was clear (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were engaged with hostile intent and had no choice but to use deadly force.

(U) 23. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U) 24. Sworn Statement of (b)(6),(b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6),(b)(7)(C) that he and (b)(6),(b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U) 25. Sworn Statement of (b)(6),(b)(7)(C) 12 May 06, wherein he related he provided the evidence along with the orange handle knife to a MSG at the holding area.

(U) 26. Sworn Statement of (b)(6),(b)(7)(C) 12 May 06, wherein he related he was provided the evidence along with the knife by (b)(6),(b)(7)(C) and he placed the items in a bag and provided the bag to (b)(6),(b)(7)(C).

(U) 27. Rights Waiver Certificate and Sworn Statement of (b)(6),(b)(7)(C) 21 May 06, wherein he related while he and (b)(6),(b)(7)(C) were changing out the flexi cuffs and they were attacked by the detainees who attempted to flee and they engaged them with their weapons.

(U) 28. Rights Waiver Certificate and Sworn Statement of (b)(6),(b)(7)(C) 21 May 06, wherein he related he thought the detainees were running towards the berm and thought they were going to get something to fight us with so he shot them.

(U) 29. Sworn transcribed interview of MAJ (b)(6),(b)(7)(C) 28 May 06, wherein he related he was the appointed 15-6 investigating officer for the deaths of the detainees. (b)(6),(b)(7)(C)

(U) 30. Sworn transcribed interview of SPC (b)(6),(b)(7)(C) 28 May 06, wherein he related the body bags were open and photographs were exposed of the deceased.

(U) 31. Sworn transcribed interview of 1LT (b)(6),(b)(7)(C) 28 May 06, wherein he related he had minimal exposure to the remains or any activity concerning the remains. (b)(6),(b)(7)(C)

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(U) 32. Sworn transcribed interview of PFC (b)(6),(b)(7)(C) 28 May 06, wherein he related he had minimal exposure to the remains and was primarily tasked with treating detainees for heat related injuries.

(U) 33. Sworn transcribed interview of SFC (b)(6),(b)(7)(C) 28 May 06, wherein he related he did not witness any photographs being exposed.

(U) 34. Sworn transcribed interview of 1SG (b)(6),(b)(7)(C) 28 May 06, wherein he related he observed an older killed in action (KIA) arrive at the collection point followed by two younger KIAs later; however, did not see any zipties, blindfolds, or photographs being exposed.

(U) 35. Sworn transcribed interview of SGT (b)(6),(b)(7)(C) 28 May 06, wherein he related the no one exposed photographs of the deceased or opened any body bags.

(U) 36. Sworn transcribed interview of CSM (b)(6),(b)(7)(C) 28 May 06, wherein he related the body bags were opened and photographs were exposed.

(U) 37. Sworn transcribed statement of LTC (b)(6),(b)(7)(C) 28 May 06, wherein he denied making comments in regards to the shooting of dogs and Iraqis. Sworn transcribed statement of PFC (b)(6),(b)(7)(C) 28 May 06, wherein he reiterated his previous statement.

(U) 38. Sworn transcribed statement of PFC (b)(6),(b)(7)(C) 28 May 06, where he maintained the veracity of his prior statement.

(U) 39. Sworn transcribed interview of MAJ (b)(6),(b)(7)(C) 29 May 06, wherein he related he heard the detainees were blindfolded and had zip ties on their wrists, and that the blindfolds had been moved for photographs.

(U) 40. Sworn transcribed interview of TSG (b)(6),(b)(7)(C) 29 May 06, wherein he related he witnessed COL (b)(6),(b)(7)(C) remove the blindfolds of the deceased detainees with a knife prior to photographs being taken.

(U) 41. Sworn transcribed interview of MAJ (b)(6),(b)(7)(C) 29 May 06, wherein he related he saw the deceased and assisted in photographing them; however, denied any knowledge of inappropriate comments or photographs. (b)(6),(b)(7)(C)

(U) 42. Sworn transcribed interview of CW3 (b)(6),(b)(7)(C) 29 May 06, wherein he related he witnessed the bodies with blindfolds covering their eyes and had seen COL (b)(6),(b)(7)(C) cut away a blindfold with his knife.

(U) 43. Sworn transcribed interview of PFC (b)(6),(b)(7)(C) 29 May 06, wherein he related (b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

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he observed the remains of an old man in a body bag at the rally point.

(U) 44. Sworn transcribed interview of CPT (b)(6), (b)(7)(C) 29 May 06, wherein he related he and members of the Brigade Staff along with RAK 6 arrived on the Euro bird and viewed the remains of 3 deceased Iraqi males.

(U) 45. Sworn transcribed interview of MAJ (b)(6),(b)(7)(C) 29 May 06, wherein he detailed his account of OIT and his discussion with COL (b)(6),(b)(7)(C) in regards to reporting the LOAC violation (b)(6),(b)(7)(C).

(U) 46. Sworn transcribed interview of MAJ (b)(6),(b)(7)(C) 29 May 06, wherein he detailed his of OIT and his knowledge of the remains.

(U) 47. Sworn transcribed interview of CPT (b)(6),(b)(7)(C) 29 May 06, wherein he related and he account of OIT and his finding in regards to his command inquiry. (b)(6),(b)(7)(C)

(U) 48. Sworn Statement of PFC (b)(6),(b)(7)(C) 29 May 06, wherein he related he did not witness the shooting of the three detainees.

(U) 49. Sworn Statement of SGT (b)(6),(b)(7)(C) 29 May 06, wherein he related his actions on Objective Murray and his orders were to kill any military-aged males (MAMs).

(U) 50. Sworn Statement of 1LT (b)(6),(b)(7)(C) 29 May 06, wherein he related his platoon's actions on Objective Murray, and that COI (b)(6),(b)(7)(C) had briefed his company to kill all Military Age Males (MAMs)

(U) 51. Sworn Statement of SGT (b)(6),(b)(7)(C) 29 May 06, wherein he related he was not present when the detainees were shot; however, saw them run and fall down.

(U) 52. Sworn Statement of SPC (b)(6),(b)(7)(C) 29 May 06, wherein he related he did not witness the detainees get shot; however, was informed later that it was in self-defense

(U) 53. Sworn Statement and Sketch of SPC (b)(6),(b)(7)(C) 29 May 06, wherein he related his squad opened fire at the man in the window and he was informed by SPC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C) that they had been attacked and then killed three detainees.

(U) 54. Rights Waiver Certificate and Sworn Statement of SSG (b)(6),(b)(7)(C) 29 May 06, wherein he related he was ordered to shoot all MAMs on site and that he did not witness the killing of the three detainees.

(U) 55. Rights Waiver Certificate, Sworn Statement and Sketches of SPC (b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

29 May 06, wherein he related he was ordered to eliminate all MAMs on the objective and that himself and PFC (b)(6),(b)(7)(C) were attacked by the detainees and subsequently shot and killed them.

(U) 56. Consent to Search of SPC (b)(6),(b)(7)(C), 30 May 06, authorizing collection of his DNA.

(U) 57. Rights Waiver Certificate, Sworn Statement and Sketch of PFC (b)(6),(b)(7)(C)

20 May 06, wherein he related he was ordered to kill all MAMs and he and SPC (b)(6),(b)(7)(C) were attacked by the detainees, who were then shot and killed by SPC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C).

(U) 58. Sworn Statement and Sketches of CPI (b)(6),(b)(7)(C) 29 May 06, wherein he related he witnessed SSC (b)(6),(b)(7)(C) kill the man in the window and later he witnessed the three detainees fall to the ground after hearing M249 fire.

(U) 59. Sworn Statement of SPC (b)(6),(b)(7)(C) 29 May 06, wherein he related he attempted medical aid to the three detainees.

(U) 60. Sworn Statement of SFC (b)(6),(b)(7)(C) 31 May 06, wherein he related he exposed photographs of the remains.

(U) 61. Sworn Statement of PFC (b)(6),(b)(7)(C) 31 May 06, wherein she related she viewed one of the deceased and that there was one zip tie on the wrist.

(U) 62. Sworn Statement of MAJ (b)(6),(b)(7)(C) 31 May 06, wherein he related he observed multiple gun shot wounds to the 4 deceased, along with blind folds and zip ties on one wrist.

(U) 63. Treatment Records of (b)(6),(b)(7)(C) 13 May 06.

(U) 64. Sworn Statement of 2LT (b)(6),(b)(7)(C) 21 May 06, wherein he related he had possession of the knife used to cut SPC (b)(6),(b)(7)(C) and it was handed to SPC (b)(6),(b)(7)(C).

(U) 65. Sworn Statement of SPC (b)(6),(b)(7)(C) 31 May 06, wherein he related he carried a bag containing the knife used to cut SPC (b)(6),(b)(7)(C) to the Tactical Operations Center.

(U) 66. Statement of (b)(6),(b)(7)(C) 31 May 06, wherein he related he was an interpreter for 2LT (b)(6),(b)(7)(C) during the mission and did not witness the shootings.

(U) 67. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jun 06, wherein he related he took (b)(6),(b)(7)(C)

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photographs as the Combat Camera during the entire Operation Iron Triangle mission.

(U) 68. Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 2 Jun 06, authorizing the seizure of SGT (b)(6),(b)(7)(C) personal camera.

(U) 69. Sworn transcribed interview of COL (b)(6),(b)(7)(C) 3 Jun 06, wherein he detailed the planning and conduct of Operation Iron Triangle, the Rules of Engagement set forth; and denied posing for "hero" shots, or making any inappropriate comments.  
(b)(6),(b)(7)(C)

(U) 70. Rights Waiver Certificate and Sworn Statement of SGT (b)(6),(b)(7)(C) 9 Jun 06, wherein he admitted to providing a false testimony; and had seen photographs exposed of the remains.

(U) 71. Rights Waiver Certificate and Sworn Statement of PFC (b)(6),(b)(7)(C) 9 Jun 06, wherein he related he was unsure if the deceased had zip ties on their wrists.

(U) 72. Rights Waiver Certificate and Sworn Statement of PFC (b)(6),(b)(7)(C) 13 Jun 06, wherein he stated he witnessed COL (b)(6),(b)(7)(C) put his foot on one of the dead Iraqi's head and cut a blind fold off one of one.

(U) 73. Sworn Statement of CPT (b)(6),(b)(7)(C) 13 Jun 06, wherein he detailed his actions on Operation Iron Triangle and provided examples of incidents that occurred that were inconsistent with normal procedure.

(U) 74. Sworn Statement of SGT (b)(6),(b)(7)(C) 14 Jun 06, wherein he related he was informed by SGT (b)(6),(b)(7)(C) of the conspiracy to murder the three detainees.

(U) 75. Sworn Statement of SGT (b)(6),(b)(7)(C) 14 Jun 06, wherein he related he was informed by PFC (b)(6),(b)(7)(C) that SSG (b)(6),(b)(7)(C) punched (b)(6),(b)(7)(C) and told him to say it was the detainee who had hit him.

(U) 76. Sworn Statement of 1SG (b)(6),(b)(7)(C) 14 Jun 06, wherein he detailed his involvement in Operation Iron Triangle.

(U) 77. Sworn Statement of SSG (b)(6),(b)(7)(C) 14 Jun 06, wherein he related SGT (b)(6),(b)(7)(C) informed him of his knowledge of the conspiracy and SGT (b)(6),(b)(7)(C) later informed him that PFC (b)(6),(b)(7)(C) confessed he was punched by SSG (b)(6),(b)(7)(C)

(U) 78. Rights Waiver Certificate of SSG (b)(6),(b)(7)(C) 15 Jun 06.

(U) 79. Rights Waiver Certificate of SPC (b)(6),(b)(7)(C) 15 Jun 06.  
(b)(6),(b)(7)(C)

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(U) 80. Rights Waiver Certificate and Sworn Statement of SGT (b)(6),(b)(7)(C) 15 Jun 06, wherein he admitted to being present during the conception of the conspiracy, failing to report the offense and providing false information in his previous statement.

(U) 81. Rights Waiver Certificate, Sworn Statement and Sketch of SPC (b)(7)(C) 15 Jun 06, wherein he admitted to shooting a wounded detainee and killing him, and he was present for the initial conspiracy, and heard SSG (b)(6),(b)(7)(C) make threatening comments.

(U) 82. Sworn Statement of SPC (b)(6),(b)(7)(C) 15 Jun 06, wherein he related SGT (b)(6),(b)(7)(C) told him of the conspiracy to murder the detainees.

(U) 83. Sworn Statement of PFC (b)(6),(b)(7)(C) 15 Jun 06, wherein he related he was present for the conspiracy, but took no part in it, and had been threatened by PFC (b)(6),(b)(7)(C) and SSG (b)(6),(b)(7)(C).

(U) 84. Sworn Statement of SFC (b)(6),(b)(7)(C) 15 Jun 06, wherein he related he supervised SSG (b)(6),(b)(7)(C) pack his bags prior to being escorted to CID and heard him state he was going to prison.

(U) 85. Sworn Statement of ISG (b)(6),(b)(7)(C) 15 Jun 06, wherein he related he advised SGT (b)(6),(b)(7)(C) to contact Trial Defense Services and made comments over the radio after hearing of the capture of the detainees.

(U) 86. Rights Waiver Certificate and Sworn Statement of 1LT (b)(6),(b)(7)(C) 16 Jun 06, wherein he related he learned of the conspiracy on 13 Jun 06 by SGT (b)(6),(b)(7)(C) and had no previous knowledge of it.

(U) 87. Sworn Statement of SGT (b)(6),(b)(7)(C) 16 Jun 06, wherein he related he did not hear any shots after the initial shooting of the detainees and had no knowledge of the conspiracy.

(U) 88. Sworn Statement of SSG (b)(6),(b)(7)(C) 16 Jun 06, wherein he related SSG (b)(6),(b)(7)(C) requested information pertaining to the investigation.

(U) 89. Sworn Statement and Sketch of CPI (b)(6),(b)(7)(C) 16 Jun 06, wherein he related he heard gun fire and saw the three detainees drop to the ground and later heard a single gun shot when standing near the bodies.

(U) 90. Sworn Statement of SPC (b)(6),(b)(7)(C) 16 Jun 06, wherein he related he had no knowledge of the conspiracy to murder the detainees.

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(b)(6),(b)(7)(C)

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(U) 91. Rights Waiver Certificate of SPC (b)(6),(b)(7)(C) 16 Jun 06

(U) 92. Sworn Statement and Sketch of SGT (b)(6),(b)(7)(C) 16 Jun 06, wherein he related he did not hear any shots, and had no memory of his actions after the initial shooting of the detainees.

(U) 93. Sworn Statement of SGT (b)(6),(b)(7)(C) 16 Jun 06, wherein he related SPC (b)(6),(b)(7)(C) approached him requesting him hide something that involved the ongoing investigation.

(U) 94. Sworn Statement of SSC (b)(7)(C) 16 Jun 06, wherein he related he had no knowledge of the conspiracy to murder detainees.

(U) 95. Rights Waiver Certificate and Sworn Statement of SPC (b)(6),(b)(7)(C) 16 Jun 06, wherein he admitted he did not include information pertaining to SPC (b)(6),(b)(7)(C) killing a detainee or to his knowledge of the conspiracy in his previous statement.

(U) 96. Sworn Statement of SPC (b)(6),(b)(7)(C) 16 Jun 06, wherein he related SPC (b)(6),(b)(7)(C) informed him he killed one of the detainees and of the conspiracy to murder the detainees.

(U) 97. Sworn Statement of SPC (b)(6),(b)(7)(C) 16 Jun 06, wherein he related SPC (b)(6),(b)(7)(C) informed him he killed one of the detainees and of the conspiracy to murder the detainees.

(U) 98. Sworn Statement of 1LT (b)(6),(b)(7)(C) 17 Jun 06, wherein he admitted to informing SPC (b)(6),(b)(7)(C) of aspects of the investigation against a previous order not to discuss the investigation.

(U) 99. Rights Non-Waiver Certificate of SGT (b)(6),(b)(7)(C) 17 Jun 06.

(U) 100. Sworn Statement of PFC (b)(6),(b)(7)(C) 17 Jun 06, wherein he related he was informed of the conspiracy to murder the detainees by PFC (b)(6),(b)(7)(C)

(U) 101. Sworn Statement of SGT (b)(6),(b)(7)(C) 17 Jun 06, wherein he reiterated his previous statement.

(U) 102. Sworn Statement of SFC (b)(6),(b)(7)(C) 17 Jun 06, wherein he related he supervised PFC (b)(6),(b)(7)(C) pack his bags prior to being escorted to CID and heard him ask for his Squad Leader and request if he was being awoken to go to CID.

(U) 103. Sworn Statement of 1SG (b)(6),(b)(7)(C) 17 Jun 06, wherein he related the Rules of Engagement. (b)(6),(b)(7)(C)

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

(U) 104. Sworn Statement of SSG (b)(6),(b)(7)(C) 17 Jun 06, wherein he related he had no knowledge of the conspiracy to murder the detainees.

(U) 105. (1-2) Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization 18 Jun 06, authorizing the search and seizure of electronic media held by SPC (b)(6),(b)(7)(C)

(U) 106. Sworn Statement of SSG (b)(6),(b)(7)(C) 18 Jun 06, wherein he related he heard of the conspiracy from a group of Non-Commissioned Officers.

(U) 107. Rights Waiver Certificate and Sworn Statement of SSG (b)(6),(b)(7)(C) 19 Jun 06, wherein he related he heard the detainee shootings were staged while conversing with other soldiers.

(U) 108. Consent to Search of PFC (b)(6),(b)(7)(C) 19 Jun 06, authorizing the search of his personal laptop computer.

(U) 109. Sworn Statement of PFC (b)(6),(b)(7)(C) 19 Jun 06, wherein he provided information concerning the video tapes seized from SPC (b)(6),(b)(7)(C)

(U) 110. Sworn Statement of SSG (b)(6),(b)(7)(C) 19 Jun 06, wherein he related he conducted the inventory of SPC (b)(6),(b)(7)(C) PFC (b)(7)(C) and SSG (b)(6),(b)(7)(C) personal and military effects and did not witness SPC (b)(6),(b)(7)(C) take any items.

(U) 111. Sworn Statement of SGT (b)(6),(b)(7)(C) 19 Jun 06, wherein he related he had no knowledge of the conspiracy or death of the detainees.

(U) 112. Rights Waiver Certificate and Sworn Statement of SGT (b)(6),(b)(7)(C) 19 Jun 06, wherein he related SPC (b)(6),(b)(7)(C) told him he shot the wounded detainee, but had no knowledge of the conspiracy.

(U) 113. Sworn Statement of 1LT (b)(6),(b)(7)(C) 19 Jun 06, wherein he related he discussed Operation Iron Triangle with SSG (b)(6),(b)(7)(C)

(U) 114. Sworn Statement of SFC (b)(6),(b)(7)(C) 19 Jun 06, wherein he related his platoon's actions on Operation Iron Triangle.

(U) 115. Sworn Statement of CPI (b)(6),(b)(7)(C) 19 Jun 06, wherein he related he had no knowledge of the conspiracy to kill three detainees.

(U) 116. Sworn Statement of SPC (b)(6),(b)(7)(C) 19 Jun 06, wherein he related he had no knowledge of the conspiracy to kill three detainees.

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(U) 117. AIR of SA (b)(6),(b)(7)(C) Arifjan CID Office, 21 Jun 06, detailing the Basis For Investigation, coordination with Theater Field Detention Facility (TFDF), SJA, interview of (b)(6),(b)(7)(C) and collection of evidence.

(U) 118. Consent to Search of SPC (b)(6),(b)(7)(C) 20 Jun 06, authorizing CID to obtain his personal items retained by TFDF.

(U) 119. Sworn Statement of (b)(6),(b)(7)(C) 21 Jun 06, detailing his interaction with (b)(6),(b)(7)(C) during processing and the discovery of the shell casing in his belongings.

(U) 120. Rights Waiver Certificate of SPC (b)(6),(b)(7)(C) 21 Jun 06.

(U) 121. Sworn Statement of (b)(6),(b)(7)(C) 21 Jun 06 wherein he detailed his observation of (b)(6),(b)(7)(C) interview by (b)(6),(b)(7)(C)

(U) 122. AIR of SA (b)(6),(b)(7)(C) 19 Jul 06, detailing significant interviews, coordinations with the BN CDR, Combat Stress Control, receipt of the packing list and MySpace.com.

(U) 123. Rights Waiver Certificate, Sworn Statement and (1-3) Photographic Identification of SPC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he told two members of his unit that he shot and killed a detainee and detailed which detainee he shot.

(U) 124. Sworn Statement of SPC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees and had assisted in the inventory of PFC (b)(6),(b)(7)(C) effects.

(U) 125. Sworn Statement of SSC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees and had viewed PFC (b)(6),(b)(7)(C) pack his gear prior to being escorted to CID.

(U) 126. Sworn Statement of PFC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 127. Sworn Statement of PFC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees and PFC (b)(6),(b)(7)(C) told him rumors were being spread.

(U) 128. Sworn Statement of SGT (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he assisted in packing PFC (b)(6),(b)(7)(C) belongings and confiscated a knife which he gave to SSG (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)

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b(6), b(7)(C)

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(U) 129. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 130. Sworn Statement of PFC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 131. Sworn Statement of PFC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 132. Sworn Statement of SPC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 133. Sworn Statement of SPC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related the only information he had heard originated from the media.

(U) 134. Sworn Statement of PFC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 135. Sworn Statement of SGT (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 136. Sworn Statement of PFC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 137. Sworn Statement of SG (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 138. Sworn Statement of SPC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 139. Sworn Statement of SPC (b)(6),(b)(7)(C) 20 Jun 06, wherein he related SPC (b)(6),(b)(7)(C) told him he had shot and killed one of the detainees.

(U) 140. Sworn Statement of SGT (b)(6),(b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 141. Sworn Statement of SG (b)(6),(b)(7)(C) 20 Jun 06, wherein he related his actions during Operation Iron Triangle and that he had seen video footage of the three dead detainees from SSG (b)(6),(b)(7)(C)

(U) 142. (1-3) Packing List of (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) 18 Jun 06, prepared by SSG (b)(6),(b)(7)(C)

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(U) 143. Rights Waiver Certificate and Sworn Statement of SGT (b)(6),(b)(7)(C) 21 Jun 06, wherein he related SPC (b)(6),(b)(7)(C) told him he shot the detainee; however denied having any further knowledge of the incident.

(U) 144. Sworn Statement of SSC (b)(6),(b)(7)(C), 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 145. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 146. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 147. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 148. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 149. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 150. Sworn Statement of PFC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 151. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 152. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 153. Sworn Statement of SGT (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 154. Sworn Statement of PFC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 155. Sworn Statement of PFC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no direct knowledge of the conspiracy but related PFC (b)(6),(b)(7)(C) had told him he felt messed up for shooting the detainees.

(U) 156. Sworn Statement of PFC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related PFC (b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C)

had told him he was attacked by the detainees.

(U) 157. Sworn Statement of SGT (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 158. Sworn Statement of PFC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 159. Sworn Statement of SPC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he heard the radio transmissions of capturing detainees, and then later a separate transmission of stating they had KIAs.

(U) 160. Sworn Statement of PFC (b)(6),(b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 161. (1-3) Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 21 Jun 06 authorizing the search of SSC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C) personal effects for any electronic media concerning Operation Iron Triangle.

(U) 162. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 163. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Jun 06, wherein he and (b)(6),(b)(7)(C) had a conversation wherein (b)(6),(b)(7)(C) related they were attacked by the detainees.

(U) 164. Sworn Statement of SSG (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 165. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 166. Sworn Statement of PFC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 167. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 168. Sworn Statement of SGT (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 169. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

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knowledge of the conspiracy to kill the detainees.

(U) 170. Sworn Statement of SGT (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 171. Sworn Statement of MSC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he did not remember any conversations regarding evidence while on Operation Iron Triangle and did not see an orange handled knife.

(U) 172. Sworn Statement of SFC (b)(6),(b)(7)(C) 22 Jun 06, wherein he related he never saw an orange handled knife after inventorying the evidence a number of times.

(U) 173. Sworn Statement of CP1 (b)(6),(b)(7)(C) 22 Jun 06, wherein he related after completing his commander's inquiry he felt no action should be taken upon his soldiers; and the first KIA was within the ROE.

(U) 174. Sworn Statement of SSC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 175. Photographic lineup, 23 Jun 06, wherein SPC (b)(6),(b)(7)(C) failed to identify the individual he coordinated with to place evidence into the Tactical Operation Center.

(U) 176. Sworn Statement of SPC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 177. Sworn Statement of SGT (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 178. Sworn Statement of CPL (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 179. Sworn Statement of SPC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 180. Sworn Statement of SPC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 181. Sworn Statement of SPC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 182. Sworn Statement of SGT (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

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(b)(6),(b)(7)(C)

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(U) 183. Sworn Statement of SPC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 184. Sworn Statement of PFC (b)(6),(b)(7)(C) 23 Jun 06, wherein he related PFC (b)(6),(b)(7)(C) informed him the detainees were slicing at SPC (b)(6),(b)(7)(C) so he shot them.

(U) 185. Sworn Statement of SGT (b)(6),(b)(7)(C) 23 Jun 06, wherein he related the chain of custody of property belonging to SSG (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C) which he had escorted to the CID office.

(U) 186. Rights Waiver Certificate, Sworn Statement, Sketches and Photographic images of SPC (b)(6) 23 Jun 06, wherein he related he heard two shots after checking on the detainees and had suspicion of the marks on (b)(6),(b)(7)(C) face and identified his actions on Objective Murray and identified which detainees were dead upon his assessment.

(U) 187. Sworn Statement, Photographic images and Sketches of PFC (b)(6),(b)(7)(C) 23 Jun 06, wherein he detailed information pertaining to the threats made against him and wherein he identified locations of soldiers throughout Objective Murray.

(U) 188. (1-3) DA Form 4856s of PFC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) and SGT (b)(6),(b)(7)(C) which referenced Operation Iron Triangle.

(U) 189. Photographic lineup, 25 Jun 06, wherein SPC (b)(6),(b)(7)(C) failed to identify the individual he coordinated with to place evidence into the Tactical Operation Center.

(U) 190. Request for Private Medical Information of (b)(6),(b)(7)(C) 27 Jun 06.

(U) 191. Sworn Statement of SFC (b)(6),(b)(7)(C) 27 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 192. Sworn Statement of PFC (b)(6),(b)(7)(C) 27 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees

(U) 193. Sworn Statement of SPC (b)(6),(b)(7)(C) 27 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 194. Sworn Statement of PFC (b)(6),(b)(7)(C) and Photographic Image of (b)(6),(b)(7)(C) 28 Jun 06, wherein she related she heard SPC (b)(6),(b)(7)(C) and SSG (b)(6),(b)(7)(C) make comments related to going to jail and the entire chain of command would be involved.

(U) 195. Preservation Request letter, 1 Jul 06, requesting Myspace.com preserve (b)(6),(b)(7)(C)

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account information.

(U) 196. Sworn Statement of 1LT (b)(6),(b)(7)(C) Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 197. Sworn Statement of SGT (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 198. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 199. Sworn Statement SGT (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 200. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 201. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 202. Sworn Statement of SSC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 203. Sworn Statement of SSG (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 204. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 205. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 206. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 207. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jul 06, 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 208. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 209. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.  
(b)(6),(b)(7)(C)

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(U) 210. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 211. Sworn Statement of SSG (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 212. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 213. Sworn Statement of CPI (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 214. Sworn Statement of PFC (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 215. Sworn Statement of PV2 (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 216. Sworn Statement of CPI (b)(6),(b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 217. Sworn Statement of SPC (b)(6),(b)(7)(C) 1 Jul 06, 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 218. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 219. Sworn Statement of SSG (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 220. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 221. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 222. Sworn Statement of SGT (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 223. Sworn Statement of SGT (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

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(U) 224. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 225. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 226. Sworn Statement of SGT (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 227. Sworn Statement of SSG (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he believed the detainees were murdered, and the soldiers involved were lying, due to the training they had received prior to the incident.

(U) 228. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related PFC (b)(6),(b)(7)(C) told him he was messed up in the head from killing three people.

(U) 229. Sworn Statement of ILT (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he processed the remains.

(U) 230. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 231. Sworn Statement of SSC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 232. Sworn Statement of SPC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 233. Sworn Statement of PFC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 234. Sworn Statement of PFC (b)(6),(b)(7)(C) 3 Jul 06, wherein he related that during a separate objective on Operation Iron Triangle, a vehicle approached his squad, which then open fired and killed a man that had exited.

(U) 235. Sworn Statement of (b)(6),(b)(7)(C) 4 Jul 06, wherein he related he was not on Objective Murray but was a part of Iron Triangle.

(U) 236. DA Form 4254, Request for Private Medical Information, 5 Jul 06, requesting the mental health records of SPC (b)(6),(b)(7)(C)

(U) 237. Sworn Statement of PFC (b)(6),(b)(7)(C) 5 Jul 06, wherein she related her previous (b)(6),(b)(7)(C)

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statement was incorrect, and the individual she identified as (b)(6),(b)(7)(C) was actually (b)(6),(b)(7)(C)

(U) 238. Sworn Statement of SGT (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 239. Sworn Statement of MAJ (b)(6),(b)(7)(C), 6 Jul 06, wherein he ordered numerous searches for the knife which produced no results.

(U) 240. Sworn Statement of SFC (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 241. Sworn Statement of CPT (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he was the S2 officer during OIT.

(U) 242. Sworn Statement of SPC (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 243. Sworn Statement of (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he was at the TOC during OIT where he assisted with interviews and did not handle the knife.

(U) 244. Sworn Statement of SGT (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he was not allowed to process evidence and never saw an orange handled knife on Operation Iron Triangle.

(U) 245. Sworn Statement of CPT (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 246. Sworn Statement of PFC (b)(6),(b)(7)(C), 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 247. Sworn Statement of SPC (b)(6),(b)(7)(C), 6 Jul 06, wherein she related she had no knowledge of the missing knife.

(U) 248. Sworn Statement of SPC (b)(6),(b)(7)(C), 12 Jul 06, wherein he related he witnessed SSG (b)(6),(b)(7)(C) with a pistol while at FOB Remagen after Operation Iron Triangle.

(U) 249. Sworn Statement of 1LT (b)(6),(b)(7)(C), 12 Jul 06, wherein he related the chain of custody of the pistol found in SSG (b)(6),(b)(7)(C) possession.

(U) 250. Sworn Statement of SSG (b)(6),(b)(7)(C), 2 Jul 06, wherein he related the chain of custody of the pistol found in SSG (b)(6),(b)(7)(C) possession.

(b)(6),(b)(7)(C)

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(U) 251. Sworn Statement of SPC (b)(6),(b)(7)(C) 13 Jul 06, wherein he related his knowledge of the pistol found in SSG (b)(6),(b)(7)(C) possession.

(U) 252. Sworn Statement, Sketch and Photographic images of 13 Jul 06, wherein SPC (b)(6),(b)(7)(C) identified the pistol collected from SSG (b)(6),(b)(7)(C) possession as the same pistol he saw on Operation Iron Triangle.

(U) 253. Sworn Statement of PFC (b)(6),(b)(7)(C) 15 Jul 06, wherein he related SSG (b)(6),(b)(7)(C) showed him the pistol that was found on Operation Iron Triangle and stated it was a throw down weapon.

(U) 254. Sworn Statement of SGT (b)(6),(b)(7)(C) 16 Jul 06, wherein he related he witnessed SSG (b)(6),(b)(7)(C) with a pistol after leaving Objective Murray.

(U) 255. Rights Waiver Certificate and Statement of SPC (b)(6),(b)(7)(B) 16 Jul 06, wherein he denied any knowledge of the conspiracy to kill the detainees, and his knowledge of the origin of the video tapes collected from his gear.

(U) 256. English language translation of Iraqi Police Log, 17 Jul 06, translated by (b)(6),(b)(7)(C)

(U) 257. Copy of Iraqi Police Log, 17 Jul 06.

(U) 258. Sworn Statement (b)(6),(b)(7)(C) 9 Jul 06, wherein he related he was on Objective Murray but did not witness the shooting.

(U) 259. Photographic images 19 Jul 06 wherein SPC (b)(6),(b)(7)(C) identified the pistol collected as evidence from SSG (b)(6),(b)(7)(C) possession, as the pistol found on Objective Murray.

(U) 260. Crime Scene AIR of SA (b)(6),(b)(7)(C) 21 Jul 06.

(U) 261. (1-3) Crime Scene Sketches

(U) 262. Photographic Packet, 21 Jul 06, (crime scene) containing photographs 1-26.

(U) 263. AIR of SA (b)(2),(b)(6),(b)(7)(C) Arifjan CID Office, 5 Aug 06, detailing the Basis for Investigation and coordinations with Theater Field Detention Facility (TFDF).

(U) 264. Prisoner's Personal Property List of SPC (b)(6),(b)(7)(C) 20 Jun 06, detailing his personal property collected during in processing at TFDF.

(b)(6),(b)(7)(C)

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(U) 265. AIR of SA (b)(6),(b)(7)(C) Fort Irwin Resident Agency, 14 Aug 06, detailing his coordinations with the Special Assistant United States Attorney (SUASA).

(U) 266. (1-7) Affidavit for Warrant and Warrant on Written Affidavit for Authorization, 10 Ag 06, authorizing the Search and Seizure or Apprehension of the contents of wire (b)(6),(b)(7)(C) communications of the My Space accounts of 1LT (b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C) SGT (b)(6),(b)(7)(C) SP (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C).

(U) 267. AIR of SA (b)(6),(b)(7)(C) Fort Irwin Residency Agency, 23 Aug 06, detailing the receipt of the My Space Compact Disc.

(U) 268. My Space CD, 23 Aug 06, containing the account information of 1LT (b)(6),(b)(7)(C) SSG (b)(7)(C) SGT (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) SPC (b)(6),(b)(7)(C) PFC (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C).

(U) 269. AIR of SA (b)(6),(b)(7)(C) 17 Sep 06, detailing the Basis for Investigation, coordinations with TFDF and the conducting of canvass interviews.

(U) 270. Canvass Interview Worksheets, 13 - 17 Sep 06, detailing the interviews of TFDF personnel.

(U) 271. AIR of SA (b)(2),(b)(6),(b)(7)(C) Arifjan CID Office, detailing the receipt of the TFDF inmate roster, coordinations with TDS and interview of PVT (b)(6),(b)(7)(C).

(U) 272. TFDF Inmate Roster, 8 Aug - 3 Sep 06.

(U) 273. AIR of SA (b)(6),(b)(7)(C) 30 Sep 06, detailing collection of evidence, significant interviews and coordinations with SJA and TDS.

(U) 274. (1-3) Photograph packet of the detainees reviewed by CPT (b)(6),(b)(7)(C)

(U) 275. Appointment Orders of BC (b)(6),(b)(7)(C) 17 Jul 06.

(U) 276. (1-4) English Language translation of the Emergency Unit Cards, 13 May 06, of A. MOHAMED, J. GUMER, N. MOHAMED, and Z. MOHAMED translated by (b)(6),(b)(7)(C)

(U) 277. (1-4) English Language translation of the Death Certificates of A.MOHAMED, J. GUMER, N. MOHAMED, and Z. MOHAMED, 13 May 06, translated by (b)(6),(b)(7)(C) which reflect all victims died of gunshot wounds.

(b)(6),(b)(7)(C)

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(U) 278. English Language translation of the Iraqi Record Book, 12-14 May 06.

(U) 279. (1-4) English language translation of the Sample (3) Rational Card,  
translated by (b)(6),(b)(7)(C)

(U) 280. (1-4) Copies of the Emergency Unit Cards, 13 May 06, of A. MOHAMED,  
J. GUMER, N. MOHAMED, and Z. MOHAMED, 13 May 06.

(U) 281. (1-4) Copies of the Death Certificates of A.MOHAMED, J. GUMER, N.  
MOHAMED, and Z. MOHAMED, 13 May 06

(U) 282. Copy of the Iraqi Record Book, 12-14 May 06.

(U) 283. (1-4) Copies of the Sample (3) Rational Card, May 06.

(U) 284. Sworn Statement of 1LT (b)(6),(b)(7)(C) 3 Aug 06, wherein he related the  
trip ticket was created prior to the convoy but that he was not certain which vehicle  
PFC (b)(6),(b)(7)(C) or PFC (b)(6),(b)(7)(C) had ridden.

(U) 285. Affidavit Supporting Request for Authorization to Search and Seize or  
Apprehend and Search and Seizure Authorization, 7 Aug 06, authorizing the search of  
1LT (b)(6),(b)(7)(C) thumb drive.

(U) 286. Affidavit Supporting Request for Authorization to Search and Seize or  
Apprehend and Search and Seizure Authorization, 7 Aug 06, authorizing the search of  
SPC (b)(6),(b)(7)(C) mental health records.

(U) 287. Sworn Statement of LTC (b)(6),(b)(7)(C) 7 Aug 06, wherein he related prior to the  
mission they were informed they were not authorized to conduct pre-assault fire on  
Objective Murray and none of the aircraft had taken fire during OIT.

(U) 288. Mental Health Records of SPC (b)(6),(b)(7)(C) 30 Jun 06. (USACRC only)

(U) 289. Sworn Statement of SSG (b)(6),(b)(7)(C) 12 Aug 06, wherein he related he has  
never ridden in a vehicle with (b)(6),(b)(7)(C) which traveled to Speicher.

(U) 290. Sworn Statement of PFC (b)(6),(b)(7)(C) 12 Aug 06, wherein he related he was  
the driver of the vehicle in which (b)(6),(b)(7)(C) had ridden but related he could not  
recall what day or month the incident took place.

(U) 291. Sworn Statement of PFC (b)(6),(b)(7)(C) 12 Aug 06, wherein he related  
(b)(6),(b)(7)(C) rode in his vehicle but he could not recall the date.

(b)(6),(b)(7)(C)

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(b)(6),(b)(7)(C) Sworn Statement of SSG (b)(6),(b)(7)(C) 12 Aug 06, wherein he related (b)(6),(b)(7)(C) had ridden in his vehicle but he could not recall the date.

(U) 293. Sworn Statement of SPC (b)(6),(b)(7)(C) 12 Aug 06, wherein he related (b)(6),(b)(7)(C) had ridden in his vehicle but related he could not recall the date.

(b)(6),(b)(7)(C) Sworn Statement of SPC (b)(6),(b)(7)(C) 12 Aug 06, wherein he related he never heard (b)(6),(b)(7)(C) threaten anyone and he could not recall a time (b)(6),(b)(7)(C) had ridden in his vehicle.

(U) 295. USACIL DNA Branch Examination Report, 20 Jul 06, which detailed the possible presence of (b)(6),(b)(7)(C) on blood from an unknown person was found on two knives of (b)(6),(b)(7)(C) and the ACU pants, jacket and boots of (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) USACIL DNA Branch Examination Report, 26 Jul 06, which detailed (b)(6),(b)(7)(C) DNA profile could not be excluded as the source on (b)(6),(b)(7)(C) shirt and pants. Further four unknown persons could not be excluded as sources on (b)(6),(b)(7)(C) pants, boots and (b)(6),(b)(7)(C) knife.

(U) 297. USACIL Digital Evidence Branch Examination Report, 28 Jul 06, which detailed several video files and photographic images of interest were found on the digital camera, the SD memory card and (b)(6),(b)(7)(C) laptop.

(U) 298. Sworn Statement of 1LT (b)(6),(b)(7)(C) 22 Aug 06, wherein he related he traveled to Speicher on 29 May 06 to be interviewed by a General and stated he could not recall which vehicle (b)(6),(b)(7)(C) or (b)(6),(b)(7)(C) traveled in.

(U) 299. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Aug 06, wherein he related he traveled to Speicher in a vehicle with (b)(6),(b)(7)(C) but could not recall the date.

(U) 300. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Aug 06, wherein he related he may have been a part of a convoy on 29 May 06 but he was not certain.

(U) 301. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Aug 06, wherein he related the first time he came to Speicher was when (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were placed in pretrial confinement.

(U) 302. Sworn Statement of SPC (b)(6),(b)(7)(C) 22 Aug 06, wherein he related he could not recall who rode in what vehicles but related (b)(6),(b)(7)(C) vehicle was towed to Speicher on the 29 May 06 convoy.

(U) 303. Sworn Statement of CPI (b)(6),(b)(7)(C) 22 Aug 06, wherein he related he was a part of a convoy on 29 May 06 but could not recall which vehicle (b)(6),(b)(7)(C) had ridden.

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(U) 304. Sworn Statement of 1LT (b)(6),(b)(7)(C) 22 Aug 06, wherein he related his vehicle had been towed to Speicher but related he did recall being interviewed at 3BCT.

(U) 305. Sworn Statement of SP (b)(6),(b)(7)(C) 22 Aug 06, wherein he related (b)(6),(b)(7)(C) rode in his vehicle on a Monday during a logistical convoy but could not recall the date.

(U) 306. Sworn Statement of 1LT (b)(6),(b)(7)(C) 22 Aug 06, wherein he related members of the 3<sup>rd</sup> platoon immediately reported to 3BCT but he could not recall what happened to his vehicle upon arrival to Speicher.

(U) 307. Sworn Statement of SSG (b)(6),(b)(7)(C) 25 Aug 06, wherein he related he could not recall the date (b)(6),(b)(7)(C) rode in his vehicle but related it was possibly at the end of May or beginning of Jun 06.

(U) 308. (1-28) Trip Tickets of C Co3/187<sup>th</sup>, 24 May – 23 Jun 06.

(U) 309. USACIL Digital Evidence Branch Examination Report, 3 Aug 06, which detailed three rolls of film were removed and processed and did not reveal any items of illegal activity.

(U) 310. USACIL DNA Branch Examination Report, 24 Aug 06, detailing the possible presence of blood was detected on the partial shirt removed from the crime scene.

(U) 311. USACIL DNA Branch Examination Report, 5 Sep 06, which detailed no DNA results were obtained from the partial shirt because it was too degraded and/or an insufficient amount of human DNA present.

(U) 312. USACIL Digital Evidence Branch Examination Report, 14 Sep 06, which detailed an examination of the thumb drive revealed the trip ticket was created the day prior to 29 May 06 but there was no way to determine the accuracy of the system clock which created the file.

(U) 313. AIR of SA (b)(6),(b)(7)(C) 6508, 21<sup>st</sup> MP DET, 24 Oct 06, detailing her coordination with CPC (b)(6),(b)(7)(C)

(U) 314. TFDf Confined Personnel List.

(U) 315. AIR of SA (b)(6),(b)(7)(C) 28 Oct 06, detailing her interview of PVT (b)(6),(b)(7)(C) and her coordination with SCP (b)(6),(b)(7)(C)

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(U) 316. AIR of SA (b)(2),(b)(6),(b)(7) 60<sup>th</sup> MP DET, 28 Oct 06, detailing the Basis for Investigation and the interview of (b)(6),(b)(7)(C)

(U) 317. Sworn Statement of PFC (b)(6),(b)(7)(C) wherein he related he had no contact with (b)(6),(b)(7)(C) or (b)(6),(b)(7)(C) during the time he was confined at TFDf.

(U) 318. AIR of SA (b)(6),(b)(7)(C) 76<sup>th</sup> MP DET, 20 Oct 06 detailing the Basis for Investigation, coordinations with CPT (b)(6),(b)(7)(C) and SGT (b)(6),(b)(7)(C) and the interviews of (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C)

(U) 319. AIR of SA (b)(6),(b)(7)(C) 481<sup>st</sup> MP DET, 2 Nov 06, detailing the Basis for Investigation and coordinations with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) unit.

(U) 320. AIR of SA (b)(6),(b)(7)(C) 90<sup>th</sup> MP DET, 3 Nov 06, detailing his Basis for Investigation and his interview of PV2 (b)(6),(b)(7)(C)

(U) 321. Sworn Statement and Sketch of PV2 (b)(6),(b)(7)(C) 3 Nov 06, wherein he related he did not have any contact with (b)(6),(b)(7)(C) or (b)(6),(b)(7)(C) during his confinement at TFDf.

(U) 322. AIR of SA (b)(6),(b)(7)(C) 12 Dec 06, detailing the receipt of LTC (b)(6),(b)(7)(C) and LTC (b)(6),(b)(7)(C) opinion memorandums regarding COL (b)(6),(b)(7)(C)

(U) 323. Memorandum of LTC (b)(6),(b)(7)(C) Titling Decision Re: COL (b)(6),(b)(7)(C) 3 Oct 06, wherein he relates there was no probable cause to believe that COL (b)(6),(b)(7)(C) committed the offenses of False Official Statement in violation of Article 107, UCMJ or Obstruction of Justice in violation of Article 134, UCMJ.

(U) 324. Appointment Orders and 1 AD 15 6 investigative findings of BG (b)(6),(b)(7)(C) 9 Jun 06, wherein he concluded COL (b)(6),(b)(7)(C) thought he properly exercised his authority on Objective Murray but stated he should have notified his higher headquarters of his intentions. (b)(6),(b)(7)(C)

(U) 325. Compact Disc (CD), 06.0086.469, containing the original photographic images of the death scene. (USACIDC copies only)

(U) 326 (1-4). CD, containing all photographic images of Operation Iron Triangle taken by Combat Camera. (USACIDC copies only)

(U) 327. CD, containing all photographic images of the remains taken (b)(6),(b)(7)(C)

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by Mortuary Affairs. (USACIDC copies only)

(U) 328. CD, 06.0086.469-8, containing the AR 15-6 and the ROE training slides and ROE OPORD. (b)(6),(b)(7)(C) (USACIDC copies only)

(U) 329. Crime Lab Examination Request, 12 Jun 06, requesting the examination of the digital camera and memory card of SGT (b)(6),(b)(7)(C) for any digital media pertaining to OIT. (USACIDC copies only)

(U) 330. Crime Lab Examination Request, 18 Jun 06, requesting a DNA profile of SPC (b)(6),(b)(7)(C) (USACIDC copies only)

(U) 331. Crime Lab Examination Request, 20 Jun 06, requesting examination of knives obtained from SPC (b)(6),(b)(7)(C) SSG (b)(6),(b)(7)(C) and PFC (b)(6),(b)(7)(C) for DNA; a tensile strength examination of all collected flex-cuffs / zip-ties; and an analysis of the disposable camera of SPC (b)(6),(b)(7)(C) and laptop of PFC (b)(6),(b)(7)(C) for any digital media pertaining to OIT. (USACIDC copies only)

(U) 332. Crime Lab Examination Request, 26 Jun 06, requesting examination of the shell casing, ACUs and boots of (b)(6),(b)(7)(C) for possible DNA and an examination the disposable and digital cameras, IPOD and the play station for electronic media pertaining to OIT. (USACIDC copies only)

(U) 333. Crime Lab Examination Request, 5 Aug 06, requesting examination and comparison of shell casings to firearms used on OIT; latent print examination of crime scene evidence and the pistol in SSG (b)(6),(b)(7)(C) possession; examination of the t-shirt for DNA; and the examination of the zip ties to determine the method in which the were broken.. (USACIDC copies only)

(U) 334. Crime Lab Examination Request, 9 Aug 06, requesting examination of the thumb drive to determine when the trip ticket was created, and if the document had been altered. (USACIDC copies only)

(U) 335. (335-1 through 335-19) DA Form 4137, Evidence/Property Custody Document, Vouchers (VO) 0472/06, 0473/06, 0486/06, 0487/06, 0488/06, 0489/06, 0490/06, 0491/06, 0498/06, 0519/06, 0538/06, 0539/06, 0540/06, 0677/06, 0692/06, 0702/06, 0705/06, 0736/06 and 8 Aug 06 without voucher number.

(U) 336. Memorandum of LTC (b)(6),(b)(7)(C) SJA Legal Review: Concerning Obstruction of Justice, 1 Dec 06, wherein she related (b)(6),(b)(7)(C) should have been titled for Obstruction of Justice, there was no probable cause to believe (b)(6),(b)(7)(C) committed the offense and the offense should be listed as insufficient evidence.

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

(U) NOT ATTACHED:

(U) Retained in the files of the Evidence Depository, 31<sup>st</sup> MP Detachment (CID), Fort Campbell, KY.

(U) 337. Digital camera (SGT (b)(6),(b)(7)(C)) Voucher (VO) 0472/06.

(U) 338. Memory card (SGT (b)(6),(b)(7)(C)) VO 0472/06.

(U) 339. (2) Buccal swab (SPC (b)(6),(b)(7)(C)) VO 0473/06.

(U) 340. (2) Buccal swab control, VO 0473/06.

(U) 341. (20) Zip ties (1SG (b)(6),(b)(7)(C)) VO 0486/06.

(U) 342. (8) Zip ties (1SG (b)(6),(b)(7)(C)) VO 0486/06.

(U) 343. Flex-cuff (1SG (b)(6),(b)(7)(C)) VO 0486/06.

(U) 344. Flex-cuff (1SG (b)(6),(b)(7)(C)) VO 0486/06.

(U) 345. Digital video cassette (SPC (b)(6),(b)(7)(C)) VO 0487/06.

(U) 346. Disposable camera (SPC (b)(6),(b)(7)(C)) VO 0487/06.

(U) 347. (3) Digital video cassette (SPC (b)(6),(b)(7)(C)) VO 0487/06.

(U) 348. Notebook (SPC (b)(6),(b)(7)(C)) VO 0488/06.

(U) 349. Video camera (LTC (b)(6),(b)(7)(C)) VO 0489/06.

(U) 350. Digital video cassette (LTC (b)(6),(b)(7)(C)) VO 0489/06.

(U) 351. Bag containing six knives (SSG (b)(6),(b)(7)(C)) VO 0490/06.

(U) 352. Pistol (SSG (b)(6),(b)(7)(C)) VO 0491/06.

(U) 353. (2) Knife (SSG (b)(6),(b)(7)(C)) VO 0491/06.

(U) 354. Multi-tool (SSG (b)(6),(b)(7)(C)) VO 0491/06.

(U) 355. Knife (SSG (b)(6),(b)(7)(C)) VO 0491/06.

(b)(6),(b)(7)(C)

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~~REGRADE FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~  
WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

- (U) 356. Knife (SSG (b)(6),(b)(7)(C)), VO 0491/06.
- (U) 357. Bayonet (SSC (b)(6),(b)(7)(C)), VO 0491/06.
- (U) 358. Sheath containing three knives (SPC (b)(6),(b)(7)(C)) VO 0491/06.
- (U) 359. Knife (SPC (b)(6),(b)(7)(C)) VO 0491/06.
- (U) 360. Bayonet (SPC (b)(6),(b)(7)(C)) VO 0491/06.
- (U) 361. Knife (SPC (b)(6),(b)(7)(C)) VO 0491/06.
- (U) 362. Multi-tool (SPC (b)(6),(b)(7)(C)) VO 0491/06.
- (U) 363. Bayonet (PFC (b)(6),(b)(7)(C)) VO 0491/06.
- (U) 364. Laptop (PFC (b)(6),(b)(7)(C)) VO 0498/06.
- (U) 365. Power adapter (PFC (b)(6),(b)(7)(C)) VO 0498/06.
- (U) 366. Shell casing (SPC (b)(6),(b)(7)(C)) VO 0519/06.
- (U) 367. Army Combat Uniform pants (SPC (b)(6),(b)(7)(C)) 0519/06.
- (U) 368. Army Combat Uniform coat (SPC (b)(6),(b)(7)(C)) , 0519/06.
- (U) 369. Boots (SPC (b)(6),(b)(7)(C)) , 0519/06.
- (U) 370. Disposable camera (PFC (b)(6),(b)(7)(C)) 0538/06.
- (U) 371. Play Station Portable (SPC (b)(6),(b)(7)(C)) VO 0539/06.
- (U) 372. Ranger handbook (SPC (b)(6),(b)(7)(C)) VO 0539/06.
- (U) 373. Book (SPC (b)(6),(b)(7)(C)) , VO 0539/06.
- (U) 374. Disposable camera (SPC (b)(6),(b)(7)(C)) VO 0539/06.
- (U) 375. Digital camera (SSG (b)(6),(b)(7)(C)) , VO 0540/06.
- (U) 376. Ipod (SSG (b)(6),(b)(7)(C)) VO 0540/06.
- (U) 377. Book (SSG (b)(6),(b)(7)(C)) VO 0540/06  
(b)(6),(b)(7)(C)

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

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~~REGRADE FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~  
WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

- (U) 378. Photograph album (SSG (b)(6),(b)(7)(C)), VO 0540/06.
- (U) 379. (23) Compact disc (SSG (b)(6),(b)(7)(C)) VO 0540/06.
- (U) 380. (2) Laminated paper (SSG (b)(6),(b)(7)(C)) VO 0540/06.
- (U) 381. (2) Magazine (SSG (b)(6),(b)(7)(C)), VO 0540/06.
- (U) 382. (7) Paper (SSG (b)(6),(b)(7)(C)), VO 0540/06.
- (U) 383. (8) Photograph (SSG (b)(6),(b)(7)(C)) VO 0540/06.
- (U) 384. (20) Shell casing, VO 0677/06.
- (U) 385. Partial zip-tie, VO 0677/06.
- (U) 386. Partial zip-tie, VO 0677/06.
- (U) 387. Partial shirt, VO 0677/06.
- (U) 388. Medicine container, VO 0677/06.
- (U) 389. Shell casing, VO 0677/06.
- (U) 390. Partial zip-tie, VO 0677/06.
- (U) 391. Shell casing, VO 0677/06.
- (U) 392. Shell casing, VO 0677/06.
- (U) 393. Shell casing, VO 0677/06.
- (U) 394. Shell casing, VO 0677/06.
- (U) 395. Zip-tie, VO 0677/06.
- (U) 396. (5) Shell casing, VO 0677/06.
- (U) 397. Video cassette, VO 0692/06.
- (U) 398. M4 rifle (W023795), VO 0702/06.
- (U) 399. M4 rifle (W024587), VO 0702/06.

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

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~~REGRADE FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~  
WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

(U) 400. M4 rifle with M203 (W023576), VO 0702/06.

(U) 401. M4 rifle with M203 (W019849), VO 0702/06.

(U) 402. M249 (030300), 0702/06.

(U) 403. M249 (63717), 0702/06.

(U) 404. Thumb drive (1LT (b)(6),(b)(7)(C)), VO 0705/06.

(U) 405. Advanced Combat Helmet (SPC (b)(6),(b)(7)(C)), VO 0736/06.

(U) Released to Supply Sergeant, C CO, 3/187<sup>th</sup> INF REG, FBM.

(U) 406. Army Combat Uniform coat (PFC (b)(6),(b)(7)(C)), VO 538/06.

(U) 407. Common Access Card (PFC (b)(6),(b)(7)(C)), VO 538/06.

(U) 408. Miscellaneous items (PFC (b)(6),(b)(7)(C)), VO 538/06.

(U) The original of Exhibits 1 -12, 14 - 28, 48 - 62, 64 - 68, 70 - 256, 258 - 263, 265 - 271, 273, 274, 276 - 279, 284 - 287, 289 - 313, 315 -322, 325, 328 and 335 -19 through 341 were retained in the files of 1000<sup>th</sup> MP BN (CID), Fort Campbell, KY, awaiting adjudication. The original of Exhibits 335-1 – 335-18 were retained in the files of the Evidence Depository, 31<sup>st</sup> MP Detachment (CID), Fort Campbell, KY. The original of Exhibits 13, 63, 275, 288, 308, 323, 326 and 327 were retained in the files of the 101<sup>st</sup> Airborne Division (AASLT), Fort Campbell, KY. The original of Exhibit 257 was retained in the files of the Iraqi Police, Samara, Iraq. The original of Exhibits 264, 272, and 314 were retained in the files of TPDF, Camp Arifjan, Kuwait. The original of Exhibits 280 – 283 were retained in the files of the Hospital, Samara, Iraq. The original of Exhibits 329 - 334 were retained in the files of USACIL, Fort Gillem, GA. The original of Exhibits 29-47, 69 and 324 were retained in the files of MNC-I, Camp Victory, Baghdad, Iraq. The original of Exhibit 336 was retained in the files of LTC (b)(6),(b)(7)(C) HQUSACIDC.

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(b)(6),(b)(7)(C)

0086-06-CID469-75447

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

(U) STATUS: This is a Final Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is required regarding (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

and (b)(6),(b)(7)(C)

(U) REPORT PREPARED BY:

(b)(2),(b)(6),(b)(7)(C)

REPORT APPROVED BY:

(b)(6),(b)(7)(C)

(b)(2),(b)(6),(b)(7)(C)

(U) Special Agent

CW5, Operations Officer

(U) DISTRIBUTION:

- 1 - Dir, USACRC, Ft Belvoir, VA
- 1 - PM, 101st ABN DIV (AASLT), COB Speicher (email only)
- 1 - THRU: CDR, 3rd MP GRP (CID), Ft Gillem, GA
- TO: CDR, HQUSACIDC, ATTN: CIOP-CO, Ft Belvoir, VA
- 1 - Action CDR, ATTN: SJA, 101st ABN DIV (AASLT), Ft Campbell, KY
- 1 - FILE

**b(2),b(6),b(7)(C)**

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
Tikrit CID Office

31 May 2007

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 1ST FINAL SUPPLEMENTAL/SSI -  
0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 /  
5Y2D2 1992A / 992F

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 08 MAY 2006, 2200 - 09 MAY 2006, 0400; ISLAND, NEAR ASR GOLDEN, MGRS  
38S LC 8680 4450, SW OF BALAD, IRAQ

2. 09 MAY 2006, 1601 - 31 JUL 2006, 1559; VARIOUS LOCATIONS IN AND  
AROUND, SAMARA AND TIKRIT, IRAQ

DATE/TIME REPORTED: 17 MAY 2006, 0545

INVESTIGATED BY:

SA (b)(6),(b)(7)(C),(b)(7)(F)  
SA [REDACTED]

SUBJECT:

1. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

2. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION,  
FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

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~~Protective marking is excluded from automatic  
termination (Chap 3, AR 25-55)~~

ACLU DDII ROI 33795

000001



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3. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT,  
101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349,  
(HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE],  
[MURDER], [FALSE OFFICIAL STATEMENT], [CONSPIRACY]

4. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN  
DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER], [FALSE  
OFFICIAL STATEMENT], [CONSPIRACY]

5. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

6. (b)(6), (b)(7)(C) COL; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV (AASLT),  
COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, (HOME STATION, FORT CAMPBELL,  
KY), IZ; CT ; [DERELICTION OF DUTY], [OBSTRUCTION OF JUSTICE (INSUFFICIENT  
EVIDENCE)], [FALSE OFFICIAL STATEMENT (INSUFFICIENT EVIDENCE)]

7. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

8. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

9. (b)(6), (b)(7)(C) PVT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST  
ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT



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CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

10. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

11. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

13. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ;  
CT ; [FALSE OFFICIAL STATEMENT]

14. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB  
BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL,  
KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT]

15. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

16. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE], [MURDER],

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[INVOLUNTARY MANSLAUGHTER], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED); CIV; 1 JAN 1991; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F
2. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED); CIV; IRAQ; 1 JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER] (NFI)
3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED); CIV; 1 JAN 1988; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER] (NFI)
4. HAMID, ZYAD JASIM (DECEASED); CIV; 1 JAN 1992; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM; [MURDER] (NFI); JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F
5. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE], [DERELICTION OF DUTY], [FALSE OFFICIAL STATEMENT], [FAIL TO OBEY GENERAL ORDER], [CONSPIRACY]

INVESTIGATIVE SUMMARY:

(U) This is an "Operation Iraqi Freedom" and "Detainee Abuse" Investigation.

(U) This supplemental report documents the receipt of forensic examination reports, interviews of confined personnel, and other investigative activity. No changes were made to the offenses listed in the Final Report and no classified exhibits were added.

(U) Final:

(U) Investigation established probable cause to believe **(b)(6), (b)(7)(C)** and

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**AGLU DBII ROI 33798**



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(b)(6), (b)(7)(C) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z. HAMID, detainees captured during Operation Iron Triangle (OIT); and made false statements claiming (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were attacked and then killed the detainees as they fled.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) committed the offense of Murder when he shot and killed one of the detainees after being instructed by (b)(6), (b)(7)(C) to "Put him (the detainee) out of his misery".

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) committed the offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULAH, during the initial approach to the residence, who was not positively identified (PID) or a threat; and Failure to Obey a General Order when he posed for a photograph of the remains; and further removed a pistol from Objective Murray and failed to turn the pistol in as evidence. The pistol was later found in his personal belongings.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) committed the offense of Obstruction of Justice. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) committed the offense when they threatened members of their squad that they would kill them if they disclosed the murders. (b)(6), (b)(7)(C) attempted to conceal video tapes that incriminated his unit while they were conducting criminal activity.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) committed the offense of False Official Statements when they provided statements to a 15-6 inquiry officer and to CID which they knew to be false in regards to their actions and observations on Objective Murray and during OIT.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) committed the offense of Dereliction of Duty when he failed to immediately inform his chain of command or other authorities of his knowledge of the conspiracy to Murder the detainees.

(U) Investigation further established probable cause to believe COL (b)(6), (b)(7)(C) committed the offense of Dereliction of Duty when he failed to make the mandatory notification of a possible LOAC violation regarding the deaths of the detainees.

(U) Investigation established insufficient evidence to prove or disprove COL (b)(6), (b)(7)(C)

committed the offense of False Official Statement when he provided sworn testimony wherein he related the killings of the detainees were in accordance with the ROE; then later stated the killings were not in accordance with the ROE.

(U) Investigation further established COL (b)(6), (b)(7)(C) order to not report the deaths of the detainees had the actual effect of obstructing justice by delaying the CID interviews, crime scene examination, and forensic examination of the detainees' remains. Because the actual obstruction did occur the offense is not unfounded. COL (b)(6), (b)(7)(C) denied he intended to impede a criminal investigation and investigation established insufficient evidence to establish probable cause.

(U) STATUTES:

- (U) Article 118, UCMJ: Murder
- (U) Article 119, UCMJ: Involuntary Manslaughter
- (U) Article 134, UCMJ: Obstruction of Justice
- (U) Article 92, UCMJ: Dereliction of Duty
- (U) Article 81, UCMJ: Conspiracy
- (U) Article 107, UCMJ: Making False Statements

(U) EXHIBITS/SUBSTANTIATION:

(U) ADDED ATTACHED:

(U) 409. Agent's Investigation Report (AIR) of SA (b)(6), (b)(7)(C) CID, Fort McCoy, WI, 28 Nov 06.

(U) 410. AIR of SA (b)(6), (b)(7)(C) CID, Fort Meade, MD, 5 Dec 06.

(U) 411. AIR of SA (b)(6), (b)(7)(C) CID, Fort Polk, LA, 27 Dec 06.

(U) 412. Report of Investigative Activity of SA (b)(6), (b)(7)(C) AFOSI, Barksdale, AFB, LA, 8 Dec 06, detailing her interview of Mr. (b)(6), (b)(7)(C)

(U) 413. Statement of Mr. (b)(6), (b)(7)(C) 8 Dec 06, wherein he related he had no direct contact with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

(U) 414. AIR of SA (b)(6), (b)(7)(C) CID, Fort Lewis, WA, 8 Jan 07.



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(U) 415. (1-10) Interview Worksheets of PVTs (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) (all undated), detailing their knowledge of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

(U) 416. AIR of SA (b)(6), (b)(7)(C) CID, Fort Campbell, KY, 14 Nov 06.

(U) 417. Affidavit Supporting Request, prepared by SA (b)(6), (b)(7)(C) 14 Nov 06, detailing the probable cause for the search of (b)(6), (b)(7)(C) person.

(U) 418. Search and Seizure Authorization of Military Magistrate, 14 Nov 06, authorizing the search of (b)(6), (b)(7)(C) person for evidence of wounds.

(U) 419. DA Form 4137, Evidence/Property Custody Document, Voucher number 0259-06, (Fort Campbell), 14 Nov 06, detailing the collection of Compact Disk "Sp (b)(6), (b)(7)(C) Injuries" (USACIDC Copies only).

(U) 420. AIR of SA (b)(6), (b)(7)(C) CID, Fort Wood, MO, 4 Jan 07.

(U) 421. Statement of Mr. (b)(6), (b)(7)(C) 4 Jan 07, wherein he related he did not have any direct contact with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

(U) 422. AIR of SA (b)(6), (b)(7)(C) CID, Fort Campbell, KY, 7 Dec 06.

(U) 423. Statement and Sketch of PVT (b)(6), (b)(7)(C) 7 Dec 06, wherein he related he did not know (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C)

(U) 424. Report of Investigation of Master at Arms (Petty Officer 1st Class) (b)(6), (b)(7)(C) Navy Command Investigator, Navy Consolidated Brig, Charleston, SC, 15 Feb 07, detailing the interviews of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

(U) 425. Voluntary Statement of (b)(6), (b)(7)(C) 6 Feb 07.

(U) 426. Voluntary Statement of (b)(6), (b)(7)(C) 6 Feb 07.

(U) 427. Voluntary Statement of (b)(6), (b)(7)(C) 6 Feb 07.

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- (U) 428. AIR of SA (b)(6), (b)(7)(C) CID, Fort Bragg, NC, 26 Apr 07.
- (U) 429. Photographic Line up by PVT (b)(6), (b)(7)(C) 5 Jan 07.
- (U) 430. Memorandum for Record of LTC (b)(6), (b)(7)(C) Deputy Staff Judge Advocate, 101st Airborne Division (AASLT), Fort Campbell, 3 Nov 06.
- (U) 431. Memorandum from TDS, 31 Jan 07.
- (U) 432. US Army Criminal Investigation Laboratory (USACIL) Report, 2006-CID131-1281, Digital Evidence Branch, 28 Nov 06, detailing the examination of the respliced video cassette did not appear relevant to this investigation.
- (U) 433. USACIL Report, 2006-CID131-1281, Latent Print Branch, 28 Dec 06, detailing the examination of the foil and plastic blister package did not reveal any latent prints.
- (U) 434. USACIL Report, 2006-CID131-1281, Firearms Branch, 7 Mar 07, detailing the weapon of SPC (b)(6), (b)(7)(C) fired two of the cartridges collected from the death scene.
- (U) 435. USACIL Report, 2006-CID131-1281, Latent Print Branch, 8 Mar 07, detailing the examination of the pistol of SSG (b)(6), (b)(7)(C) did not reveal any latent prints.
- (U) 436. DA Form 4430, Result of Trial of SPC (b)(6), (b)(7)(C) 9 Jan 07.
- (U) 437. DA Form 4430, Result of Trial of SPC (b)(6), (b)(7)(C) 11 Jan 07.
- (U) 438. DA Form 4430, Result of Trial of PFC (b)(6), (b)(7)(C) 25 Jan 07.
- (U) 439. DA Form 4430, Result of Trial of SSG (b)(6), (b)(7)(C) 13 Mar 07.
- (U) 440. Forensic Laboratory Examination Request, 9 Feb 07, requesting the examination of the pistol found in (b)(6), (b)(7)(C) belonging for identifiable latent prints. (USACIDC copies only)
- (U) ADDED NOT ATTACHED (retained by the evidence custodian, CID, Ft Campbell, KY):

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(U) 441. Compact Disk, Item 1 (VO # 259-06).

(U) The originals of Exhibits 409-418 and 420-428 are forwarded with the USACRC copy of this report. The originals of Exhibits 432-435 and 440 are retained in the files of the US Army Criminal Investigation Laboratory. The originals of Exhibits 429-431 and 436-439 are retained by the Office of the SJA, 101st Airborne Division, Fort Campbell, KY. The original of Exhibit 419 is retained by the evidence custodian, CID, Ft Campbell, KY.

(U) STATUS: This is a First Final Supplemental Report. On 9 Jan 07, SPC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

On 11 Jan 07, SPC

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

On 25 Jan 07, PFC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

On 13 Mar 07,

SSG (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(U) Commander's Report of Disciplinary or Administrative Action Taken (DA Form 4833) is pending regarding COL (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and PVT (b)(6), (b)(7)(C)

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Report Prepared By:

(b)(6), (b)(7)(C)

Special Agent

Report Approved By:

(b)(6), (b)(7)(C)

Special Agent

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA

1 - THRU: 3rd MP Group (CID), Ft Gillem, GA

- TO: HQUSACIDC, Ft Belvoir, VA

SJA, 101st Airborne Division, Ft Campbell, KY (Action)

FILE

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DATE: 26 JAN 2007  
FROM: SAC, 90 MP DET (CID) (-), CONTINGENCY OPERATING BASE (COB)  
SPEICHER, TIKRIT, IRAQ, APO AE 09393  
TO: DIR, USACRC, FT BELVOIR, VA  
SJA, 101ST ABN DIV (ATTN: CPT (b)(6), (b)(7)(C))  
CDR 3D MP GRP USACIDC FOREST PARK GA//CIRC-OP//  
CDR USACIDC 10TH MP BN FT BRAGG NC  
CDR 22D MP BN (CID)//CIRF-ZA//  
SAC, 90 MP DET (CID) (-), COB SPEICHER, TIKRIT, IRAQ  
CG USACIDC FT BELVOIR VA //CIOP-ZA//  
SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL /SSI -  
0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 /  
5Y2B9 / 5Y2D2

DRAFTER: (b)(6), (b)(7)(C)  
RELEASER: (b)(6), (b)(7)(C)

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 08 MAY 2006, 2200 - 09 MAY 2006, 0400; ISLAND, NEAR ASR GOLDEN, MGRS  
38S LC 8680 4450, SW OF BALAD, IRAQ

2. 09 MAY 2006, 1601 - 31 JUL 2006, 1559; VARIOUS LOCATIONS IN AND  
AROUND, SAMARA AND TIKRIT, IRAQ

2. DATE/TIME REPORTED: 17 MAY 2006, 0545

3. INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F)  
SA (b)(6), (b)(7)(C)

4. SUBJECT:

1. (b)(6), (b)(7)(C) COL; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV (AASLT),  
COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, (HOME STATION, FORT CAMPBELL,  
KY), IZ; CT ; [FALSE OFFICIAL STATEMENT (INSUFFICIENT EVIDENCE)],  
[OBSTRUCTION OF JUSTICE (INSUFFICIENT EVIDENCE)], [DERELICTION OF DUTY]

2. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

3. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

4. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [INVOLUNTARY MANSLAUGHTER], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER]

5. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [FALSE OFFICIAL STATEMENT]

6. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

7. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

8. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

9. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT),

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FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ;  
CT ; [FALSE OFFICIAL STATEMENT]

10. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

11. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

12. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION,  
FORT CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

13. (b)(6), (b)(7)(C) PVT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST  
ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

14. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

15. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT),  
FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT  
CAMPBELL, KY), IZ; CT ; [FALSE OFFICIAL STATEMENT]

16. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

5. VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED) ; CIV; 1 JAN 1991; IRAQ;

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MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM ; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

2. HAMID, ZYAD JASIM (DECEASED) ; CIV; 1 JAN 1992; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM ; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED) ; CIV; 1 JAN 1988; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER]

4. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED) ; CIV; IRAQ; 1 JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER]

5. U.S. GOVERNMENT; ; [FALSE OFFICIAL STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER], [DERELICTION OF DUTY]

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE COMPLETION OF THE INVESTIGATION.

(U) THIS SUPPLEMENTAL REPORT IS SUBMITTED TO DOCUMENT ADMINISTRATIVE ACTIVITY AND ACTIONS TAKEN AGAINST SEVERAL SUBJECTS.

(U) ON 4 DEC 06, THIS INVESTIGATION RE-DEPLOYED WITH PERSONNEL FROM THE 10TH MP BN (CID)(ABN) TO FT BRAGG, NC, WHO CONTINUE TO CONDUCT INVESTIGATIVE ACTIVITY REQUESTED BY THE SUPPORTED SJA PENDING THE RESULTS OF ADDITIONAL USACIL TESTING. ORIGINALS OF MOST EXHIBITS ARE NOW RETAINED BY THE 1000TH MP BN (CID), FT CAMPBELL, KY, TO FACILITATE THEIR AVAILABILITY FOR JUDICIAL PROCEEDINGS.

(U) ON 9 JAN 06, SPC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(U) ON 11 JAN 06, SPC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)



(U) ON 25 JAN 06, PFC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(U) THE GENERAL COURT MARTIAL OF SSG (b)(6), (b)(7)(C) IS SCHEDULED FOR 6 MAR 06 AT FT CAMPBELL, KY.

(U) INVESTIGATION CONTINUES BY CID.

(U) FINAL REPORT:

(U) "THIS IS AN "OPERATION IRAQI FREEDOM" AND "DETAINEE ABUSE" INVESTIGATION"

(U) THIS OFFICE RECEIVED A MEMORANDUM OF TRANSMITTAL (MOT), FROM THE 78TH MP DET (CID), FORT RILEY, KS, OF AN INCIDENT INVOLVING DETAINEES ALLEGEDLY BEING MURDERED IN IRAQ.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) CONSPIRED TO MURDER, THEN SHOT AND KILLED A. HAMID, N. HAMID AND Z. HAMID, DETAINEES CAPTURED DURING OPERATION IRON TRIANGLE (OIT); AND MADE FALSE STATEMENTS CLAIMING (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) WERE ATTACKED AND THEN KILLED THE DETAINEES AS THEY FLED.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF MURDER WHEN HE SHOT AND KILLED ONE OF THE DETAINEES AFTER BEING INSTRUCTED BY (b)(6), (b)(7)(C) TO "PUT HIM (THE DETAINEE) OUT OF HIS MISERY".

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF INVOLUNTARY MANSLAUGHTER WHEN HE SHOT AND KILLED MR. KOMAR-ABDULAH, DURING THE INITIAL APPROACH TO THE RESIDENCE, WHO WAS NOT POSITIVELY IDENTIFIED (PID) OR A THREAT; AND FAILURE TO OBEY A GENERAL ORDER WHEN HE POSED FOR A PHOTOGRAPH OF THE REMAINS; AND FURTHER REMOVED A PISTOL FROM OBJECTIVE MURRAY AND FAILED TO TURN THE PISTOL IN AS EVIDENCE. THE PISTOL WHICH WAS LATER FOUND IN HIS PERSONAL BELONGINGS.



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(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF OBSTRUCTION OF JUSTICE, (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) COMMITTED THE OFFENSE WHEN THEY THREATENED MEMBERS OF THEIR SQUAD THAT THEY WOULD KILL THEM IF THEY DISCLOSED THE MURDERS; (b)(6), (b)(7)(C) ATTEMPTED TO CONCEAL VIDEO TAPES THAT INCRIMINATED HIS UNIT WHILE THEY WERE CONDUCTING CRIMINAL ACTIVITY.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF FALSE OFFICIAL STATEMENTS WHEN THEY PROVIDED STATEMENTS TO A 15-6 INQUIRY OFFICER AND TO CID WHICH THEY KNEW TO BE FALSE IN REGARDS TO THEIR ACTIONS AND OBSERVATIONS ON OBJECTIVE MURRAY AND DURING OIT.

(U) INVESTIGATION ESTABLISHED PROBABLE CAUSE TO BELIEVE (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF DERELICTION OF DUTY WHEN HE FAILED TO IMMEDIATELY INFORM HIS CHAIN OF COMMAND OR OTHER AUTHORITIES OF HIS KNOWLEDGE OF THE CONSPIRACY TO MURDER THE DETAINEES.

(U) INVESTIGATION FURTHER ESTABLISHED PROBABLE CAUSE TO BELIEVE COL (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF DERELICTION OF DUTY WHEN HE FAILED TO MAKE THE MANDATORY NOTIFICATION OF A POSSIBLE LOAC VIOLATION REGARDING THE DEATHS OF THE DETAINEES.

(U) INVESTIGATION ESTABLISHED INSUFFICIENT EVIDENCE TO PROVE OR DISPROVE COL (b)(6), (b)(7)(C) COMMITTED THE OFFENSE OF FALSE OFFICIAL STATEMENT WHEN HE PROVIDED SWORN TESTIMONY WHEREIN HE RELATED THE KILLINGS OF THE DETAINEES WERE IN ACCORDANCE WITH THE ROE; THEN LATER STATED THE KILLINGS WERE NOT IN ACCORDANCE WITH THE ROE.

(U) INVESTIGATION FURTHER ESTABLISHED COL (b)(6), (b)(7)(C) ORDER TO NOT REPORT THE DEATHS OF THE DETAINEES HAD THE ACTUAL EFFECT OF OBSTRUCTING JUSTICE BY DELAYING THE CID INTERVIEWS, CRIME SCENE EXAMINATION, AND FORENSIC EXAMINATION OF THE DETAINEES' REMAINS. BECAUSE THE ACTUAL OBSTRUCTION DID OCCUR THE OFFENSE IS NOT UNFOUNDED. COL (b)(6), (b)(7)(C) DENIED HE INTENDED TO IMPEDE A CRIMINAL INVESTIGATION AND INVESTIGATION ESTABLISHED INSUFFICIENT EVIDENCE TO ESTABLISH PROBABLE CAUSE.

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7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CRIMINAL INVESTIGATION COMMAND  
TIKRIT CID OFFICE, COB SPEICHER, APO AE 09393

20 DEC 06

(U) MEMORANDUM FOR: SEE DISTRIBUTION

(U) CID REPORT OF INVESTIGATION - FINAL /SSI - 0086-2006-CID469-75447 -  
5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 / 5Y2B9 / 5Y2D2 / 19G2A / 19G2F

(U) DATES/TIMES/LOCATIONS OF OCCURRENCES:

(U) 1. 09 MAY 2006, 0600 - 09 MAY 2006, 1200; ISLAND, NEAR ASR  
GOLDEN, MGRS 38S LC 8680 4450, SW OF BALAD, IRAQ

(U) 2. 10 MAY 2006, 0001 - 31 JUL 2006, 2359; VARIOUS LOCATIONS IN  
AND AROUND, SAMARA AND TIKRIT, IRAQ

(U) DATE/TIME REPORTED: 17 MAY 2006, 1345

(U) INVESTIGATED BY:

SA (b)(6), (b)(7)(C), (b)(7)(F)  
SA  
SA  
SA  
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SA

(U) SUBJECT:

(U) 1. (b)(6), (b)(7)(C) COL; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV  
(AASLT), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, (HOME STATION,  
FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT  
(INSUFFICIENT EVIDENCE)], [OBSTRUCTION OF JUSTICE (INSUFFICIENT  
EVIDENCE)], [DERELICTION OF DUTY]

~~SECRET//NOFORN~~

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.~~

(U) 2. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

(U) 3. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

(U) 4. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [INVOLUNTARY MANSLAUGHTER], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER]

(U) 5. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT]

(U) 6. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 7. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 8. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 9. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; BLACK; HNB, 3-320TH FA, 3RD BCT, 101ST

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ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION:  
FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 10. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT,  
101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 11. (b)(6), (b)(7)(C) PFC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST  
ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION: FT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 12. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD  
BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE  
09349, (HOME STATION, FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE  
STATEMENT]

(U) 13. (b)(6), (b)(7)(C) PVT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; HHB, 3-320TH FA, 3RD BCT,  
101<sup>ST</sup> ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 14. (b)(6), (b)(7)(C) SSG; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST  
ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION, FORT CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

(U) 15. (b)(6), (b)(7)(C) SGT; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV  
(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

(U) 16. (b)(6), (b)(7)(C) SPC; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST  
ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME  
STATION: FORT CAMPBELL, KY), IZ; CT; [OBSTRUCTION OF JUSTICE]

(U) VICTIM:

(U) 1. HAMID GUMAR, NAHAD YASIM (DECEASED); CIV; 1 JAN 1991;  
IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM ; [MURDER];

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ACLU DDII ROI 33814



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JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY  
AR 195-2, PARAGRAPH 4-3F

(U) 2. HAMID, ZYAD JASIM (DECEASED); CIV; 1 JAN 1992; IRAQ; MALE;  
WHITE; XZ; AKA: HASSAN-KOMAR, ZIAD JASIM; [MURDER]; JUVENILE -  
THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2,  
PARAGRAPH 4-3F

(U) 3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED) ; CIV; 1 JAN 1988;  
IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER]

(U) 4. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED) ; CIV; IRAQ; 1  
JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER]

(U) 5. U.S. GOVERNMENT; [MAKING A FALSE STATEMENT],  
[OBSTRUCTION OF JUSTICE], [CONSPIRACY], [FAIL TO OBEY GENERAL  
ORDER], [DERELICTION OF DUTY]

(U) INVESTIGATIVE SUMMARY:

(U) "This is an "Operation Iraqi Freedom" and "Detainee Abuse" Investigation"

(U) This office received a Memorandum of Transmittal (MOT), from the 78<sup>th</sup> MP DET  
(CID), Fort Riley, KS, of an incident involving detainees allegedly being murdered in  
Iraq.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) and  
(b)(6), (b)(7)(C) conspired to murder, then shot and killed A. HAMID, N. HAMID and Z.  
HAMID, detainees captured during Operation Iron Triangle (OIT); and made false  
statements claiming (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were attacked and then killed the  
detainees as they fled.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) committed the offense  
of Murder when he shot and killed one of the detainees after being instructed by  
(b)(6), (b)(7)(C) to "Put him (the detainee) out of his misery".

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) committed the  
offense of Involuntary Manslaughter when he shot and killed Mr. KOMAR-ABDULAH,  
during the initial approach to the residence, who was not positively identified (PID) or a  
threat; and Failure to Obey a General Order when he posed for a photograph of the  
remains; and further removed a pistol from Objective Murray and failed to turn the pistol  
in as evidence. The pistol which was later found in his personal belongings.

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ACLU DDH ROI 33815



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(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) committed the offense of Obstruction of Justice. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) committed the offense when they threatened members of their squad that they would kill them if they disclosed the murders: (b)(6), (b)(7)(C) attempted to conceal videotapes that incriminated his unit while they were conducting criminal activity.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) committed the offense of False Official Statements when they provided statements to a 15-6 inquiry officer and to CID which they knew to be false in regards to their actions and observations on Objective Murray and during OIT.

(U) Investigation established probable cause to believe (b)(6), (b)(7)(C) committed the offense of Dereliction of Duty when he failed to immediately inform his chain of command or other authorities of his knowledge of the conspiracy to Murder the detainees.

(U) Investigation further established probable cause to believe COL (b)(6), (b)(7)(C) committed the offense of Dereliction of Duty when he failed to make the mandatory notification of a possible LOAC violation regarding the deaths of the detainees.

(U) Investigation established insufficient evidence to prove or disprove COL (b)(6), (b)(7)(C) committed the offense of False Official Statement when he provided sworn testimony wherein he related the killings of the detainees were in accordance with the ROE; then later stated the killings were not in accordance with the ROE.

(U) Investigation further established COL (b)(6), (b)(7)(C) order to not report the deaths of the detainees had the actual effect of obstructing justice by delaying the CID interviews, crime scene examination, and forensic examination of the detainees' remains. Because the actual obstruction did occur the offense is not unfounded. COL (b)(6), (b)(7)(C) denied he intended to impede a criminal investigation and investigation established insufficient evidence to establish probable cause.

(U) STATUTES:

- (U) Article 118, UCMJ: Murder
- (U) Article 119, UCMJ: Involuntary Manslaughter
- (U) Article 134, UCMJ: Obstruction of Justice
- (U) Article 92, UCMJ: Dereliction of Duty
- (U) Article 81, UCMJ: Conspiracy
- (U) Article 107, UCMJ: Making False Statements
- (U) Article 92, UCMJ: Failure to Obey General Order

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ACLU DDH ROI 83816



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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328~~

## (U) EXHIBITS/SUBSTANTIATION:

## (U) ATTACHED:

(U) 1. Agent's Investigation Report (AIR) of SA **(b)(6), (b)(7)(C)** 78<sup>th</sup> Military Police Detachment, Fort Riley, KS 66442, 17 May 06, detailing the Basis for Investigation, interview of SFC **(b)(6), (b)(7)(C)** and coordination for transfer of responsibility.

(U) 2. Sworn Statement of SFC **(b)(6), (b)(7)(C)** 16 May 06, wherein he related he was informed by PFC **(b)(6), (b)(7)(C)** of murder allegations.

(U) 3. Printout of email traffic between SFC **(b)(6), (b)(7)(C)** and PFC **(b)(6), (b)(7)(C)** documenting the murder allegations.

(U) 4. AIR of SA **(b)(6), (b)(7)(C)** 19 Jun 06, detailing the receipts of the Commander's Inquiry, Article 15-6 Investigation, interviews of HHB, 3/320th FA personnel; interviews of C CO, 3/187th INF personnel; coordinations with SFC **(b)(6), (b)(7)(C)** PFC **(b)(6), (b)(7)(C)** Military Police; and collection of 15-6 documents.

(U) 5. Statement and Sketch of PFC **(b)(6), (b)(7)(C)** 22 May 06, wherein he related he witnessed two bodies with gun shot wounds dropped at a collection point.

(U) 6. Sworn Statement of PFC **(b)(6), (b)(7)(C)** 28 May 06, wherein he related he processed 5 dead bodies while at the collection point, and there was no evidence of blind folds or zip ties present.

(U) 7. Sworn Statement of SSG **(b)(6), (b)(7)(C)** 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 8. Sworn Statement of SPC **(b)(6), (b)(7)(C)** 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 9. Sworn Statement of PFC **(b)(6), (b)(7)(C)** 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 10. Sworn Statement of SGT **(b)(6), (b)(7)(C)** 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 11. Sworn Statement of SPC **(b)(6), (b)(7)(C)** 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.~~

(U) 12. Sworn Statement of SPC (b)(6), (b)(7)(C) 28 May 06, wherein he related he escorted the deceased to FOB Brassfield-Mora and assisted in the processing of the remains.

(U) 13. Appointment Orders of (b)(6), (b)(7)(C) 11 May 06.

(U) 14. Commander's Inquiry of CPT (b)(6), (b)(7)(C) 11 May 06, in which he concluded the Soldier's acted within the ROE when responding to the attacks by the AIF personnel. They observed a hostile act and reacted with deadly force, killing the AIF and recommended no further action.

(U) 15. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 16. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he related while he and (b)(6), (b)(7)(C) were changing out the flexi cuffs when he was struck in the head and (b)(6), (b)(7)(C) was cut by the detainees in which they engaged the fleeing detainees and eliminated the threat

(U) 17. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 18. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 19. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he observed the three detainees running and stated he was informed by (b)(6), (b)(7)(C) they were attacked by the detainees and they responded with deadly force.

(U) 20. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6), (b)(7)(C) that he and (b)(6), (b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U) 21. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of

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what took place on Objective Murray during OIT and stated he was informed by (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U)22. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he it was clear (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were engaged with hostile intent and had no choice but to use deadly force.

(U)23. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U)24. Sworn Statement of (b)(6), (b)(7)(C) 11 May 06, wherein he detailed his account of what took place on Objective Murray during OIT and stated he was informed by (b)(6), (b)(7)(C) that he and (b)(6), (b)(7)(C) were attacked by the detainees and they responded with deadly force.

(U)25. Sworn Statement of (b)(6), (b)(7)(C) 12 May 06, wherein he related he provided the evidence along with the orange handle knife to a MSG at the holding area.

(U)26. Sworn Statement of (b)(6), (b)(7)(C) 12 May 06, wherein he related he was provided the evidence along with the knife by (b)(6), (b)(7)(C) and he placed the items in a bag and provided the bag to (b)(6), (b)(7)(C)

(U) 27. Rights Waiver Certificate and Sworn Statement of (b)(6), (b)(7)(C) 21 May 06, wherein he related while he and (b)(6), (b)(7)(C) were changing out the flexi cuffs and they were attacked by the detainees who attempted to flee and they engaged them with their weapons.

(U)28. Rights Waiver Certificate and Sworn Statement of (b)(6), (b)(7)(C) 21 May 06, wherein he related he thought the detainees were running towards the berm and thought they were going to get something to fight us with so he shot them.

(U)29. Sworn transcribed interview of MAJ (b)(6), (b)(7)(C) 28 May 06, wherein he related he was the appointed 15-6 investigating officer for the deaths of the detainees.

~~(SECRET/NOFORN)~~

(U)30. Sworn transcribed interview of SPC (b)(6), (b)(7)(C) 28 May 06, wherein he related the body bags were open and photographs were exposed of the deceased.

(U)31. Sworn transcribed interview of 1LT (b)(6), (b)(7)(C) 28 May 06, wherein he related he had minimal exposure to the remains or any activity concerning the remains.

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(U) 32. Sworn transcribed interview of PFC (b)(6), (b)(7)(C) 28 May 06, wherein he related he had minimal exposure to the remains and was primarily tasked with treating detainees for heat related injuries.

(U) 33. Sworn transcribed interview of SFC (b)(6), (b)(7)(C) 28 May 06, wherein he related he did not witness any photographs being exposed.

(U) 34. Sworn transcribed interview of 1SG (b)(6), (b)(7)(C) 28 May 06, wherein he related he observed an older killed in action (KIA) arrive at the collection point followed by two younger KIAs later; however, did not see any zipties, blindfolds, or photographs being exposed.

(U) 35. Sworn transcribed interview of SGT (b)(6), (b)(7)(C) 28 May 06, wherein he related the no one exposed photographs of the deceased or opened any body bags.

(U) 36. Sworn transcribed interview of CSM (b)(6), (b)(7)(C) 28 May 06, wherein he related the body bags were opened and photographs were exposed.

(U) 37. Sworn transcribed statement of LTC (b)(6), (b)(7)(C) 28 May 06, wherein he denied making comments in regards to the shooting of dogs and Iraqis. Sworn transcribed statement of PFC (b)(6), (b)(7)(C) 28 May 06, wherein he reiterated his previous statement.

(U) 38. Sworn transcribed statement of PFC (b)(6), (b)(7)(C) 28 May 06, where he maintained the veracity of his prior statement.

(U) 39. Sworn transcribed interview of MAJ (b)(6), (b)(7)(C) 29 May 06, wherein he related he heard the detainees were blindfolded and had zip ties on their wrists, and that the blindfolds had been moved for photographs.

(U) 40. Sworn transcribed interview of TSGT (b)(6), (b)(7)(C) 29 May 06, wherein he related he witnessed COL (b)(6), (b)(7)(C) remove the blindfolds of the deceased detainees with a knife prior to photographs being taken.

(U) 41. Sworn transcribed interview of MAJ (b)(6), (b)(7)(C) 29 May 06, wherein he related he saw the deceased and assisted in photographing them; however, denied any knowledge of inappropriate comments or photographs. (SECRET/NOFORN)

(U) 42. Sworn transcribed interview of CW3 (b)(6), (b)(7)(C) 29 May 06, wherein he related he witnessed the bodies with blindfolds covering their eyes and had seen COL (b)(6), (b)(7)(C) cut away a blindfold with his knife.

(U) 43. Sworn transcribed interview of PFC (b)(6), (b)(7)(C) 29 May 06, wherein he related

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he observed the remains of an old man in a body bag at the rally point.

(U) 44. Sworn transcribed interview of CPT (b)(6), (b)(7)(C) 29 May 06, wherein he related he and members of the Brigade Staff along with RAK 6 arrived on the Euro bird and viewed the remains of 3 deceased Iraqi males.

(U) 45. Sworn transcribed interview of MAJ (b)(6), (b)(7)(C) 29 May 06, wherein he detailed his account of OIT and his discussion with COL (b)(6), (b)(7)(C) in regards to reporting the LOAC violation. (SECRET/NOFORN)

(U) 46. Sworn transcribed interview of MAJ (b)(6), (b)(7)(C) 29 May 06, wherein he detailed his of OIT and his knowledge of the remains.

(U) 47. Sworn transcribed interview of CPT (b)(6), (b)(7)(C) 29 May 06, wherein he related and he account of OIT and his finding in regards to his command inquiry. (SECRET/NOFORN)

(U) 48. Sworn Statement of PFC (b)(6), (b)(7)(C) 29 May 06, wherein he related he did not witness the shooting of the three detainees.

(U) 49. Sworn Statement of SGT (b)(6), (b)(7)(C) 29 May 06, wherein he related his actions on Objective Murray and his orders were to kill any military-aged males (MAMs).

(U) 50. Sworn Statement of 1LT (b)(6), (b)(7)(C) 29 May 06, wherein he related his platoon's actions on Objective Murray, and that COL (b)(6), (b)(7)(C) had briefed his company to kill all Military Age Males (MAMs)

(U) 51. Sworn Statement of SGT (b)(6), (b)(7)(C) 29 May 06, wherein he related he was not present when the detainees were shot; however, saw them run and fall down.

(U) 52. Sworn Statement of SPC (b)(6), (b)(7)(C) 29 May 06, wherein he related he did not witness the detainees get shot; however, was informed later that it was in self-defense

(U) 53. Sworn Statement and Sketch of SPC (b)(6), (b)(7)(C) 29 May 06, wherein he related his squad opened fire at the man in the window and he was informed by SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) that they had been attacked and then killed three detainees.

(U) 54. Rights Waiver Certificate and Sworn Statement of SSG (b)(6), (b)(7)(C) 29 May 06, wherein he related he was ordered to shoot all MAMs on site and that he did not witness the killing of the three detainees.

(U) 55. Rights Waiver Certificate, Sworn Statement and Sketches of SPC

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(b)(6), (b)(7)(C) 29 May 06, wherein he related he was ordered to eliminate all MAMs on the objective and that himself and PFC (b)(6), (b)(7)(C) were attacked by the detainees and subsequently shot and killed them.

(U) 56. Consent to Search of SPC (b)(6), (b)(7)(C) 30 May 06, authorizing collection of his DNA.

(U) 57. Rights Waiver Certificate, Sworn Statement and Sketch of PFC (b)(6), (b)(7)(C) 29 May 06, wherein he related he was ordered to kill all MAMs and he and SPC (b)(6), (b)(7)(C) were attacked by the detainees, who were then shot and killed by SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C)

(U) 58. Sworn Statement and Sketches of CPL (b)(6), (b)(7)(C) 29 May 06, wherein he related he witnessed SSG (b)(6), (b)(7)(C) kill the man in the window and later he witnessed the three detainees fall to the ground after hearing M249 fire.

(U) 59. Sworn Statement of SPC (b)(6), (b)(7)(C) 29 May 06, wherein he related he attempted medical aid to the three detainees.

(U) 60. Sworn Statement of SFC (b)(6), (b)(7)(C) 31 May 06, wherein he related he exposed photographs of the remains.

(U) 61. Sworn Statement of PFC (b)(6), (b)(7)(C) 31 May 06, wherein she related she viewed one of the deceased and that there was one zip tie on the wrist.

(U) 62. Sworn Statement of MAJ (b)(6), (b)(7)(C) 31 May 06, wherein he related he observed multiple gun shot wounds to the 4 deceased, along with blind folds and zip ties on one wrist.

(U) 63. Treatment Records of (b)(6), (b)(7)(C) 13 May 06.

(U) 64. Sworn Statement of 2LT (b)(6), (b)(7)(C) 31 May 06, wherein he related he had possession of the knife used to cut SPC (b)(6), (b)(7)(C) and it was handed to SPC (b)(6), (b)(7)(C)

(U) 65. Sworn Statement of SPC (b)(6), (b)(7)(C) 31 May 06, wherein he related he carried a bag containing the knife used to cut SPC (b)(6), (b)(7)(C) to the Tactical Operations Center.

(U) 66. Statement of Mr. (b)(6), (b)(7)(C) 31 May 06, wherein he related he was an interpreter for 2LT (b)(6), (b)(7)(C) during the mission and did not witness the shootings.

(U) 67. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jun 06, wherein he related he took

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photographs as the Combat Camera during the entire Operation Iron Triangle mission.

(U) 68. Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 2 Jun 06, authorizing the seizure of SGT (b)(6), (b)(7)(C) personal camera.

(U) 69. Sworn transcribed interview of COL (b)(6), (b)(7)(C) 3 Jun 06, wherein he detailed the planning and conduct of Operation Iron Triangle, the Rules of Engagement set forth; and denied posing for “hero” shots, or making any inappropriate comments.

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(U) 70. Rights Waiver Certificate and Sworn Statement of SGT (b)(6), (b)(7)(C) 9 Jun 06, wherein he admitted to providing a false testimony; and had seen photographs exposed of the remains.

(U) 71. Rights Waiver Certificate and Sworn Statement of PFC (b)(6), (b)(7)(C) 9 Jun 06, wherein he related he was unsure if the deceased had zip ties on their wrists.

(U) 72. Rights Waiver Certificate and Sworn Statement of PFC (b)(6), (b)(7)(C) 3 Jun 06, wherein he stated he witnessed COL (b)(6), (b)(7)(C) put his foot on one of the dead Iraqi’s head and cut a blind fold off one of one.

(U) 73. Sworn Statement of CPT (b)(6), (b)(7)(C) 13 Jun 06, wherein he detailed his actions on Operation Iron Triangle and provided examples of incidents that occurred that were inconsistent with normal procedure.

(U) 74. Sworn Statement of SGT (b)(6), (b)(7)(C) 14 Jun 06, wherein he related he was informed by SGT (b)(6), (b)(7)(C) of the conspiracy to murder the three detainees.

(U) 75. Sworn Statement of SGT (b)(6), (b)(7)(C) 14 Jun 06, wherein he related he was informed by PFC (b)(6), (b)(7)(C) that SSG (b)(6), (b)(7)(C) punched (b)(6), (b)(7)(C) and told him to say it was the detainee who had hit him.

(U) 76. Sworn Statement of 1SG (b)(6), (b)(7)(C) 14 Jun 06, wherein he detailed his involvement in Operation Iron Triangle.

(U) 77. Sworn Statement of SSG (b)(6), (b)(7)(C) 14 Jun 06, wherein he related SGT (b)(6), (b)(7)(C) informed him of his knowledge of the conspiracy and SGT (b)(6), (b)(7)(C) later informed him that PFC (b)(6), (b)(7)(C) confessed he was punched by SSG (b)(6), (b)(7)(C)

(U) 78. Rights Waiver Certificate of SSG (b)(6), (b)(7)(C) 15 Jun 06.

(U) 79. Rights Waiver Certificate of SPC (b)(6), (b)(7)(C) 15 Jun 06.

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(U) 80. Rights Waiver Certificate and Sworn Statement of SGT (b)(6), (b)(7)(C) 15 Jun 06, wherein he admitted to being present during the conception of the conspiracy, failing to report the offense and providing false information in his previous statement.

(U) 81. Rights Waiver Certificate, Sworn Statement and Sketch of SPC (b)(6), (b)(7)(C) 15 Jun 06, wherein he admitted to shooting a wounded detainee and killing him, and he was present for the initial conspiracy, and heard SSG (b)(6), (b)(7)(C) make threatening comments.

(U) 82. Sworn Statement of SPC (b)(6), (b)(7)(C) 15 Jun 06, wherein he related SGT (b)(6), (b)(7)(C) told him of the conspiracy to murder the detainees.

(U) 83. Sworn Statement of PFC (b)(6), (b)(7)(C) 15 Jun 06, wherein he related he was present for the conspiracy, but took no part in it, and had been threatened by PFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

(U) 84. Sworn Statement of SFC (b)(6), (b)(7)(C) 15 Jun 06, wherein he related he supervised SSG (b)(6), (b)(7)(C) pack his bags prior to being escorted to CID and heard him state he was going to prison.

(U) 85. Sworn Statement of 1SG (b)(6), (b)(7)(C) 15 Jun 06, wherein he related he advised SGT (b)(6), (b)(7)(C) to contact Trial Defense Services and made comments over the radio after hearing of the capture of the detainees.

(U) 86. Rights Waiver Certificate and Sworn Statement of 1LT (b)(6), (b)(7)(C) 16 Jun 06, wherein he related he learned of the conspiracy on 13 Jun 06 by SGT (b)(6), (b)(7)(C) and had no previous knowledge of it.

(U) 87. Sworn Statement of SGT (b)(6), (b)(7)(C) 16 Jun 06, wherein he related he did not hear any shots after the initial shooting of the detainees and had no knowledge of the conspiracy.

(U) 88. Sworn Statement of SSG (b)(6), (b)(7)(C) 16 Jun 06, wherein he related SSG (b)(6), (b)(7)(C) requested information pertaining to the investigation.

(U) 89. Sworn Statement and Sketch of CPL (b)(6), (b)(7)(C) 16 Jun 06, wherein he related he heard gun fire and saw the three detainees drop to the ground and later heard a single gun shot when standing near the bodies.

(U) 90. Sworn Statement of SPC (b)(6), (b)(7)(C) 16 Jun 06, wherein he related he had no knowledge of the conspiracy to murder the detainees.

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(U) 91. Rights Waiver Certificate of SPC (b)(6), (b)(7)(C) 16 Jun 06

(U) 92. Sworn Statement and Sketch of SGT (b)(6), (b)(7)(C) 16 Jun 06, wherein he related he did not hear any shots, and had no memory of his actions after the initial shooting of the detainees.

(U) 93. Sworn Statement of SGT (b)(6), (b)(7)(C) 16 Jun 06, wherein he related SPC (b)(6), (b)(7)(C) approached him requesting him hide something that involved the ongoing investigation.

(U) 94. Sworn Statement of SSG (b)(6), (b)(7)(C) 16 Jun 06, wherein he related he had no knowledge of the conspiracy to murder detainees.

(U) 95. Rights Waiver Certificate and Sworn Statement of SPC (b)(6), (b)(7)(C) 16 Jun 06, wherein he admitted he did not include information pertaining to SPC (b)(6), (b)(7)(C) killing a detainee or to his knowledge of the conspiracy in his previous statement.

(U) 96. Sworn Statement of SPC (b)(6), (b)(7)(C) 16 Jun 06, wherein he related SPC (b)(6), (b)(7)(C) informed him he killed one of the detainees and of the conspiracy to murder the detainees.

(U) 97. Sworn Statement of SPC (b)(6), (b)(7)(C) 16 Jun 06, wherein he related SPC (b)(6), (b)(7)(C) informed him he killed one of the detainees and of the conspiracy to murder the detainees.

(U) 98. Sworn Statement of 1LT (b)(6), (b)(7)(C) 17 Jun 06, wherein he admitted to informing SPC (b)(6), (b)(7)(C) of aspects of the investigation against a previous order not to discuss the investigation.

(U) 99. Rights Non-Waiver Certificate of SGT (b)(6), (b)(7)(C) 17 Jun 06.

(U) 100. Sworn Statement of PFC (b)(6), (b)(7)(C) 17 Jun 06, wherein he related he was informed of the conspiracy to murder the detainees by PFC (b)(6), (b)(7)(C)

(U) 101. Sworn Statement of SGT (b)(6), (b)(7)(C) 17 Jun 06, wherein he reiterated his previous statement.

(U) 102. Sworn Statement of SFC (b)(6), (b)(7)(C) 17 Jun 06, wherein he related he supervised PFC (b)(6), (b)(7)(C) pack his bags prior to being escorted to CID and heard him ask for his Squad Leader and request if he was being awoken to go to CID.

(U) 103. Sworn Statement of 1SG (b)(6), (b)(7)(C) 17 Jun 06, wherein he related the Rules of Engagement. (SECRET/NOFORN)

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(U) 104. Sworn Statement of SSG (b)(6), (b)(7)(C) 17 Jun 06, wherein he related he had no knowledge of the conspiracy to murder the detainees.

(U) 105. (1-2) Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 18 Jun 06, authorizing the search and seizure of electronic media held by SPC (b)(6), (b)(7)(C)

(U) 106. Sworn Statement of SSG (b)(6), (b)(7)(C) 18 Jun 06, wherein he related he heard of the conspiracy from a group of Non-Commissioned Officers.

(U) 107. Rights Waiver Certificate and Sworn Statement of SSG (b)(6), (b)(7)(C) 19 Jun 06, wherein he related he heard the detainee shootings were staged while conversing with other soldiers.

(U) 108. Consent to Search of PFC (b)(6), (b)(7)(C) 19 Jun 06, authorizing the search of his personal laptop computer.

(U) 109. Sworn Statement of PFC (b)(6), (b)(7)(C) 19 Jun 06, wherein he provided information concerning the video tapes seized from SPC (b)(6), (b)(7)(C)

(U) 110. Sworn Statement of SSG (b)(6), (b)(7)(C) 19 Jun 06, wherein he related he conducted the inventory of SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) personal and military effects and did not witness SPC (b)(6), (b)(7)(C) take any items.

(U) 111. Sworn Statement of SGT (b)(6), (b)(7)(C) 19 Jun 06, wherein he related he had no knowledge of the conspiracy or death of the detainees.

(U) 112. Rights Waiver Certificate and Sworn Statement of SGT (b)(6), (b)(7)(C) 19 Jun 06, wherein he related SPC (b)(6), (b)(7)(C) told him he shot the wounded detainee, but had no knowledge of the conspiracy.

(U) 113. Sworn Statement of 1LT (b)(6), (b)(7)(C) 19 Jun 06, wherein he related he discussed Operation Iron Triangle with SSG (b)(6), (b)(7)(C)

(U) 114. Sworn Statement of SFC (b)(6), (b)(7)(C) 19 Jun 06, wherein he related his platoon's actions on Operation Iron Triangle.

(U) 115. Sworn Statement of CPL (b)(6), (b)(7)(C) 19 Jun 06, wherein he related he had no knowledge of the conspiracy to kill three detainees.

(U) 116. Sworn Statement of SPC (b)(6), (b)(7)(C) 19 Jun 06, wherein he related he had no knowledge of the conspiracy to kill three detainees.

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(U) 117. AIR of SA (b)(6), (b)(7)(C) 6435, Arifjan CID Office, 21 Jun 06, detailing the Basis For Investigation, coordination with Theater Field Detention Facility (TFDF), SJA, interview of (b)(6), (b)(7)(C) and collection of evidence.

(U) 118. Consent to Search of SPC (b)(6), (b)(7)(C) 20 Jun 06, authorizing CID to obtain his personal items retained by TFDF.

(U) 119. Sworn Statement of MACS (b)(6), (b)(7)(C) 21 Jun 06, detailing his interaction with (b)(6), (b)(7)(C) during processing and the discovery of the shell casing in his belongings.

(U) 120. Rights Waiver Certificate of SPC (b)(6), (b)(7)(C) 21 Jun 06.

(U) 121. Sworn Statement of MAC (b)(6), (b)(7)(C) 21 Jun 06, wherein he detailed his observation of (b)(6), (b)(7)(C) interview by (b)(6), (b)(7)(C)

(U) 122. AIR of SA (b)(6), (b)(7)(C) 19 Jul 06, detailing significant interviews, coordinations with the BN CDR, Combat Stress Control, receipt of the packing list and MySpace.com.

(U) 123. Rights Waiver Certificate, Sworn Statement and (1-3) Photographic Identification of SPC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he told two members of his unit that he shot and killed a detainee and detailed which detainee he shot.

(U) 124. Sworn Statement of SPC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees and had assisted in the inventory of PFC (b)(6), (b)(7)(C) effects.

(U) 125. Sworn Statement of SSG (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees and had viewed PFC (b)(6), (b)(7)(C) pack his gear prior to being escorted to CID.

(U) 126. Sworn Statement of PFC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 127. Sworn Statement of PFC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees and PFC (b)(6), (b)(7)(C) told him rumors were being spread.

(U) 128. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he assisted in packing PFC (b)(6), (b)(7)(C) belongings and confiscated a knife which he gave to SSG (b)(6), (b)(7)(C)

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(U) 129. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 130. Sworn Statement of PFC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 131. Sworn Statement of PFC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 132. Sworn Statement of SPC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 133. Sworn Statement of SPC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related the only information he had heard originated from the media.

(U) 134. Sworn Statement of PFC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 135. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 136. Sworn Statement of PFC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 137. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 138. Sworn Statement of SPC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 139. Sworn Statement of SPC (b)(6), (b)(7)(C) 20 Jun 06, wherein he related SPC (b)(6), (b)(7)(C) told him he had shot and killed one of the detainees.

(U) 140. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 141. Sworn Statement of SGT (b)(6), (b)(7)(C) 20 Jun 06, wherein he related his actions during Operation Iron Triangle, and that he had seen video footage of the three dead detainees from SSG (b)(6), (b)(7)(C)

(U) 142. (1-3) Packing List of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) 18 Jun 06, prepared by SSG (b)(6), (b)(7)(C)

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(U) 143. Rights Waiver Certificate and Sworn Statement of SGT (b)(6), (b)(7)(C) 21 Jun 06, wherein he related SPC (b)(6), (b)(7)(C) told him he shot the detainee; however denied having any further knowledge of the incident.

(U) 144. Sworn Statement of SSG (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 145. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 146. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 147. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 148. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 149. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 150. Sworn Statement of PFC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 151. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 152. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 153. Sworn Statement of SGT (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 154. Sworn Statement of PFC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 155. Sworn Statement of PFC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no direct knowledge of the conspiracy but related PFC (b)(6), (b)(7)(C) had told him he felt messed up for shooting the detainees.

(U) 156. Sworn Statement of PFC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related PFC

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(b)(6), (b)(7)(C) had told him he was attacked by the detainees.

(U) 157. Sworn Statement of SGT (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 158. Sworn Statement of PFC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 159. Sworn Statement of SPC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he heard the radio transmissions of capturing detainees, and then later a separate transmission of stating they had KIAs.

(U) 160. Sworn Statement of PFC (b)(6), (b)(7)(C) 21 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 161. (1-3) Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 21 Jun 06, authorizing the search of SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) personal effects for any electronic media concerning Operation Iron Triangle.

(U) 162. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 163. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he and (b)(6), (b)(7)(C) had a conversation wherein (b)(6), (b)(7)(C) related they were attacked by the detainees.

(U) 164. Sworn Statement of SSG (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 165. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 166. Sworn Statement of PFC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 167. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 168. Sworn Statement of SGT (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 169. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no

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knowledge of the conspiracy to kill the detainees.

(U) 170. Sworn Statement of SGT (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 171. Sworn Statement of MSG (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he did not remember any conversations regarding evidence while on Operation Iron Triangle and did not see an orange handled knife.

(U) 172. Sworn Statement of SFC (b)(6), (b)(7)(C) 22 Jun 06, wherein he related he never saw an orange handled knife after inventorying the evidence a number of times.

(U) 173. Sworn Statement of CPT (b)(6), (b)(7)(C) 22 Jun 06, wherein he related after completing his commander's inquiry he felt no action should be taken upon his soldiers; and the first KIA was within the ROE.

(U) 174. Sworn Statement of SSG (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 175. Photographic lineup, 23 Jun 06, wherein SPC (b)(6), (b)(7)(C) failed to identify the individual he coordinated with to place evidence into the Tactical Operation Center.

(U) 176. Sworn Statement of SPC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 177. Sworn Statement of SGT (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 178. Sworn Statement of CPL (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 179. Sworn Statement of SPC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 180. Sworn Statement of SPC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 181. Sworn Statement of SPC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 182. Sworn Statement of SGT (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

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(U) 183. Sworn Statement of SPC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 184. Sworn Statement of PFC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related PFC (b)(6), (b)(7)(C) informed him the detainees were slicing at SPC (b)(6), (b)(7)(C) so he shot them.

(U) 185. Sworn Statement of SGT (b)(6), (b)(7)(C) 23 Jun 06, wherein he related the chain of custody of property belonging to SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) which he had escorted to the CID office.

(U) 186. Rights Waiver Certificate, Sworn Statement, Sketches and Photographic images of SPC (b)(6), (b)(7)(C) 23 Jun 06, wherein he related he heard two shots after checking on the detainees and had suspicion of the marks on (b)(6), (b)(7)(C) face and identified his actions on Objective Murray and identified which detainees were dead upon his assessment.

(U) 187. Sworn Statement, Photographic images and Sketches of PFC (b)(6), (b)(7)(C) 23 Jun 06, wherein he detailed information pertaining to the threats made against him and wherein he identified locations of soldiers throughout Objective Murray.

(U) 188. (1-3) DA Form 4856s of PFC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) which referenced Operation Iron Triangle.

(U) 189. Photographic lineup, 25 Jun 06, wherein SPC (b)(6), (b)(7)(C) failed to identify the individual he coordinated with to place evidence into the Tactical Operation Center.

(U) 190. Request for Private Medical Information of (b)(6), (b)(7)(C) 27 Jun 06.

(U) 191. Sworn Statement of SFC (b)(6), (b)(7)(C) 27 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 192. Sworn Statement of PFC (b)(6), (b)(7)(C) 27 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees

(U) 193. Sworn Statement of SPC (b)(6), (b)(7)(C) 27 Jun 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 194. Sworn Statement of PFC (b)(6), (b)(7)(C) and Photographic Image of (b)(6), (b)(7)(C) 28 Jun 06, wherein she related she heard SPC (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) make comments related to going to jail and the entire chain of command would be involved.

(U) 195. Preservation Request letter, 1 Jul 06, requesting Myspace.com preserve

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account information.

(U) 196. Sworn Statement of 1LT (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 197. Sworn Statement of SGT (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 198. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 199. Sworn Statement SGT (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 200. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 201. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 202. Sworn Statement of SSG (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 203. Sworn Statement of SSG (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 204. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 205. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 206. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 207. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jul 06, 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 208. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 209. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

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(U) 210. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 211. Sworn Statement of SSG (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 212. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 213. Sworn Statement of CPL (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 214. Sworn Statement of PFC (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 215. Sworn Statement of PV2 (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 216. Sworn Statement of CPL (b)(6), (b)(7)(C) 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 217. Sworn Statement of SPC (b)(6), (b)(7)(C) 1 Jul 06, 1 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 218. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 219. Sworn Statement of SSG (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 220. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 221. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 222. Sworn Statement of SGT (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 223. Sworn Statement of SGT (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

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(U) 224. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 225. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 226. Sworn Statement of SGT (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 227. Sworn Statement of SSG (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he believed the detainees were murdered, and the soldiers involved were lying, due to the training they had received prior to the incident.

(U) 228. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related PFC (b)(6), (b)(7)(C) told him he was messed up in the head from killing three people.

(U) 229. Sworn Statement of 1LT (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he processed the remains.

(U) 230. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 231. Sworn Statement of SSG (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 232. Sworn Statement of SPC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 233. Sworn Statement of PFC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related he had no knowledge of the conspiracy to kill the detainees.

(U) 234. Sworn Statement of PFC (b)(6), (b)(7)(C) 3 Jul 06, wherein he related that during a separate objective on Operation Iron Triangle, a vehicle approached his squad, which then open fired and killed a man that had exited.

(U) 235. Sworn Statement of (b)(6), (b)(7)(C) 4 Jul 06, wherein he related he was not on Objective Murray but was a part of Iron Triangle.

(U) 236. DA Form 4254, Request for Private Medical Information, 5 Jul 06, requesting the mental health records of SPC (b)(6), (b)(7)(C)

(U) 237. Sworn Statement of PFC (b)(6), (b)(7)(C) 5 Jul 06, wherein she related her previous

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statement was incorrect, and the individual she identified as (b)(6), (b)(7)(C) was actually (b)(6), (b)(7)(C)

(U) 238. Sworn Statement of SGT (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 239. Sworn Statement of MAJ (b)(6), (b)(7)(C) 6 Jul 06, wherein he ordered numerous searches for the knife which produced no results.

(U) 240. Sworn Statement of SFC (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 241. Sworn Statement of CPT (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he was the S2 officer during OIT.

(U) 242. Sworn Statement of SPC (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 243. Sworn Statement of Mr. (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he was at the TOC during OIT where he assisted with interviews and did not handle the knife.

(U) 244. Sworn Statement of SGT (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he was not allowed to process evidence and never saw an orange handled knife on Operation Iron Triangle.

(U) 245. Sworn Statement of CPT (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 246. Sworn Statement of PFC (b)(6), (b)(7)(C) 6 Jul 06, wherein he related he never saw an orange handled knife on Operation Iron Triangle.

(U) 247. Sworn Statement of SPC (b)(6), (b)(7)(C) 6 Jul 06, wherein she related she had no knowledge of the missing knife.

(U) 248. Sworn Statement of SPC (b)(6), (b)(7)(C) 12 Jul 06, wherein he related he witnessed SSG (b)(6), (b)(7)(C) with a pistol while at FOB Remagen after Operation Iron Triangle.

(U) 249. Sworn Statement of 1LT (b)(6), (b)(7)(C) 12 Jul 06, wherein he related the chain of custody of the pistol found in SSG (b)(6), (b)(7)(C) possession.

(U) 250. Sworn Statement of SSG (b)(6), (b)(7)(C) 12 Jul 06, wherein he related the chain of custody of the pistol found in SSG (b)(6), (b)(7)(C) possession.

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- (U) 251. Sworn Statement of SPC (b)(6), (b)(7)(C) 13 Jul 06, wherein he related his knowledge of the pistol found in SSG (b)(6), (b)(7)(C) possession.
- (U) 252. Sworn Statement, Sketch and Photographic images of 13 Jul 06, wherein SPC (b)(6), (b)(7)(C) identified the pistol collected from SSG (b)(6), (b)(7)(C) possession as the same pistol he saw on Operation Iron Triangle.
- (U) 253. Sworn Statement of PFC (b)(6), (b)(7)(C) 15 Jul 06, wherein he related SSG (b)(6), (b)(7)(C) showed him the pistol that was found on Operation Iron Triangle and stated it was a throw down weapon.
- (U) 254. Sworn Statement of SGT (b)(6), (b)(7)(C) 16 Jul 06, wherein he related he witnessed SSG (b)(6), (b)(7)(C) with a pistol after leaving Objective Murray.
- (U) 255. Rights Waiver Certificate and Statement of SPC (b)(6), (b)(7)(C) 16 Jul 06, wherein he denied any knowledge of the conspiracy to kill the detainees, and his knowledge of the origin of the video tapes collected from his gear.
- (U) 256. English language translation of Iraqi Police Log, 17 Jul 06, translated by Mr. (b)(6), (b)(7)(C)
- (U) 257. Copy of Iraqi Police Log, 17 Jul 06.
- (U) 258. Sworn Statement (b)(6), (b)(7)(C) 19 Jul 06, wherein he related he was on Objective Murray but did not witness the shooting.
- (U) 259. Photographic images, 19 Jul 06, wherein SPC (b)(6), (b)(7)(C) identified the pistol collected as evidence from SSG (b)(6), (b)(7)(C) possession, as the pistol found on Objective Murray.
- (U) 260. Crime Scene AIR of SA (b)(6), (b)(7)(C) 1 Jul 06.
- (U) 261. (1-3) Crime Scene Sketches
- (U) 262. Photographic Packet, 21 Jul 06, (crime scene) containing photographs 1-26.
- (U) 263. AIR of SA (b)(6), (b)(7)(C), (b)(7)(F) Arifjan CID Office, 5 Aug 06, detailing the Basis for Investigation and coordinations with Theater Field Detention Facility (TFDF).
- (U) 264. Prisoner's Personal Property List of SPC (b)(6), (b)(7)(C) 20 Jun 06, detailing his personal property collected during in processing at TFDF.

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(U) 265. AIR of SA **(b)(6),(b)(7)(C),(b)(7)(F)** Fort Irwin Resident Agency, 14 Aug 06, detailing his coordinations with the Special Assistant United States Attorney (SUASA).

(U) 266. (1-7) Affidavit for Warrant and Warrant on Written Affidavit for Authorization, 10 Ag 06, authorizing the Search and Seizure or Apprehension of the contents of wire and electronic communications of the My Space accounts of 1LT **(b)(6), (b)(7)(C)**, SSG **(b)(6), (b)(7)(C)**, SGT **(b)(6), (b)(7)(C)**, SPC **(b)(6), (b)(7)(C)**, SPC **(b)(6), (b)(7)(C)**, PFC **(b)(6), (b)(7)(C)** and PFC **(b)(6), (b)(7)(C)**

(U) 267. AIR of SA **(b)(6),(b)(7)(C),(b)(7)(F)** Fort Irwin Residency Agency, 23 Aug 06, detailing the receipt of the My Space Compact Disc.

(U) 268. My Space CD, 23 Aug 06, containing the account information of 1LT **(b)(6), (b)(7)(C)**, SSG **(b)(6), (b)(7)(C)**, SGT **(b)(6), (b)(7)(C)**, SPC **(b)(6), (b)(7)(C)**, SPC **(b)(6), (b)(7)(C)**, PFC **(b)(6), (b)(7)(C)** and PFC **(b)(6), (b)(7)(C)**

(U) 269. AIR of SA **(b)(6), (b)(7)(C)** 17 Sep 06, detailing the Basis for Investigation, coordinations with TFDF and the conducting of canvass interviews.

(U) 270. Canvass Interview Worksheets, 13 – 17 Sep 06, detailing the interviews of TFDF personnel.

(U) 271. AIR of SA **(b)(6),(b)(7)(C),(b)(7)(F)** Arifjan CID Office, detailing the receipt of the TFDF inmate roster, coordinations with TDS and interview of PVT **(b)(6), (b)(7)(C)**

(U) 272. TFDF Inmate Roster, 8 Aug – 3 Sep 06.

(U) 273. AIR of SA **(b)(6), (b)(7)(C)** 30 Sep 06, detailing collection of evidence, significant interviews and coordinations with SJA and TDS.

(U) 274. (1-3) Photograph packet of the detainees reviewed by CPT **(b)(6), (b)(7)(C)**

(U) 275. Appointment Orders of BG **(b)(6), (b)(7)(C)** 7 Jul 06.

(U) 276. (1-4) English Language translation of the Emergency Unit Cards, 13 May 06, of A. MOHAMED, J. GUMER, N. MOHAMED, and Z. MOHAMED translated by Mr. **(b)(6), (b)(7)(C)**

(U) 277. (1-4) English Language translation of the Death Certificates of A.MOHAMED, J. GUMER, N. MOHAMED, and Z. MOHAMED, 13 May 06, translated by Mr. **(b)(6), (b)(7)(C)** which reflect all victims died of gunshot wounds.

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(U) 278. English Language translation of the Iraqi Record Book, 12-14 May 06.

(U) 279. (1-4) English language translation of the Sample (3) Rational Card, translated by Mr. (b)(6), (b)(7)(C)

(U) 280. (1-4) Copies of the Emergency Unit Cards, 13 May 06, of A. MOHAMED, J. GUMER, N. MOHAMED, and Z. MOHAMED, 13 May 06.

(U) 281. (1-4) Copies of the Death Certificates of A. MOHAMED, J. GUMER, N. MOHAMED, and Z. MOHAMED, 13 May 06

(U) 282. Copy of the Iraqi Record Book, 12-14 May 06.

(U) 283. (1-4) Copies of the Sample (3) Rational Card, May 06.

(U) 284. Sworn Statement of 1LT (b)(6), (b)(7)(C) 3 Aug 06, wherein he related the trip ticket was created prior to the convoy but that he was not certain which vehicle PFC (b)(6), (b)(7)(C) or PFC (b)(6), (b)(7)(C) had ridden.

(U) 285. Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 7 Aug 06, authorizing the search of 1LT (b)(6), (b)(7)(C) thumb drive.

(U) 286. Affidavit Supporting Request for Authorization to Search and Seize or Apprehend and Search and Seizure Authorization, 7 Aug 06, authorizing the search of SPC (b)(6), (b)(7)(C) mental health records.

(U) 287. Sworn Statement of LTC (b)(6), (b)(7)(C) 7 Aug 06, wherein he related prior to the mission they were informed they were not authorized to conduct pre-assault fire on Objective Murray and none of the aircraft had taken fire during OIT.

(U) 288. Mental Health Records of SPC (b)(6), (b)(7)(C) 30 Jun 06. (USACRC only)

(U) 289. Sworn Statement of SSG (b)(6), (b)(7)(C) 12 Aug 06, wherein he related he has never ridden in a vehicle with (b)(6), (b)(7)(C) which traveled to Speicher.

(U) 290. Sworn Statement of PFC (b)(6), (b)(7)(C) 12 Aug 06, wherein he related he was the driver of the vehicle in which (b)(6), (b)(7)(C) had ridden but related he could not recall what day or month the incident took place.

(U) 291. Sworn Statement of PFC (b)(6), (b)(7)(C) 12 Aug 06, wherein he related (b)(6), (b)(7)(C) rode in his vehicle but he could not recall the date.

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(U) 292. Sworn Statement of SSG (b)(6), (b)(7)(C) 12 Aug 06, wherein he related (b)(6), (b)(7)(C) had ridden in his vehicle but he could not recall the date.

(U) 293. Sworn Statement of SPC (b)(6), (b)(7)(C) 2 Aug 06, wherein he related (b)(6), (b)(7)(C) had ridden in his vehicle but related he could not recall the date.

(U) 294. Sworn Statement of SPC (b)(6), (b)(7)(C) 12 Aug 06, wherein he related he never heard (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) threaten anyone and he could not recall a time (b)(6), (b)(7)(C) had ridden in his vehicle.

(U) 295. USACIL DNA Branch Examination Report, 20 Jul 06, which detailed the possible presence on blood from an unknown person was found on two knives of (b)(6), (b)(7)(C) and the ACU pants, jacket and boots of (b)(6), (b)(7)(C)

(U) 296. USACIL DNA Branch Examination Report, 26 Jul 06, which detailed (b)(6), (b)(7)(C) DNA profile could not be excluded as the source on (b)(6), (b)(7)(C) shirt and pants. Further four unknown persons could not be excluded as sources on (b)(6), (b)(7)(C) pants, boots and (b)(6), (b)(7)(C) knife.

(U) 297. USACIL Digital Evidence Branch Examination Report, 28 Jul 06, which detailed several video files and photographic images of interest were found on the digital camera, the SD memory card and (b)(6), (b)(7)(C) laptop.

(U) 298. Sworn Statement of 1LT (b)(6), (b)(7)(C) 22 Aug 06, wherein he related he traveled to Speicher on 29 May 06 to be interviewed by a General and stated he could not recall which vehicle (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) traveled in.

(U) 299. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Aug 06, wherein he related he traveled to Speicher in a vehicle with (b)(6), (b)(7)(C) but could not recall the date.

(U) 300. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Aug 06, wherein he related he may have been a part of a convoy on 29 May 06 but he was not certain.

(U) 301. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Aug 06, wherein he related the first time he came to Speicher was when (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were placed in pretrial confinement.

(U) 302. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Aug 06, wherein he related he could not recall who rode in what vehicles but related (b)(6), (b)(7)(C) vehicle was towed to Speicher on the 29 May 06 convoy.

(U) 303. Sworn Statement of CPL (b)(6), (b)(7)(C) 22 Aug 06, wherein he related he was a part of a convoy on 29 May 06 but could not recall which vehicle (b)(6), (b)(7)(C) had ridden.

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(U) 304. Sworn Statement of 1LT (b)(6), (b)(7)(C) 22 Aug 06, wherein he related his vehicle had been towed to Speicher but related he did recall being interviewed at 3BCT.

(U) 305. Sworn Statement of SPC (b)(6), (b)(7)(C) 22 Aug 06, wherein he related (b)(6), (b)(7)(C) rode in his vehicle on a Monday during a logistical convoy but could not recall the date.

(U) 306. Sworn Statement of 1LT (b)(6), (b)(7)(C) 22 Aug 06, wherein he related members of the 3<sup>rd</sup> platoon immediately reported to 3BCT but he could not recall what happened to his vehicle upon arrival to Speicher.

(U) 307. Sworn Statement of SSG (b)(6), (b)(7)(C) 25 Aug 06, wherein he related he could not recall the date (b)(6), (b)(7)(C) rode in his vehicle but related it was possibly at the end of May or beginning of Jun 06.

(U) 308. (1-28) Trip Tickets of C Co3/187<sup>th</sup>, 24 May – 23 Jun 06.

(U) 309. USACIL Digital Evidence Branch Examination Report, 3 Aug 06, which detailed three rolls of film were removed and processed and did not reveal any items of illegal activity.

(U) 310. USACIL DNA Branch Examination Report, 24 Aug 06, detailing the possible presence of blood was detected on the partial shirt removed from the crime scene.

(U) 311. USACIL DNA Branch Examination Report, 5 Sep 06, which detailed no DNA results were obtained from the partial shirt because it was too degraded and/or an insufficient amount of human DNA present.

(U) 312. USACIL Digital Evidence Branch Examination Report, 14 Sep 06, which detailed an examination of the thumb drive revealed the trip ticket was created the day prior to 29 May 06 but there was no way to determine the accuracy of the system clock which created the file.

(U) 313. AIR of SA (b)(6), (b)(7)(C), (b)(7)(F) 21<sup>st</sup> MP DET, 24 Oct 06, detailing her coordination with CPO (b)(6), (b)(7)(C)

(U) 314. TFDf Confined Personnel List.

(U) 315. AIR of SA (b)(6), (b)(7)(C) 28 Oct 06, detailing her interview of PVT (b)(6), (b)(7)(C) and her coordination with SCPO (b)(6), (b)(7)(C)

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 103, 324, and 328.~~

(U) 316. AIR of SA (b)(6),(b)(7)(C),(b)(7)(F) 90<sup>th</sup> MP DET, 28 Oct 06, detailing the Basis for Investigation and the interview of (b)(6), (b)(7)(C)

(U) 317. Sworn Statement of PFC (b)(6), (b)(7)(C) wherein he related he had no contact with (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) during the time he was confined at TFDF.

(U) 318. AIR of SA (b)(6),(b)(7)(C),(b)(7)(F) 76<sup>th</sup> MP DET, 30 Oct 06, detailing the Basis for Investigation, coordinations with CPT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) and the interviews of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

(U) 319. AIR of SA (b)(6),(b)(7)(C),(b)(7)(F) 481<sup>st</sup> MP DET, 2 Nov 06, detailing the Basis for Investigation and coordinations with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) unit.

(U) 320. AIR of SA (b)(6),(b)(7)(C),(b)(7)(F) 90<sup>th</sup> MP DET, 3 Nov 06, detailing his Basis for Investigation and his interview of PV2 (b)(6), (b)(7)(C)

(U) 321. Sworn Statement and Sketch of PV2 (b)(6), (b)(7)(C) 3 Nov 06, wherein he related he did not have any contact with (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) during his confinement at TFDF.

(U) 322. AIR of SA (b)(6), (b)(7)(C) 2 Dec 06, detailing the receipt of LTC (b)(6), (b)(7)(C) and LTC (b)(6), (b)(7)(C) opinion memorandums regarding COL (b)(6), (b)(7)(C)

(U) 323. Memorandum of LTC (b)(6), (b)(7)(C) Titling Decision Re: COL (b)(6), (b)(7)(C) 3 Oct 06, wherein he relates there was no probable cause to believe that COL (b)(6), (b)(7)(C) committed the offenses of False Official Statement in violation of Article 107, UCMJ or Obstruction of Justice in violation of Article 134, UCMJ.

(U) 324. Appointment Orders and AR 15-6 investigative findings of BG (b)(6), (b)(7)(C) 9 Jun 06, wherein he concluded COL (b)(6), (b)(7)(C) thought he properly exercised his authority on Objective Murray but stated he should have notified his higher headquarters of his intentions. ~~(SECRET/NOFORN)~~

(U) 325. Compact Disc (CD), 06.0086.469, containing the original photographic images of the death scene. (USACIDC copies only)

(U) 326 (1-4). CD, containing all photographic images of Operation Iron Triangle taken by Combat Camera. (USACIDC copies only)

(U) 327. CD, containing all photographic images of the remains taken

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ACLU DDII ROI 33842



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by Mortuary Affairs. (USACIDC copies only)

(U) 328. CD, 06.0086.469-8, containing the AR 15-6 and the ROE training slides and ROE OPORD. ~~SECRET/NOFORN~~ (USACIDC copies only)

(U) 329. Crime Lab Examination Request, 12 Jun 06, requesting the examination of the digital camera and memory card of SGT ~~(b)(6), (b)(7)(C)~~ for any digital media pertaining to OIT. (USACIDC copies only)

(U) 330. Crime Lab Examination Request, 18 Jun 06, requesting a DNA profile of SPC ~~(b)(6), (b)(7)(C)~~ (USACIDC copies only)

(U) 331. Crime Lab Examination Request, 20 Jun 06, requesting examination of knives obtained from SPC ~~(b)(6), (b)(7)(C)~~ SSG ~~(b)(6), (b)(7)(C)~~ and PFC ~~(b)(6), (b)(7)(C)~~ for DNA; a tensile strength examination of all collected flex-cuffs / zip-ties; and an analysis of the disposable camera of SPC ~~(b)(6), (b)(7)(C)~~ and laptop of PFC ~~(b)(6), (b)(7)(C)~~ for any digital media pertaining to OIT. (USACIDC copies only)

(U) 332. Crime Lab Examination Request, 26 Jun 06, requesting examination of the shell casing, ACUs and boots of ~~(b)(6), (b)(7)(C)~~ for possible DNA and an examination the disposable and digital cameras, IPOD and the play station for electronic media pertaining to OIT. (USACIDC copies only)

(U) 333. Crime Lab Examination Request, 5 Aug 06, requesting examination and comparison of shell casings to firearms used on OIT; latent print examination of crime scene evidence and the pistol in SSG ~~(b)(6), (b)(7)(C)~~ possession; examination of the t-shirt for DNA; and the examination of the zip ties to determine the method in which the were broken.. (USACIDC copies only)

(U) 334. Crime Lab Examination Request, 9 Aug 06, requesting examination of the thumb drive to determine when the trip ticket was created, and if the document had been altered. (USACIDC copies only)

(U) 335. (335-1 through 335-19) DA Form 4137, Evidence/Property Custody Document, Vouchers (VO) 0472/06, 0473/06, 0486/06, 0487/06, 0488/06, 0489/06, 0490/06, 0491/06, 0498/06, 0519/06, 0538/06, 0539/06, 0540/06, 0677/06, 0692/06, 0702/06, 0705/06, 0736/06 and 8 Aug 06 without voucher number.

(U) 336. Memorandum of LTC ~~(b)(6), (b)(7)(C)~~ HQUSACIDC, SJA, Legal Review: Concerning Obstruction of Justice, 1 Dec 06, wherein she related ~~(b)(6), (b)(7)(C)~~ should have been titled for Obstruction of Justice, there was no probable cause to believe ~~(b)(6), (b)(7)(C)~~ committed the offense and the offense should be listed as insufficient evidence.

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(U) NOT ATTACHED:

(U) Retained in the files of the Evidence Depository, 31<sup>st</sup> MP Detachment (CID), Fort Campbell, KY.

- (U) 337. Digital camera (SGT (b)(6), (b)(7)(C)) Voucher (VO) 0472/06.
- (U) 338. Memory card (SGT (b)(6), (b)(7)(C)) VO 0472/06.
- (U) 339. (2) Buccal swab (SPC (b)(6), (b)(7)(C)) VO 0473/06.
- (U) 340. (2) Buccal swab control, VO 0473/06.
- (U) 341. (20) Zip ties (1SG (b)(6), (b)(7)(C)) VO 0486/06.
- (U) 342. (8) Zip ties (1SG (b)(6), (b)(7)(C)) VO 0486/06.
- (U) 343. Flex-cuff (1SG (b)(6), (b)(7)(C)) VO 0486/06.
- (U) 344. Flex-cuff (1SG (b)(6), (b)(7)(C)) VO 0486/06.
- (U) 345. Digital video cassette (SPC (b)(6), (b)(7)(C)) VO 0487/06.
- (U) 346. Disposable camera (SPC (b)(6), (b)(7)(C)) VO 0487/06.
- (U) 347. (3) Digital video cassette (SPC (b)(6), (b)(7)(C)) VO 0487/06.
- (U) 348. Notebook (SPC (b)(6), (b)(7)(C)) VO 0488/06.
- (U) 349. Video camera (LTC (b)(6), (b)(7)(C)) VO 0489/06.
- (U) 350. Digital video cassette (LTC (b)(6), (b)(7)(C)) VO 0489/06.
- (U) 351. Bag containing six knives (SSG (b)(6), (b)(7)(C)) VO 0490/06.
- (U) 352. Pistol (SSG (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 353. (2) Knife (SSG (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 354. Multi-tool (SSG (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 355. Knife (SSG (b)(6), (b)(7)(C)) VO 0491/06.

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 105, 324, and 328~~

- (U) 356. Knife (SSG (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 357. Bayonet (SSG (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 358. Sheath containing three knives (SPC (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 359. Knife (SPC (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 360. Bayonet (SPC (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 361. Knife (SPC (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 362. Multi-tool (SPC (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 363. Bayonet (PFC (b)(6), (b)(7)(C)) VO 0491/06.
- (U) 364. Laptop (PFC (b)(6), (b)(7)(C)) VO 0498/06.
- (U) 365. Power adapter (PFC (b)(6), (b)(7)(C)) VO 0498/06.
- (U) 366. Shell casing (SPC (b)(6), (b)(7)(C)) VO 0519/06.
- (U) 367. Army Combat Uniform pants (SPC (b)(6), (b)(7)(C)), 0519/06.
- (U) 368. Army Combat Uniform coat (SPC (b)(6), (b)(7)(C)), 0519/06.
- (U) 369. Boots (SPC (b)(6), (b)(7)(C)), 0519/06.
- (U) 370. Disposable camera (PFC (b)(6), (b)(7)(C)), 0538/06.
- (U) 371. Play Station Portable (SPC (b)(6), (b)(7)(C)), VO 0539/06.
- (U) 372. Ranger handbook (SPC (b)(6), (b)(7)(C)), VO 0539/06.
- (U) 373. Book (SPC (b)(6), (b)(7)(C)), VO 0539/06.
- (U) 374. Disposable camera (SPC (b)(6), (b)(7)(C)), VO 0539/06.
- (U) 375. Digital camera (SSG (b)(6), (b)(7)(C)), VO 0540/06.
- (U) 376. Ipod (SSG (b)(6), (b)(7)(C)) VO 0540/06.
- (U) 377. Book (SSG (b)(6), (b)(7)(C)), VO 0540/06.

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- (U) 378. Photograph album (SSG (b)(6), (b)(7)(C)), VO 0540/06.
- (U) 379. (23) Compact disc (SSG [REDACTED]), VO 0540/06.
- (U) 380. (2) Laminated paper (SSG (b)(6), (b)(7)(C)), VO 0540/06.
- (U) 381. (2) Magazine (SSG (b)(6), (b)(7)(C)), VO 0540/06.
- (U) 382. (7) Paper (SSG (b)(6), (b)(7)(C)), VO 0540/06.
- (U) 383. (8) Photograph (SSG (b)(6), (b)(7)(C)), VO 0540/06.
- (U) 384. (20) Shell casing, VO 0677/06.
- (U) 385. Partial zip-tie, VO 0677/06.
- (U) 386. Partial zip-tie, VO 0677/06.
- (U) 387. Partial shirt, VO 0677/06.
- (U) 388. Medicine container, VO 0677/06.
- (U) 389. Shell casing, VO 0677/06.
- (U) 390. Partial zip-tie, VO 0677/06.
- (U) 391. Shell casing, VO 0677/06.
- (U) 392. Shell casing, VO 0677/06.
- (U) 393. Shell casing, VO 0677/06.
- (U) 394. Shell casing, VO 0677/06.
- (U) 395. Zip-tie, VO 0677/06.
- (U) 396. (5) Shell casing, VO 0677/06.
- (U) 397. Video cassette, VO 0692/06.
- (U) 398. M4 rifle (W023795), VO 0702/06.
- (U) 399. M4 rifle (W024587), VO 0702/06.

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WHEN SEPARATED FROM EXHIBITS 29, 41, 45, 47, 69, 105, 324, and 338~~

- (U) 400. M4 rifle with M203 (W023576), VO 0702/06.
- (U) 401. M4 rifle with M203 (W019849), VO 0702/06.
- (U) 402. M249 (030300), 0702/06.
- (U) 403. M249 (63717), 0702/06.
- (U) 404. Thumb drive (1LT (b)(6), (b)(7)(C)), VO 0705/06.
- (U) 405. Advanced Combat Helmet (SPC (b)(6), (b)(7)(C)) VO 0736/06.
- (U) Released to Supply Sergeant, C CO, 3/187<sup>th</sup> INF REG, FBM.
- (U) 406. Army Combat Uniform coat (PFC (b)(6), (b)(7)(C)) VO 538/06.
- (U) 407. Common Access Card (PFC (b)(6), (b)(7)(C)) VO 538/06.
- (U) 408. Miscellaneous items (PFC (b)(6), (b)(7)(C)) VO 538/06.
- (U) The original of Exhibits 1 -12, 14 - 28, 48 - 62, 64 - 68, 70 - 256, 258 - 263, 265 - 271, 273, 274, 276 - 279, 284 - 287, 289 - 313, 315 -322, 325, 328 and 335 -19 through 341 were retained in the files of 1000<sup>th</sup> MP BN (CID), Fort Campbell, KY, awaiting adjudication. The original of Exhibits 335-1 - 335-18 were retained in the files of the Evidence Depository, 31<sup>st</sup> MP Detachment (CID), Fort Campbell, KY. The original of Exhibits 13, 63, 275, 288, 308, 323, 326 and 327 were retained in the files of the 101<sup>st</sup> Airborne Division (AASLT), Fort Campbell, KY. The original of Exhibit 257 was retained in the files of the Iraqi Police, Samara, Iraq. The original of Exhibits 264, 272, and 314 were retained in the files of TDFD, Camp Arifjan, Kuwait. The original of Exhibits 280 - 283 were retained in the files of the Hospital, Samara, Iraq. The original of Exhibits 329 - 334 were retained in the files of USACIL, Fort Gillem, GA. The original of Exhibits 29-47, 69 and 324 were retained in the files of MNC-I, Camp Victory, Baghdad, Iraq. The original of Exhibit 336 was retained in the files of LTC (b)(6), (b)(7)(C) HQUSACIDC.

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ACLU DDII ROI 33847

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(U) STATUS: This is a Final Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is required regarding (b)(6) (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

and (b)(6), (b)(7)(C)

(U) REPORT PREPARED BY:

(b)(6), (b)(7)(C), (b)(7)(F)

REPORT APPROVED BY:

(b)(6), (b)(7)(C)

(U) Special Agent

CW5, Operations Officer

(U) DISTRIBUTION:

- 1 - Dir, USACRC, Ft Belvoir, VA
- 1 - PM, 101st ABN DIV (AASLT), COB Speicher (email only)
- 1 - THRU: CDR, 3rd MP GRP (CID), Ft Gillem, GA
- TO: CDR, HQUSACIDC, ATTN: CIOP-CO, Ft Belvoir, VA
- 1 - Action CDR, ATTN: SJA, 101st ABN DIV (AASLT), Ft Campbell, KY
- 1 - FILE

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ACLU DDII ROI 33848



**AGENT'S INVESTIGATION REPORT**

CID Regulation 195-1

ROI NUMBER

0200-06-CID025-

PAGE 1 OF 1 PAGES

DETAIL

About 1000, 16 May 06, this office was notified by SFC (b)(6), (b)(7)(C) HHT, 2/4<sup>th</sup> CAV, Fort Riley, KS 66442, (FRKS), of an incident involving detainees being killed in Iraq.

About 1103, 16 May 06, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) who provided a Sworn Statement, wherein he stated he received emails from PFC (b)(6), (b)(7)(C) HQS, 3/320<sup>th</sup> FA BN, Fort Campbell, KY 42223, (FCKY), (Deployed), alleging members of PFC (b)(6), (b)(7)(C) unit shot and killed Iraqi detainees. Further, SFC (b)(6), (b)(7)(C) provided copies of the emails he received from PFC (b)(6), (b)(7)(C) (See Sworn Statement and Email Messages)

About 1100, 17 May 06, SA (b)(6), (b)(7)(C) coordinated with SA (b)(6), (b)(7)(C) Special Agent-in-Charge (SAC), 31<sup>st</sup> MP DET (CID), Tikrit, IZ APO AE 09393, who was briefed on this investigation and accepted investigative responsibility.///Last Entry///

TYPE AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

78<sup>th</sup> Military Police Det (CID), 6<sup>th</sup> MP Group (CID)  
USACIDC, Fort Riley, KS 66442

DATE

17 May 06

EXHIBIT

ACLU DDII ROI 33849

(b)(6), (b)(7)(C)

Enforcement Section



SWORN STATEMENT

0200 06-CID025-

FILE NUMBER : - -CID025-  
LOCATION : Building 406, Pershing Court, Fort Riley, KS 66442  
DATE : 16 May 06 (b)(6), (b)(7)(C) TIME: 11:05 (b)(6), (b)(7)(C)  
NAME : (b)(6), (b)(7)(C)  
SSAN : Grade/Status: SFC  
ORG/ADDRESS : HHT 2/4 CAV, Fort Riley.

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
Over this past weekend, 13-14 May 06, I received an email from a soldier that I recruited almost two years ago. I do receive email from him from time to time but hadn't heard from him in about 4-5 months. In his first email I received 13 May 06, he asked me for some advise on a situation that he didn't think was appropriate to explain on the email system. I replied that I would be glad to help as a leader and a friend. So I sent him my cell phone number and waited on his call. He never called but I did receive another email from him later that night explaining the situation. His mail explained an operation that picked up over 300 Iraqi detainee's. The email explained that during the processing of the detainee's 4 of the blind folded and ziped tied detainee's where shot by US soldiers. PFC (b)(6), (b)(7)(C) then says that he was told to cut off the zip ties and blind folds and if asked to say that the detainee's where trying to escape. PFC (b)(6), (b)(7)(C) goes on in his email to say that he approached the PSG of the element. After telling him that it didn't sit well with him he was told to go on a trash mission outside the AO without his weapon. He tells that he fears the PSG is trying to scare him or possibly kill him because of the information he has. I did not respond to that email at that time. On 15 May 06, I received another e-Mail from him, in this e-Mail he said that the Battalion XO and CID had already been by to investigate, but he was never asked any questions. He also made a statement that put the BDE CDR COL (b)(6), (b)(7)(C) at the scene of the alleged shooting.

Q: (b)(6), (b)(7)(C)

A:

Q: What is the full name of the soldier you have been corresponding with?

A: PFC (b)(6), (b)(7)(C)

Q: What is (b)(6), (b)(7)(C) unit?

A: RAKKASANS 187, 101<sup>ST</sup> ABN DIV, Fort Campbell, KY, (Deployed).

Q: Do you know where (b)(6), (b)(7)(C) is deployed to at this time?

A: Just that he is in Iraq, he said he was near a border, but I do not know which one.

Q: When were you a recruiter and where?

A: From 2002 to 2005, in Stroudsburg, PA.

Q: How often have you correspond with (b)(6), (b)(7)(C)

A: About every four or five months, just when he e-Mails me, I do not e-Mail him first.

Q: What is your relationship with (b)(6), (b)(7)(C)

A: Just as his recruiter and someone he corresponds with from time to time.

Q: Do you have any further information regarding the incident in IRAQ?

A: No.

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

A: No.//END OF STATEMENT//

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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ACLU DDH ROI 33850

"Statement of: (b)(6), (b)(7)(C) File Number: Taken At: Fort Riley, KS 66442 Dated: 16 May 06 Continued:"

(b)(6), (b)(7)(C)  
0200 06-CID025-

**AFFIDAVIT**

I, (b)(6), (b)(7)(C) HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD 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 COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

(b)(6), (b)(7)(C)

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of May, 2006 at Ft. Riley, KS

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION AND ADDRESS

SA (b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)

ART 136 UCMJ or 5 USC 303  
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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ACLU DDII ROI 33851



From: (b)(6), (b)(7)(C)@us.army.mil>  
 Sent: Monday, May 15, 2006 2:42 pm  
 To: (b)(6), (b)(7)(C)@us.army.mil  
 Cc:  
 Bcc:  
 Subject: Re: hey this is PFC (b)(6), (b)(7)(C)

PFC (b)(6), (b)(7)(C)

Hey, check it out. This is beyond serious bussiness. I am telling you as a leader and a friend, you need to keep this on wraps until the investigation is in full swing. What I am telling you is keep your mouth shut and be very careful who you talk to. When CID does come around make sure you use your right to remain silent until you see an attorney. SEE AN ATTORNEY FIRST PFC (b)(6), (b)(7)(C) In the mean time remain safe, don't do anything that puts you or others in un-needed harms way. I am working on something here too...I'll let you know as soon as I do.

SFC (b)(6), (b)(7)(C)

SFC (b)(6), (b)(7)(C)

Hey Im doing fine over here up until a couple days ago. We went on a 3 day mission into the desert to fight some insurgents camped along the border. Well we ended up taking like 300 detainees. There were only like 50 of us so it was a pain in the ass screening them and feeding them and shit. Well a couple of guys shot 4 of them and killed them while they were blind folded and zip tied. They told me to cut the zip ties and shit off and say they tried to fight them and escape. CID is coming to investigate and this isnt sitting well on my conscience. This is the second time something like this happend with this same Infantry company (Rakkasans 187). After I said that this was unacceptable to the one PSG he told me later on that day to take the garbage from our camp out to a burn pit 1 mile out into the desert with all Iraqis. He told me to leave my weapon i wouldnt need it. Then when we got there the Iraqis drove me right into the fire pit. I dont know if hes trying to scare me or kill me. I m stuck with these knuckle heads for about another month so I dont know what to do.

(b)(6), (b)(7)(C)

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

From: (b)(6), (b)(7)(C)@us.army.mil

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 LAW ENFORCEMENT SENSITIVE~~

ACLU DDII ROI 33852

0200 06-CID025- ▶

From (b)(6), (b)(7)(C)@us.army.mil  
 Sent Monday, May 15, 2006 3:02 pm  
 To (b)(6), (b)(7)(C)@us.army.mil  
 Cc  
 Bcc  
 Subject SFC (b)(6), (b)(7)(C)

SFC (b)(6), (b)(7)(C)

Yeah the Battalion XO and CID came by and did their investigation but they didnt even ask me any questions. They only confiscated pictures from everyone. I find it funny cause one picture is of our brigade colonel, Col. (b)(6), (b)(7)(C) with his foot on one of the detainees heads. Anyway hes the one that cut the zip ties off and blind folds. I m gonna take your advise and just shut up and not say anything. I was just overwhelmed from what I saw when it first happened I guess. If they do ask me questions I will get an attorney like you said. Thank you if anything else comes up I ll let you know.

(b)(6), (b)(7)(C)

SFC (b)(6), (b)(7)(C)

Hey Im doing fine over here up until a couple days ago. We went on a 3 day mission into the desert to fight some insurgents camped along the border. Well we ended up taking like 300 detainees. There were only like 50 of us so it was a pain in the ass screening them and feeding them and shit. Well a couple of guys shot 4 of them and killed them while they were blind folded and zip tied. They told me to cut the zip ties and shit off and say they tried to fight them and escape. CID is coming to investigate and this isnt sitting well on my conscience. This is the second time something like this happend with this same Infantry company (Rakkasans 187). After I said that this was unacceptable to the one PSG he told me later on that day to take the garbage from our camp out to a burn pit 1 mile out into the desert with all Iraqis. He told me to leave my weapon i wouldnt need it. Then when we got there the Iraqis drove me right into the fire pit. I dont know if hes trying to scare me o r kill me. I m stuck with these knuckle heads for about another month so I dont know what to do.

(b)(6), (b)(7)(C)

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ACLU DDII ROI 33853



**Date:** Saturday, May 13, 2006 4:34 am

**Subject:** Re: hey this is PFC (b)(6), (b)(7)(C)

> Shithead!!  
> Whats up? Sure you can call me for advice. My number is (b)(6), (b)(7)(C)  
> (b)(6), (b)(7)(C) How are things? My brother was just home for a couple  
> weeks. He went back on the 10th. Give me a yell. Oh, by the  
> way...be careful what you ask for...CPL Recruiting...you want  
> another sticky situation...that is it my brother. Talk to you later.  
>  
> SFC (b)(6), (b)(7)(C)

---

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

**From** (b)(6), (b)(7)(C)@us.army.mil  
**Date** Sat, 13 May 2006 02:16:02 +0300  
**To** (b)(6), (b)(7)(C)@us.army.mil  
**Subject** hey this is PFC (b)(6), (b)(7)(C)

Hey Sergeant I need your advise for another fishy situation. let me know if there is a phone # i can call you at cuz this isnt easily explained in an email. This is very important so if you have time please let me know. Thank you very much again for risking your neck to get me in the army. I am going on the corporal recruiting program when i leave Iraq in August. It should be fun with Sergeant (b)(6), (b)(7)(C) Anything advice you can give me will be helpful.

Forever Grateful

PFC (b)(6), (b)(7)(C)

ACLU DDII ROI 33854 3



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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(b)(6), (b)(7)(C)

## DETAILS

Preliminary investigation revealed PV2 (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> Field Artillery Regiment (FAR), Forward Operating Base (FOB), Remagen, (FRIZ), APO AE 09393, informed SFC (b)(6), (b)(7)(C) HHT, 2/4<sup>th</sup> Calvary Regiment, Ft Riley, KS, that while on a mission with the 3/187<sup>th</sup> Infantry, two Soldiers shot and killed four detainees that were zip-tied and blind folded. He was told to cut off their zip ties and take off their blind folds, which he refused. He was told to report that the detainees fought and attempted to escape. He related one of the photos was of COL (b)(6), (b)(7)(C) Commander, 3<sup>rd</sup> Brigade Combat Team (3BCT), 101<sup>st</sup> Airborne Division (ABN Div), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, with his foot on one of the detainee's head.

About 1457, 21 May 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 31<sup>st</sup> MP DET (CID), COB Speicher, Tikrit, Iraq, (Home Station: Ft Bragg, NC), emailed (b)(6), (b)(7)(C) stating the following:

SFC (b)(6), (b)(7)(C)

I am CID Agent assigned to the case in regards to PFC (b)(6), (b)(7)(C). I am also a NCO with a genuine interest in his well-being and his environment due to the nature of this incident. From what I have read through your email traffic, (b)(6), (b)(7)(C) is a stand-up Soldier with a good conscious and obviously knows the difference from right and wrong. It is evident that he wants to do the right thing but in order to accomplish that, I'm going to need your cooperation. In order to resolve this issue, it is imperative that you and I establish a working relationship to achieve some common goals; the welfare and safety of (b)(6), (b)(7)(C) maintain order and discipline within his unit, and maintain the decorum reputation of the U.S. Army. I know (b)(6), (b)(7)(C) trusts you and you have a great influence on him. So in saying that, I ask that you encourage him to speak with me. He is a vital asset to this investigation in order to bring about justice. I know that you advised him not to speak with CID but by him talking with me, you and (b)(6), (b)(7)(C) will be doing a greater good. I have a few requests that I hope you will assist me on. I ask that you contact him via email and have him email me or call me at (b)(6), (b)(7)(C) or DSN 318.849.3027. Also I need confirmation that he is stationed at FOB Remagen. I will be at FOB Remagen 22 May 06, and would like to speak with him privately without his unit having any knowledge. If you can have him decided on a meeting place and time on 22 May 06, I would appreciate it. Like I stated before, my first priority is the safety of (b)(6), (b)(7)(C) and my next is to maintain order and discipline in his unit. In order to affectively maintain both, his unit can not know he is talking to CID. We have had no previous knowledge of this incident until we received your Sworn Statement you provided to CID at Fort Riley. I hope I have your full cooperation because you would be of a great service to (b)(6), (b)(7)(C) and the U.S Army for all you have done. Please contact me via email or phone if you have any questions or concerns.

About 1926, 21 May 06, SA (b)(6), (b)(7)(C) received a reply from (b)(6), (b)(7)(C) stating the following:

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)
(b)(6), (b)(7)(C)	DATE
	19 Jun 06
	EXHIBIT
	4

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AGLU DDII ROI 33855

000061



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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## DETAILS

Mr. (b)(6), (b)(7)(C)

I would be more than happy to email PVT (b)(6), (b)(7)(C) and advise him to talk with you. He is a good kid and think that because of his mistakes in the past he chooses the right path now. The only thing I fear, is that he did not just "make up a war story" to impress me with his experiences. Not that I don't trust the young man, but I have not been around the soldier for some time and wonder if he could be "acting like a private". I did advise him to seek counsel before he spoke with you just so that he may be protected from whatever he may have not told me in the email.

As soon as I close this email I will mail him. I think that you may already be enroute to him and hope to get his attention before that. I have had no other contact past the emails you have read since my visit to the Ft Riley CID office.

Let me know if I can be of any further assistance. You can reach my cell anytime at (b)(6), (b)(7)(C) or during the duty day at (b)(6), (b)(7)(C). Thank you again and I hope you are successful in maintaining the integrity and safety of PFC (b)(6), (b)(7)(C) and the United States Army.

SFC (b)(6), (b)(7)(C)

2-4 CAV Medical PSG

About 2115, 21 May 06 SA (b)(6), (b)(7)(C) received an email from (b)(6), (b)(7)(C) stating the following:

Hello sir this is (b)(6), (b)(7)(C) the one SFC (b)(6), (b)(7)(C) told you about. The incident in question has blown over but I realize you still want me to tell you what happened. I would like to be as discreet as possible as you mentioned. I don't want to alienate myself in my unit anymore. I am on FOB Remagen. I work night shift 1900-0700 at the AID STATION. 2300 is a good time when my leaders all leave. I have some concerns I would like to discuss with you also, I no longer feel I am in danger but I don't want this to start something up and make me an outcast. If you need to know anything else let me know.

(b)(6), (b)(7)(C)

About 2200, 21 May 06, SA (b)(6), (b)(7)(C) received a reply from (b)(6), (b)(7)(C) stating the following:

1300 at the main bazaar by the DFAC should be good. I just want to let you know that I got real sick last night and had a fever that spiked up to 102.3 so I'm feeling like crap today in case I look it.

I'll try and check my email before I meet you to see if you agree with that place and time.

About 1646, 22 May 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who related during an operation on 9 May 06, he witnessed two dead Iraqis in white body bags brought to a collection point. Both were in male dresses and blindfolded with white construction tape, and with their hands zip-tied behind their

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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000062



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

backs with black zip tie hand cuffs. (b)(6), (b)(7)(C) stated four more body bags were delivered to the collection point shortly after. (See Sworn Statement and Sketch for details)

About 1530, 23 May 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 31<sup>st</sup> MP DET (CID), COB Speicher, Tikrit, (Home Station: Ft Stewart, GA), reviewed the detainee packets from the Operations Section 3BCT, which contained information on detainees captured by 3<sup>rd</sup> BCT between 10 May to 23 May 06. A review produced no data on the victims of this investigation.

On 26 May 06, SA (b)(6), (b)(7)(C) was notified by CW5 (b)(6), (b)(7)(C) Operations Officer, 10<sup>th</sup> MP Bn (CID), Camp Victory, Baghdad, Iraq, that BG (b)(6), (b)(7)(C) ADCM, 4<sup>th</sup> Infantry Division, Camp Liberty, Baghdad, Iraq, had been appointed as AR 15-6 Investigating Officer concerning the allegations of possible misconduct by COL (b)(6), (b)(7)(C) in regards to the handling and photographing of the remains of the deceased and issues regarding the ROE.

About 2200, 27 May 06, SA (b)(6), (b)(7)(C) reviewed copies of the statements collected by MAJ (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Executive Officer, HHB, 320<sup>th</sup> FAR, FRIZ with BG (b)(6), (b)(7)(C) and LTC (b)(6), (b)(7)(C) Chief of Military Justice, Office of the Staff Judge Advocate (OSJA), Multi-National Corps-Iraq (MNC-I), Camp Victory, Baghdad, Iraq. The statements identified PFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) both of C Co, 3/187<sup>th</sup> Infantry Regiment (INF REG), Forward Operating Base (FOB), Brassfield-Mora (FBM), Samarra, Iraq as who shot the three detainees during Operation Iron Triangle (OIT) on 9 May 06. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) reported they were both attacked by a detainee; one allegedly struck (b)(6), (b)(7)(C) on his face and another detainee allegedly struck (b)(6), (b)(7)(C) face and arm with a knife. Subsequent to the attacks the three detainees attempted to run away and were shot by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

About 1140, 28 May 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 76<sup>th</sup> MP DET (CID), Camp Slayer, Baghdad, Iraq, (Home Station: Ft Lewis, WA), interviewed PFC (b)(6), (b)(7)(C) HHB, 3/320 FAR, FRIZ, who provided a verbal statement wherein she related she was a member of the Tactical Human Intelligence Team (THT) and related there were no black E6 females on her team, as mentioned by (b)(6), (b)(7)(C)

About 1201, 28 May 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) HHB, 3/320 FAR, FRIZ, who stated he was at the collection point during OIT. He processed approximately 100 detainees and 5 dead bodies (b)(6), (b)(7)(C) stated he processed them in the Biometric Automated Tool Set (BATS) (b)(6), (b)(7)(C) stated all the bodies had various wounds and none were bound at the wrists, and there was no evidence of zip-ties on their wrists or blind folds. (See Sworn Statement for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)	
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	19 Jun 06	4

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

About 1221, 28 May 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) 626<sup>th</sup> BSB, FRIZ, who related during OIT, his job was to coordinate convoys to and from FBM. He related during one of his runs, he was escorted by an Iraqi Army (IA) vehicle to FBM carrying bodies and they released the bodies to mortuary affairs (MA) for processing. Upon arrival to the MA he was told the bodies had to be processed and that he and his Soldiers were required to process the bodies. (See Sworn Statement for details)

About 1430, 28 May 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) 626<sup>th</sup> BSB, FAR, FRIZ, who provided a verbal statement wherein he related during OIT, he was conducting convoys to and from FBM. He further stated during one convoy, they were also tasked to escort an Iraqi Army (IA) vehicle transporting bodies. (b)(6), (b)(7)(C) related they escorted the IA vehicle to the MA in FBM, where they had to process the bodies. (b)(6), (b)(7)(C) related he didn't feel comfortable being near the bodies and stayed outside while everyone else processed the bodies.

About 1501, 28 May 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) 626<sup>th</sup> Base Support Bn (BSB), FRIZ, who was one of the Soldiers who escorted 4 dead bodies from the collection point during OIT to FBM. Upon arrival they were instructed to take each body off the truck, put it on a table, unzip the bags, and then cut the clothing. (See Sworn Statement for details)

About 1525, 28 May 06, SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) 626<sup>th</sup> BSB, FRIZ, stated he was one of the members who escorted three dead bodies from the collection point during OIT to FBM. (b)(6), (b)(7)(C) stated they were instructed to process 3 dead bodies by cutting off their clothing. (b)(6), (b)(7)(C) stated all the bodies had multiple gunshot wounds. (b)(6), (b)(7)(C) recalled at least one of the bodies had zip ties around his wrists but none of the three bodies were bound at the wrists. (See Sworn Statement for details)

About 1536, 28 May 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) G CO, 626<sup>th</sup> BSB, FRIZ, who related he was a part of the escort team and he helped process the bodies at MA, FBM. (See Sworn Statement for details)

About 1547, 28 May 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) G CO, 626<sup>th</sup> BSB, FRIZ, who stated he was one of the members who escorted 4 dead bodies from the collection point during OIT to FBM. Upon arrival to FBM he was met by two Physician's Assistants (NFI), who instructed him to process the bodies by cutting off the clothing. (b)(6), (b)(7)(C) and the other escorts cut off the clothing, blind folds and zip ties from the detainees wrists. (b)(6), (b)(7)(C) stated none of the wrists were bound and none of them had blind folds around their eyes. (See Sworn Statement for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)	
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	19 Jun 06	4

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

About 1550, 28 May 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) 626<sup>th</sup> BSB, FRIZ who related he was a part of the escort team and helped process the bodies at MA, FBM. (See Sworn Statement for details)

About 1750, 28 May 06, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) A.K.A. (b)(6), (b)(7)(C) Interpreter, HHB, 3/320<sup>th</sup> FAR, FRIZ, who related his duties during OIT were to help process the detainees brought in during the operation. (b)(6), (b)(7)(C) was never near any casualties.

About 2030, 28 May 06, SA (b)(6), (b)(7)(C) coordinated with LTC (b)(6), (b)(7)(C) who provided the original copies of (b)(6), (b)(7)(C) Appointment Orders and the Commander's Inquiry of CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CDR, C Co, 3/187<sup>th</sup> INF REG, regarding the deaths of detainees during OIT. (See Appointment Orders and Commander's Inquiry for details)

Between 0850-1537, 28 May 06, SA (b)(6), (b)(7)(C) LTC (b)(6), (b)(7)(C) and BG (b)(6), (b)(7)(C) interviewed the following Soldiers regarding their actions on 9 May 06. The information was recorded by SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Court Reporter, OSJA, MNC-I, Camp Victory, Baghdad, and transcripts were subsequently prepared. (See Sworn Transcripts for details).

0850: MAJ (b)(6), (b)(7)(C) was appointed by (b)(6), (b)(7)(C) as the AR 15-6 investigating officer regarding the killing of four persons during OIT. (See Sworn Transcripts for details)

1000: SPC (b)(6), (b)(7)(C) Medic, HHB, 3/320<sup>th</sup> FAR, FRIZ. (b)(6), (b)(7)(C) related that the body bags were open, and official photographs were exposed, and no inappropriate comments were made. (See Sworn Transcripts for details)

1038: 1LT (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> FAR, FRIZ. (b)(6), (b)(7)(C) had minimal exposure to the remains or any activity concerning the remains. (See Sworn Transcripts for details)

1058: PFC (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> FAR, FRIZ. (b)(6), (b)(7)(C) related he had minimal exposure to the remains as he was primarily tasked with treating detainees for heat-related injuries. (See Sworn Transcripts for details)

1112: SFC (b)(6), (b)(7)(C) Medical Platoon Sergeant, HHB, 3/320<sup>th</sup> FAR, FRIZ. (b)(6), (b)(7)(C) related he saw no photographs exposed. (See Sworn Transcripts for details)

1126: 1SG (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> FAR, FRIZ. (b)(6), (b)(7)(C) related he observed the first killed in action (KIA) come into the area, an older male with a wound to the side. He

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN); Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)	
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	19 Jun 06	4

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000065



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

observed no zip-ties or blindfolds. He observed two younger KIA males, come in later. (b)(6), (b)(7)(C) related he observed no photographs exposed of the remains. (See Sworn Transcripts for details)

1151: SGT (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> FAR, FRIZ (b)(6), (b)(7)(C) denied that anybody opened the body bags and further denied that anybody exposed any photographs of the remains. (See Sworn Transcripts for details)

AGENT'S COMMENT: All other persons who were present stated the body bags were opened, and "official" photographs were exposed.

1220: CSM (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> FAR, FRIZ (b)(6), (b)(7)(C) related that the body bags were opened, and official photographs were exposed, and no inappropriate comments were made. (See Sworn Transcripts for details)

1346: LTC (b)(6), (b)(7)(C) BN CDR, 3/320<sup>th</sup> FAR, FRIZ (b)(6), (b)(7)(C) denied making the comments to "CHOPPER 6" (Sic, should be CHOPIN-6, commander of C Co, 3/187<sup>th</sup> Infantry) as described by (b)(6), (b)(7)(C) (See Sworn Transcripts for details)

1422: (b)(6), (b)(7)(C) maintained the veracity of his prior statement. (See Sworn Transcripts for details)

AGENT'S COMMENT: Aspects of (b)(6), (b)(7)(C) statement were diametrically opposed from other witnesses. Of particular note, was that he maintained that the body bags were white, when all other witnesses described them as black, and all photographs of the remains in a bag depict a black bag. Further, near the end of the interview, he demonstrated with SA (b)(6), (b)(7)(C) his exact position when he observed (b)(6), (b)(7)(C) being photographed with the remains. He had initially described himself as standing behind (b)(6), (b)(7)(C) but during the re-enactment, he placed himself standing in front of and to the right of (b)(6), (b)(7)(C) appearance seemed disheveled. Despite very adequate interior lighting, (b)(6), (b)(7)(C) pupils appeared to be excessively dilated; and despite a well-functioning air conditioning unit, (b)(6), (b)(7)(C) appeared to have sweat on his face the entire interview.

Between 1000-1700, 29 May 06, SA (b)(6), (b)(7)(C) LTC (b)(6), (b)(7)(C) and BG (b)(6), (b)(7)(C) interviewed the following personnel regarding their actions on 9 May 06. (b)(6), (b)(7)(C) was present and recorded the interview and subsequently prepared transcripts (See Sworn Transcripts for details).

1000: MAJ (b)(6), (b)(7)(C) S-6, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, wherein (b)(6), (b)(7)(C) related he heard the detainees were blindfolded and had zip ties on their wrists, and that the blindfolds had been moved for photographs.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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000066



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

1028: TSGT (b)(6), (b)(7)(C) JTAC, HHC, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who related he witnessed COL (b)(6), (b)(7)(C) remove the blindfolds of the deceased detainees with a knife prior to photographs being taken.

1053: MAJ (b)(6), (b)(7)(C) S-2, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who related he saw the deceased and assisted in photographing them; however, denied any knowledge of inappropriate comments or photographs.

1154: CW3 (b)(6), (b)(7)(C) Brigade Targeting Officer, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who related he witnessed the bodies with blindfolds covering their eyes and had seen COL (b)(6), (b)(7)(C) cut away a blindfold with his knife.

1218: PFC (b)(6), (b)(7)(C) Protective Service Detail, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who related he observed the remains of a old man in a body bag at the rally point.

1230: MAJ (b)(6), (b)(7)(C) Brigade Medical Plans Officer, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who related he and members of the Brigade Staff viewed the remains of 3 deceased Iraqi males.

1256: MAJ (b)(6), (b)(7)(C) Command Judge Advocate, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who detailed his account of OIT and his discussion with COL (b)(6), (b)(7)(C) in regards to reporting the LOAC violation.

1416: MAJ (b)(6), (b)(7)(C) S-3, HHC, 3BCT, 101<sup>st</sup> ABN Div, COB Speicher, Tikrit, Iraq, who detailed his knowledge of the remains.

1505: CPT (b)(6), (b)(7)(C) CDR, C Company (C Co), 3/187<sup>th</sup> INF REG, FBM, wherein he related his account of OIT and the findings of his commander's inquiry.

About 1518, 29 May 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 31<sup>st</sup> MP DET (CID), Logistical Support Activity (LSA) Anaconda, Balad, Iraq, (Home Station: Ft Campbell, KY), interviewed PFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related he was involved in OIT on OBJ (OBJ) Murray as a M249 Squad Automatic Weapon (SAW) gunner and had some interaction with the three detainees who later were shot. PFC (b)(6), (b)(7)(C) did not see the shooting of the three detainees, but did recall viewing the knife he was told was used to assault (b)(6), (b)(7)(C) (See Sworn Statement for details)

About 1530, 29 May 06, SA (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) 3/187<sup>th</sup> INF REG, FBM, who related his squad's first mission during OIT was to clear OBJ Murray of any

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)	
(b)(6), (b)(7)(C)	DATE	EXHIBIT
	19 Jun 06	4

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000067



# AGENT'S INVESTIGATION REPORT

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## DETAILS

insurgents. (b)(6), (b)(7)(C) related the ROE was to kill any military-aged male they came in contact with. He further related their first stop at OBJ Murray met with no contact. On their second stop, his squad approached a home where a male was seen inside his home, through a window, and they engaged, killing him. His squad cleared that home and apprehended three males, who were brought outside the home, flexi cuffed and placed on the ground. (b)(6), (b)(7)(C) further related while the first home was being cleared, he and CPL (b)(6), (b)(7)(C) same unit, were instructed to fire over a home North of the first one, to provide cover. (b)(6), (b)(7)(C) related he saw a man exit the second home with a baby in his hands; the male was then detained and taken to the first home, where he was gathered with the three males detained from the first home. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were instructed to secure a landing zone. (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) same unit, and the detainee from the second home arrived near the landing zone waiting for transportation, when he heard shots fired, turned around and saw the other three detainees running north away from the first home. Everyone rushed to the first home where he saw (b)(6), (b)(7)(C) had been cut with a knife on his arm and was told by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) the detainees had broken their zip ties and attacked them. (See Sworn Statement for details)

About 1548, 29 May 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 31<sup>st</sup> MP DET (CID), COB Speicher, Tikrit, interviewed ILT (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related COL (b)(6), (b)(7)(C) and members of his chain of command briefed the ROE for OIT and he was briefed by (b)(6), (b)(7)(C) and members of his chain that every military-aged male on OBJ Murray was to be killed. During the mission his unit was not engaged by enemy forces. (b)(6), (b)(7)(C) stated SSG (b)(6), (b)(7)(C) and his squad members identified a military-aged male in a window and engaged and killed him. The squad then pushed inside the house and detained 3 males who were hiding behind women. The men were then taken outside and zip tied and blindfolded and the women were moved to another room in the house and guarded by (b)(6), (b)(7)(C) and his squad members placed the body of the deceased Iraqi in a bag. After all Iraqi males were detained and processed he was contacted to have an element ready to depart the OBJ. Two helicopters came to pick up him, the body of the dead Iraqi and members of his squad, the Iraqi Army personnel and the combat cameraman and headed to the first OBJ. He left (b)(6), (b)(7)(C) and a M240B team with a radio and telephone operator behind to finish the detainee paperwork. (b)(6), (b)(7)(C) related about 3 to 5 minutes in flight he overheard the status on the ground had changed from 4 detainees to 3 KIA and 1 detainee. (b)(6), (b)(7)(C) was not present during the shooting but stated he believed what his Soldiers briefed to be the truth and he had no reason to doubt their integrity (See Sworn Statement for details).

About 1641, 29 May 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who reiterated his previous statement he had provided during the Article 15-6 Investigation. (b)(6), (b)(7)(C) stated he heard a Soldier yell "Oh Shir", heard gun fire and saw two detainees fall to the ground while he was at PZ posture setting up security for the detainees. (See Sworn Statement for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)	
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	19 Jun 06	4

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

About 1736, 29 May 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 31<sup>st</sup> MP DET (CID), COB Speicher, Tikrit, Iraq, (Home Station: Fort Bragg, NC), interviewed SPC (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who did not witness any detainee shot. He was told (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were attacked and had to defend themselves. (See Sworn Statement for details)

About 1903, 29 May 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related during the first day of OIT their mission was to kill any military-aged male on OBJ Murray. (b)(6), (b)(7)(C) related they landed near a home and a male in the window was engaged and killed. (b)(6), (b)(7)(C) stated three males in the home were detained after they were found hiding behind women. The men were zip tied and placed outside face-down on the ground. The men were searched by (b)(6), (b)(7)(C) as he provided security and nothing was found on their persons. (b)(6), (b)(7)(C) related the male that was shot through the window was pulled out and provided first aid by the combat medic, but the man could not be saved. He ran to the landing zone and grabbed a body bag and upon his return, (b)(6), (b)(7)(C) was guarding the three detainees, (b)(6), (b)(7)(C) and the medic searched the home and found additional rifle parts and a pistol. (b)(6), (b)(7)(C) briefed (b)(6), (b)(7)(C) about the discovery. They processed the detainees and secured a landing zone. He then heard gun shots, ran towards (b)(6), (b)(7)(C) who was near the first home, went around the corner and saw the three detainees had been shot. (See Sworn Statement and Sketch for details)

About 1921, 29 May 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement. (b)(6), (b)(7)(C) related he and members of his team engaged the Iraqi male standing in the window because it was briefed prior to the mission that all military age males on the island were hostile and that they were given the order to shoot on sight. He further stated he did not witness what happened to the three other detainees who were shot. He was informed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) that they had removed the zip ties as instructed. They related when they attempted to replace them with stronger ones, they were attacked by the three detainees, who then attempted to flee and were shot. (See Rights Waiver Certificate and Sworn Statement for details)

About 1927, 29 May 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement wherein he stated the ROE briefed by COL (b)(6), (b)(7)(C) was to eliminate any military-aged male. (b)(6), (b)(7)(C) stated that on or about 9 May 06, his squad performed an operation during which his squad assaulted to houses. (b)(6), (b)(7)(C) stated during the approach of the first house, he and (b)(6), (b)(7)(C) engaged a military-aged man in the window and killed him. (b)(6), (b)(7)(C) stated, during the operation, his squad captured, detained, searched, blind folded and zip tied four Iraqi insurgents' wrists behind their backs. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) were preparing to escort the three detainees to the Pick up Zone (PZ), when he noticed one detainee's zip ties were broken. He then informed his (b)(6), (b)(7)(C). He stated as he and (b)(6), (b)(7)(C) were positioned behind the detainees

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)
SIGNATURE (b)(6), (b)(7)(C)	DATE 19 Jun 06
	EXHIBIT 4

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

with he on the right and (b)(6), (b)(7)(C) on the left, and the detainees were facing the opposite direction and blind folded; (b)(6), (b)(7)(C) cut the zip ties off the detainee on the far left. (b)(6), (b)(7)(C) stated while he attempted to re-zip tie the detainee's wrist who was positioned to the far right, the detainee spun around and swung a knife at him causing cuts to his face and arm. (b)(6), (b)(7)(C) stated he attempted to defend himself by raising his left arm and by the time he raised his M-4 the assailant and the other two detainees started to run. (b)(6), (b)(7)(C) stated at that instant, he glanced over at (b)(6), (b)(7)(C) and noticed he was staggering and acted as if he was bewildered. (b)(6), (b)(7)(C) stated he then fired approximately twelve shots at the three fleeing detainees and saw them fall to the ground. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) also fired shots at the three detainees with his M-249. (b)(6), (b)(7)(C) stated he fired the first set of shots. (b)(6), (b)(7)(C) stated when the three detainees were running away, their wrists were not zip tied together and their blindfolds were partially covering their faces. (b)(6), (b)(7)(C) stated he shot the detainees solely because they attacked him.

During the interview (b)(6), (b)(7)(C) conducted a scene reenactment wherein he provided detailed guidance and direction as to what happened during the shooting of the detainees in which SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C), (b)(7)(F) (Home Station: Fort Benning, GA) were provided direction by (b)(6), (b)(7)(C) to simulate the locations, positions and movements of the detainees.

According to (b)(6), (b)(7)(C) he and (b)(6), (b)(7)(C) were approximately 1 foot from each other and the detainees were within arms reach, when he was attacked. (b)(6), (b)(7)(C) positioned the three detainees approximately 10-15 feet from his and (b)(6), (b)(7)(C) position when he fired upon them and they fell to the ground. (b)(6), (b)(7)(C) stated one of the detainees may have spun around when he fired upon them. (b)(6), (b)(7)(C) stated his direction of fire went from right to left; starting with his attacker. (b)(6), (b)(7)(C) further provided this office with two rough sketches; one depicting where he and (b)(6), (b)(7)(C) were positioned in relation to the three detainees when they attempted to re-zip tie them and the other sketch was of the over all lay out of the area and where he a (b)(6), (b)(7)(C) were in relation to the three detainees when they were killed. (See Sworn Statement and Sketches for details)

(b)(6), (b)(7)(C) provided SA (b)(6), (b)(7)(C) written consent to obtain saliva samples for DNA comparison. The Saliva samples were annotated on Evidence/Property Custody Document (EPCD). (See Consent to Search for details)

About 1957, 29 May 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement. (b)(6), (b)(7)(C) related during the first day of OIT, their mission was to kill any military-aged male they came in contact with. He further related when they landed on their first target they did not find any activity whatsoever. He further related ion their second target of OBJ Murray they landed near two homes. He related they approached the first home, where they his squad saw a male standing inside the home, through a window and they engaged, killing him. He further related three

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

males were apprehended from the first home. He was instructed by (b)(6), (b)(7)(C) to go to the top of a small mound, which oversaw the area, and conduct a reconnaissance. (b)(6), (b)(7)(C) saw a male run to his home and informed SSG (b)(6), (b)(7)(C). He was relieved by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and went with (b)(6), (b)(7)(C) to search the second home. A male exited the home with a baby in his hands but was later apprehended and placed with the other three detainees. When he returned to the first home, he saw an IA soldier, which was assisting them in the operation, kneeling near the detainee in the far right and (b)(6), (b)(7)(C) told him to get away from him. He and (b)(6), (b)(7)(C) were told to re-cuff the detainees because the zip ties had broken off from two detainees. (b)(6), (b)(7)(C) cut the zip-ties off from the third detainee in order to place new ones on and left him unattended when suddenly he was struck on the left side of his face, spun to his right 360 degrees and then opened fire with his squad's semi automatic weapon (SAW), killing two of the detainees as they were running away. (b)(6), (b)(7)(C) turned toward (b)(6), (b)(7)(C) and saw him sitting on the floor just inside the entrance of the home, with cuts to his face and one in his arm. He saw the detainee (b)(6), (b)(7)(C) was zip tying and saw he had been shot by (b)(6), (b)(7)(C) (See Rights Waiver Certificate, Sworn Statement and Sketch for details)

About 2010, 29 May 06, SA (b)(6), (b)(7)(C) interviewed CPL (b)(6), (b)(7)(C) C Company, 3/187<sup>th</sup> INF REG, FBM, who stated he was a M240B gunner on the date of the incident and (b)(6), (b)(7)(C) was his Assistant Gunner (AG). (b)(6), (b)(7)(C) engaged the military-aged male in the window. (b)(6), (b)(7)(C) provided grazing fire over the house to provide cover. He then noticed a man walking out of a house using a baby as a shield. (b)(6), (b)(7)(C) grabbed and restrained the Iraqi male. Once all Iraqi males were properly detained, they were moved to a southern-most house for pictures. While pulling security at the landing zone he heard (b)(6), (b)(7)(C) yell to (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) to change the flex cuffs on the detainees because some were broken. While at the LZ he heard "pop pop pop", turned around and noticed the 3 detainee's blind folded detainees running from the house. The M249 Squad Automatic Weapon (SAW) then began to fire and he witnessed all 3 detainees fall to the ground. He and (b)(6), (b)(7)(C) went to the house where he noticed (b)(6), (b)(7)(C) lying on the ground with a cut across his face and hand and (b)(6), (b)(7)(C) was kneeling down. He then checked the bodies and noticed an orange handle knife lying next to the body closest to the house. (b)(6), (b)(7)(C) stated he believed the knife was left at the Landing Zone (LZ) because it was given to personnel from 2<sup>nd</sup> platoon; however, he knew it was not taken by his gun team or anyone from 3<sup>rd</sup> squad. (b)(6), (b)(7)(C) prepared two rough sketches depicting (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) location as he arrived after the shooting. (See Sworn Statement and Sketches for details)

About 2026, 29 May 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) AKA (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related he was involved in the operation on OBJ Murray as a trauma specialist and had attempted medical aid to the three detainees to no avail. (b)(6), (b)(7)(C) related the three detainee's wrists were not bound by flexi cuffs, but zip-ties. The detainees were no longer bound by the

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6), (b)(7)(C), (b)(7)(F)	10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)	
SIGNATURE	DATE	EXHIBIT
(b)(6), (b)(7)(C)	19 Jun 06	4

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## DETAILS

zip-ties when he attempted life saving measures. (b)(6), (b)(7)(C) related he viewed the knife that he was told was used to assault (b)(6), (b)(7)(C) by one of the detainees. (See Sworn Statement for details)

About 1030, 31 May 06, SA (b)(6), (b)(7)(C) re-interviewed (b)(6), (b)(7)(C) who had his digital camera. (b)(6), (b)(7)(C) stated he and other Soldiers took pictures during the operation which included the detainees' dead bodies. (b)(6), (b)(7)(C) further stated his Platoon Leader instructed him to delete all pictures of the dead bodies. (b)(6), (b)(7)(C) then turned on his Kodak Easy Share CX7530 digital camera, serial number 45209434, and allowed me to review all the pictures that were still stored. SA (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that the deleted pictures needed to be extracted from his camera. (b)(6), (b)(7)(C) then handed (b)(6), (b)(7)(C) the camera and (b)(6), (b)(7)(C) informed him that a technician would extract the deleted images and that upon completion; his camera would be returned to him. SA (b)(6), (b)(7)(C) completed an EPCD, annotating the digital camera and memory card. (b)(6), (b)(7)(C) printed his name and signed the DA Form 4137 in the "Released By" block. (b)(6), (b)(7)(C) then wrote and signed his name to EPCD. (b)(6), (b)(7)(C) then provided (b)(6), (b)(7)(C) a copy of the DA Form 4137, EPCD for his records. (b)(6), (b)(7)(C) then asked (b)(6), (b)(7)(C) if it was O.K. to write the time, date and his initials on the camera and the memory card and (b)(6), (b)(7)(C) replied yes.

About 1140, 31 May 06, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) Medical Sergeant, HHC, 3/187<sup>th</sup> INF REG, FBM. (b)(6), (b)(7)(C) related he observed the remains with MAJ (b)(6), (b)(7)(C) and he exposed photographs for official purposes, as he has done with all prior remains being processed through his aid station. (b)(6), (b)(7)(C) provided a copy of his digital images which he had saved on his computer. (See Sworn Statement for details)

About 1142, 31 May 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed PFC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Medic, 626<sup>th</sup> BSB, FBM. (b)(6), (b)(7)(C) related she observed one of the sets of remains on 9 May 06, and she believed that the remains had at least one zip tie on and the wrists may have been zip tied together; or since rigor mortis had set in, the wrists were together and not zip tied together. (See Sworn Statement for details.)

About 1145, 31 May 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed MAJ (Doctor) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) HHC, 3/187<sup>th</sup> INF REG, FBM. (b)(6), (b)(7)(C) related he observed multiple gunshot wounds to the four sets of remains on 9 May 06. (b)(6), (b)(7)(C) further related he observed apparent blindfolds pulled down around the necks and zip ties on single wrists on several of the remains. None of the zip ties were in a position binding the deceased's wrists together. (b)(6), (b)(7)(C) provided a copy of (b)(6), (b)(7)(C) treatment records. (See Sworn Statement and treatment record for details.)

AGENT'S COMMENT: This interview was conducted concurrently with the interview of SFC (b)(6), (b)(7)(C)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

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## DETAILS

About 1200, 31 May 06, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) and 1LT (b)(6), (b)(7)(C) both from HHC, 3/187<sup>th</sup> INF REG, FBM, who stated when they released the bodies to the Samarra Hospital; the wrists were not bound together.

About 1230, 31 May 06, SA (b)(6), (b)(7)(C) interviewed 2LT (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who detailed he was involved in the operation on OBJ Murray but his platoon actions were separate from the platoon who captured the 3 detainees that were later were killed. (b)(6), (b)(7)(C) related he took possession of the knife, and handed it off to SPC (b)(6), (b)(7)(C) C Co, 3/187 INF REG, FBM. (b)(6), (b)(7)(C) further related he did not see the three detainees get shot. (See Sworn Statement for details)

About 1400, 31 May 06, SA (b)(6), (b)(7)(C) interviewed Mr. (b)(6), (b)(7)(C) interpreter, Badge Number E-2533, Titan Corporation, FBM, who stated he did not witness any detainees get shot when he was with C CO 3/187<sup>th</sup> INF REG, during OIT.

AGENT'S COMMENT: It was determined that (b)(6), (b)(7)(C) was not at the OBJ Murray (OBJ 2).

About 1414, 31 May 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) were approached by (b)(6), (b)(7)(C) Squad Leader of (b)(6), (b)(7)(C) who related he had contacted JAG and was informed that SA (b)(6), (b)(7)(C) had obtained (b)(6), (b)(7)(C) camera illegally. SA (b)(6), (b)(7)(C) related to (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) had willingly provided his camera as evidence and that there was probable cause to seize it.

Agent's Comments: At no time during the interview of (b)(6), (b)(7)(C) did he refute or imply he had a problem with providing this office his personal camera against his will.

About 1445, 31 May 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) 2<sup>nd</sup> Platoon, C Co, 3/187<sup>th</sup> INF REG, FBM, who rendered a sworn statement. (b)(6), (b)(7)(C) related he had no direct knowledge of the detention of the detainees, or that they assaulted US Soldiers. (b)(6), (b)(7)(C) related he helped transport the body bags from the OBJ to the collection point. (b)(6), (b)(7)(C) related COL (b)(6), (b)(7)(C) asked him if he had killed the KIA, and he said he had not; and then COL (b)(6), (b)(7)(C) and other Soldiers opened the bags and took identification photos. (b)(6), (b)(7)(C) related he was tasked to carry a bag containing a knife to the evidence collection point, which he did, and took the knife out of the bag and left it in a room with a white male MSG (later identified as MSG (b)(6), (b)(7)(C) HHB, 320<sup>th</sup> FAR, FRIZ). (See Sworn Statement for details)

AGENT'S COMMENTS: (b)(6), (b)(7)(C) related he had minimal prior contact with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) as they were members of a different platoon. (b)(6), (b)(7)(C) related he had no relationship, good, or bad, with SPC (b)(6), (b)(7)(C) related he would not have gotten rid of the knife to help or to harm (b)(6), (b)(7)(C)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

(b)(6), (b)(7)(C)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

CID FORM 94

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ACLU DDII ROI 33867

000073



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

About 1445, 31 May 06, SA (b)(6), (b)(7)(C) briefed CPT (b)(6), (b)(7)(C) Military Magistrate, 101<sup>st</sup> ABN DIV, COB Sneider, Tikrit, on all aspects of the investigation, relating to establishing probable cause to seize (b)(6), (b)(7)(C) camera. CPT (b)(6), (b)(7)(C) related there was probable cause and verbally authorized its seizure.

About 1522, 31 May 06, SA (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) Category 2 Interpreter, Titan Corporation, COB Spiecher, Tikrit, Iraq, interviewed Mr. (b)(6), (b)(7)(C) Interpreter, Titan Corporation, FBM, who detailed he was involved as an interpreter on OBJ Murray, but was with another Platoon and did not see the shooting of three detainees. (See Sworn Statement for details)

About 1650, 31 May 06, SA (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) interviewed SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Iraqi Army, 4<sup>th</sup> Division, 204<sup>th</sup> Regiment, FOB 7, Samarra, IZ, who stated he was on the first OBJ of OBJ Murray and did not witness any detainees get killed. (b)(6), (b)(7)(C) stated he heard of the incident the day later from other Iraqi Soldiers and saw (b)(6), (b)(7)(C) with his wounds.

AGENT COMMENT: The detainees were killed during the assault on OBJ 2 of OBJ Murray.

About 1730, 31 May 06, SA (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) (AKA (b)(6), (b)(7)(C)) Category 1 Interpreter, Titan, Forward Operating Base (FOB) #7, (Brassfield-Mora, APO AE 09439) interviewed SGT (b)(6), (b)(7)(C) 1<sup>st</sup> Brigade, 4<sup>th</sup> Division, 2<sup>nd</sup> Battalion, 2<sup>nd</sup> Company, FOB #7 (near FBM) who provided a verbal account of his participation in the operation on OBJ Murray. (b)(6), (b)(7)(C) stated he landed on the island with (b)(6), (b)(7)(C) PLT (3<sup>rd</sup> PLT C CO, 3-187th INF REG) and was present when the "old-man" was shot and killed, but stated he did not see the three detainees get shot. (b)(6), (b)(7)(C) related he help removed the "old-man" from the house, where a medic tried to save him. He noticed the "old-man's" weapon on the floor, which upon checking, was not charged to shoot. (b)(6), (b)(7)(C) was concerned about the "old-man's" death, but understood these things happen. (b)(6), (b)(7)(C) related he also helped remove the three detainees from the house who were hiding behind women. Once removed; he zip-tied their hands. He stated he received the zip-ties from U.S. Soldiers, but could not recall their names. After (b)(6), (b)(7)(C) finished zip-tying the three detainees, he placed them face down on the ground. (b)(6), (b)(7)(C) was then instructed to help watch the women. While watching the women, they told (b)(6), (b)(7)(C) that two of the detainees were farmers and the other was an Iraqi Policemen. SA (b)(6), (b)(7)(C) and Mr. (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) the following questions:

Q: Did anyone fire at the Americans of Iraqi Army?

A: No.

Q: Did you argue with Americans about the shooting of the "old-man"?

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

A: I ask the LT to send me into the second house (home of old man, three detainees) to get them (US) what they want, but the LT said no. SGT (b)(6), (b)(7)(C) accepted the order.

Q: Did you hear of any detainee getting a knife?

A: No.

Q: Did you see a knife with an orange handle?

A: Yes, I saw a knife with an orange handle with the tall semi-skinny SSG, but it was after the shooting of the three detainees. The SSG was holding it and I joked to him that the knife was like the knife of the Mujahadeen. The knife was very sharp and nicely made.

SGT (b)(6), (b)(7)(C) further related the women were upset at the death of the "old-man", but show no emotion for the death of three detainees. He also noted the women were trying to be helpful to the Soldiers and upon allowing them to leave; the women went back to tending their sheep.

About 1705, 1 Jun 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) 55<sup>th</sup> Combat Camera, COB Speicher, Tikrit, who detailed his involvement with the operation at OBJ Murray. (b)(6), (b)(7)(C) was taking photographs during the entire operation, not just at OBJ Murray. (b)(6), (b)(7)(C) was able to photograph the death of the "old-man", but had departed for another OBJ when the three detainees were shot. (See Sworn Statement for details)

AGENT'S COMMENT: (b)(6), (b)(7)(C) provided this office with a digital copy of all of the pictures he took for the operation on a CD-ROM.

About 1430, 2 Jun 06, SA (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) who provided the signed Search and Seizure Authorization, DA Form 3745, authorizing the search and seizure of (b)(6), (b)(7)(C) digital camera which he had previously provided verbal authorization on 31 May 06. (See Search and Seizure Authorization for details)

About 1329, 3 Jun 06, LTC (b)(6), (b)(7)(C) and BG (b)(6), (b)(7)(C) interviewed COL (b)(6), (b)(7)(C) who denied desecrating remains or making inappropriate comments. He admitted ordering his DCO to not notify Division, and not notifying CID of the deaths of detainees. (See Sworn Transcript for details).

About 1345, 3 Jun 06, SA (b)(6), (b)(7)(C) coordinated with LTC (b)(6), (b)(7)(C) BN CDR, 3 /187<sup>th</sup> INF REG, FBM, who advised CID that returning for a scene examination was not recommended due to the threat (b)(6), (b)(7)(C) further stated that (b)(6), (b)(7)(C) sought legal counsel. SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) still needed to report to this office to confirm his decisions in person.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

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ACLU DDII ROI 33869

000075



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

About 1345, 3 Jun 06, SA (b)(6), (b)(7)(C) coordinated with CPT (b)(6), (b)(7)(C) Trial Defense Counsel (TDS), COB Speicher, Tikrit, Iraq, who stated she represented (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) requested that she and (b)(6), (b)(7)(C) come to the CID office on 5 Jun 06.

About 1900, 3 Jun 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) coordinated with (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) TDS, COB Speicher. (b)(6), (b)(7)(C) related she was the detailed counsel of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) related she was the detailed counsel of (b)(6), (b)(7)(C) related that she would come to the CID office with (b)(6), (b)(7)(C) on 5 Jun 06.

About 1356, 5 Jun 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) met with (b)(6), (b)(7)(C) and his attorney (b)(6), (b)(7)(C) declined to be re-interviewed.

About 1540, 5 Jun 06, SA (b)(6), (b)(7)(C) was contacted by MAJ (b)(6), (b)(7)(C) and provided him a limited brief on the case status as it pertained to the actions surrounding the killing of the detainees. MAJ (b)(6), (b)(7)(C) related he was going on R&R leave starting 9 Jun 06, and CPT (b)(6), (b)(7)(C) Trial Counsel, 3BCT, COB Speicher, would be the acting Command Judge Advocate in his absence.

About 1011, 9 Jun 06, SA (b)(6), (b)(7)(C) advised SGT (b)(6), (b)(7)(C) HHB, 3/320<sup>th</sup> FAR, FRIZ, of his legal rights which he waived and provided a sworn statement (b)(6), (b)(7)(C) confessed to knowingly providing false testimony during his AR 15-6 interview conducted on 28 May 06. (b)(6), (b)(7)(C) stated he did not see the inside of any of the body bags nor did he see any Soldiers take pictures of the bodies. (b)(6), (b)(7)(C) admitted that he did in fact open at least one body bag and that he also witnessed an Officer take pictures of the bodies. (See Waiver Certificate and Sworn Statement for details)

About 1313, 9 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement (b)(6), (b)(7)(C) stated he was unsure of the amount of dead bodies he processed or if they had zip ties around their wrists (b)(6), (b)(7)(C) stated that was the first time he witnessed dead bodies and tried "to get it over with as soon as possible." (See Waiver Certificate and Sworn Statement for details)

About 1930, 9 Jun 06, BG (b)(6), (b)(7)(C) LTC (b)(6), (b)(7)(C) COL (b)(6), (b)(7)(C) SJA, MNC-I, LTC (b)(6), (b)(7)(C) Commander, 10<sup>th</sup> MP Bn (CID), and SA (b)(6), (b)(7)(C) briefed LTG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Commander, MNC-I, on the investigation to date.

About 1107, 12 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who reiterated that when he asked (b)(6), (b)(7)(C) for a situation report, moments after the shooting of the detainees, (b)(6), (b)(7)(C) told him that one of the detainees attempted to grab his weapon so he shot at the detainees. (b)(6), (b)(7)(C) further related, moments after the shooting, he witnessed (b)(6), (b)(7)(C) on the ground low crawling towards the

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

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DDII ROI 33870

000076



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

doorway of the house, holding his left arm. (b)(6), (b)(7)(C) stated he assisted (b)(6), (b)(7)(C) in the house by grabbing his IBA and subsequently requested a situation report from him.

About 0906, 13 Jun 06, SA (b)(6), (b)(7)(C) interviewed CPT (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who related (b)(6), (b)(7)(C) reported the situation report over the radio moments after the shooting. (b)(6), (b)(7)(C) stated he replied "Why did it go from four detainees to one." (b)(6), (b)(7)(C) stated he was inquiring because he previously received a situation report stating they had four detainees.

About 0913, 13 Jun 06, SA (b)(6), (b)(7)(C) interviewed 1SG (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who stated while enroute to OBJ Murray, he was positioned in the right seat of the UH-60 and witnessed 6 to 7 tracers rounds in the air approximately 50 meters from the UH-60 when approximately 1 min from the OBJ.

About 0920, 13 Jun 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who stated he was on the initial assault of OBJ Murray and provided over watch. (b)(6), (b)(7)(C) escorted the first KIA back to the CP via air, and when he left the OBJ the other three detainees were alive.

About 1124, 13 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement wherein he stated he was absolutely sure that he saw COL (b)(6), (b)(7)(C) cut one blindfold from one of the deceased detainees and put his boot on the head while taking a photograph. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) both witnessed it and that (b)(6), (b)(7)(C) told him the rest of the dead bodies were zip-tied. (b)(6), (b)(7)(C) stated all the information he provided in his initial interview with CID and during the 15-6, he was not "100% sure about." (See Rights Waiver Certificate and Sworn Statement for details)

About 1705, 13 Jun 06, LTC (b)(6), (b)(7)(C) notified this office that SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, and SGT (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, reported to the chain of command that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had planned the murders of the detainees. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) notified SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who in turn notified 1SG (b)(6), (b)(7)(C)

About 2350, 13 Jun 06 (b)(6), (b)(7)(C) provided SA (b)(6), (b)(7)(C) a previously prepared sworn statement wherein he detailed his role in Operation Iron Triangle. (b)(6), (b)(7)(C) further provided specific incidents that he noticed were inconsistent with his company operations. (See Sworn Statement for details)

About 0331, 14 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who stated about 21 May 06 (b)(6), (b)(7)(C) disclosed to him that during OIT, (b)(6), (b)(7)(C) conducted a meeting with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) wherein he stated he wanted to cut the zip ties off the three

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

detainees, allow them to run, and shoot them. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) did not want any involvement and went to PZ posture along with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) then heard shots and saw that the three detainees were dead and saw that (b)(6), (b)(7)(C) was cut and (b)(6), (b)(7)(C) claimed he was hit in the face. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) later found out that (b)(6), (b)(7)(C) agreed to be cut and (b)(6), (b)(7)(C) agreed to be punched in the face by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) as a cover up. (See Sworn Statement for details)

About 0340, 14 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who related he was informed by (b)(6), (b)(7)(C) that SSG (b)(6), (b)(7)(C) punched him in the face during OIT. He further stated (b)(6), (b)(7)(C) related the detainees conducted a dance called the "Harlem Shake" after being shot. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) seemed very excited to kill someone and that he thought he had killed the detainee/detainees without cause and that the wounds inflicted on (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) was not conducted by the three detainees but by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) (See Sworn Statement for details)

About 0915, 14 Jun 06, SA (b)(6), (b)(7)(C) collected as evidence 28 zip ties and 2 flexi cuffs from 1SG (b)(6), (b)(7)(C) on an EPCD.

About 0919, 14 Jun 06, (b)(6), (b)(7)(C) provided SA (b)(6), (b)(7)(C) and sworn statement wherein he detailed his involvement in OIT and the sequence of events. (See Sworn Statement for details)

About 1040, 14 Jun 06, SAC (b)(6), (b)(7)(C) 31<sup>st</sup> MP Det (CID), met with COL (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) SJA, 101<sup>st</sup> ABN DIV, MAJ (b)(6), (b)(7)(C) Provost Marshal, 101<sup>st</sup> ABN DIV, and CPT (b)(6), (b)(7)(C) and discussed the information developed to date, pre-trial confinement concerns and the possible need for grants of immunity. (b)(6), (b)(7)(C) advised to ensure we captured in the sworn statements any concerns the witnesses might have for their personal safety and/or whether or not they had been threatened or intimidated.

About 1429, 14 Jun 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) C CO, 3-187<sup>th</sup> INF, FBM, who stated that on or about 18 May 06, (b)(6), (b)(7)(C) told him that (b)(6), (b)(7)(C) told him that (b)(6), (b)(7)(C) had a meeting with his squad members and stated that (b)(6), (b)(7)(C) planned to stab (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) would punch (b)(6), (b)(7)(C) They then would cut the flex cuffs off the three detainees and shoot them. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) further stated that (b)(6), (b)(7)(C) said that he wanted no part of it and left for the PZ along with (b)(6), (b)(7)(C) further stated that on 12 Jun 06 (b)(6), (b)(7)(C) informed him that (b)(6), (b)(7)(C) confessed that he was hit by (b)(6), (b)(7)(C) and bragged of how he shot the three detainees. (See Sworn Statement for details)

About 0836, 15 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a verbal statement denying he had a meeting with his squad and related that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

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000078



**AGENT'S INVESTIGATION REPORT**

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

(b)(6), (b)(7)(C) would cut off the detainees zip ties, tell them to run, and then (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) would shoot and kill them. (b)(6), (b)(7)(C) related he was not derelict in his duties and that he did not do anything wrong. He further related he did not threaten to kill or harm any one in his squad and stated they had already provided the truth about the incident. He denied that any of his previous statements provided to this office were false. (b)(6), (b)(7)(C) further related he was upset about being bought here after members of his company conducted a raid on him. He stated he did not trust anyone in the unit to run, take care and provide good leadership to his soldiers. SSG (b)(6), (b)(7)(C) continued to deny his involvement in the deaths of the detainees. SSG (b)(6), (b)(7)(C) was asked to make it easier on his soldiers, his unit, the Army and to spare his family the embarrassment that this incident by providing this office the truth. (b)(6), (b)(7)(C) related he slept good at night and did not have a problem with how the detainees were killed. SSG (b)(6), (b)(7)(C) stated his squad members were like his children and they would not provide information to contradict what he had already provided to this office on previous occasions. He further related him, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were going to be members of the Veterans of Foreign Wars (VFW) and he was going to become a Ranger School Instructor. SA (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that the CID was aware of the conspiracy and throughout the interview he would not make eye contact and continually look at the ground. (b)(6), (b)(7)(C) would nod his head in agreement when SA (b)(6), (b)(7)(C) spoke to him about him wanting to have complete control over his squad members, that he wanted them to fear him and that the relationship was abusive in nature because members of his squad was scared of him and would do anything for him. Throughout the entire interview (b)(6), (b)(7)(C) seemed as though doing a lot of thinking but would suddenly say he did nothing wrong. SA (b)(6), (b)(7)(C) informed him of a comment made about the Harlem Shake and (b)(6), (b)(7)(C) related that the interview was not going anywhere, he did not want to talk anymore, he wanted a lawyer and the interview was terminated. (See Rights Waiver for details)

About 0839, 15 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived. (b)(6), (b)(7)(C) stated he was frustrated that he was transported to CID unannounced and that his unit took his weapon and told him to pack some personal belongings. SA (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) to explain what happened to the three detainees and (b)(6), (b)(7)(C) replied that what he wrote in his previous sworn statement was the truth. SA (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) of his unit member's testimony that he, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) conspired to cut the zip ties off the three detainees, told them to run, and planned to shoot them. SA (b)(6), (b)(7)(C) further informed (b)(6), (b)(7)(C) of his unit member's testimony that (b)(6), (b)(7)(C) was cut by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) punched (b)(6), (b)(7)(C) and that they were to say they murdered them in self defense. SA (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that his Squad members were not loyal to him and were willing to tell the truth of what happened during OIT. (b)(6), (b)(7)(C) replied "I have loyalty and I'm willing to go down for it." At that time, (b)(6), (b)(7)(C) stated he wanted to consult a lawyer. (See Waiver Certificate for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

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DDII ROI 33873

000079



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

AGENT'S COMMENT: (b)(6), (b)(7)(C) never denied the conspiracy or the subsequent murder of the three detainees. When informed of his unit member's testimony, (b)(6), (b)(7)(C) did not make eye contact and appeared to be nervous and in deep thought.

About 0920, 15 Jun 06, SAC (b)(6), (b)(7)(C) was contacted by (b)(6), (b)(7)(C) who related to advise (b)(6), (b)(7)(C) of his rights for dereliction of duty as a precaution. She related she did not see the need to advise the junior Soldiers who were not NCOs.

About 0930, 15 Jun 06, SA (b)(6), (b)(7)(C) briefed LTC (b)(6), (b)(7)(C) Deputy Commander, 3BCT, COB Speicher, Tikrit, on all aspects of this investigation. (b)(6), (b)(7)(C) stated he would compile an escort team from 3BCT, COB Speicher, to escort (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

About 1008, 15 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement. (b)(6), (b)(7)(C) confessed that after the four detainees were apprehended, (b)(6), (b)(7)(C) called for a meeting of the squad members which consisted of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) inside the house. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) informed the squad that the plan was to cut the zip-ties off the detainees, tell them to run, and shoot them. (b)(6), (b)(7)(C) state he informed (b)(6), (b)(7)(C) that he didn't want any involvement so (b)(6), (b)(7)(C) instructed him to take (b)(6), (b)(7)(C) and one detainee, meet up with (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) who were pulling security outside the house, and proceed to the PZ. (b)(6), (b)(7)(C) stated, while at the PZ, he heard "Oh shit" and saw two detainees run away and subsequently were shot. (b)(6), (b)(7)(C) stated he made his way to the house and saw that the three detainees were dead. (b)(6), (b)(7)(C) stated he later heard from (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) punched him. (See Waiver Certificate and Sworn Statement for details)

About 1130, 15 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) confronted (b)(6), (b)(7)(C) with the fact that (b)(6), (b)(7)(C) held a meeting with the squad and discussed a plan to kill the detainees, after which he punched (b)(6), (b)(7)(C) and cut (b)(6), (b)(7)(C) and they staged the incident and murdered the detainees. (b)(6), (b)(7)(C) stated he was willing to tell what he knew about the meeting and the following events, but he needed to first state that he shot and killed one of the detainees who had initially been shot and injured by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) immediately halted the interview and advised (b)(6), (b)(7)(C) of his legal rights, which he waived and agreed to continue the interview. (b)(6), (b)(7)(C) confirmed that (b)(6), (b)(7)(C) had a meeting with the squad inside the house and told them that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were going to kill the three detainees and stage it to appear as an assault and escape attempt. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) stated they did not want anything to do with it and left the room. He said they walked to PZ Posture and began preparing for departure. (b)(6), (b)(7)(C) stated about ten minutes after they left the meeting he heard gunshots from the direction of the house. He ran back toward the house and, about halfway there, he observed (b)(6), (b)(7)(C) run around the Southeast corner of the house. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) met at the Southwest corner of

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

CID FORM 94  
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000080



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

the house and then ran to the front of the residence. (b)(6), (b)(7)(C) stated he observed the three detainees lying on the ground and (b)(6), (b)(7)(C) lying on the ground by the door. (b)(6), (b)(7)(C) stated he and (b)(6), (b)(7)(C) called for a medic and (b)(6), (b)(7)(C) ran to the residence from PZ Posture. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) checked the detainees and determined that one of the detainees was alive but could not be saved. According to (b)(6), (b)(7)(C) the man was experiencing agonal breathing, taking a gasping breath about every ten seconds. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) said words to the effect "go ahead and put him out of his misery". (b)(6), (b)(7)(C) pointed his rifle at the man's head and fired once, but missed. He then sighted on the man's face, below his left eye, and fired again, striking and killing the man. (b)(6), (b)(7)(C) stated he was surprised by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) injuries, as they had not mentioned anything about this during their meeting in the house. (b)(6), (b)(7)(C) stated a couple of days later he asked (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) what really happened and they told him that (b)(6), (b)(7)(C) punched (b)(6), (b)(7)(C) twice and then (b)(6), (b)(7)(C) punched him once. They also told him that (b)(6), (b)(7)(C) cut (b)(6), (b)(7)(C) on his face and arm. (b)(6), (b)(7)(C) stated at a later date, during a squad meeting at FBM, (b)(6), (b)(7)(C) stated words to the effect, "If one of you spoke up, that he would find whoever snitched and kill them". (b)(6), (b)(7)(C) stated he was not certain of everyone who was there when (b)(6), (b)(7)(C) made this comment, but he recalled (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) being present at the meeting. (See Waiver Certificate and Sworn Statement for details)

About 1157, 15 Jun 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related (b)(6), (b)(7)(C) told him of the conspiracy to murder the detainees. (See Sworn Statement for details).

About 1527, 15 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who clarified his previous statement. (b)(6), (b)(7)(C) related at a time which he could not remember, a meeting was held inside the room where he was guarding two women. (b)(6), (b)(7)(C) and himself attended this meeting. (b)(6), (b)(7)(C) added (b)(6), (b)(7)(C) stated during the meeting that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were going to kill the 3 detainees. (b)(6), (b)(7)(C) stated he asked why they were going to do something like that and he was answered "because they want to." He advised the group he wanted no part in the murder of the detainees and later told (b)(6), (b)(7)(C) in a one-on-one conversation the same thing. When he told (b)(6), (b)(7)(C) in the room he wanted no part of it, he heard "Oh shit!!!" and then heard gun fire. (b)(6), (b)(7)(C) immediately ran around to the front of the house once the gun fire started and he believed (b)(6), (b)(7)(C) cut (b)(6), (b)(7)(C) as well as hit (b)(6), (b)(7)(C) when he reached them. He related on several occasions his life was threatened by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) who adamantly expressed they would kill him if he ever said anything. (b)(6), (b)(7)(C) added he heard but did not see the first round of shots fired at the three detainees, when he then heard 2 separate shots about a minute later after the first. (b)(6), (b)(7)(C) further related he was inside the house while the 3 detainees were killed as well as the subsequent 2 shots fired after. He stated he never saw the bodies of the 3 detainees who were killed; however, he was later told to go get a knife which was not present when he searched.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

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CID Regulation 195-1

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## DETAILS

He related he searched and detained all 3 detainees outside of the house and never found a knife on any of them during his search. (See Sworn Statement for details).

About 1650, 15 Jun 06, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who related he was instructed to supervise (b)(6), (b)(7)(C) while he was packing up his belongings to be escorted to CID. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) asked "What was going on?" and (b)(6), (b)(7)(C) stated CID needed to see him. (b)(6), (b)(7)(C) stated a little while later (b)(6), (b)(7)(C) stated "I'm going to prison." (See Sworn Statement for details)

About 1800, 15 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) to further clarify his statement he provided on 14 Jun 06. (b)(6), (b)(7)(C) related he had said words to the effect of "why we have 3 detainees or why do we have any enemy alive" over the radio. He further related he never had any communication with (b)(6), (b)(7)(C) or heard any response from (b)(6), (b)(7)(C) stated he previously advised (b)(6), (b)(7)(C) to call TDS in reference to CID collecting his camera. (See Sworn Statement for details)

About 1006, 16 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his rights which he waived and provided a sworn statement wherein he stated he was informed of the conspiracy to shoot the detainees and the circumstances of the subsequent murder of the three detainees on 13 Jun 06 by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) denied having any prior knowledge of the wrongful killing of the detainees. (See Waiver Certificate and Sworn Statement for details)

About 1010, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who maintained that he did not witness or hear a shooting after the initial shooting of the detainees, although he had gone to the shooting scene and saw the wounded detainees. (b)(6), (b)(7)(C) denied having any knowledge of the conspiracy regarding the initial shootings of the detainees, either directly, or from other persons who may have told him about it. (See Sworn Statement for details).

Agent's comment: About 1350, 16 Jun 06, SA (b)(6), (b)(7)(C) continued the interview of (b)(6), (b)(7)(C) and sworn him to his statement.

About 1043, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who related he was approached by (b)(6), (b)(7)(C) who wanted to know information about (b)(6), (b)(7)(C) being interviewed by CID. He further stated he was informed by (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) overheard a conversation in the unit's Command Post (CP) that (b)(6), (b)(7)(C) was questioned by this office. (See Sworn Statement for details)

About 1300, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who related his actions on OIT from when saw the detainees fall to the ground. (b)(6), (b)(7)(C) stated upon hearing gunfire and seeing the detainees fall, he ran from the PZ to the house and initially checked on (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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## DETAILS

and then on the detainees. (b)(6), (b)(7)(C) stated he saw one detainee coughing up blood, and heard (b)(6), (b)(7)(C) state that he was dead, his brain just didn't know it yet. (b)(6), (b)(7)(C) stated as he left (b)(6), (b)(7)(C) said something to (b)(6), (b)(7)(C) and he heard a single gun shot, but did not see where it came from. (b)(6), (b)(7)(C) further provided a sketch of the area. (See Sworn Statement and Sketch for details)

About 1320, 16 Jun 06, SAC (b)(6), (b)(7)(C) was informed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) that while they were in the main dining facility, COB Speicher, they observed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) sitting together and talking. SAC (b)(6), (b)(7)(C) advised them to notify 3BCT HQs of due to the escorts being managed from that location.

About 1453, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who stated he was not part of OIT. (b)(6), (b)(7)(C) did not hear of any of his squad members conspiring to shoot three detainees and the circumstances of the subsequent murder of the three detainees. (See Sworn Statement for details)

About 1505, 16 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his legal rights in which he waived. (b)(6), (b)(7)(C) declined to be questioned further when he was asked if (b)(6), (b)(7)(C) personal effects had any contraband during his inventory. (See Rights Waiver Certificate for details)

About 1515, 16 Jun 06, SA (b)(6), (b)(7)(C) asked (b)(6), (b)(7)(C) for consent to search his bags and gear. (b)(6), (b)(7)(C) declined and stated he wanted to consult a lawyer. SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) that his gear and bags will remain in this office until search authorization was received from a Magistrate. SA (b)(6), (b)(7)(C) further advised (b)(6), (b)(7)(C) that the search would be conducted in his presence upon his return from TDS.

About 1705, 16 June 06, SA (b)(6), (b)(7)(C) briefed CPT (b)(6), (b)(7)(C) Military Magistrate, 101st ABN DIV, COB Speicher, on the aspects of this investigation. (b)(6), (b)(7)(C) advised that once SA (b)(6), (b)(7)(C) obtained a sworn statement from (b)(6), (b)(7)(C) he could proceed with the search. (b)(6), (b)(7)(C) related there was probable cause to search (b)(6), (b)(7)(C) bags and gear and verbally authorized the seizure of the camera upon receipt of (b)(6), (b)(7)(C) sworn statement.

About 1736, 16 Jun 06, SA (b)(6), (b)(7)(C) re-interviewed (b)(6), (b)(7)(C) who reaffirmed his previous statement. (See Sworn Statement for details)

On 16 Jun 06, SA (b)(6), (b)(7)(C) was contacted by LTC (b)(6), (b)(7)(C) who related he was contacted by 1SG (b)(6), (b)(7)(C) HHC, 3/187th INF REG, FBM, who related that SGT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) HHC, 3/187th INF REG, FBM through his NCO related SPC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co 3/187th INF REG, FBM asked where he could get rid of some incriminating information related to his squad. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) declined to help and

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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000083



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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## DETAILS

provided the information to his NCO. SA (b)(6), (b)(7)(C) requested (b)(6), (b)(7)(C) conduct a formation and request all those who have information to come forward. (See Sworn Statement for details)

About 1749, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related he was one of (b)(6), (b)(7)(C) roommates. He stated he was not on Iron Triangle and stated he was informed by (b)(6), (b)(7)(C) that the detainees were killed in self defense after they punched and cut (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) also related he removed a picture of a female from (b)(6), (b)(7)(C) belongings during the inventory he conducted with SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, and (b)(6), (b)(7)(C) because he did not think the photo should be provided to (b)(6), (b)(7)(C) spouse. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) was not in possession of any thumb drives but related he had a personal camera (placed in his belongings) and that (b)(6), (b)(7)(C) would video tape some missions on the unit's video camera (b)(6), (b)(7)(C) stated he placed the photo and all unit issued items, including a video camera, (b)(6), (b)(7)(C) had in his possession on (b)(6), (b)(7)(C) bed. (See Sworn Statement for details)

About 1818, 16 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) on his legal rights which he waived and provided a sworn statement wherein he related his initial statement to this office was false. He was aware that (b)(6), (b)(7)(C) had shot one of the detainees in the head as part of a mercy killing. He was informed by BIVINS on the day of the incident that (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) had planned the murders and all wounds suffered by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were committed by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) (See Sworn Statement for details)

About 2110, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who related (b)(6), (b)(7)(C) told him the detainee deaths were staged by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) came to the house after the detainees died and made it look "legit" by punching (b)(6), (b)(7)(C) again and cutting (b)(6), (b)(7)(C) arm. (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) told him that one detainee wasn't dead and (b)(6), (b)(7)(C) stated to "put him out of his misery" at which time (b)(6), (b)(7)(C) fired two shots at the detainees head since the first one had missed. (b)(6), (b)(7)(C) related he talked with PFC (b)(6), (b)(7)(C) C CO, 3/187 INF REG, FBM, who had been told by (b)(6), (b)(7)(C) of what "really" happened: (See Sworn Statement for details).

About 2141, 16 Jun 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C CO, 3/187<sup>th</sup> INF REG, FBM, who provided a sworn statement (b)(6), (b)(7)(C) stated he was with his squad during their assault on the first day of OIT (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) confessed to him that (b)(6), (b)(7)(C) was struck in the face and (b)(6), (b)(7)(C) was cut by (b)(6), (b)(7)(C) and that the detainees were cut loose and (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) shot them. (b)(6), (b)(7)(C) related that (b)(6), (b)(7)(C) stated he approached the dead detainees and one was still alive. (b)(6), (b)(7)(C) further related that (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) said to "put him out of his misery" and (b)(6), (b)(7)(C) then shot the detainee in the head (See Sworn Statement for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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000084



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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## DETAILS

Between 2200-2210, 16 Jun 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) searched (b)(6), (b)(7)(C) bags and gear. The search revealed four digital video cassettes and one disposable camera. (b)(6), (b)(7)(C) stated that the disposable camera and one cassette was his and that the other three belonged to (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). The aforementioned items were seized and annotated on an EPCD.

About 2241, 16 Jun 06, SA (b)(6), (b)(7)(C) collected one green notebook which contained the possible names of the deceased Iraqis from (b)(6), (b)(7)(C) as evidence on an EPCD.

About 0820, 17 Jun 06, LTC (b)(6), (b)(7)(C) arrived at the CID office and subsequently released a digital camera which was among unit property assigned to (b)(6), (b)(7)(C). SA (b)(6), (b)(7)(C) collected one Sony Camera, Serial # 442991, as evidence on an EPCD.

About 0915, 17 Jun 06, SA (b)(6), (b)(7)(C) was contacted by SSG (b)(6), (b)(7)(C) 310<sup>th</sup> Psychological Operations, FBM, Samara, Iraq, APO AE 09393. (b)(6), (b)(7)(C) conducts operations in the local economy and would be an appropriate POC for initiating exhumation operations.

About 1030, 17 Jun 06, SA (b)(6), (b)(7)(C) briefed all C Co 3/187<sup>th</sup> personnel whom arrived for interview by this office and informed them not to discuss any aspects of this investigation with anyone other than CID personnel.

About 1052, 17 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who provided a sworn statement wherein he related he had informed (b)(6), (b)(7)(C) about aspects of this investigation after he was given an order not to discuss this investigation with anyone outside of CID in which he related he was ordered to do so by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C).

About 1058, 17 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his legal rights, which he invoked and declined to be questioned. (See Non Waiver Certificate for details)

About 1105, 17 Jun 06, SAC (b)(6), (b)(7)(C) was contacted by LTC (b)(6), (b)(7)(C) who advised there were additional questions in which needed to be asked of ISG (b)(6), (b)(7)(C) in response to an inquiry from MNC-I that focused on the ROE and (b)(6), (b)(7)(C) actions. (b)(6), (b)(7)(C) in addition forwarded a list of questions and (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) would be presented with the list of questions prepared in blank statement format in which (b)(6), (b)(7)(C) would be advised to enter the answers and then would be sworn to his statement.

About 1321, 17 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who detailed his actions while on OIT. (b)(6), (b)(7)(C) stated he was not part of OBJ Murray, and approximately one week after Iron Triangle,

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

he was informed by (b)(6), (b)(7)(C) that he cut (b)(6), (b)(7)(C) who punched (b)(6), (b)(7)(C) prior to telling the detainees to run away. They then shot at the detainees at which time (b)(6), (b)(7)(C) ran over to them, hit (b)(6), (b)(7)(C) in the face and cut (b)(6), (b)(7)(C) arm. (b)(6), (b)(7)(C) further elaborated on (b)(6), (b)(7)(C) personality, in which he described him as a "glory hound". (See Sworn Statement for details)

About 1439, 17 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who stated about 0400, 16 Jun 06, (b)(6), (b)(7)(C) approached him and asked if he knew where he could hide "something" incriminating to his squad. (b)(6), (b)(7)(C) informed his Squad Leader of the incident. (See Sworn Statement for details)

About 1513, 17 Jun 06, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) C Co, 3/187 INF BN, FBM, who related he went to wake up (b)(6), (b)(7)(C) and have him pack his bags on 16 Jun 06 at which time (b)(6), (b)(7)(C) stated "Is this about CID" and "Can I see my Squad Leader"? SFC (b)(6), (b)(7)(C) further stated he later obtained five or six knives from (b)(6), (b)(7)(C) room. (See Sworn Statement for details)

About 1520, 17 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C), who completed a sworn statement regarding the ROE for the IO. (See Sworn Statement for details).

About 1520, 17 Jun 06, SA (b)(6), (b)(7)(C) interviewed SSG (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who related he was informed by (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) that the detainees were killed in self defense. He related he found it suspicious on how the incident happen but that he did not have any direct knowledge that it had happened otherwise. He further related he had a good relationship with (b)(6), (b)(7)(C). He stated (b)(6), (b)(7)(C) was a person who bragged about everything and often got into trouble while in his squad and he requested he be given an Article 15 because of his conduct. He related (b)(6), (b)(7)(C) was removed from his squad and placed with (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) requested (b)(6), (b)(7)(C) not pursue the Article 15 against (b)(6), (b)(7)(C) and give him another chance, to which he agreed. (b)(6), (b)(7)(C) often bragged about the Iron Triangle incident and loved the attention he was getting because of it. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) barely mentioned the incident and he did not interact with him to much. He further related the unit as a whole hated Iraqis, did not treat them with respect and were acting under the same mentality as when the war first started. (See Sworn Statement for details)

About 1635, 17 Jun 06, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) using his notebook and photographs of the detainees (pre and post-mortem). He related there was no "black list", and he used his limited knowledge of Arabic to ask their names. (b)(6), (b)(7)(C) reviewed the photographs of the detainees before and after death, and related he believed they were the same detainees killed on 9 May 06, but

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

CID FORM 94  
(Automated)

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ACLU DDII ROI 33880

000086



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

could not recall which of the three names he had written were linked to a specific detainee, and they had no ID on capture.

About 1710, 17 Jun 06, SA (b)(6), (b)(7)(C) collected as evidence a baggie containing six knives from the hands of (b)(6), (b)(7)(C) on an EPCD.

About 1725, 17 Jun 06, SA (b)(6), (b)(7)(C) was contacted by CPT (b)(6), (b)(7)(C) Chief of Justice, OSJA, 101<sup>st</sup> ABN DIV, who recommended that a separate search authorization be obtained to view the video cassettes.

About 1730, 17 Jun 06, SA (b)(6), (b)(7)(C) collected 5 knives and 1 pistol taken from (b)(6), (b)(7)(C) room; 5 knives taken from (b)(6), (b)(7)(C) room; and one knife taken from (b)(6), (b)(7)(C) room, from the hands of (b)(6), (b)(7)(C) on an EPCD.

About 0841, 18 Jun 06, SA (b)(6), (b)(7)(C) received a SIPR email from SSG (b)(6), (b)(7)(C), PSYOPS, who related he would coordinate with his unit to determine who would assist this office with recovering the remains.

On 18 Jun 06, CPT (b)(6), (b)(7)(C) signed the Search and Seizure Authorizations authorizing this office to search and seize or apprehend media related items from (b)(6), (b)(7)(C) person and belongings. He further authorized this office to search and seize or apprehend the digital video cassettes and disposable camera which all had been previously authorized verbally. (See Affidavits and Search and Seizure Authorizations for details)

About 1640, 18 Jun 06, SAC (b)(6), (b)(7)(C) received a call from CSM (b)(6), (b)(7)(C) 3/187<sup>th</sup> INF REG, who advised following the call for anyone with information to come forward, SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, reported that he had previously heard the incident was staged. (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C) did not include the name of the Soldier who told him this in his sworn statement; however, he verbally told (b)(6), (b)(7)(C) that he heard this from SGT (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM.

About 1745, 18 Jun 06, SA (b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) briefed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and provided additional names to be interviewed and requested a camera so this office could view the video tapes. (b)(6), (b)(7)(C) related he did inform (b)(6), (b)(7)(C) to ask (b)(6), (b)(7)(C) the questions regarding the PZ. (b)(6), (b)(7)(C) further related neither (b)(6), (b)(7)(C) nor (b)(6), (b)(7)(C) had any kills in the company prior to the night of the incident.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

CID FORM 94  
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000087



# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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0086-06-CID469-75447

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## DETAILS

About 1810, 18 Jun 06, SA (b)(6), (b)(7)(C) received (b)(6), (b)(7)(C) statement from (b)(6), (b)(7)(C) (See Sworn Statement for details)

About 0906, 19 Jun 06, SA (b)(6), (b)(7)(C) submitted an NCIC request to the US Army Crime Records Center, Fort Belvoir, VA, to check the status of the 9mm pistol seized from (b)(6), (b)(7)(C) belongings (Serial Number 91357, CZ Model 75 CAL. 9 PARA, Made in CZECHOSLOVAKIA).  
AGENT'S COMMENTS: USACRC subsequently reported no record of the weapon being stolen.

About 1004, 19 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his legal rights which he waived and provided a sworn statement. (b)(6), (b)(7)(C) related he heard the detainee shooting was staged while conversing with other Soldiers. (See Rights Waiver and Sworn Statement for details)

About 1008, 19 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) and obtained a consent to search authorizing the collection and search of his personal laptop computer, S/N 35238105K. (b)(6), (b)(7)(C) further provided a sworn statement wherein he detailed information concerning the video tapes seized from SPC (b)(6), (b)(7)(C) (See Consent to Search and Sworn Statement for details)

About 1126, 19 Jun 06, SA (b)(6), (b)(7)(C) interviewed (b)(6), (b)(7)(C) who stated he conducted the inventory of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) personal and military effects. (b)(6), (b)(7)(C) stated (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) assisted in the inventory of (b)(6), (b)(7)(C) room wherein he stated he did not witness (b)(6), (b)(7)(C) take any of (b)(6), (b)(7)(C) belongings. (See Sworn Statement for details)

About 1154, 19 Jun 06, SA (b)(6), (b)(7)(C), (b)(7)(F) 31<sup>st</sup> MP DET (CID), LSA Anaconda, Balad, Iraq, (Home Station: Fort Campbell, KY) interviewed SGT (b)(6), (b)(7)(C) C CO, 3/187<sup>th</sup> INF REG, FBM, Samara, Iraq APO AE 09349, who provided a sworn statement relating he was not on the main mission pertaining to OIT. (b)(6), (b)(7)(C) related he was on a mission 3000 meters to the east of the main OBJ on the island. Furthermore, (b)(6), (b)(7)(C) stated he did not have direct knowledge of the dead detainees. However, (b)(6), (b)(7)(C) related in his opinion on the matter was that "they wanted to kill these guys for being terrorists, so they made up a story and killed them." (See Sworn Statement for details)

About 1456, 19 Jun 06, SA (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of his legal rights which he waived and provided a sworn statement. (b)(6), (b)(7)(C) denied that (b)(6), (b)(7)(C) informed him that the killing of the three detainees was planned. (See Waiver Certificate and Sworn Statement for details)

Between 1245 and 1730, 19 Jun 06, SA (b)(6), (b)(7)(C) viewed the 4 video cassettes collected out of (b)(6), (b)(7)(C) belongings.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)

DATE

19 Jun 06

EXHIBIT

4

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# AGENT'S INVESTIGATION REPORT

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## DETAILS

1245 - 1340 19 Jun 06 "2200 16 Jun 06 CFM"

(2208) (b)(6), (b)(7)(C) related the command stated anyone who stole a generator and television from a terrorist must return back from which it came and that they were on their way to return the stolen.

(2630) (b)(6), (b)(7)(C) related that they should "WHACK some Mother Fuckers"

(2730) (b)(6), (b)(7)(C) out on a mission and related to squad to not kill anyone unless he was there

(3319) (b)(6), (b)(7)(C) was encouraged to take off his gear by the squad and swim in the canal. Which he does while are supposedly out on patrol. Stated they would say he fell out of the HMMWV.

(3509) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) come back from somewhere caring a Koran and a Headdress.

(3600) (b)(6), (b)(7)(C) Seen with unauthorized pistol and holster

(3800) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) boxing

(4200) (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) boxing

1415 - 1459 19 Jun 06 "3-1 2200 16 Jun 06 CFM"

(0909) (b)(6), (b)(7)(C) Iraqi women lying to us like American Women - related he provided 20,000 Iraqi Dinar to an Iraqi Woman and that she used him. Group discussion about how cute the Iraqi Women were.

(1120) (b)(6), (b)(7)(C) related we are going to talk to our lawyers

(1134) Windshield (Left Side) - "Fuck CID"

Windshield (Right Side) - "Ever single one of these motherfuckers .....bullet between the eyes.....motherfucker who stands.....boys in route to ever flowing bars back home.....in front the 3/3 boys."

(1700) - Treating an Iraqi male with a wound to the left leg possibly from a weed whacker

(2344) (b)(6), (b)(7)(C) We do the dirty work no one else wants to do 3/3 out

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0086-06-CID469-75447

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## DETAILS

1530 - 1630 19 Jun 06 "3-2 2210 16 Jun 06 CFM"

(0941) - CAMERA MAN - stated shoot the little boy and guy looks guilty because he is fat

(1319) - CAMERA MAN - right through the bunny through the back (reference to the little boy who was wearing what appeared to be a stuffed yellow bunny on his back).

(1628) - (b)(6), (b)(7)(C) - stop the vehicle had to go do something - (b)(6), (b)(7)(C) gets out and returns with something in his hand.

(2300) - (b)(6), (b)(7)(C) - asleep in the turret

(2459) - (b)(6), (b)(7)(C) - driving and dancing behind the wheel

1645 - 1800 19 Jun 06 "3-3 2210 16 Jun 06 CFM"

(0033) (b)(6), (b)(7)(C) - doing a lot of killing and chaplain assistant is riding along

(0216) (b)(6), (b)(7)(C) - states he is a suspect for murder times 3

(0615) Unknown Soldier - while standing around several Iraqi Males pulls out a knife and relates it gives him a hard on

(0822) (b)(6), (b)(7)(C) - states releasing detainees and he does not know why

(0905) Filming Detainees while blind folded in back of a military vehicle, standing around flex cuffed prior to release and (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) is playing in the Iraqi's hair while removing his blindfold.

(1324) (b)(6), (b)(7)(C) - states should have shot them

(1524) (b)(6), (b)(7)(C) - going to CID for the 5<sup>th</sup> Time, COL and Chaplain riding on patrol because of so many killings - sucks

(1802) (b)(6), (b)(7)(C) - states he hopes they attack us, it's on....bullets start flying  
All radio transmissions were recording on tape

(1952) (b)(6), (b)(7)(C) - attempted to fire unauthorized pistol.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq,  
APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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## DETAILS

(3040) (b)(6), (b)(7)(C) stated he is getting in trouble for saving his (b)(6), (b)(7)(C) Asses.

(3020) (b)(6), (b)(7)(C) talking about squad being in fire fights – at the COP not wearing gear, relaxing and complaining.

(3654) (b)(6), (b)(7)(C) appears with pistol again.

(4058) (b)(6), (b)(7)(C) states about being on Combat Operations but not wearing gear.

(4959) (b)(6), (b)(7)(C) relating about his first "Coke" experience.

(5552) (b)(6), (b)(7)(C) relating about he and his brothers doing mushrooms.

About 1512, 19 Jun 06, SA (b)(6), (b)(7)(C) interviewed 1LT (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who discussed OIT with (b)(6), (b)(7)(C) (See Sworn Statement for details).

About 1645, 19 Jun 06, SA (b)(6), (b)(7)(C) interviewed SFC (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related he was on the island mission pertaining to OIT. (b)(6), (b)(7)(C) related his platoon, 2<sup>nd</sup> platoon's first OBJ was to clear the first three houses (b)(6), (b)(7)(C) related those houses were cleared without resistance, at which time 2<sup>nd</sup> and 3<sup>rd</sup> squad were given a new OBJ and moved to the North (b)(6), (b)(7)(C) further related he stayed back at the first OBJ however, he did hear radio traffic relating detainees had been killed. (See Sworn Statement for details)

About 1826, 19 Jun 06, SA (b)(6), (b)(7)(C) interviewed CPL (b)(6), (b)(7)(C) C Co, 3/187<sup>th</sup> INF REG, FBM, who related he had no knowledge of any conspiracy to kill the three detainees nor did he have any knowledge of (b)(6), (b)(7)(C) cutting (b)(6), (b)(7)(C) and punching (b)(6), (b)(7)(C) and claiming the detainees attacked them. (See Sworn Statement for details)

About 1837, 19 Jun 06, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C Co 3/187<sup>th</sup> INF REG, FBM, who provided a sworn statement wherein he related after the mission on 11 Mar 06, he was told by (b)(6), (b)(7)(C) that he and (b)(6), (b)(7)(C) shot down three detainees after the detainees pulled a knife, attacked (b)(6), (b)(7)(C) and started to run. (b)(6), (b)(7)(C) further stated he had no direct knowledge of the murders of any detainees; however, his Company 1SG asked a "What would you do?" type question of "What would you do if your squad leader or anyone else in charge told you to kill detainees and then make up a story about it?" (b)(6), (b)(7)(C) added this question lead him to believe that the story he was originally told by (b)(6), (b)(7)(C) was untrue. (See Sworn Statement for details).

///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA (b)(6), (b)(7)(C), (b)(7)(F)

ORGANIZATION

10th MP Bn (CID)(ABN), Camp Victory, Baghdad, Iraq, APO AE 09342 (Home Station, Ft Bragg, NC)

SIGNATURE

(b)(6), (b)(7)(C)

DATE

19 Jun 06

EXHIBIT

4

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ACLU DDII ROI 33885

000091



**SWORN STATEMENT**

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

LOCATION FOB Remagen, Tikrit, IZ	DATE 22 May 2006	TIME 1646Z	FILE NUMBER 0086-06-CID469-75447
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-2/AD
ORGANIZATION OR ADDRESS HHB, 3-320 FA, FOB Remagan, Tikrit, IZ APO AE 09393			

I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On May 10 my unit and I left FOB Remagen to participate in Operation Iron Triangle. We drove about one and half hours south of our FOB on MSR Tampa. We turned left onto a dirt road and drove for about another 20 minutes on a paved road next to a lake. We then made a left down a big dirt mound into an open area in the middle of the desert. We set up a TAK in an old abandoned cement building and our medical platoon set up a jump Aid Station. The operation was suppose to last 3 days. The first day we received about 100 detainees. Throughout the night we had to take care of the numerous medical problems all the detainees had due to how old and unhealthy they were. We were told they were to bring in any male of military age within the vicinity. On the second day a Black Hawk landed and one of the crew threw out a couple of bodies wrapped in white body bags. First Sergeant (b)(6), (b)(7)(C) came over to us to say we needed to do something with the bodies. My fellow medic SPC (b)(6), (b)(7)(C) and I went up to the bodies to help move them from the flight line. About 10 people were standing around the bodies looking at them. I noticed that they were all blind folded with their hands zip tied behind their backs. I also noticed one Iraqi male had 2 gun shot wounds on his chest and one to his head. As we were deciding what to do with the bodies another Black Hawk landed and it had Colonel (b)(6), (b)(7)(C) and his PSD team on it. Colonel (b)(6), (b)(7)(C) came over to the bodies and picked one up by the head and then dropped it. Then that one of his PSD soldiers took with a digital camera. Colonel (b)(6), (b)(7)(C) then got out a gerber and cut off one of the blind folds around the dead man's head and he cut off the zip ties too. Two direct quotes I do remember Colonel (b)(6), (b)(7)(C) saying at about that very moment where Colonel (b)(6), (b)(7)(C) put his boot on one of the dead Iraqi's head and posed for a picture "I guess we'll have to say these guys tried to escape" in a sarcastic tone. He also went on to say "Good job but we need more bodies." After they left the bodies CSM (b)(6), (b)(7)(C) decided we should throw the bodies in a hole about 100 meters outside of our base camp because they were starting to smell in the heat. I did not help dispose of the bodies because 4 soldiers had already jumped on a litter and threw the bodies on there to dispose of them. Later on that day a Black Hawk brought more bodies for us to dispose of bringing the total to six. The new bodies were also brought in the same way, blind folded and zippered tied. Colonel (b)(6), (b)(7)(C) had left by this point. When I was listening to the radio right after they dropped off the second batch of bodies I heard our Battalion Commander on the radio telling "Chopper 6" that if he heard anymore about "people" and "dogs" being shot he would "have his balls." I later was screening detainees in our make-shift jail out in the field when I got into an argument with a Specialist from the Charlie Company of 187. I don't know his exact name because we had never worked with this infantry company before but he was a white male. I wanted to know why they had shot the detainees when they were zippered tied. Our conversation was interrupted by a Staff Sergeant wearing small framed glasses from the same unit who said "you better shut the hell up and just worry about what you're doing." A THT team on the site had an African American female E-6 who advised me to just let the whole situation go and that our S-2 would find out what happened to detainees. On our final day of the mission the same Staff Sergeant who had told me to shut up when I asked about the detainees being shot, came up to me and told me to leave my weapon and come with him. He told me to sit in the back of the garbage truck while his soldier and an Iraqi Army soldier drove me to the burn pit to throw garbage in. They drove really fast out to the burn pit hitting every bump like they were trying to get me to fall off. Then when we got there they turned to truck around really fast before I got off and threw it in reverse and backed up at a high rate of speed up until the fire pit and then slammed on the brakes to which point I fell forward into the burn pit. I was not at all injured but I did go up and open the truck door and yell at the driver for doing that. The Iraqi soldier was the one who was driving. I found this situation to be strange at the time but no longer do I feel I am in danger from these people what so ever. I'm not sure if it was just a coincidence or not but no one has ever said anything about the incident out in the field since.

Q: (b)(6), (b)(7)(C)

A:

Q: Did you type this statement?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE  
INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE INCLUDED THE BOTTOM OF PAGE 1 WILL BE  
LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 66, WHICH WILL BE USED

000092



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED

A: Yes

Q: What is a TAK?

A: It was the name of our base in the field.

Q: Do you know what city/village you were in or near?

A: I don't know at this time but I will research it.

Q: What units were at that location?

A: All of 3/320<sup>th</sup> FA, Charlie Company of 187INF Rakkasan, some 4<sup>th</sup> ID and some THT teams. There may have been other units out there too but I can't name them at this time.

Q: Was the Iraqi Army there?

A: Yes.

Q: Were there any translators there?

A: Yes their names were (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) from FOB Remagen they are local nationals.

Q: Do you remember anything specific about the area you were in; any landmarks or signs?

A: To the left of our location there was a lake and that's the only thing that stands out.

Q: Were any of the first 100 detainees you mentioned, abused or killed?

A: None were killed, one detainee had black and blue marks all over his neck and back which he said was done by the Iraqi Army soldiers who detained him.

Q: What time did the Black Hawk arrive on the second day?

A: About 1400.

Q: How many body bags were thrown out?

A: Four.

Q: Describe what each body looked like?

A: I only saw two bodies out of the body bags; one had two gun shot wounds to the chest and one to the head the other body just had brain matter coming out of the head and I could see no approximate gun shot wounds. Both bodies were in male dresses and both bodies were blind folded with white construction tape and zip tied with black zip tie hand cuffs.

Q: Where were the detainees in relation to the four dead bodies in the body bags?

A: They were in a round pen made with barbed wire about 50 meters from the flight line where the bodies were dropped off.

Q: Who is 1SG (b)(6), (b)(7)(C)

A: The HHB 3/320<sup>th</sup> 1SG.

Q: Who were the 10 people standing around the bodies?

A: They were soldiers, some were Colonel (b)(6), (b)(7)(C) PSD. Everyone was wearing Kevlar, eye protection, and ACUs. They were all male and I do not know any of their ranks.

Q: Who is SPC (b)(6), (b)(7)(C)

A: A medic in my platoon that went up to the bodies with me the first time.

Q: Do you know why the flight crew dropped of the bodies there?

A: I'm not sure.

Q: Do you know why, how, or who killed the men?

A: I heard from various people out in the field that Charlie Company 187 killed them. It also came over the radio that "Chopper" had some KIAs of Iraqi origin.

Q: Do you know or heard why they are dead with blindfolds and hands zip tied behind their backs?

A: No, that's why I was asking people in the unit what happened and why they were killed while detained.

Q: Who else besides the E-4 you mentioned previously, did you inquire about the death of the detainees?

A: I asked PFC (b)(6), (b)(7)(C) from 3/320<sup>th</sup> FA S-2 and she said she didn't know either.

Q: What was the E-4's response when you inquired about the bodies?

A: He just laughed and said they tried to escape I don't remember exactly what he said word for word.

Q: Who else do you know was at that location?

A: SGT (b)(6), (b)(7)(C) from HHB 3/320<sup>th</sup> FA, PFC (b)(6), (b)(7)(C) from HHB 3/320<sup>th</sup> FA, SFC (b)(6), (b)(7)(C) from HHB 3/320<sup>th</sup> FA, 1LT (b)(6), (b)(7)(C) HHB 3/320<sup>th</sup> FA.

Q: What time did the second Black Hawk arrive?

A: About the same time as the first one.

Q: Were there any dead bodies on the Black Hawk?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII ROI 33887

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EXHIBIT

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000093



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED

A: No.

Q: Who came out of the Black hawk?

A: Colonel (b)(6), (b)(7)(C) and 5 soldiers were with him I do not know any of their ranks or names they were all men wearing Kevlar, sunglasses, and ACUs.

Q: How do you COL (b)(6), (b)(7)(C) was the Soldier who got off the Black Hawk?

A: Because I know what he looks like because I met him prior to the deployment and I saw his full bird colonel rank on his ACUs and his name tape said (b)(6), (b)(7)(C). He was not wearing a flack vest or Kevlar like everyone else so it was easy to see his name tape. He was just wearing ACUs and a soft cap and smoking a cigar. He didn't have a weapon either

Q: Describe Col (b)(6), (b)(7)(C)

A: Tall white male who is husky and he has gray hair.

Q: Can you describe his protective detail that was with him?

A: They were just 5 male soldiers I do not recall names or rank.

Q: Describe the soldiers who took pictures of COL (b)(6), (b)(7)(C) with his foot on the dead body?

A: It was one of the male soldiers in his PSD team.

Q: How many pictures did he take?

A: Two or three.

Q: Did anyone else take pictures of COL (b)(6), (b)(7)(C) or the bodies?

A: I am not sure.

Q: Where were you in relation to COL (b)(6), (b)(7)(C) when he was taking the pictures?

A: I was standing to his left a little bit behind him about 5 meters.

Q: Who else was around that witnessed this?

A: The only person I could say for sure is Specialist (b)(6), (b)(7)(C)

Q: Who was COL (b)(6), (b)(7)(C) talking to when he made the comments about "I guess we'll have to say these guys tried to escape" and "Good job but we need more bodies?"

A: I don't know exactly who he was talking to there were a lot of soldiers around.

Q: How long did COL (b)(6), (b)(7)(C) stay?

A: About 45 minutes.

Q: Did you see anyone else cut the zip ties and or blind falls off the other bodies?

A: No.

Q: Who is CSM (b)(6), (b)(7)(C)

A: The command sergeant major for 3/320<sup>th</sup> FA.

Q: Have you seen the hole that the four dead bodies were taken to?

A: No.

Q: Do you know anything about the hole? Was it man made or natural? What was the hole used for?

A: I only know that I heard someone say that CSM (b)(6), (b)(7)(C) wants to take the bodies to a hole which was natural and I don't know what the hole was normally used for.

Q: Who were the four Soldiers who jumped on a litter?

A: I do not know their exact names or rank.

Q: What time did the third Black Hawk arrive?

A: About 2 hours after the second one.

Q: How many dead bodies were dropped off?

A: Two.

Q: Describe each one?

A: I did not get close enough to see these bodies I just heard from someone that they were also blind folded and zip tied again.

Q: Who was that someone you heard it from?

A: I don't remember who said it.

Q: Did they describe the bodies too you; if they had any gun shot wounds, amputations, or other wounds?

A: No I just remember hearing that more bodies came in.

Q: Who is your Battalion Commander?

A: Lt Colonel (b)(6), (b)(7)(C)

Q: Who is Chopper 6?

(b)(6), (b)(7)(C)

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INITIALS OF PERSON WHO TOOK STATEMENT ENFORCEMENT SENSITIVE EXHIBIT OF 5 PAGES

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5

000094



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED

A: The commander of Charlie Company of the 187 INF.

Q: What Battalion?

A: I don't know.

Q: Describe the E-6 who told you shut up, in more detail?

A: He was a skinny white male about 5 foot 10 inches tall. He had small black wire framed glasses. He was had a lot of gear on his flack vest why more than most soldiers. He had a spray painted scope on his M4 as well.

Q: Describe the Black female soldier from the THT?

A: She was about 5 foot 4 inches tall. She had her hair in a pony tail. Her hair was short. She did not have a name tape on and she was wearing the old DCUs.

Q: Why do you think the E-6 picked you to take the trash to the burn pit?

A: Because I probably had gotten him mad for arguing with him the day before and he wanted to punish me by having to take the garbage out.

Q: Why do you think he told you to leave your weapon?

A: So I wouldn't lose it while throwing the garbage out.

Q: Have you ever been told or heard of anyone not having their weapon with them during operations outside the "wire."

A: No.

Q: Did you question him when he told you to leave your weapon?

A: No.

Q: Did you feel safe without your weapon?

A: No.

Q: Why didn't you question him?

A: I didn't think about it at the time I was just following orders and our base camp was pretty far from any visible towns or villages so it was fairly safe.

Q: Would you follow any order that could potential put your life in unnecessary danger or preventable danger?

A: No.

Q: Describe the route you took to the burn pit in relation to the base camp?

A: We drove about half a click west of the base camp to a giant dirt mound where the burn pit was on the other side.

Q: Describe the Iraqi soldier who drove to the burn pit?

A: He was about 5 foot 6 inches with a mustache and really dark black hair. He had very bad teeth and they were always showing. He was wearing old American DCUs. The other soldier was wearing ACUs a Kevlar and he had a sniper rifle. He had very long hair on the top of his head but it was completely shaved on the side and had blonde streaks in his hair.

Q: Do you feel that you are in any danger?

A: No.

Q: In your email to SFC (b)(6), (b)(7)(C) you made it seem as though you were. Is that false?

A: At the time I was concerned about what happened but right after I sent the email to SFC (b)(6), (b)(7)(C) I immediately wrote him another one telling him that I thought about the situation and feel as though I really wasn't in any danger and this situation is not connected to the incident with the detainees.

Q: Do you suspect the detainees were killed after they were detained?

A: Yes.

Q: Why didn't you report this to your chain command?

A: Because they were there and saw the same things I did so I figured they would handle it.

Q: Why didn't you report it to the MPs or CID?

A: I was never informed on the proper way to report such incidents and also there were rumors that CID was going to investigate.

Q: Who did you hear that from?

A: I don't remember exactly who but the Battalion XO (Maj. (b)(6), (b)(7)(C)) came by the Aid Station the day after and asked if anyone had any picture from the field because he needed to take them but he did not specify about the detainees.

Q: Did you witness any detainees get abused or killed?

A: No.

Q: Is there anything you want to add to this statement?

A: No just that my name is never brought up to any other witnesses.

Q: Is there anything else you want to add to this statement?

INITIALS OF PERSON MAKING STATEMENT ON \_\_\_\_\_ ENFORCEMENT SENSITIVE PAGE EXHIBIT OF 5 PAGES

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EXHIBIT

5

000095



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED:

STATEMENT (Continued) (b)(6), (b)(7)(C)  
A: No. \\End of Statement

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(b)(6), (b)(7)(C) (statement)  
on authorized by law  
to administer oaths, this 22nd day of May, 2006  
at FOB Remagen, Tikrit, IZ

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

Art 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF STATEMENT

ACLU DDII ROI 33890  
PAGE 5 OF 5 PAGES

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5000096



Dirt mound

March 1  
Spring  
Area

06-010469-75447  
Where bodies disposed  
out here

Detainee  
Pen

Detainee  
Pen

Jump  
and  
STATION

Golf Company  
Storage Area

Detainee  
Pen

Second set  
of bodies  
dropped off

Red  
Flight

Flight LINE

Where first set  
of bodies  
dropped off  
cross

16:53 22 May 08  
STARTED BY:  
(b)(6), (b)(7)(C)

~~FOUO~~

ACLU DDII ROI 33891

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EXHIBITS



## SWORN STATEMENT

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

LOCATION FOBS REMAGEN, TIKUIT, LZ	DATE (b)(6), (b)(7)(C) 28 MAY 06	TIME (b)(6), (b)(7)(C) 1201	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-3 / AD
ORGANIZATION OR ADDRESS HAB 3-320 FA, FOBS REMAGEN, TIKUIT, LZ APO AE 09313			

I, PFC (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On May 9<sup>th</sup> 2006, I was a part of Iran Triangle an operation at the Muthana complex. My job was to enroll detainees into the (BAT's) system Biometric Automated toolset. Around 9-10<sup>o</sup> clock I was told to enroll a deceased person into the BAT's. I got an assistant to hold the computer while I enrolled the deceased individual. The individual was an elderly gentleman with partially grey hair. While I was enrolling the individual into the database, I noticed a ~~was~~ possible exit wound on his right side. The individual was not zip tied or blindfolded while in the body bag. The second individual I enrolled was a young individual approximately 20 to 25 years of age this individual was shot in the head. There were pieces of brain matter all over his head and the area surrounding it. This individual's hands were not tied and eye were not blindfolded. The third (b)(6), (b)(7)(C) individual was I believe was shot in the back or the front of the chest. This individual's ~~was not~~ hands were not tied and his eye's ~~was~~ was not blindfolded. The fourth individual I enroll was also a young gentleman around 25 to 30 year of age. This individual was shot several times with one gun shot wound in the left wrist. I am unsure about the fifth individual that I have enroll into the BAT's database. What I am sure is that (b)(6), (b)(7)(C) this individual hands ~~there~~ were not tied and his eye's was not blindfolded.

Q: (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.  
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EXHIBIT 6

000098



STATEMENT OF (b)(6), (b)(7)(C)TAKEN AT FBI REMAGENDATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

A: (b)(6), (b)(7)(C)Q: DID YOU SEE BLIND FOLDS AROUND ANY OF THE DECEASED BODIES YOU PROCESSED?A: I saw a strip of fabric in the ziplock bag around the deceased <sup>(b)(6), (b)(7)(C)</sup> ~~body's~~ individuals neck, but not all the deceased individual had a strip of fabric in the ziplock bag.Q: CAN YOU RECALL WHICH BODY HAD THE STRIP OF FABRIC?A: No, I do not. All I remember is that it was one of the <sup>younger</sup> gentleman.Q: DO YOU KNOW WHO KILLED THEM?A: No, I do not.Q: DO YOU KNOW THE CIRCUMSTANCES OF WHICH THEY WERE KILLED?A: No, I do not. I heard a rumor of one of the individuals trying to run.Q: HAVE YOU HEARD OF ANY OTHER RUMORS PERTAINING TO THE DEAD BODIES?A: No, I have not. That was the only rumor I heardQ: WHO BROUGHT THE BODIES TO YOUR LOCATION?A: I am unsure who brought the elderly gentleman but I am sure they were brought by black hawks. I do not know who unloaded the bodies off the blackhawk. I do know that CSM <sup>(b)(6), (b)(7)(C)</sup> ask a couple of individual to help <sup>(b)(6), (b)(7)(C)</sup> ~~carry~~ move the bodies off the landing area to an area that does not restrict traffic. That is where I enrolled the deceased individuals into the database.Q: DID YOU WITNESS ANYONE CUT BLINDFOLDS OR ZIP TIES OFF THE DECEASED <sup>(b)(6), (b)(7)(C)</sup> BODIES?A: No, I did not; I was the first one to open the body bags after they were brought to the area by black hawks. <sup>(b)(6), (b)(7)(C)</sup>Q: DID MEDICS INSPECT THE <sup>(b)(6), (b)(7)(C)</sup> BODIES BEFORE THEY WERE HANDED OVER TO YOU?A: No, I believe the bodies were inspected at the site whereINITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)PAGE 2 OF 4 PAGES

ACLU DDII ROI 33893

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EXHIBIT 6



STATEMENT OF **(b)(6), (b)(7)(C)**

TAKEN AT FOB REMAGEN

DATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

They were shot.

Q: DURING ANY OPERATION HERE IN IRAQ, HAVE YOU EVER RECEIVED DEAD <sup>BODIES</sup> ~~BODIES~~ **(b)(6), (b)(7)(C)** THAT WERE BLINDFOLDED OR HANDS ~~BOUND~~ **(b)(6), (b)(7)(C)** TIED TOGETHER?

A: No, that was the only operation I have been on with dead bodies, and none of their hands were tied together.

Q: IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?

A: No, I do not. **||| END OF STATEMENT |||** **(b)(6), (b)(7)(C)**

INITIALS OF PERSON MAKING STATEMENT: **(b)(6), (b)(7)(C)**

FILE NUMBER \_\_\_\_\_

STATEMENT OF **(b)(6), (b)(7)(C)**

TAKEN AT FORS REMAGEN

DATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

NOT USED  
**(b)(6), (b)(7)(C)**

AFFIDAVIT

I, **(b)(6), (b)(7)(C)**, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS **(b)(6), (b)(7)(C)** 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.

**(b)(6), (b)(7)(C)**

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of MAY, 20 06 at FORS REMAGEN

ORGANIZATION OR ADDRESS

**(b)(6), (b)(7)(C)**

ORGANIZATION OR ADDRESS

SA **(b)(6), (b)(7)(C)**

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

**(b)(6), (b)(7)(C)**

PAGE 4 OF 4 PAGES



SWORN STATEMENT

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

DATE (b)(6), (b)(7)(C) 28 MAR 2012	TIME (b)(6), (b)(7)(C) 1721	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME FOB REMAGEN, IZ		GRADE/STATUS E-6/AO
SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		

ORGANIZATION OR ADDRESS  
G COMPANY, 626<sup>th</sup> BRIGADE SUPPORT BATTALION, FOB REMAGEN, IZ.

(b)(6), (b)(7)(C) I, SSG (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WHILE PERFORMING DUTIES AS WOLF PARK PATROL LEADER / CONVOY COMMANDER, FOB G FSC 626 BSB DURING OPERATION IRON TRIANGLE, RECEIVED A MISSION FROM GUARDIAN 10 TO CONDUCT A CLP TO BRASSFIELD-MORA TO ACQUIRE ICE AND GATORADE IN SUPPORT OF THE THEN ONGOING MISSION. AS AN ADD ON TO THE LOGISTICAL PLAN WE WERE TO ESCORT 1X I.A. VEHICLE; 2X I.A. SOLDIERS AND (b)(6), (b)(7)(C) 4X K.I.A. TO BRASSFIELD-MORA TO BE DROPPED OFF TO THE PROCESSING FACILITY. UPON ARRIVAL AT (b)(6), (b)(7)(C) FOB BRASSFIELD-MORA, I WAS INFORMED BY (b)(6), (b)(7)(C) SFC WHO'S NAME I CAN NOT RECALL, TO TAKE THE BODIES TO THE MORGUE. ONCE AT THE MORGUE, I WAS INFORMED THAT (b)(6), (b)(7)(C) WERE EVEN THOUGH WE WERE NOT RESPONSIBLE FOR THE KILLS, WE WOULD HAVE TO BE THE ONES DOING THE PROCESSING (b)(6), (b)(7)(C) SINCE WE WERE THE ONES MAKING THE DELIVERY. AT THAT POINT I INSTRUCTED MY TEAM TO BEGIN BRINGING THE BODIES IN TO BE PROCESSED. SFC (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) PROCESSED THE FIRST THREE BY REMOVING (b)(6), (b)(7)(C) (1) REMOVING ALL ARTICLES OF CLOTHING FROM EACH BODY (2) SEARCHING OUT AND FINDING EACH WOUND ON THE BODY WHILE THE MEDICAL EXAMINER PHOTOGRAPHED EACH ONE (3) PLACING THE BODY IN THE FREEZER NEXT DOOR. (b)(6), (b)(7)(C) THE FOURTH BODY WAS PROCESSED BY SGT (b)(6), (b)(7)(C) AND SFC (b)(6), (b)(7)(C)

DURING THE PROCESS OF SEARCHING OUT WOUNDS AND REMOVING CLOTHING IT WAS NOTICED THAT SOME OF THE K.I.A'S HAD BEEN ZIP-TIED, AND EACH OF THEM HAD WHITE ENGINEER TAPE, WHICH WAS BLOOD SOAKED, AROUND THEIR NECKS. UPON NOTICING THIS THE MEDICAL EXAMINER BEGAN TO QUESTION (b)(6), (b)(7)(C) MYSELF (b)(6), (b)(7)(C) AND THE OTHER SOLDIERS PRESENT ABOUT WHY THEY HAD BEEN BUNDLED AND HANDCUFFED. WE ALL RESPONDED WITH "I DON'T KNOW." TWO OF THE BODIES THAT HAD BEEN BLINDFOLDED AND "ZIP TIED" HAD OBVIOUS GUN SHOT WOUNDS TO THE HEAD. THE MEDICAL EXAMINER THEN RESPONDED THAT SOMETHING WASN'T RIGHT THAT PICTURE AND AGAIN ASKED US IF WE KNEW ANYTHING ABOUT WHAT HAPPENED. AGAIN WE RESPONDED WITH (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) EN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BOTTOM OF EACH PAGE MUST BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACD UDDH ROI 32896



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FILE NUMBER:

(b)(6), (b)(7)(C) STATEMENT OF SSG (b)(6), (b)(7)(C) TAKEN AT FOB REMAGEN DATED 28 MAY 06 CONTINUED (b)(6), (b)(7)(C)  
 "I DON'T KNOW" UPON COMPLETION OF THE K.I.A PROCESSING, WE ~~WERE~~  
 MOVED BACK TO THE ~~ASSEMBLY~~ ASSEMBLY AREA TO REFIT FOR THE  
 NEXT MISSION AND ~~BACK~~ BACK BRIEF GUARDIAN (b)(6), (b)(7)(C) ON  
 THE HAPPENINGS OF THE MISSION (b)(6), (b)(7)(C)

Q- SA (b)(6), (b)(7)(C)

A- SSG (b)(6), (b)(7)(C)

Q- WHAT TIME WAS IT WHEN YOUR COMPANY ESCORTED THE VEHICLE WITH BODIES?

A- AROUND NOON

Q- HOW WERE THE BODIES TRANSPORTED? (b)(6), (b)(7)(C)

A- THE BODIES WERE TRANSPORTED IN BLACK ~~AND~~ BODY BAGS.

Q- WHAT HAPPENED WITH THE BODIES CLOTHING?

A- THE CLOTHING WAS PLACED BETWEEN EACH K.I.A'S LEGS AND ZIPPED UP WITH THE BAG.

Q- WHO WAS THE MEDICAL EXAMINER?

A- WHITE, MIDDLE-AGED, SHORT, WORE GLASSES

Q- WERE THE HANDS ON THE BODIES STILL ZIPPED?

A- THE BODIES STILL HAD ZIP TIPS ON THEIR WRISTS HOWEVER THEY WERE NOT STILL CONNECTED.

Q- COULD YOU DESCRIBE EACH BODY?

A- #1 ODDER MALE, ~~IRAQI~~ IRAQI, WOUND TO THE RIGHT ~~ARM~~  
 # AREA

#2 MID TWENTIES, IRANI MALE, GUNSHOT WOUND TO THE HEAD, WHOLE BACK OF HEAD BLOWN OUT

#3 MID TWENTIES, IRAQI MALE, GUNSHOT WOUND TO THE STOMACH, ARM, BUTTOCKS.

#4 ~~IRAQI~~ MID TWENTIES, IRAQI MALE, GUNSHOT WOUND TO THE FACE RIGHT BELOW LEFT EYE, WHOLE CLEAN THROUGH WRIST, BROKEN ARM, MULTIPLE GAUGES DOWN ENTIRE LEFT SIDE OF BODY.

Q- IS ANYTHING ELSE YOU WISH TO ADD TO YOUR STATEMENT?

A- NO /// END OF STATEMENT /// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6), (b)(7)(C)

ACLU DDIP ROI 35897 (b)(6), (b)(7)(C)

PAGE 2 OF 3 PAGES

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EXHIBIT

7

000103



FILE NUMBER:

STATEMENT OF SSGT (b)(6), (b)(7)(C)

TAKEN AT FBI REMAGEN DATED 28 MAY 04 CONTINUED:

STATEMENT (Continued)

[Redacted statement area with a large diagonal line through it]

NOT  
USED

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of MAY, 20 04 at FBI REMAGEN, IL APD No. 09393

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

SA

(Typed Name of Person Administering Oath)

Act 136, UMS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

ACLU DDII FOI 33898



## SWORN STATEMENT

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

LOCATION <u>IRON TRIANGLE FOB DAMAGED</u>	DATE <u>28 MAY 06</u>	TIME <u>1501</u>	FILE NUMBER <u>(b)(6), (b)(7)(C)</u>
LAST NAME, FIRST NAME, MIDDLE NAME <u>(b)(6), (b)(7)(C)</u>	SOCIAL SECURITY NUMBER <u>(b)(6), (b)(7)(C)</u>	GRADE/STATUS <u>E4</u>	
ORGANIZATION OR ADDRESS <u>G CO 626 FSC</u>			

(b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE SECOND DAY OF IRON TRIANGLE AROUND 2000 WE WERE INSTRUCTED TO TAKE 4 IRAQI DEAD BODIES TO BRASSFIELD MORA TO DROP THEM OFF. ONCE WE GOT THERE WE WERE TOLD TO TAKE ONE BODY OFF THE BACK OF THE TRUCK AND TAKE IT INTO A MILVAD AND PUT IT ON THE TABLE IN THE MIDDLE. ONCE WE DID THAT WE WERE TOLD TO UNZIP THE BAG AND CUT THE CLOTHES OFF THE BODY. WHILE WE WERE DOING THAT THERE WERE TWO MALE SOLDIERS TAKING PICTURES OF THE BODY. WE TOOK ALL THE CLOTHES AND PUT THEM IN A BAG. THEN WE WERE TOLD TO ZIP THE BAG UP AND CAREY IT TO THE FREEZER AND PUT IT IN THE BACK. WE THEN REPEATED THE SAME PROCESS WITH THE OTHER THREE BODIES ONE AT A TIME. WHILE WE WERE DOING THAT I NOTICED THAT EACH BODY HAD A PIECE OF FABRIC AROUND THEIR NECKS AND ZIP TIES ON THEIR HANDS. IT LOOKED LIKE ALL THE BODIES HAD GUN SHOT WOUNDS. ONE BODIE HAD GUN SHOT WOUNDS AND PIECES OF FLESH REMOVED ON HIS BODY. AFTER WE PROCESSED ALL OF THE BODYS WE LEFT AND HEADED BACK DOWN TO THE IRON TRIANGLE.

Q: (b)(6), (b)(7)(C)

A:

Q: DID ALL 4 BODIES HAVE ZIP TIES ON THEIR WRISTS?

A: YES

Q: (b)(6), (b)(7)(C) WERE THEIR HANDS TIED TOGETHER?

A: NO

Q: DID ALL 4 BODIES HAVE FABRIC AROUND THEIR NECKS?

A: YES

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT  
(b)(6), (b)(7)(C)PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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EXHIBIT

000105



FILE NUMBER \_\_\_\_\_

STATEMENT OF **(b)(6), (b)(7)(C)**TAKEN AT F08 RAMAGENSDATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

Q: DO YOU KNOW WHO CUT THEIR ZIP TIES APART?

A: NO THERE WAS ONLY ONE ZIP TIE ON EACH BODY ON ONLY ONE WRIST.

Q: WHO WERE THE TWO MALE SOLDIERS TAKING PICTURES OF THE BODIES?

A: I DON'T KNOW THEIR NAMES OR RANKS BECAUSE ALL THEY HAD ON WERE ACU BOTTOMS WITH A DOCTOR'S SHIRT.

Q: DESCRIBE EACH SOLDIER.

A: ONE WAS SHORT WITH BROWNISH HAIR AND AN OLDER GUY, MAYBE IN HIS 40'S. ONE WAS ALSO SHORT WITH BLONDISH HAIR AND HE WAS YOUNGER THAN THE OTHER GUY, MAYBE IN HIS 30'S.

Q: DESCRIBE THE WOUNDS ON EACH BODY?

A: ONE BODY HAD A GUNSHOT WOUND ON HIS NECK AND HIS EYE.

ANOTHER BODY GOT SHOT IN HIS ASS AND HIS SIDE.

ANOTHER BODY GOT SHOT IN HIS ELBOW AND CHEST.

THE LAST GUY GOT SHOT IN THE HEAD. HE ALSO HAD ABOUT FIVE SPOTS ON HIS **(b)(6), (b)(7)(C)** LEFT SIDE OF HIS BODY FROM HIS ELBOW DOWN TO HIS THIGH WERE IT LOOKED LIKE SOME FLESH WAS CUT FROM HIS BODY. THE SPOTS WERE SHAPED LIKE OVALS.

Q: DID YOU UPLOAD THE BODIES BEFORE LEAVING FOR F013 BRASSFIELD-MORA?

A: NO THEY WERE ALREADY ON THE BACK OF A HUMVEE.

Q: WHO PUT THEM THERE?

A: I DON'T KNOW.

Q: IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?

A: NO. III END OF STATEMENT II **(b)(6), (b)(7)(C)**INITIALS OF PERSON MAKING STATEMENT: **(b)(6), (b)(7)(C)**PAGE 2 OF 2 PAGES  
ACLU DBH ROI 33900

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EXHIBIT 2

000106



FILE NUMBER \_\_\_\_\_

STATEMENT OF **(b)(6), (b)(7)(C)**

TAKEN AT Fob RAMAGEN DATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

NOT USED  
**(b)(6), (b)(7)(C)**

AFFIDAVIT

I, **(b)(6), (b)(7)(C)**, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

**(b)(6), (b)(7)(C)**  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of MAY, 20 06 at Fob RAMAGEN

**(b)(6), (b)(7)(C)**

SA **(b)(6), (b)(7)(C)**

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

**(b)(6), (b)(7)(C)**

PAGE 3 OF 3 PAGES  
ACLU DDII ROI 33901



## SWORN STATEMENT

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

LOCATION FOB REMAGEN	DATE (b)(6), (b)(7)(C) 23 MAY 2006	TIME (b)(6), (b)(7)(C) 1525	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E3/PFL	
ORGANIZATION OR ADDRESS G.CO. 626 FSC FOB REMAGEN			

I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON MAY 04, 2006 DURING OPERATION IRON TRIANGLE, THE ELEMENT IN WHICH I AM A MEMBER (WOLFPACK) WAS CALLED UPON TO GO ON A MISSION TO BRASSFIELD MORA. WE WERE GOING TO GET SOME ICE AND OTHER LOGISTICAL SUPPLIES. (b)(6), (b)(7)(C)

WE WERE ALSO INSTRUCTED TO GO DROP OFF SOME BODIES TO BE PROCESSED. UPON OUR ARRIVAL AT BRASSFIELD MORA WE WERE TOLD THAT WE HAD TO PROCESS THE BODIES. MY GUNNER (SGT. (b)(6), (b)(7)(C)) AND I DID THE MAJORITY OF THE CUTTING OFF OF THE CLOTHES. (b)(6), (b)(7)(C)

AS FAR AS I CAN ACCURATELY REMEMBER THERE WERE THREE BODIES. THEIR WOUNDS RANGED FROM HEAD SHOTS (ONE OF THEM), BODY SHOTS, (ALL OF THEM) AND ONE APPEARED TO HAVE BEEN SHOT IN THE BUTT. (b)(6), (b)(7)(C)

ALL THREE MEN HAD ZIP TIES ON THEIR WRIST WHICH WE HAD TO CUT OFF, AND BLIND FOLDS ABOUT THEIR HEADS. THEY ALSO APPEARED TO HAVE LOWER LEVELS OF SKIN SHOWING, WHICH LOOKED LIKE SEVERE BURN MARKS THROUGHOUT THEIR ARMS AND LEGS. THEIR BODIES WERE VERY STIFF AS THOUGH THEY HAD BEEN DEAD FOR SEVERAL HOURS.

Q: (b)(6), (b)(7)(C)

A:

Q: ~~HOW~~ WHERE WERE YOU TRANSPORT THE BODIES TO ON FOB BRASSFIELD-MORA?

A: SOME 20 FT TRUCKS BY SOME FREEZERS, AROUND THE CORNER FROM THE SHOPETTE

Q: DID ALL THREE BODIES HAVE ZIP TIES ON THEIR WRISTS?

A: I KNOW FOR A FACT THAT AT LEAST ONE BODY HAD BOTH WRISTS ZIP TIED AND ALL BODIES HAD AT LEAST ONE WRIST ZIP TIED.

Q: WERE ANY OF THEIR WRIST TIED TOGETHER?

A: NO

Q: WHO LOADED THE BODIES ON THE TRUCK?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>15</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE INITIALED THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



FILE NUMBER \_\_\_\_\_

STATEMENT OF **(b)(6), (b)(7)(C)**

TAKEN AT FDD REMAGEN

DATED 28 MAY 2006

CONTINUED

STATEMENT (Continued)

A: WHEN I SAW THEM THEY WERE ALREADY ON THE TRUCK

Q: DID YOU WITNESS OR HEAR OF SOMEONE CUTTING THEIR ZIPTIES APART?

A: NO

Q: WERE THE BLIND FOLDS COVERING THEIR EYES WHEN YOU SAW THE BODIES?

A: ONE OF THE BLINDFOLDS WAS IN THE BAG ~~THE~~ ALREADY CUT. ONE OF THE BLINDFOLDS WAS DRAPED AROUND THE NECK. I DON'T REMEMBER WHERE THE BLINDFOLD WAS ON THE ONE WITH THE HEAD SHOT.

Q: BESIDES THE SOLDIERS YOU CONVOYED TO BRASSFIELD - MORA WITH, WHO WAS PRESENT WHILE YOU PROCESSED THE BODIES?

A: AN OFFICER (I KNOW HE WAS AN OFFICER BECAUSE SOMEONE CALLED HIM "SIR" AN E-7. AND ANOTHER MALE THAT I DON'T REMEMBER IF HE WAS IN A CU'S OR CIVILIANS. A FEMALE SOLDIER CAME FOR ABOUT FIVE MINUTES AND LEFT.

Q: IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?

A: NO ||| END OF STATEMENT ||| **(b)(6), (b)(7)(C)**

INITIALS OF PERSON MAKING STATEMENT: **(b)(6), (b)(7)(C)**

PAGE 2 OF 3 PAGES

ACLU DDII ROI 33903

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EXHIBIT 7

FILE NUMBER \_\_\_\_\_

STATEMENT OF **(b)(6), (b)(7)(C)**

TAKEN AT FOB REMAGEN

DATED 28 MAY 2006

CONTINUED

STATEMENT (Continued)

NOT USED  
**(b)(6), (b)(7)(C)**

AFFIDAVIT

I, **(b)(6), (b)(7)(C)**, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

**(b)(6), (b)(7)(C)**  
(Typed Name of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of MAY, 20 06 at FOB REMAGEN

ORGANIZATION OR ADDRESS

**(b)(6), (b)(7)(C)**

ORGANIZATION OR ADDRESS

SA **(b)(6), (b)(7)(C)**

(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

**(b)(6), (b)(7)(C)**

PAGE 3 OF 3 PAGES

ACLU DDII ROI 33904

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EXHIBIT 1



## SWORN STATEMENT

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

LOCATION FOB REMAGEN	DATE (b)(6), (b)(7)(C) TIME 28 MAR 06 1536	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-5 / AD
ORGANIZATION OR ADDRESS G Co, 626, BSB, FOB REMAGEN, TIKRIT, IC		

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on or about May 9<sup>th</sup> Iron Triangle Operation kicked off. Myself being NCOIC of the third gun truck. The mission came down for our crew to go Push Down to Brassfield mor to get water, ice and Gatoraid. Then we get tasked to drop off Dead bodies (4). We Convoy out 3 gun trucks 1 Iraqi Hummer 1 wrecker and one PLS. We arrived at Brassfield at this Point everybody had their own task we (the gun trucks crew and the Iraqi crew) went to drop off the body bodies 2 PA Personnel met us at two Conex like Containers. Then they told us that we have to undress the bodies PFC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) started on the first body at the same time the PA started taking pictures. Then a female walked up as myself and another soldier started on the second body at this point I saw the the body (younger male) had an Zip tie on one wrist and engineer Tape (used for blind field) around his neck we removed all clothes and Zip ties and engineer Tape. after we finished each body we placed them in this Cooler like Conex The first body I did had bullet wounds to the head, upper chest and wrist. The other bodies had wounds but I couldn't see them where was standing at. The same second body (younger male) I saw the engineer tape off to the side of his head but he had an Zip tie on one wrist. I didn't pay attention to the wounds on the body. After we placed the bodies in the cooler we mounted up and rolled back to our location at Iron Triangle.

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Q - SA (b)(6), (b)(7)(C)

A - SGT

Q - WHERE WERE THE BODIES PICKED UP?

A - I don't know they were already on the Iraqi Truck

Q - WHAT TIME WAS IT WHEN THE CONVOY HEADED TO BRASSFIELD?

A - In the morning (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>3</u> PAGES (b)(6), (b)(7)(C)
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED THE BACK OF PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823  
1 JUL 72SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.  
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EXHIBIT 10

000111



FILE # JBER

STATEMENT OF SGT (b)(6), (b)(7)(C)

TAKEN AT FBI DENVER, IZDATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

Q.- DESCRIBE THE PAs.

A.- one was older look like he was an officer the other was younger  
he looked like he was enlisted

Q.- HOW MANY BODIES DID YOU HELP UNDRESS?

A.- Two

Q.- WHICH ONES?

A.- Two younger males

Q.- DESCRIBE THE FIRST ONE.

A.- First male had a Bullet wound up around his neck on the  
right side, had an Bullet wound threw his wrist and a hand that  
he also had a Zip tie on one wrist and the Blunt fold around his  
neck

Q.- WHICH WRIST WAS THE ZIP TIE ON?

A.- I don't remember

Q.- WHAT WAS THE BLIND FOLD MADE OF?

A.- Engineer Tape

Q.- DESCRIBE THE SECOND MALE.

A.- he had an Zip tie on one wrist (I don't remember which one)  
and the Blunt fold off to the right side of his head in the body bag  
I don't remember what kind of wounds or where they were on  
his body.

Q.- WHAT COLOR WERE THE ZIP TIES?

A.- Black

Q.- WHAT HAPPENED TO THEIR CLOTHES?

A.- Placed in a Bio Bag (yellow) the the Bio Bag was  
Placed between the Corps legs in the body Bag

Q.- WHO WAS HELPING PREPARE THE BODY?

A.- PFC (b)(6), (b)(7)(C), SSG (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C), SPC (b)(6), (b)(7)(C)  
and myself SGT (b)(6), (b)(7)(C) (SGT (b)(6), (b)(7)(C) helped moved the bodies from  
the truck to the corner then went back to the truck)

Q.- IS THERE ANYTHING ELSE YOU WISH TO ADD TO YOUR STATEMENT?

A.- NO // END OF STATEMENT // (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

PAGE 2 OF 3 PAGES

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ACLU DDII ROI 33906

EXHIBIT

000112



FILE NUMBER \_\_\_\_\_

STATEMENT OF SGT (b)(6), (b)(7)(C)

TAKEN AT FOB REMAGEN DATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

*NOT USED*  
(b)(6), (b)(7)(C)

**AFFIDAVIT**

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
*(Signature of Person Making Statement)*

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of May, 20 06 at FOB Remagen Iz AOC Az 09393

(b)(6), (b)(7)(C)  
*(Signature of Person Administering Oath)*

SA (b)(6), (b)(7)(C)  
*(Typed Name of Person Administering Oath)*

UCMJ, Article 136 / 10 USC 936  
*(Authority To Administer Oaths)*

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES

ACLU DDII ROI 33907

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EXHIBIT 10



SWORN STATEMENT

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

LOCATION <b>FOB REMAGEN</b> <i>IAOM triangle</i>	DATE <b>28 MAY 06</b>	TIME <b>1547</b>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <b>(b)(6), (b)(7)(C)</b>	SOCIAL SECURITY NUMBER <b>(b)(6), (b)(7)(C)</b>	GRADE/STATUS <b>- 4</b>	
ORGANIZATION OR ADDRESS <b>G 626 55B 3-320th FA FOB Remagen</b>			

I, **SPC (b)(6), (b)(7)(C)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The first day of **IAOM triangle** on the first mission that came down about 12:00-1300 hrs was to take a IA truck AND go to Bass Field, get Ice there too. Went we got to Bass Field took the IA truck Back to where you take Dead bodies. We meet two PA there. They told us take we had to process the bodies. We took the first body out and put him on a wooden table, then open the body bag and cut his clothes off and put them in a bag, then roled the body AROUND to look for making or tatoos. One of the PA took pictures. This body had been shoot in the left <sup>(b)(6), (b)(7)(C)</sup> side of his head. Put the clothes in between his legs and cut off a Black ~~Ball~~ zip tie off of one of his hands and cut off a Bloody Blind fold off around his neck, put them in the clothes bag and zip it up, then took him back off the table and put him in a meat locker. Then took the next body off the truck, put him on the table and open it up, then cut the clothes off of him. This body had got shoot in his right side <sup>(b)(6), (b)(7)(C)</sup> rep cage, rolled him AROUND look for marks or tatoos while the PA took pictures. cut off a Black zip tie off his hand and a bloody Blind ~~fold~~ put it in the clothes bag, then closed it, put it between the legs, zip up the bag took him to the meat locker then. Took out the <sup>(b)(6), (b)(7)(C)</sup> Body and place him on table, then open it up, cut off the clothes and Black zip tie and bloody Blind fold and place it in the clothes Bag. Rolled Body AROUND looking for MARKS AND tatoos while PA took pictures, this body had been shoot too But Not sure were, put clothes Bag between his legs zip it up and took him to the meat locker. Then the other soldier did the last body. <sup>(b)(6), (b)(7)(C)</sup> and I work on the first three body by cut close off and rolling bodies AROUND. <sup>(b)(6), (b)(7)(C)</sup> put

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>(b)(6), (b)(7)(C)</b>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BOTTOM OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DPJL R01 39908



FILE NUMBER

STATEMENT OF SPC (b)(6), (b)(7)(C)

TAKEN AT Begawal DATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

clothes in bag, the two PA, one watch and talk the other took pictures and talk. the PA were older guys.

Q: (b)(6), (b)(7)(C)

A:

Q: WERE ANY OF THEIR WRISTS ~~TO~~ <sup>(b)(6), (b)(7)(C)</sup> TIED TOGETHER?

A: No

Q: WERE ANY OF THE BLINDFOLDS OVER THEIR EYES?

A: No

Q: WHO LOADED THE BODIES ON THE TRUCK BEFORE YOU LEFT FOR FOB BRASSFIELD-MORA?

A: DON'T KNOW, I WAS IN MY GUNTRUCK AND GOT WORD TO GO.

Q: WHO WERE THE PA'S THAT MET YOU AT FOB BRASSFIELD-MORA?

A: DON'T KNOW

Q: DESCRIBE EACH SOLDIER?

A: ONE OLD ABOUT LATE 30, ABOUT 5'10 TO 6', 175 LBS, THE OTHER LATE 30, 5'10" TO 6" 195 LBS.

Q: DID YOU WITNESS OR HEAR OF SOLDIERS CUTTING APART THE WRISTS OF THE BODIES. (CUTTING APART THE ZIP TIES)

A: No

Q: DID YOU HEAR OR WITNESS THE CIRCUMSTANCES OF HOW THEY WERE KILLED?

A: No

Q: IS THERE ANYTHING YOU WANT TO ADD TO THIS STATEMENT?

A: NO ||| END OF STATEMENT ||| (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT:

ACLU PAGE 0 OF 3 PAGES DDH ROI 33909

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EXHIBIT 11



FILE NUMBER

STATEMENT OF SPC (b)(6), (b)(7)(C)

TAKEN AT FOB REGANEL

DATED 28 MAY 06

CONTINUED

STATEMENT (Continued)

~~NOT USED~~  
(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of MAY, 20 06 at FOB REGANEL

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)

UCMJ, Article 136 / 10 USC 936  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU PAGE 3 OF 2 PAGES



SWORN STATEMENT

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

FUB Remagen, I2		DATE (b)(6), (b)(7)(C)	TIME (b)(6), (b)(7)(C)	NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME		20 JAN 1960	1550	
(b)(6), (b)(7)(C)		SOCIAL SECURITY NUMBER	(b)(6), (b)(7)(C)	GRADE/STATUS
ORGANIZATION OR ADDRESS		(b)(6), (b)(7)(C)		E-4 / AD
Co C, 0210 FORWARD Support Co, FUB Remagen, I2 APO AF 09393				

(b)(6), (b)(7)(C) (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

DURING IRON TRIANGLE, HAD A MISSION TO BRASSFIELD-MORA TO PICK UP WATER AND ICE. ANOTHER MISSION CAME DOWN TO DROP BODIES OFF AT BRASSFIELD. WE DROP THE BODIES OFF AND THEN WAS TOLD WE HAD TO PROCESS THE BODIES. WE UNLOADED THE BODIES ONE BY ONE AND CUT THE CLOTHES OFF WHILE A MAN TOOK PICTURES OF THEM. I HAD TO CUT THE CLOTHES OFF OF TWO OF THE MEN, ONE WAS YOUNG THE OTHER WAS OLD BOTH HAD ZIP TIES ON AT LEAST ONE WRIST. THEY ALSO HAD (b)(6), (b)(7)(C) HEAD BANDS, OR BLINDFOLDS AROUND THERE NECKS. I DON'T REMEMBER THE EXACT WOUNDS OF EACH GUY BUT THEY HAD BULLET WOUNDS I DON'T REMEMBER WHERE EXACTLY, BUT THE YOUNGER GUY HAD SOME LIKE LASERATIONS ON HIS BODY, LIKE ON HIS CHEST AND ARMS. ALSO HE HAD A CLEAN HOLE THREW HIS LEFT ELBOW. AFTER WE FINISHED WITH THE CLOTHES WE PUT THEM IN A BAG. THEN ZIPPED UP THE BODY BAG AND PUT THEM IN A FREEZER. AND THAT WAS ABOUT IT. SAS

(b)(6), (b)(7)(C) Q.- SA (b)(6), (b)(7)(C)  
A.- SPC (b)(6), (b)(7)(C)

Q.- WHERE DID THE BODIES COME FROM?

A.- WE WERE NOT TOLD WHERE THEY WERE PICKED UP. WE JUST SAW THEM IN THE BACK OF THE IA TRUCK. THEN WE ROLLED OUT TO BRASSFIELD.

Q.- WHERE DID YOU DROP THE BODIES OFF?

A.- BRASSFIELD-MORA, TOWARDS THE FRONT BEHIND A BUILDING. THERE WERE THREE CONEX'S, ONE WAS EMPTY, ONE HAD JUST A TABLE IN IT, AND THE LAST ONE WAS A FREEZER.

Q.- WHAT DO YOU MEAN BY "PROCESS THE BODY"?

A.- ALL WE DID WAS CUT HIS CLOTHES OFF, THEN PUT THE CLOTHES IN A BAG, THEN ZIP THE BODY BAG UP, AND PUT THEM IN THE FREEZER. (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	(b)(6), (b)(7)(C)	PAGE 1 OF 3 (b)(6), (b)(7)(C)
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_ TAKEN AT \_\_\_ DATED \_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED THE BACK OF PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



LAW ENFORCEMENT SENSITIVE  
FOR OFFICIAL USE ONLY

FILE NUMBER:

STATEMENT OF

TAKEN AT

DATED

CONTINUED:

SPC (b)(6), (b)(7)(C)

FOB REMAGEN

28 MAY 06

Q - WHERE DID YOU PUT CLOTHES?

A - AFTER WE PUT THEM IN THE BAG - WHICH WAS YELLOW, WE THEN PLACED THEM BETWEEN THE LEGS OF THE DEAD BODIES AND ZIPPED-UP THE BODY BAG.

Q - DESCRIBE THE FIRST MALE.

A - ONE WAS AN OLD MALE WHO WAS ABOUT 55 OR 60. <sup>(b)(6), (b)(7)(C)</sup> HE HAD A BLINDFOLD AROUND HIS NECK AND HAD SOME BULLET HOLES BUT I DON'T REMEMBER EXACTLY WHERE THEY WERE.

Q - HOW MANY BULLET HOLES?

A - I DON'T REMEMBER.

Q - DESCRIBE THE SECOND MALE?

A - THE SECOND MALE WAS ABOUT 30 WITH BROWN HAIR. HE HAD LACERATIONS ON HIS BODY, I DON'T REMEMBER WHERE THEY ALL WERE EXACTLY. BUT THERE WAS ONE ON HIS CHEST AND ON HIS SIDE AROUND HIS KIDNEY AREA. <sup>(b)(6), (b)(7)(C)</sup> ALSO HE HAD A HOLE IN HIS LEFT ELBOW, CLEAN HOLE THREW THE BONE AND ALL. HE DID HAVE A ZIP TIE ON HIS WRIST BUT I'M NOT SURE ON WHICH ONE IT WAS. ALSO HE HAD A BLIND FOLD AROUND HIS NECK.

Q - DID THE OLD MALE HAVE ZIP TIES?

A - I DON'T REMEMBER.

Q - WHO HELPED UNDOSS THE BODIES?

A - SSG <sup>(b)(6), (b)(7)(C)</sup> SGT <sup>(b)(6), (b)(7)(C)</sup> SPC <sup>(b)(6), (b)(7)(C)</sup> SPC <sup>(b)(6), (b)(7)(C)</sup> PFC <sup>(b)(6), (b)(7)(C)</sup> AND MYSELF.

Q - WHERE WAS SGT <sup>(b)(6), (b)(7)(C)</sup>

A - HE HELPED UNLOAD THE BODIES, AND THEN STOOD OUTSIDE.

Q - WHAT COLOR WERE THE ZIP TIES ON THE BODIES?

A - BLACK

Q - WHAT WERE THE BLINDFOLDS MADE OF?

A - WHITE ENGINEER TAPE

Q - WHAT TIME DID THE CONVOY ARRIVE AT BRASSFIELD?

A - <sup>(b)(6), (b)(7)(C)</sup> BETWEEN 11 AND 12.

Q - WHO WERE THE MEDICAL PERSONNEL TAKING PICTURES?

A - THERE WERE 3 MEN ALL WERE WHITE, I DON'T KNOW THEIR NAMES <sup>(b)(6), (b)(7)(C)</sup>INITIALS OF PERSON MAKING STATEMENT: <sup>(b)(6), (b)(7)(C)</sup>ACLU DDIL ROI 33912 <sup>(b)(6), (b)(7)(C)</sup>

PAGE 2 OF 3 PAGES

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EXHIBIT 12

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000118



FILE NUMBER:

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT FOS REMAGEN DATED 28 MAY 02 CONTINUED:  
STATEMENT (Continued)

(b)(6), (b)(7)(C)

AND RANKS BECAUSE THEY HAD SCRUB TOPS ON.

Q- DO ANY OF THEM HAVE WOUNDS ON THE HEAD?

A- I DON'T REMEMBER

Q- IS THERE ANYTHING ELSE YOU WISH TO ADD TO YOUR STATEMENT?

A- NO /// END OF STATEMENT /// (b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of May, 20 02 at FOS REMAGEN IS No. 09393

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

DECLASSIFIED BY 39813

REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
HEADQUARTERS, 3<sup>rd</sup> BRIGADE COMBAT TEAM  
101<sup>st</sup> AIRBORNE DIVISION (AIR ASSAULT)  
FOB SPEICHER, IRAQ, APO AE 09349



AFZB-KC-CO

11 May 2006

MEMORANDUM FOR (b) (6) HSB, 3-320<sup>th</sup> Field Artillery Battalion, 3<sup>rd</sup>  
Brigade Combat Team, 101<sup>st</sup> Airborne Division (Air Assault), FOB Remagen, APO AE 09349

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

1. Effective 11 May 2006, (b) (6) is hereby appointed as the investigating officer.
2. AUTHORITY. AR 15-6, Investigations.
3. PURPOSE. To perform an informal investigation IAW AR 15-6, obtaining details pertaining to the circumstances surrounding the deaths of three (3) insurgents by elements of C/3-187 IN on 9 May 06. Your investigation should answer the following questions:
  - a. What are the facts surrounding the deaths of the insurgents? How was an insurgent able to attack a Soldier with a knife? Is there physical evidence of the attack? Why were the other insurgents killed?
  - b. Were the shootings justified under the current Rules of Engagement? What threat did the Soldiers perceive from the insurgents? Was this threat reasonable under the circumstances?
  - c. Was there a violation of the Law of Armed Conflict (LOAC)?
4. PERIOD. Until the investigation is completed and no further investigation is required, unless released sooner by the appointing authority.
5. SPECIAL INSTRUCTIONS. Conduct of this investigation will be your PRIMARY duty until the investigation is submitted to the appointing authority. In addition to interviewing and obtaining sworn statements from each and every Soldier who witnessed the incident, you will also gather all physical evidence from the incident, to include the alleged knife, and document any injuries to Soldiers caused as part of the incident. Your findings will be supported by substantial evidence and by a greater weight of evidence than supports any different conclusion. Your recommendations will include whether further criminal investigation is warranted by your findings and whether this incident qualifies as a suspected LOAC incident. Your findings and recommendations will be submitted to this headquarters NLT 011700JUN06. Prior to submission, you will obtain a final legal review of your findings and recommendations from the 3 BCT CJA.

ACLU DDII ROI 33915

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000120



AFZB-KC-CO

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

6. POC this action is 3 BCT CJA, at

(b) (6) VOIP (b) (6)

(b)(6)

COL, IN  
Commanding

ACLU DDII ROI 33916

DEPARTMENT OF THE ARMY  
 COMPANY C, 3<sup>RD</sup> BATTALION, 187<sup>TH</sup> INFANTRY REGIMENT  
 101<sup>ST</sup> AIRBORNE DIVISION (AIR ASSAULT)  
 FOB BRASSFIELD-MORA, APO AE 09349

AFTH-C

11 MAY 06

MEMORANDUM FOR Commander, 3<sup>rd</sup> Brigade Combat Team, 101<sup>st</sup> Airborne Division  
 (Air Assault), FOB Speicher, Tikrit, Iraq

SUBJECT: Commander's inquiry for killing of AIF during detention - 090700MAY 06

1. While detaining three individuals after an attack on OBJ Murray in the vicinity of 38S LC 86864450 (b) (6) shot and killed three prospective detainees after being attacked by them with deadly force during the detainment process. The purpose of this memorandum is to communicate the findings regarding the facts behind the shootings and to recommend actions for the benefit of future performance.

2. Background: During all planning and preparation for Operation Iron Triangle, I and the Battalion and Brigade Commanders over me reinforced the Rules of Engagement noting that positively identified personnel in known affiliation with terrorist organizations were legitimate military targets. The Soldiers knew that OBJ Murray was full of Al Qaeda members and associates of Al Zarqawi. OBJ Murray had also been the target of at least one SOF raid in the past two months. After exiting their UH-60 Blackhawks, the 3<sup>rd</sup> Platoon element consisting of (b) (6) ran to the nearest building to begin clearing it. Seeing a man through an open window, the Soldiers shot him as they approached. Three military aged males named Ahmed Farhim Hamid Al Jemi, Zyad Jasim Hamid, and Nahad Yasim Hamid Gumar remained in the house and used their wives as shields as they covered behind them. The Soldiers moved the ladies to the side and brought the men outside the house. They searched, separated, zip-tied and blindfolded each detainee and prepped them to move. The majority of the platoon bypassed the house and continued toward one more, where they captured an additional detainee. The Iraqi Army Soldiers who were on the objective engaged the US Soldiers in a heated argument about killing the first man and detaining the other three. Although they had been briefed numerous times the night prior that the people of the area were responsible for beheadings, kidnappings, murders, IED operations and other terrorist activities, they reached the point of belligerence in their argumentation. (b) (6) dealt with them and calmed the situation. Then, (b) (6) and members of the platoon moved toward the PZ with the final detainee and flew to their next objective. A few minutes later as (b) (6) was prepping his detainees to move to the helicopter, he noticed that the detainees' handcuffs were very weak and needed to be replaced by actual zip ties. In fact, one of the detainees had apparently already broken his zip ties. As the Soldiers began to change the zip ties, one of them brandished a knife and slashed (b) (6) and another punched (b) (6) in the face. (b) (6) and (b) (6) responded to these attacks with deadly force and shot the men as they attempted to escape. Other soldiers heard the yelling and turned to see them shooting the AIF as they turned to run. (b) (6) arrived on the scene and checked (b) (6) (b) (6) wounds determining that he had sustained a four inch superficial cut on his

ACLU DDII ROI 33918

Commander's inquiry for killing of AIF during detention - 090700MAY 06

left cheek, an inch long superficial cut on his right cheek and a three inch long laceration on his left forearm. He treated (b) (6) wounds and bandaged him. The platoon then bagged the bodies and continued mission.

3. Findings: The Soldiers understood the ROE and had been told many times that this area was populated with AIF. They went into the mission with an expectation to fight upon arrival. On this and other missions during Operation Iron Triangle, known insurgents used non-combatants like women and babies as shields to avoid being shot. This further confirmed in the minds of the Soldiers that the three detainees they had taken from OBJ Murray were in fact AIF. The AIF had been searched for weapons already and it is not clear how one of them secured a knife and broke his zip-ties. I am exploring and will investigate the possibility of one of the Iraqi Soldiers slipping him a knife thinking that he could use it to escape. The bottom line is that the Soldiers acted within the ROE when responding to the attacks by the AIF personnel. They observed a hostile act and reacted with deadly force, killing the AIF.

4. Actions: At the point of detention, the number of detainees outnumbered the number of Soldiers. Although this is normally the case at a hasty detainee collection point, Soldiers must take care in any situation where the detainee is unrestrained (eating, using the latrine, or changing flex-cuffs) that they are only permitting one detainee at a time to be uncuffed. The fact that all three were uncuffed at the same time is a large contributing factor to their attempt to escape. Furthermore, the zip-ties used initially were indeed weak and will not be used again in this company. The company will use only prussic cuffs or wider flex-cuffs. In addition to these, I will continue to condition my Iraqi Army company to understand the nature and severity of the conflict and to prevent them from having similarly adverse reactions to the killing and detention of AIF. This is a serious issue that must be overcome if our units will ever work well together. I recommend no further action after completion of the Article 15-6 investigation that is currently ongoing.

5. The point of contact for this memorandum is the undersigned at

(b) (6)

(b) (6)

CPT, IN  
Commanding

ACLU DDII ROI 33919

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14

000123



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB REMAGEN
2. DATE: 2006, 05, 11
3. TIME: 13:17
4. FILE NUMBER: (b)(6), (b)(7)(C)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-6/SSG
8. ORGANIZATION OR ADDRESS: C.O. 3-187 INF REGT, 3 BCT, 101ST ABN "AAFLT"

9. (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.
THAT ON 09 MAY 2006 VIC GRID 86864450 AT 0640 2 BLACKHAWKS LANDED. MY SQUAD ASSAULTED A HOUSE, AS I LED MY SQUAD, I ENGAGED A MILITARY AGED MALE IN THE WINDOW OF THE HOUSE, THEN I STACKED MY SQUAD ON THE FRONT DOOR. FROM THERE WE STARTED OUR ENTER + CLEARING INTO THE HOUSE WHERE 3 MILITARY AGED MALES WERE USING THEIR WIVES AS SHIELDS, SO I USHERED THEM TO SAFETY, WHEN AT THAT MOMENT MY ALPHA TEAM LEADER SGT (b)(6), (b)(7)(C) GAVE ME A CALL ON FM OF 1 ENEMY WIA. THEN I CALLED IN DOC (b)(6), (b)(7)(C) MICHA TO PERFORM FIRST AID ON THE WIA, 1 MINUTE AND A HALF LATER (b)(6), (b)(7)(C) CONFIRMED HE WAS DEAD (KIA) I THEN CALLED UP C36 AND GAVE MY SITREP, SECURED THE OBJ AND ORDERED MY ALPHA TEAM LEADER TO HAVE HIS TEAM DETAIN THE REMAINING 3 MALES AKHMED FARHIM HAMID AL-JEM, ZYAD JASIM HAMID NAHAD YASIM HAMID GUMAR. WE THEN PROCEEDED NORTH TO THE NEXT HOUSE WITERE UPON MY RECON I INSTRUCTED CPL (b)(6), (b)(7)(C) TO SUPPRESS THE BERM BEHIND THE HOUSE WITH GRAZING FIRE, ON MY COMMAND AND I WOULD FLANK AND ASSAULT THE HOUSE. AT THAT TIME I CALLED C36 FM TO OKAY THE PLAN, HE CONFIRMED AFTER HE GOT EYES ON, THEN I ORDERED CPL (b)(6), (b)(7)(C) TO SUPPRESS, AS I STARTED TO ASSAULT WITH MY ALPHA TEAM, WHEN I ENCOUNTERED A MALE USING A BABY AS A SHIELD AND DETAINED HIM. AFTER THE HOUSE WAS SEARCHED WE (b)(6), (b)(7)(C) THE KIA WAS PUT IN A BODY BAG C36 TOOK 2ND SQUAD AND LOADED THE BLACKHAWKS FOR A SECONDARY MISSION. I THEN INSTRUCTED TO MY ALPHA TEAM LEADER TO COMPLETE DETAINEE PACKETS AND MOVE TO PZ POSTURE, WITH CPL (b)(6), (b)(7)(C) AND SGT (b)(6), (b)(7)(C) THEN I TOLD PFC (b)(6), (b)(7)(C) TO CHECK ON THE FEMALES. I THEN CHECKED DETAINEE (b)(6), (b)(7)(C) AND NOTICED HE HAD ZIP TIES ON HIS WRISTS AND NOT ZIP CUFFS I THEN TOLD SPC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C) TO CHANGE THEM OUT AND THEY SAID ROGER SGT ONE SET HAD ALREADY BROKE. I SAID ROGER AND MOVED THE 1ST DETAINEE TO THE PZ AND LINKED UP WITH CAL (b)(6), (b)(7)(C) WHO ESCORTED THE DETAINEE TO THE PZ, I THEN WENT TO CHECK ON PFC (b)(6), (b)(7)(C) WHO WAS GUARDING AND SUPERVISING THE WOMEN, MADE A FACE TO FACE WITH PFC (b)(6), (b)(7)(C) THEN I HEARD GUN SHOTS, SO I IMMEDIATELY RAN TO THE BACK OF THE HOUSE THEN RAN TO THE FRONT, NOT KNOWING WHERE THE SHOTS CAME FROM, BUT AS I GOT TO THE

10. EXHIBIT
11. INITIALS OF (b)(6), (b)(7)(C) STATEMENT
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

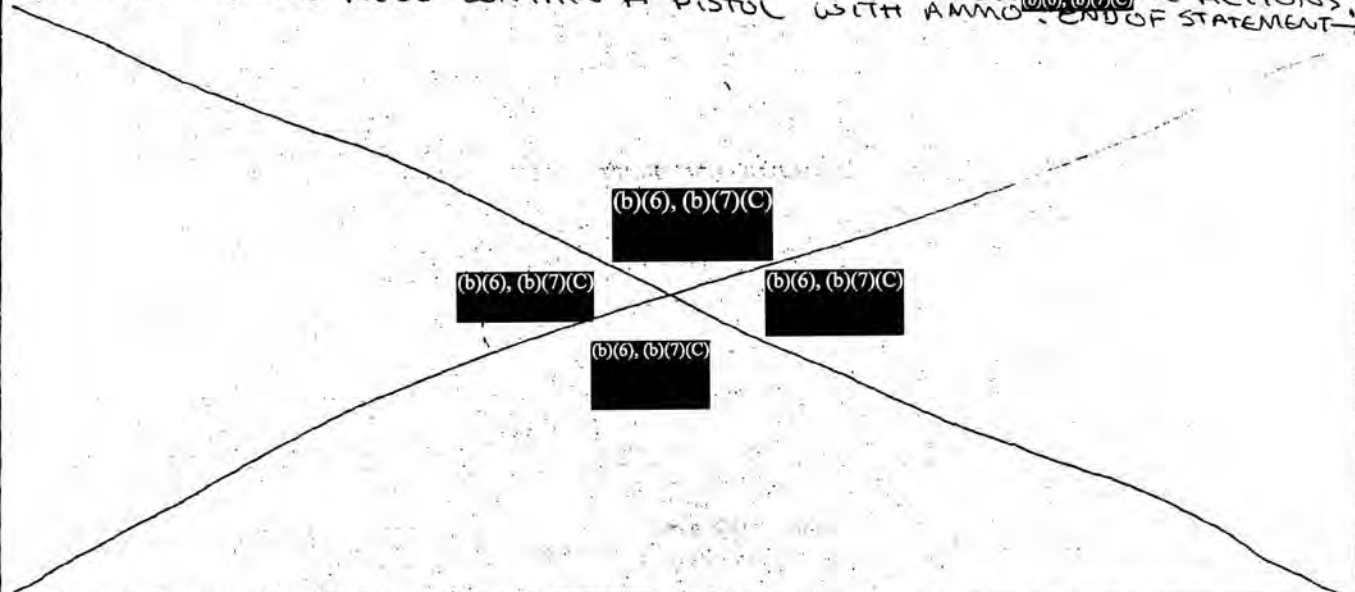
ACLU DDII ROI 33920



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT 13:17 (b)(6), (b)(7)(C) DATED 28/06/05 11 (b)(6), (b)(7)(C)

9. STATEMENT (Continued)

FRONT OF THE HOUSE I SAW PFC (b)(6), (b)(7)(C) WITH HIS CHINSTRAP UNDOONE HOLDING HIS LEFT CHEEK BONE, MOANING AND CURSWG, AND SAW SPC (b)(6), (b)(7)(C) ON THE GROUND MOVING TOWARD THE HOUSE I HELPED HIM BEHIND COVER INTO THE HOUSE, WHILE YELLING TO PFC (b)(6), (b)(7)(C) AND ASKING HIM FOR A SITUATION REPORT. I CHECKED SPC (b)(6), (b)(7)(C) FOR WOUNDS AND WAS ASKING FOR A SITUATION REPORT AS WELL, HE SAID HE HAD BEEN ATTACKED BY THE DETAINEE WITH A KNIFE AND FELT THREATEND FOR HIS LIFE. UPON USE OF DEADLY FORCE FROM THE ENEMY, HE USED DEADLY FORCE. I THEN ASKED PFC (b)(6), (b)(7)(C) FOR HIS SITUATION REPORT AGAIN, AND SAID HE HAD BEEN STRUCK BY THE DETAINEE AND FELT THREATEND FOR HIS LIFE. THE DETAINEE TRIED TO GRAB HIS WEAPON AND HE RETURNED FIRE SIMOTANUSLY WITH SPC (b)(6), (b)(7)(C), WHO HAD BEEN STABBED BY ONE OF THE DETAINEES. THEY SAID THE DETAINEES USED DEADLY FORCE WHICH LEFT THEM NO CHOICE BUT DEADLY FORCE. THIS RESULTED IN 3 MORE KIAS. I LINKED UP WITH CQ6 AND HE TOOK THE KIAS OUT OFF THE OBJ. VIA BLACKHAWKS, WITH TOTAL 2 AK-47'S, WITH 4 MAGAZINES OF AMMO, SPARE AK-47 PARTS, AS WELL AS THE KNIFE THAT WAS USED TO STAB SPC (b)(6), (b)(7)(C). ROE ON THIS OBJECTIVE WAS PUT OUT BY BRIGADE COMMANDER DIRECTLY TO KILL EVERY MILITARY AGE MALE ON THIS OBJ. THIS ROE LED TO THE FIRST MALE BEING SHOT THE OTHER MALES WERE ONLY SHOT AFTER ENGAGING SPC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C) WITH DEADLY FORCE, OR INTENTIONS THEMSELVES. SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) HAD NO CHOICE AFTER THEIR OWN LIVES WERE THREATEND THROUGH (b)(6), (b)(7)(C) LE ACTIONS. THE KIAS HOUSE ALSO CONTAIN A PISTOL WITH AMMO. END OF STATEMENT

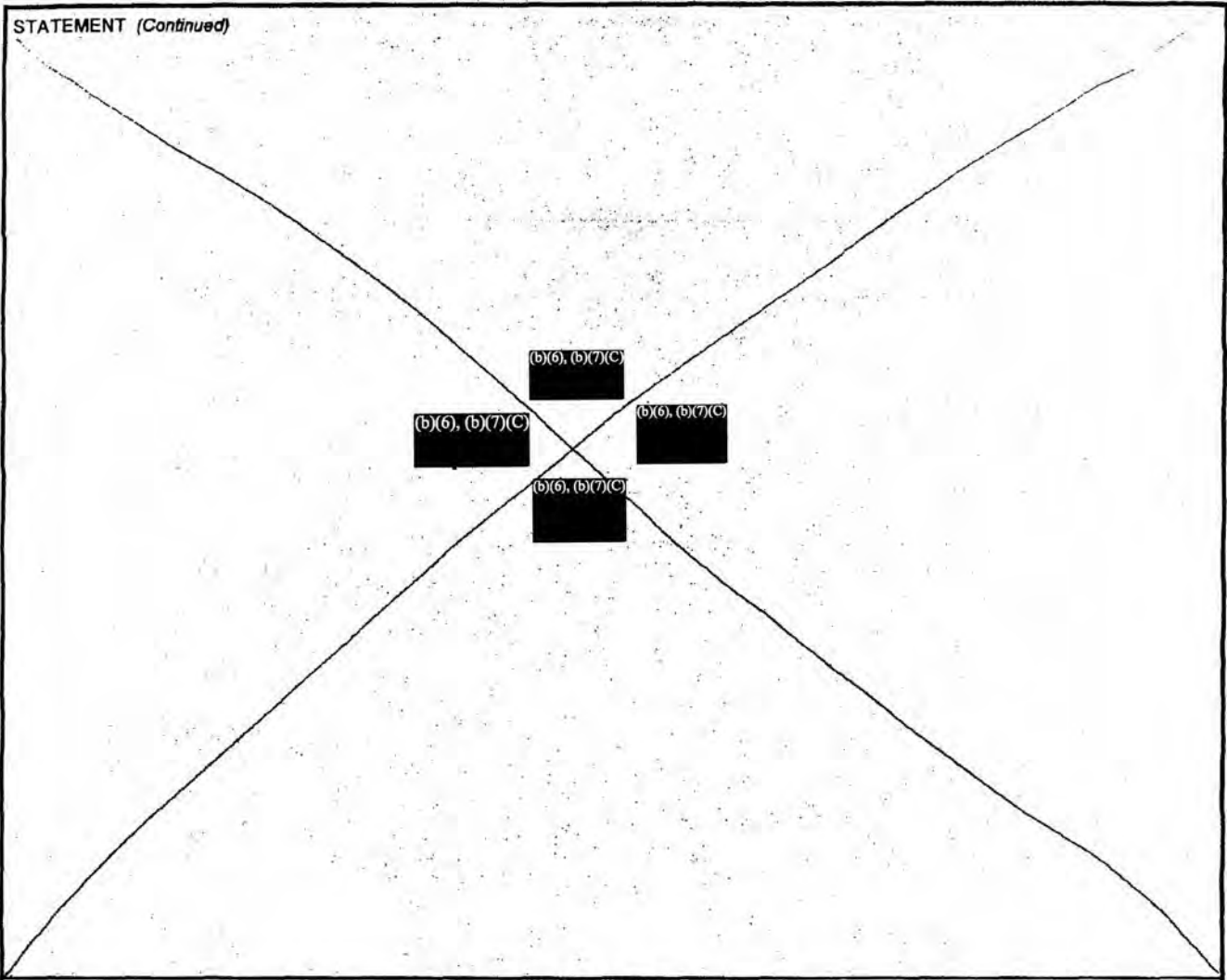


INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII ROI 33921

Exhibit 15 000125

STATEMENT (Continued)



AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. 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.

(b)(6), (b)(7)(C)

WITNESSES:

(b)(6), (b)(7)(C)

Geo 3-187 Fob Bussfield - MORR  
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

Geo 3-187 Fob Bussfield - MORR  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of MAY, 1986 at Fob Bussfield

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

ARTICLE 136 (3b)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII ROI 33922

PAGE 2 OF 3 PAGES

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EXHIBIT 15

USAPPC V2.00



SWORN STATEMENT		
For use of this form, see AR 190-45; the proponent agency is ODCSOPS		
LOCATION FOB Remagan	DATE 2006 05 11	TIME 1318
FILE NUMBER		
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-3 / saw gunner
ORGANIZATION OR ADDRESS 3 <sup>rd</sup> plt C co 3/187 INF		
I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:		
<p>On this day 09 MAY 2006 I was involved in an air assault on an Island that was labeled Obj Murray which was a known insurgent strong hold. My Unit was briefed with the new ROE by the brigade Commander which was to kill any military aged males on the Island. After already clearing our first objective my Squad and 2<sup>nd</sup> Squad loaded up on to 2 UH-60s and flew to our second objective. At location LC 86864450, 3<sup>rd</sup> Squad (which includes me) began to approach the first House. I was last in order, because my ammo became delinked from my Saw (Squad automatic weapon). I fixed my ammo, and began to try to catch up with the rest of my Squad. As I came to the house I heard gun shots, and by the time I had got there they had already had one KIA, and three detainees. At that time my Squad leader (SSg (b)(6), (b)(7)(C)) told me to go to the top of the nearest hill and do a recon. I spotted one male run into the house. At that time one of the gun teams that was attached to 3<sup>rd</sup> Squad Cpl. (b)(6), (b)(7)(C) and his A.G. Sgt (b)(6), (b)(7)(C) came to my location, and took over my position so that I could link back up with my Squad SSg (b)(6), (b)(7)(C) and I proceeded to the second house while Cpl (b)(6), (b)(7)(C) was providing grazing fire over the house while half on 3<sup>rd</sup> Squad, and myself ran to the second house. As we approached the house a military aged man came outside of the house using a baby as a shield, we took the baby away, and detained (b)(6), (b)(7)(C) shelish. we brought the detainee along with the AK47 we found to the other house with the other detainees.</p>		
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>		



STATEMENT (Continued)

At approximately 0841 our pl and 2<sup>nd</sup> Squad left the Obj. After they left Sgt (b)(6), (b)(7)(C) and myself began to move the detainees to L2, when I picked up one detainee and the thin flex cuffs broke so my Squad leader told us to change the flex cuffs with thicker ones. So I cut their cuffs off so their hands became free, (b)(6), (b)(7)(C) and myself talking to each other and getting ready to recuff the detainees when I was struck in the head with either a fist or a blunt object, and my vision went black, and when I came to, two detainees were running, and behind him was the other detainee. Then (b)(6), (b)(7)(C) shot first, then I began to engage the fleeing detainees, and we eliminated the threat. I felt this action was necessary, because I believe the life of my friend (b)(6), (b)(7)(C) and myself were in danger because these individuals used deadly force against us. So in preservation of our own lives we had no choice to use deadly force against them. When this incident was over I checked myself and (b)(6), (b)(7)(C) and saw he was bleeding and had a significant cut on his arm, and then our Squad leader came to see what happen. Then 2<sup>nd</sup> pl came and bagged and tagged the knife and helped move the bodies to pz posture (b)(6), (b)(7)(C) we then exfilled that location at about 1300 hrs

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. 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.

(b)(6), (b)(7)(C)  
 \_\_\_\_\_  
 (Typed Name of Person Making Statement)

WITNESSES:

(b)(6), (b)(7)(C)  
 \_\_\_\_\_  
 SSG (b)(6), (b)(7)(C)  
 3RD PLTC CO 3-187 INF  
 ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
 \_\_\_\_\_  
 SFC (b)(6), (b)(7)(C)  
 I CO 3-187<sup>th</sup>  
 ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of May 2006 at Fort Raman

(b)(6), (b)(7)(C)  
 \_\_\_\_\_  
 (Typed Name of Person Administering Oath)

ARTICLE 136 (3b)  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII ROI 33924

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT

16



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: FOB REMAGEN
2. DATE: 2606/05/11
3. TIME: 1319
FILE NUMBER:
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: O-2/AO
8. ORGANIZATION OR ADDRESS: C Co. 3-187
9. (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 09 May 2006 at LC 86864450, 3rd Squad and 2nd Squad of 3rd Platoon were dropped off by 2 UH-60 helicopters in order to raid the two housing compounds in the vicinity of that grid. The ROE given by our chain of command was to kill every military aged male on the objective, upon proceeding north to the first house, Staff Sergeant (b)(6), (b)(7)(C) engaged one military aged male standing in the window. I then began to check the M-240 placement. After being satisfied with the gun emplacement, I proceeded towards the house where there was 1 KIA and 3 male detainees who had used the women in the house as shields. After they were properly detained, we proceeded north to the next house and got 1 more male detainee (b)(6), (b)(7)(C) who used his baby as a shield. After the houses had been searched and the 1 KIA was put in a body bag, I took 2nd Squad and proceeded to the next objective. I then was called on the radio (b)(6), (b)(7)(C) and told that the detainees we had left with 3rd Squad were now KIA after they had stabbed SFC (b)(6), (b)(7)(C) in the face and wrist with a knife and punched PFC (b)(6), (b)(7)(C) in the face and attempted to flee after breaking their flex cuffs.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED"

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

ACLU DDII ROI 33925



STATEMENT OF

(b)(6), (b)(7)(C)

TAKEN AT FOB REMAGEN DATED 17 MAY 2006

9. STATEMENT (Continued)

ENEMY FORCE LEFT SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) NO  
THIS USE OF DEADLY OPTION BUT TO RETURN WITH DEADLY FORCE. END OF STATEMENT

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU DDH ROI 33926

exhibit 17  
000130

STATEMENT (Continued)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. 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.

(b)(6), (b)(7)(C)

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to (b)(6), (b)(7)(C) administer oaths, this 11 day of May, 2006 at

(b)(6), (b)(7)(C)

SPT (b)(6), (b)(7)(C)  
 3PL7 C Co 3-187 IN APO AE 09349  
 ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

(b)(6), (b)(7)(C)

SPT (b)(6), (b)(7)(C)  
 SPT C Co 3-187 FOB Bressfield - MIRA 09349  
 ORGANIZATION OR ADDRESS

Art 136 UCMJ  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII ROI 33927



## SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

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

1. LOCATION FOB Remacha	2. DATE 20/05/11	3. TIME 1320	4. FILE NUMBER
5. LAST NAME FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	6. SSN. (b)(6), (b)(7)(C)	7. GRADE/STATUS E-4/AD	
8. ORGANIZATION OR ADDRESS C Co 3/187 FOB Brassfield Mora APO-AE 96349			

I, SPC (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 09 MAY 2011 at about 0640 at grid LC 86864450 on OBJ MURRAY, 2 UH-60s landed, dropping off my squad (3rd Squad 3rd Platoon C Co) with attachments at which point we assaulted a house 50 meters approximately to the North. Upon assaulting the known AIF house, 3rd Squad elements (including myself) engaged a military-aged male through the window. We pushed to the right, then around to the front of the house at which point we stacked on the door and entered and cleared the house, where we found 3 military aged men hiding behind 2 women. We dragged out the elder male who had been shot through the window, then detained Male 1, AKHMED FARHIM HAMID AL-JEMI WEARING a green man-dress, MALE 2, ZYAD JASIM HAMID wearing a green man-dress as well; he was slightly shorter than Male 1, and Male 3, NAHAD YASM HAMID GUMAR wearing white. SPC (b)(6), (b)(7)(C) attempted to save the elder male instantly, he conducted first aid for approximately two minutes until the man died. I went to get the body bags from the LZ as security was pulled on the detainees, and other elements pushed North to the second house. SPC (b)(6), (b)(7)(C) and I conducted a more thorough search of the house where we discovered extra AK-47 parts and 3 extra magazines for this AK-47 that was already found. I then pushed to the Northern house to inform SSG (b)(6), (b)(7)(C) of the SITREP on house # 1. At house # 2, (b)(6), (b)(7)(C) had already been detained with an AK-47. We then pushed back to house # 1 with the detainee to prep for exfill. At about

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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



STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT (b)(6), (b)(7)(C) DATED 11 MAY 06 (b)(6), (b)(7)(C)

9. STATEMENT (Continued)

0841, 1LT (b)(6), (b)(7)(C) took off on UH-60s with elements of 2nd Squad 3rd Platoon, to hit another OBJECTIVE. While awaiting choppers to return at the LZ/PZ, Preparing gear for movement, SGT (b)(6), (b)(7)(C) CPL (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and MYSELF Heard random shots fired at about 0844, I instantly ran to the South wall of the house where I linked up with SSG (b)(6), (b)(7)(C) He asked me what was up, I told him I did not know, then we pushed around the left side of the house toward the front, where we found 3 enemy KIAs. SPC (b)(6), (b)(7)(C) WAS INSIDE OF THE HOUSE with (b)(6), (b)(7)(C) slash wounds to the left forearm and face. SSG (b)(6), (b)(7)(C) And I yelled for (b)(6), (b)(7)(C) He quickly got to the house and began treating SFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) then briefed us of the situation. The detainees attempted to flee after one punched PFC (b)(6), (b)(7)(C), and another one attacked SPC (b)(6), (b)(7)(C) with a knife, as the two soldiers were changing our zip-ties. They informed me the detainees used deadly force on them, so the only option was to return with deadly force. END OF STATEMENT

(b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU FILE NO. OF 33929

STATEMENT (Continued)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, SPL (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

WITNESSES:

(b)(6), (b)(7)(C)

Cop 3-167 Fed Classified - Mola  
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

Cop 5-187 Fed Classified - Molen  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of MAY, 2006 at FBI READING

(b)(6), (b)(7)(C)

Article 136 (3b)  
(Typed Name of Person Administering Oath)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU DDII ROI 33930

PAGE 3 OF 3 PAGES

USAPPC V2.00

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EXHIBIT

18

000134



**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION FOB Ramagen	2. DATE (YYYY <b>(b)(6), (b)(7)(C)</b> ) 20060511	3. TIME <b>(b)(6), (b)(7)(C)</b> 1330	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <b>(b)(6), (b)(7)(C)</b>	6. SSN <b>(b)(6), (b)(7)(C)</b>	7. GRADE/STATUS E-5 / RA / AD	
8. ASSIGNMENT OR ADDRESS C Co 3-187th 101st FOB BRASSFIELD-MORA APO-AE 09349			
9. <b>(b)(6), (b)(7)(C)</b> WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

ON 09 MAY 2006 I WAS AN ASSISTANT GUNNER ATTACHED TO 3RD SQUAD, 3RD PLT, C Co 3-187th. THAT MORNING WE WERE CONDUCTING RAIDS ON OBJ MURRAY, A KNOWN INSURGENT STRONGHOLD. THE ROE FOR OBJ MURRAY AS SET BY THE BRIGADE COMMANDER WAS TO KILL ANY MILITARY AGE MALE. AT 0640 OUR ELEMENT WITH CHOPPIN 36, <sup>(b)(6), (b)(7)(C)</sup> AND 36R, AND <sup>(b)(6), (b)(7)(C)</sup> HIT THE SECOND OBJ AREA LC 8686 4450. UPON LANDING WE PROCEEDED 50m TO THE NORTH TO A SINGLE HOUSE. BEFORE ENTERING THE HOUSE A MALE APPEARED IN THE WINDOW AND WAS ENGAGED BY 3RD SQUAD. ME AND CPL <sup>(b)(6), (b)(7)(C)</sup> STOPPED SHORT AT THE CORNER OF THE HOUSE AND PROVIDED SECURITY. SHORTLY THEREAFTER THE HOUSE WAS CLEARED WITH 3 MALE DETAINEES. THE 3 DETAINEES NAMES WERE, AKHMED FARHIM HAMID AL-JEMI, ZYAD JASIM HAMID, AND NAHAD YASIM HAMID GUMAR. THE MAN THAT <sup>(b)(6), (b)(7)(C)</sup> WAS ENGAGED BY 3RD SQUAD DIED LESS THAN 5 MINUTES LATER. ME AND CPL <sup>(b)(6), (b)(7)(C)</sup> PROCEEDED TO THE HILL NORTH OF THE HOUSE. WE RELIQUISHED PFC <sup>(b)(6), (b)(7)(C)</sup> ON OVERWATCH ON ANOTHER MUD HUT TO THE NORTH. <sup>(b)(6), (b)(7)(C)</sup> CPL <sup>(b)(6), (b)(7)(C)</sup> WAS INSTRUCTED BY SSG <sup>(b)(6), (b)(7)(C)</sup> TO <sup>(b)(6), (b)(7)(C)</sup> LAUNCH GRAZING FIRE OVER THE TOP OF THE HUT INTO A BERM BEHIND IT WHILE <sup>(b)(6), (b)(7)(C)</sup> HE AND HIS SQUAD APPROACHED FROM THE SOUTH. UPON USING <sup>(b)(6), (b)(7)(C)</sup> GRAZING FIRE AND 3RD SQUAD APPROACHING HOUSE, A SINGLE MALE OF MILITARY AGE MALE CAME OUTSIDE HOLDING A

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <b>(b)(6), (b)(7)(C)</b>	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

**ACLU DDII ROI 33931**



STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT <sup>1505</sup> **(b)(6), (b)(7)(C)** DATED **0006 05d** **(b)(6), (b)(7)(C)**

9. STATEMENT (Continued)

BABY AS A SHIELD. 3RD SQUAD DETAINED THE MAN AND  
 CLEARED THE HOUSE. THE MEN BROUGHT THE DETAINEE, A  
**(b)(6), (b)(7)(C)** BACK TO THE FIRST HOUSE WHERE  
 SFC **(b)(6), (b)(7)(C)** AND CPL **(b)(6), (b)(7)(C)** STARTED TO TAKE PICTURES OF THE  
 DETAINEES WHILE I BLINDFOLDED THEM **(b)(6), (b)(7)(C)** TO GET READY  
 FOR EXFIL. WHILE WE WERE **(b)(6), (b)(7)(C)** THAT 3RD CHOPPIN 36,  
 2LT **(b)(6), (b)(7)(C)** AND **(b)(6), (b)(7)(C)** 2ND SQUAD WHO HAD  
 COME FROM THE SOUTH OF OUR POSITION WERE EXFILLED  
 FROM THAT LOCATION AROUND 0840. UPON THE DEPARTURE OF  
 THOSE BIRDS MYSELF, CPL **(b)(6), (b)(7)(C)**, SGT **(b)(6), (b)(7)(C)**, 3PL **(b)(6), (b)(7)(C)**, SPC **(b)(6), (b)(7)(C)**  
 AND SPC **(b)(6), (b)(7)(C)** WENT TO GET INTO PZ POSTURE. WHEN WE  
 REACHED THE PE WHICH WAS SOUTH TO THE SW OF THE FIRST  
 BUILDING. ONE DETAINEE, **(b)(6), (b)(7)(C)** WAS BROUGHT BY  
 SSG **(b)(6), (b)(7)(C)** TO US AT THE PE. HE THEN RETURNED TO THE  
 HOUSE. ABOUT 1 MINUTE AFTER THAT WE HEARD A SHOUT COME FROM  
 THE DIRECTION OF THE HOUSE. I TURNED TO SEE WHAT WAS HAPPENING  
 AND OBSERVED THE 3 DETAINEES RUNNING FROM THE HOUSE  
 WHILE THEY PULLED THEIR BLINDFOLDS FROM THEIR EYES. THAT  
 WAS FOLLOWED BY GUNSHOTS AS THE MEN FELL. AFTER THAT,  
 EVERYONE AT THE PE EXCEPT SGT **(b)(6), (b)(7)(C)**, WHO WAS GUARDING THE  
 DETAINEE, RAN TO THE HOUSE. UPON REACHING THE HOUSE, I  
 OBSERVED THE 3 DETAINEES LYING ON THE GROUND, ALL APPEARED  
 DEAD. I WAS TOLD BY PFC **(b)(6), (b)(7)(C)** THAT ONE OF THE DETAINEES  
 HAD PULLED A KNIFE AS THEY WERE CHANGING PEX CURAPS.  
**(b)(6), (b)(7)(C)** LOOKED AT SPC **(b)(6), (b)(7)(C)** WHO WAS CUT ON THE  
 FACE AND ~~WENT~~ <sup>WENT</sup> AWAY AND THEN WENT TO ASSIST DETAINEES  
 WHICH HE SAID WERE DEAD. SSG **(b)(6), (b)(7)(C)** CALLED UP THE  
 INCIDENT TO **(b)(6), (b)(7)(C)** HQ AND AFTER OBSERVING THE SITUATION  
 WAS UNDER CONTROL I WENT BACK TO THE PE TO ASSIST

INITIALS OF PERSON MAKING STATEMENT **(b)(6), (b)(7)(C)**

ACLU DDJ ROI 33932

PAGE 2 OF 3 PAGES



STATEMENT (Continued)

Sgt (b)(6), (b)(7)(C) 3rd Squad men put the bodies in body bags and 2nd pl came in from the north and took the bodies and our detainee back for us. They exited shortly after that. SFC (b)(6), (b)(7)(C) men called for our exit. Approximately 3 hours later we were exited. End of statement

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), have read or have had read to me this statement which begins on page 1 and ends on page 3. I fully understand the contents of the entire statement made by me. The statement is true, I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

(b)(6), (b)(7)(C)

Statement)

WITNESSES:

(b)(6), (b)(7)(C)

Sgt 3-187 Fob Brassfield-Morn  
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

SFC (b)(6), (b)(7)(C)  
3PLT C Co 3/187 ARAAG 42349  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of May, 2006 at Fob Remake

(b)(6), (b)(7)(C)

Oath)

(Typed Name of Person Administering Oath)

Article 136 (b)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES

ACLU DDH ROI 33923

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE EXHIBIT 19



SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Fob Remagen
2. DATE (YYY (b)(6), (b)(7)(C)): 2006 05 11
3. TIME (b)(6), (b)(7)(C): 1330
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E4/CPI/AD
8. ORGANIZATION OR ADDRESS: Co 3-187 INF 3 P14
9. (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 09 of May 2006 me + my AG attached to 3rd sqd + P14 and sq arrived at Grid# LC 86864450 at approx. 0640 hrs. upon arriving at the house, Ssg (b)(6), (b)(7)(C) engaged 1 male standing in the window in accordance with the ROE given directly by the Brigade Commander to kill every military age male on the island (ob, Murray). They proceeded into the house detaining 3 other males + dragging the 1 KIA out of the house we proceeded to house 2 where I used suppressive fire above the house not striking the house or any personnel inside. 1 male came outside holding a baby in front of him as a shield so he would not be shot. They detained that one male at approx 0641. The pl + 2nd sqd with the KIA + push to another obj. My Gun team atth. to 3sqd stayed back at the house with the detainees. My Gun team, Spc (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) w/1 det secured the LZ while Spc (b)(6), (b)(7)(C) + Pvt (b)(6), (b)(7)(C) changed zip ties on the 3 detainees because they had broke once before on the detainees at approx. 0844 I heard "oh shit" come from the house I looked back to see the 3 detainees 2 w/ blindfolds down + 1 in the process of taking his down running full speed from the house and then where shot from the soldiers in the house

10. EXHIBIT
11. IN (b)(6), (b)(7)(C) MAKING STATEMENT PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND DATE WHEN MADE MUST BE INDICATED.

ACLU DDII ROI 33934



STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT **(b)(6), (b)(7)(C)** 1330 DATED **(b)(6), (b)(7)(C)** 11 May 2006

9. STATEMENT (Continued)

Killing all three. I ran to the house to see if everyone was OK, Pvt **(b)(6), (b)(7)(C)** said he had been punched by 1 det. in the jaw & that spc. **(b)(6), (b)(7)(C)** had been stabbed. I proceeded into the house to see **(b)(6), (b)(7)(C)** on the ground with a cut across his face & a deep cut across the arm. Spc **(b)(6), (b)(7)(C)** evaluated the 3 males & said they were all dead. We bagged all 3 bodys & called it up to Choppin 5 & 6. We met up with an element from 2nd pl+ the took the 3 bodys & 1 detainee to the toc. Our birds arrived at approx. 1306 & met up with Choppin 36 at another Obj. End of Statement.

**(b)(6), (b)(7)(C)**

**(b)(6), (b)(7)(C)**

**(b)(6), (b)(7)(C)**

**(b)(6), (b)(7)(C)**

INITIALS OF **(b)(6), (b)(7)(C)** ELEMENT

ACLU DDII ROI 33935

STATEMENT (Continued)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

(b)(6), (b)(7)(C)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of MAY, 2006 at FOR RELEASE

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)

2 PLT C<sup>o</sup> 3/189  
 ORGANIZATION OR ADDRESS

ARTICLE 136 (3b)  
(Authority To Administer Oaths)

(b)(6), (b)(7)(C)

SFC (b)(6), (b)(7)(C)  
3 PLT C<sup>o</sup> 3/187 APO-AE 09349  
 ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII ROI 33836  
 PAGE 3 OF 3 PAGES

USAPPC V2.00

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~ EXHIBIT 20

000140

ACLU DDII ROI 33937

000141



## SWORN STATEMENT

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

LOCATION <b>FUB. REMAGEN IRAG</b>	DATE <b>2000 05 11</b>	TIME <b>1340</b>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <b>(b)(6), (b)(7)(C)</b>	SOCIAL SECURITY NUMBER <b>(b)(6), (b)(7)(C)</b>	GRADE/STATUS <b>E-5 / SAT</b>	
ORGANIZATION OR ADDRESS <b>C Co 3-187 IN. REGT. 101ST ABN DIV. (AASLT.)</b>			

I, **(b)(6), (b)(7)(C)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 09 MAY 2000 AT APPROXIMATELY 0640 HRS, VIC. LC 8080 4450 AT OBJ. MURRAY, 2x UH 60's LANDED 50 METERS AWAY FROM OUR FIRST OBJECTIVES HOUSE. UPON MOVING TOWARDS THE BUILDING, SSG **(b)(6), (b)(7)(C)** NOTICED A MILITARY AGED MALE AT THE WINDOW. OUR R.O.E WAS THAT EVERY MALE IN THE OBJ WAS HOSTILE. SSG **(b)(6), (b)(7)(C)** SHOT AT THE WINDOW WHERE THE HOSTILE MALE WAS STANDING. I IDENTIFIED SSG **(b)(6), (b)(7)(C)** TARGET AND ALSO ENGAGED, SHOOTING 4x ROUNDS, THROUGH THE WINDOW. WE ENTERED THE BUILDING AND FOUND 3x OTHER MALES HOLDING THEIR WIVES AS SHIELDS. FURTHER CLEARING OF THE HOUSE, WE FOUND 1x MALE WOUNDED IN THE ROOM WITH THE WINDOW THAT WE SHOT INTO. MYSELF AND SPC **(b)(6), (b)(7)(C)** REPORTED 1x ENEMY W.I.A. AND CARRIED HIM OUTSIDE FOR OUR MEDIC, SPC **(b)(6), (b)(7)(C)** TO ATTEND TO. 2x WOMEN WERE TAKEN TO A DIFFERENT ROOM, AWAY FROM THE DETAINEES AND THE 1x WOUNDED. THE 3x DETAINEES, WHO'S NAMES ARE AS FOLLOWS: AKHMED FARHIM HAMID, ZIAD JASIM HAMID, AND NAHAD JASM HAMID; WERE DETAINED, SEPERATED AND ZIP-TIED. SSG **(b)(6), (b)(7)(C)** THEN INFORMED OUR SQUAD THAT A 2ND HOUSE WAS APPROX. 200 METERS NORTH OF OUR 1ST TARGET BUILDING. OUR GUN TEAM, SPC **(b)(6), (b)(7)(C)** AND SGT **(b)(6), (b)(7)(C)** WERE SET ON TOP OF A HILL OVERWATCHING THE NEXT BUILDING. AS WE MOVED A-CROSS THE HILL, SSG **(b)(6), (b)(7)(C)** REQUESTED THAT THE GUN TEAM PROVIDE SUPPRESSIVE FIRE AT THE BIRM BEHIND THE HOUSE. 1LT. **(b)(6), (b)(7)(C)** GAVE THE "O.K" ~~AS~~ ONLY THAT NO STRUCTURES OR WOMEN OR CHILDREN WERE ENGAGED. THE GUNS BEGAN, AND WE

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <b>(b)(6), (b)(7)(C)</b>	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



STATEMENT (Continued)

FLANKED LEFT DOWN THE HILL. ONCE WE GAVE THE SIGNAL, THE GUNS CEASED FIRE AND WE ENTERED THE BUILDING.

1x MALE BY THE NAME OF (b)(6), (b)(7)(C) EXITED THE HOUSE HOLDING A BABY AS A COVER AND SHIELD.

SSG. (b)(6), (b)(7)(C) PUT THE BABY DOWN AND I TOOK THE MALE DOWN TO THE FLOOR AND ZIP-TIED HIM. AS WE PREPARED TO TRANSFER THE DETAINEES ~~WE~~ SGT (b)(6), (b)(7)(C) AND I WATCHED

(b)(6), (b)(7)(C) AS THE REST OF OUR SQUAD MOVED THE 3x OTHER DETAINEES TO OUR ~~5~~ LOCATION. I HEARD A YELL AT THE BUILDING AND SEEN THE 3x DETAINEES RUN. THEY FELL AS THEY GOT SHOT, AND SSG (b)(6), (b)(7)(C) CONTACTED ME TO INFORM ME THAT THEY (THE DETAINEES) HAD FOUGHT PFC (b)(6), (b)(7)(C) AND STABBED SPC (b)(6), (b)(7)(C). SPC (b)(6), (b)(7)(C) ATTEMPTED TO PROVIDE FIRST AID TO THE HOSTILE MEN. THEY WERE PRONOUNCED DEAD AFTER A FEW MIN. THE 3x DEAD MALES WERE THEN PUT IN BODY BAGS AND WERE PREP'D FOR EXFIL. WE LEFT THE ISLAND AT 1800. 4x ENEMY K.I.A., 1x DETAINEE.

END OF STATEMENT

AFFIDAVIT

I, \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. 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.

(b)(6), (b)(7)(C)  
(Signature of Person Making Statement)

WITNESSED:  
(b)(6), (b)(7)(C)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of MAY, 2006 at FOB REMAGSN

SPC (b)(6), (b)(7)(C)  
3PLT C Co 3/187 IN FOB BRASSFIELD-MARA  
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
(Typed Name of Person Administering Oath)

(b)(6), (b)(7)(C)  
PFC (b)(6), (b)(7)(C)  
3PLT C Co 3/187 IN FOB BRASSFIELD-MARA  
ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)  
ARTICLE 136 (b)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

ACLU DBII ROI 33839



SWORN STATEMENT

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

LOCATION FOB Remagen	DATE (b)(6), (b)(7)(C) 2506-05-11	TIME (b)(6), (b)(7)(C) 1350	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-4/AD	
ORGANIZATION OR ADDRESS Cco 3-187m			

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about the 9<sup>th</sup> of May 2006 at LC 86864450 3rd Squad, Gun 6 3M, C36 and myself Air Assaulted into the objective, which was known to be an insurgent stronghold, at about 0640. Upon landing 3rd Squad pushed to the building closest to the LZ. In accordance with the ROE passed down by our brigade Commander, which stated that all Military Aged males were to be engaged; 3rd Squad engaged and Killed the first Military Aged male in the first building. The other 3 males put the females in the house between themselves and 3rd Squad, so that they could not be engaged. 3rd Squad then flex cuffed them and moved them and the body. An attempt was made by 3M, Spc (b)(6), (b)(7)(C) to stabilize the first male but the damage was too great and he died shortly after. After a quick search of the house they moved to the second house on the objective. Gun 6, Cpl (b)(6), (b)(7)(C) and Sgt (b)(6), (b)(7)(C) laid down suppressing fire above the second house, while 3rd Squad advanced on the house. The only Military aged male in the house came out holding a child in front of his face disabling 3rd Squad to engage him - They then flex cuffed him and searched the house. After the search was complete we consolidated all 4 detainees and began putting together the detainees Paper works. At this time I got the names off all 4 of them. The 3 from the first house were Ackmed Fathers Hemid Al-Jami, Ziad Jasem Humad Al (b)(6), (b)(7)(C) Hemid Gumar and the one from the second house was (b)(6), (b)(7)(C) C36, 1Lt (b)(6), (b)(7)(C) left with the body via uh-60's to (b)(6), (b)(7)(C) with the company commander while the rest of the element finished up the paper works. Upon finishing the paper work and pictures Gun 6 and Sgt (b)(6), (b)(7)(C) and myself escorted the detainee from the second house to the p2 to move him the holding Area.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



STATEMENT (Continued)

The other detainees were to follow after they were reflex ~~car~~ reflexcuffed by Pfc (b)(6), (b)(7)(C) and SPCP (b)(6), (b)(7)(C). While at the P2 I heard yelling and then gun fire. By the time I turned around all I saw was the 3 detainees fall 4 meters from the house were they were being held. Although I did not see them running <sup>but</sup> the way their bodies were oriented would imply they had been running. When I made it back to the house I saw Pfc (b)(6), (b)(7)(C) holding his face and went to see if any of the detainees were a live. I thought none was still alive but then realized that sound he had made was post mortem. I then linked up with Ssg (b)(6), (b)(7)(C) and reported up the incident to CS, Cpt. (b)(6), (b)(7)(C). I went to poke around the first house to see if there were any things that matched ~~a~~ things that were found in other objectives, and that is when I encountered SPCP (b)(6), (b)(7)(C). I saw that he had been cut on the face and arm. The bodies were bagged up and handed over to 2nd platoon who had come down to our position after the incident. They then left after collecting up the bodies and the weapons, <sup>which had been used by the detainees to cut Hunsaker</sup> ~~and~~ which was sealed in a plastic bag, <sup>of Hunsaker</sup> that were consolidated in a large white grain sack. We then <sup>filled</sup> the objective at about 1300. It was clear on this objective that SPCP (b)(6), (b)(7)(C) and Pfc (b)(6), (b)(7)(C) had been engaged with hostile intent and had no choice but to use deadly force.

**END** of statement

AFFIDAVIT

I, (b)(6), (b)(7)(C), 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.

(b)(6), (b)(7)(C)  
 (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of MAY 2006 at FOB REMAGEN

(b)(6), (b)(7)(C)  
 Cco 3-197 For Bismahud-mora  
 ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)  
 (Typed Name of Person Administering Oath)  
 ARTICLE 136 (35)  
 (Authority To Administer Oaths)

(b)(6), (b)(7)(C)  
 Cco 3-197 For Bismahud-mora  
 ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU PAGE 2 OF 2 333941

USAPPC V2.00



## SWORN STATEMENT

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

LOCATION <i>FOB Pergagen</i>	DATE <i>(b)(6), (b)(7)(C)</i> <i>20060511</i>	TIME <i>(b)(6), (b)(7)(C)</i> <i>1420</i>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(6), (b)(7)(C)</i>	SOCIAL SECURITY NUMBER <i>(b)(6), (b)(7)(C)</i>		GRADE/STATUS <i>E4/AD</i>
ORGANIZATION OR ADDRESS <i>Co 3-147, FOB Brassfield-Mora</i>			

1. *(b)(6), (b)(7)(C)*

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on 09 May 2006 at Vic Grid LC 86864450, I was attached to Third Squad Third Platoon Co 3-147. We were stopped off on ODS Murray to clear two houses. I was the trail person in the file as we approached the first house I heard several shots fired. I did not see who shot them. The Squad cleared the house, and SSG *(b)(6), (b)(7)(C)* and SFT *(b)(6), (b)(7)(C)* informed me of an injured Iraqi. I started to work on him and he died within two minutes. Three military aged males were detained. We then started towards the second house. CPL *(b)(6), (b)(7)(C)* was covering our movement with his M240. An adult male exited the house with a small child in his hands. He was detained and the rest of the house was cleared. I moved back to the first house to help search it. SPC *(b)(6), (b)(7)(C)* and I found a bag full of AK-47 parts and mags. Upon searching a woman's purse SPC *(b)(6), (b)(7)(C)* found a Czechoslovakian made 9mm pistol with 2 mags fully loaded. The Squad met back up at the first house where we started the detainee packets. When we were done SSG *(b)(6), (b)(7)(C)* SFT *(b)(6), (b)(7)(C)* CPL *(b)(6), (b)(7)(C)* SPC *(b)(6), (b)(7)(C)* and myself with the *(b)(6), (b)(7)(C)* SFT *(b)(6), (b)(7)(C)* house were on the P2 pulling security when I heard several shots fired. I got up and ran back to the house where I found several detainees dead and SPC *(b)(6), (b)(7)(C)* was bleeding. PFC *(b)(6), (b)(7)(C)* had been stabbed. I treated his wounds and checked out and PFC *(b)(6), (b)(7)(C)* he had moderate swelling to the left side of his face. SPC *(b)(6), (b)(7)(C)* and PFC *(b)(6), (b)(7)(C)* were attacked with deadly force and had to retreat to save their own lives. We put the bodies in body bags and started to move to P2 position.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <i>(b)(6), (b)(7)(C)</i>	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED," THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



STATEMENT (Continued)

When Second Platoon walked up as we were going to the P2. Second Platoon took the remaining detainees and the bodies. They loaded the bodies on uh-60s and left. 3rd Squad, Sft (b)(6), (b)(7)(C) Cpl (b)(6), (b)(7)(C) Sfc (b)(6), (b)(7)(C) and myself waited for ex-fil for about four hours. Two uh-60s returned and we all got on and went to the next OBJ.  
End of Statement

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE . 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.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of May, 1986

at Fort Rucker

(b)(6), (b)(7)(C)

3 PLT C-10 3/187 101st  
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

(b)(6), (b)(7)(C)

3 PLT C-10 3/187  
ORGANIZATION OR ADDRESS

Article 136 (2b)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DEIR 01 33943



**SWORN STATEMENT**

For use of this form, see AR 190-45, the procedure manual for ORCSORS

LOCATION Fob Ramaen	DATE 06/05/11 1608	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-3 / RA / AD
ORGANIZATION OR ADDRESS 3 PLT C <sup>o</sup> 3/187 101st Fob Brass Field-mora APO-09349		

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On (b)(6), (b)(7)(C) May 2006, 3<sup>rd</sup> sqd, 2<sup>nd</sup> sqd, Gun 6, and the PL arrived at Grid # LC 86864450 at approx. 0640. upon arriving to the House SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) spc (b)(6), (b)(7)(C) and my self engaged 1 male in the window in accordance with the PAF given (b)(6), (b)(7)(C) By the Brigade commander. The ROE was (b)(6), (b)(7)(C) giving directly To kill every military aged male on the Island. (OBJ murray). we proceeded in to the House and Detained 3 other males that were hiding behind 2 women so we would not shoot them. we then (b)(6), (b)(7)(C) and dragged (b)(6), (b)(7)(C) The KIA outside. From There 3<sup>rd</sup> sqd with gun 6 proceeded to the 2<sup>nd</sup> House. Leaving 2<sup>nd</sup> sqd and the PL with the Detainees. as 3<sup>rd</sup> sqd ran to the 2<sup>nd</sup> House (b)(6), (b)(7)(C) Gun 6 layed down suppressive Fire over the House so they would not hit anyone in the House. when third sqd got to the Door a man came out holding a baby so that he would not get shot (b)(6), (b)(7)(C) we Detained 1 male. At approx. 0841. 2<sup>nd</sup> sqd and the PL with the one KIA Pushed to the next obj at 0841 (b)(6), (b)(7)(C) on the UH 60. 3<sup>rd</sup> sqd with Gun 6 stayed back. At 0844 Gun 6 SGT (b)(6), (b)(7)(C) and spc (b)(6), (b)(7)(C) with the Detainee moved to the LZ. myself and SSG (b)(6), (b)(7)(C) moved around the House to

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDII ROI 33844



STATEMENT (Continued)

(b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) were changing the zip ties on the Detainees to Bigger ones Because the one we had on them Broke earlier on the OBJ. At APPROX 0844 I heard "oh shit" come from the Front of the house Followed By Gun Fire. SSG (b)(6), (b)(7)(C) and I ran around to the Front of the House where I Found PFC (b)(6), (b)(7)(C) holding his Face from where he had been struck By one (b)(6), (b)(7)(C) of the Detainees. when I asked him what happened he told me that when they were changing the zip ties one of the Detainees stabbed (b)(6), (b)(7)(C) and another one Punched PFC (b)(6), (b)(7)(C) so they were Forced to use Deadly Force. when I went inside I Found that (b)(6), (b)(7)(C) had been stabbed but was going to be ok. I then returned to the room where the women (b)(6), (b)(7)(C) were at and remained there till we left at 1308.

End of statement.

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE \_\_\_\_\_. 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.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

(b)(6), (b)(7)(C)

Co 3-187 For Braxfield - MORGAN  
ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

Co 3-187  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11<sup>th</sup> day of May, 2016 at Fort Rucker

(b)(6), (b)(7)(C)

(Administering Oath)

(Typed Name of Person Administering Oath)

ARTICLE 136 (3b)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII R0133945

USAPPC V2.00

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT 24



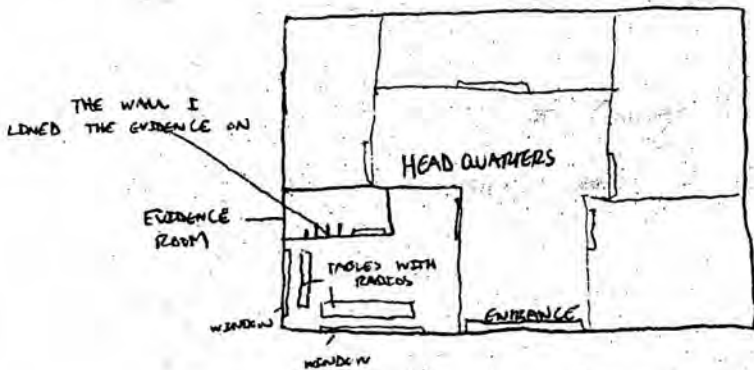
### SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOR (b)(6), (b)(7)(C)

LOCATION FOB RAMAGEN (b)(6), (b)(7)(C)	DATE 12 MAY 2006	TIME 1810	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4/ACTIVE (b)(6), (b)(7)(C)
ORGANIZATION OR ADDRESS 2 <sup>ND</sup> PLT C CO. 3/187 IN. REGT. (b)(6), (b)(7)(C)			

I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(b)(6), (b)(7)(C) ON MAY 9, 2006 AT APPROXIMATELY 1100 HOURS, I WAS ORDERED TO TURN IN MISSION RELATED EVIDENCE TO THE HEADQUARTERS BUILDING IN THE AREA OF OPERATIONS I LINKED UP WITH THE MASTER SERGEANT (NAME UNKNOWN) WHO WAS IN CHARGE OF DETAINING EVIDENCE AND DIRECTED TO THE EVIDENCE HOLDING AREA. I LINED ALL THE EVIDENCE ALONG THE WALL AS ORDERED. THE EVIDENCE CONSISTED OF TWO AK-47 RIFLES, 3 AK-47 WEAPON MAGAZINES, AND A KNIFE APPROXIMATELY 8-9 INCHES LONG WITH A PLASTIC ORANGE HANDLE, ~~AND~~ AN UNDESCRIBABLE ~~THE~~ MECHANICAL PART WITH A SINGED WIRE ABOUT 3 INCHES LONG PERTENDING FROM IT. (b)(6), (b)(7)(C)



END OF STATEMENT (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATE \_\_\_\_\_ CONTINUED" THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED WITH THE FOLLOWING STATEMENT: "THIS IS THE LAST AND FINAL PAGE OF THIS FORM." EXHIBIT 25



**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION <i>FOB Brasfield-Mora</i>	2. DATE <i>21 May 06</i>	3. TIME <i>1213</i>	4. FILE NO.
5. <b>(b)(6), (b)(7)(C)</b>	6. ORGANIZATION OR ADDRESS <i>3RD Cio 3-187</i>		
6. <b>(b)(6), (b)(7)(C)</b>	7. GRADE/STATUS <i>E-4</i>		

**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 *MAJ (b)(6), (b)(7)(C)* and wanted to question me about the following offense(s) of which I am suspected/accused: *Shooting on ODS Murray 9 May 2006*

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

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

- or -

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

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

5. COMMENTS *(Continue on reverse side)*

**Section B. Waiver**

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

**WITNESSES (If available)**

1a. NAME <i>(Type or Print)</i>	<b>(b)(6), (b)(7)(C)</b>
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME <i>(Type or Print)</i>	
b. ORGANIZATION OR ADDRESS AND PHONE <i>413-187 JN FOB Brasfield Mora</i>	

6. ORGANIZATION OF INVESTIGATOR  
*HHS / 3-320*

**Section C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED **ACLU DDH ROI 83947**



## PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

## THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

## SPECIAL INSTRUCTIONS

**WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRIOR INCRIMINATING STATEMENTS:**

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:** If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

ACLU DDII ROI 33948



SWORN STATEMENT

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

LOCATION FOB REMUAFAN	DATE 2006 05 11	TIME 13:08	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-4 / TL	
ORGANIZATION OR ADDRESS Co B-187 INF			

... WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On this day 09 MAY 2006 I was involved in an air assault on an island that was labeled Obj. Murray which was a known insurgent stronghold. My unit was briefed with the new R.O.I. by the brigade commander which was to kill any military age males on the island. After already clearing our first objective my squad and 2nd squad loaded up on to two UH-60s and flew to our second objective at location LC 86864468. We landed at the objective at approx. 0640. Once I exited the UH-60 myself SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) ran towards the first house on the objective. Upon arriving at the house we noticed a military age male in the window and we all opened fire on the male as we passed by. Seeing that there was no main entrance on the south end of the house I moved around the east side of the house to the north side to find the entrance. After seeing that the entrance was on the north side of the house I ran through it into the house. I was the first person in the house. I saw three more military aged males who were using 2 females in the house as human shields so I could not actively engage the males. So I then pushed by them into a room on the right side of the house and saw the individual that we had seen earlier in the window laying on the floor. It was obvious that he was severely wounded. SGT (b)(6), (b)(7)(C) and myself then began to move the casualty out side but the casualty was too heavy and so some I.A. soldiers came to assist us in moving the casualty out side, soon after moving the casualty outside the platoon medic SFC (b)(6), (b)(7)(C) went to work immediately on the casualty. Despite SFC (b)(6), (b)(7)(C) efforts the casualties wounds were too severe and the casualty died. As for the other 3 males, they were detained and flex-cuffed by other members of our

EXHIBIT INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDII ROI 33949

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE EXHIBIT 27



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

STATEMENT OF **(b)(6), (b)(7)(C)** TAKEN AT **(b)(6), (b)(7)(C)** DATED 2006 05 11 **(b)(6), (b)(7)(C)**

## 9. STATEMENT (Continued)

squad and the females were moved to a room on the side of the building. Almost immediately after dropping off the first KIA PFC **(b)(6), (b)(7)(C)** who had posted himself in an overwatch position on a hill to the north of the house had seen another house just north of his position, he had also seen a military age male come out and run back inside upon seeing PFC **(b)(6), (b)(7)(C)**. After seeing all of this PFC **(b)(6), (b)(7)(C)** yelled down to SSG **(b)(6), (b)(7)(C)** about what he had seen, and so SSG **(b)(6), (b)(7)(C)** posted a gun team, who was CPL **(b)(6), (b)(7)(C)** and SGT **(b)(6), (b)(7)(C)**, up on the hill where PFC **(b)(6), (b)(7)(C)** was previously posted. SSG **(b)(6), (b)(7)(C)** then told the gun team to lay down suppressive fire on the house by firing just over the roof of the house so as to prevent any unnecessary injuries to any <sup>innocent</sup> ~~innocent~~ people in the house. Once the gun team opened fire myself, SGT **(b)(6), (b)(7)(C)**, SSG **(b)(6), (b)(7)(C)**, PFC **(b)(6), (b)(7)(C)** and SFC **(b)(6), (b)(7)(C)** ran towards the house. Upon arriving at the second house a military age male came out using a child 2 years of age as a human shield so I could not actively engage the male individual. So myself and SSG **(b)(6), (b)(7)(C)** took the child from the individual and put the individual on the ground and zip-tied him. We then began to search the house and segregated the family which included 6 young boys, 3 young girls, and 2 older women. Upon searching the second house we discovered 1 AK-47 and 1 AK-47 mag w/ ammo. Soon after we took the detainees **(b)(6), (b)(7)(C)** back to the first house on the second objective. Soon after returning to the first house we discovered that SFC **(b)(6), (b)(7)(C)** who had stayed behind to help full security on the 5 male detainees and help search the house, had found 2 AK-47s, 4 AK-47 mag w/ ammo and spare AK-47 parts. Then around 0841 LT. **(b)(6), (b)(7)(C)** along w/ the rest of second sq. took off in the first lift of choppers (they also took the first KIA w/ them). Then approx. around 0844 we started moving the detainees to PZ position when I noticed that the detainee that I had picked up had broken his flex-cuffs I then told SSG **(b)(6), (b)(7)(C)** and he told me and PFC **(b)(6), (b)(7)(C)** to replace all the weak, thin flex-cuffs that were used w/ the thick heavy duty ones that SSG **(b)(6), (b)(7)(C)** had given us.

INITIALS OF PERSON MAKING STATEMENT  
**(b)(6), (b)(7)(C)**

PAGE 2 OF 3 PAGES

ACLU DDII ROI 33950

STATEMENT (Continued)

PFC (b)(6), (b)(7)(C) and I then lined the 3 detainees up, whose names are AKHMED FARHIM HAMID AL-Jamri, ZYAD JASIM HAMID, and NAHAD YASIM HAMID GUMAR, and PFC (b)(6), (b)(7)(C) then cut off all the flex-cuffs. Then I started to apply the first new flexcuff on the detainee ZYAD JASIM HAMID he spun around w/ his blind ~~fold~~ fold up for enough for him to see and was brandishing a knife and attacked my face. So I then put my left arm in front of my face and backed up. In defence I reached for my rifle, but by that time my attacker and the other detainees were running and PFC (b)(6), (b)(7)(C) was staggered as if he had been hit. So in further defence of myself and my comrade I opened fire on the fleeing men and at the same time PFC (b)(6), (b)(7)(C) had regained his bearings and also opened fire. I had felt this action necessary for they had tried to use deadly force on me and my comrade and I also felt it necessary to prevent them from trying it again for I did not know what they were running too, whether it had been a weapon or a hidden explosive device. Soon after word I discovered slight cuts on my face and a deep cut on my fore arm and PFC (b)(6), (b)(7)(C) had suffered a blow to the face. I then went back in the house to sit down to check myself for any more wounds. Also moments before I had given SSG (b)(6), (b)(7)(C) sit rep on the radio and told him what had happened and he showed up moments later and got (b)(6), (b)(7)(C) up there to tend to my wounds. Very soon every one had showed up and assisted in cleaning up and bagging the bodies and soon after ~~had cut me and~~ put it w/ that 2nd plt came and assisted in moving the bodies to PZ posture and had also bagged the knife that had cut me and put it w/ the weapons from our objective and theirs. Then after 2nd plt had left on the <sup>choppers</sup> ~~ropes~~ w/ the bodies and weapons my squad and I set in PZ posture until approx 1300 left the island. END OF STATEMENT

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)  
 (Signature of Person Making Statement)

WITNESSES:

(b)(6), (b)(7)(C)

SFC (b)(6), (b)(7)(C)

Cco 3-287

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

SSG (b)(6), (b)(7)(C)

CICG 3-137 INF REGT

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11<sup>th</sup> day of MAY 2006 at FOB REMAGEN

(b)(6), (b)(7)(C)  
 (Typed Name of Person Administering Oath)

ARTICLE 136 (3b)  
 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

ACLU DDII ROI 33951



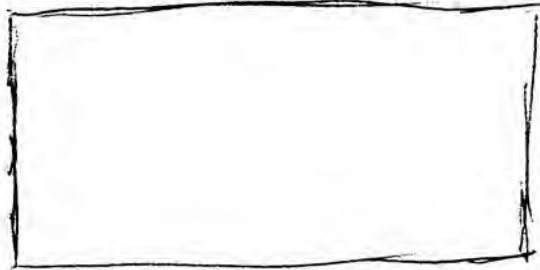
STATEMENT (Continued)

Q: Where any detainees flex cuffed at the time they ran ie; hands bound together? (b)(6), (b)(7)(C)

A: No they were not flex cuffed, hands were totally free (b)(6), (b)(7)(C)

Q: To your knowledge were the bodies re-cuffed after the shooting? (b)(6), (b)(7)(C)

A: No the bodies were not re-cuffed after the shooting (b)(6), (b)(7)(C)



Q: The attached photo copied statement is your statement from 11 May? (b)(6), (b)(7)(C)

A: Yes, this is the statement that I had wrote to clarify what had happened (b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), 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.

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21<sup>ST</sup> day of May, 20 06 at FPO, Bagram Field, Afghanistan

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ARC-15-6

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII ROI 33952

PAGE OF PAGES

Exhibit 29



**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 <u>Brassfield-mora</u>	2. DATE <u>21 MAY 06</u>	3. TIME <u>1242</u>	4. FILE NO.
5. NAME (Last, First, MI) <u>(b)(6), (b)(7)(C)</u>	8. ORGANIZATION OR ADDRESS <u>3rd Plt C. Co 3/187</u>		
6. SSN <u>(b)(6), (b)(7)(C)</u>	7. GRADE/STATUS <u>E-5</u>		

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

**Section A. Rights**

The investigator whose name appears below told me that he/she is with the United States Army MAJ (b)(6), (b)(7)(C) and wanted to question me about the following offense(s) of which I am suspected/accused: Shooting on ODS Murray

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		<u>(b)(6), (b)(7)(C)</u>	
b. ORGANIZATION OR ADDRESS AND PHONE			
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR	

**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



## PART II - RIGHTS WARNING PROCEDURE

## THE WARNING

1. WARNING - Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights."

  - a. "You do not have to answer my questions or say anything."
  - b. "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights.

## THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

## SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

## PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

EXHIBIT

000158

ACLU DDII ROI 33954

USAPA V2.01



## SWORN STATEMENT

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

LOCATION FOB Brassfield-mora	DATE 21 MAY 06	TIME	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-3
ORGANIZATION OR ADDRESS C. Co 3/187 3 <sup>rd</sup> plt			

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Upon returning from the second house I saw the three detainees laying on the ground on their stomach, and one IA soldier kneeling down by the furthest guy on the ground wearing green "I told him to get the fuck away from him," and the IA soldier glared at me like he was mad. I left to go search by the river and come back ready to move the detainees, when they got <sup>(b)(6), (b)(7)(C)</sup> their knees I picked up the middle guy and the zip ties broke. My Squad leader Ssg <sup>(b)(6), (b)(7)(C)</sup> said "reflex with thicker ones" so ~~we~~ I cut off (the guy wearing) white's zip ties and they stood in front of me and Spc <sup>(b)(6), (b)(7)(C)</sup> facing outwards with their hands free. I was beginning to flex cuff the middle guy when I was struck on the left side of my face with either a fist or something, when I was struck I staggered back with impaired vision, and from there I thought "why he hit me he can't escape" when I was coming out my right 360° spin I saw them running towards the berm/house and I thought again "they're running for something to fight us with" (because we really didn't even do a ~~full~~ really good search of the area or houses) so I shot them. the now kids were about 10 + 15 ft from me all of this happened so fast.

Q: were any of the 3 detainees cuffed at the time they ran? <sup>(b)(6), (b)(7)(C)</sup>A: their hands were free all three detainees. <sup>(b)(6), (b)(7)(C)</sup>Q: were all 3 detainees standing when you were going to cuff them with the new flex cuffs? <sup>(b)(6), (b)(7)(C)</sup>A: all three detainees were kneeling then we picked them up so that they were easier to flex and move so yes they were. <sup>(b)(6), (b)(7)(C)</sup>

END of STATEMENT Nothing follows

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF	PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ (CONTINUED)"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



STATEMENT (Continued)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), 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.

(b)(6), (b)(7)(C)

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

ACLU DDII ROI 33956

PAGE OF PAGES

Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Specialist (b)(6), (b)(7)(C) was sworn at 0953, 28 May 2006, and  
2 was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) If you could, could you please state your full name  
7 for the record?

8 WIT: (b)(6), (b)(7)(C) sir.

9 (b)(6), (b)(7)(C) And your duty position?

10 WIT: I am a medic. I am a medic for 3rd of the 320th.

11 (b)(6), (b)(7)(C) Okay. Super.

12 Sir.

13 (b)(6), (b)(7)(C) Specialist (b)(6), (b)(7)(C) the--what we're looking into is  
14 some allegations that--of detainee abuse and the deaths of  
15 detainees on Operation Iron Triangle.

16 WIT: All right, sir.

17 (b)(6), (b)(7)(C) Okay.

18 WIT: Hooah, sir.

19 (b)(6), (b)(7)(C) And we have had some statements from some folks that  
20 were on that operation that indicate that something might have  
21 happened that shouldn't have happened.

22 WIT: Hooah.

23 (b)(6), (b)(7)(C) And that is what this line of questioning is about.

24 WIT: Hooah, sir.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) Like you just swore with the judge here, all we want  
2 you to do is tell us the truth, tell us what you saw or didn't  
3 see, tell us what you heard or didn't hear. But we got to know  
4 what you actually saw or actually heard and not what somebody  
5 might have told you.

6 WIT: Yes, sir.

7 (b)(6), (b)(7)(C) Okay?

8 WIT: Yes, sir.

9 (b)(6), (b)(7)(C) I am going to turn it over to Chief here.

10 (b)(6), (b)(7)(C) I am going to ask you some questions.

11 Questions by Special Agent (b)(6), (b)(7)(C)

12 Q. Chief (b)(6), (b)(7)(C) CID.

13 Could you go ahead and kind of recount your actions  
14 during that operations and things you may have seen during the  
15 conduct of that operation.

16 A. I was a medic. I went out a few times with--went out a  
17 few times with my First Sergeant, and we went--me, my First  
18 Sergeant--me and my Sergeant Major went over there to Bravo  
19 Company. There was this--they was digging up and they found  
20 some bones, and, basically, medical coverage. That is about it,  
21 and detainee watch for medical reasons.

22 Q. During the conduct of the operation did any deceased  
23 detainees, or deceased personnel, I should say, come into the  
24 area?

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Yes, sir.

2 Q. Can you describe the circumstances surrounding that?

3 A. One body came in and they sent medical personnel to get  
4 it. It was me and Sergeant Major (b)(6), (b)(7)(C) We had to go get  
5 the first dead body. We went to go grab the guy, pulled him  
6 back into the FOB, and we turned him over to S2 for  
7 fingerprinting.

8 Questions by Brigadier General (b)(6), (b)(7)(C)

9 Q. How did it come in?

10 A. The first dead body?

11 Q. Yeah.

12 A. He was----

13 Q. No, I mean, what means did he come in by?

14 A. Oh, by Black Hawk.

15 Q. By Black Hawk?

16 A. Yes, sir.

17 Questions by Special Agent (b)(6), (b)(7)(C)

18 Q. And what was the condition?

19 A. Had a shot--he was shot to his torso--he had a shot to  
20 his torso, older white--older white male, probably just alive  
21 about ten minutes ago, maybe, probably, ten/fifteen minutes ago.

22 Q. And you base that on--what do you base that it was ten  
23 minutes--ten minutes ago?

24 A. I give it thirty minutes, because he was still fresh.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 like soft. He wasn't like, too stiff. So----

2 Q. Did you notice anything--anything else significant  
3 about him?

4 A. No, not that one. It was him, he came in, we turned  
5 him over to S2, S2 fingerprinted him. We had to unzip it so S2  
6 could get a picture of it.

7 Q. When you say "unzip it" was that----

8 A. Unzip the body bag.

9 Q. What color was that bag?

10 A. It was a black bag, a black body bag.

11 Q. And subsequent to that did any deceased personnel come  
12 into your area?

13 A. Yes.

14 Q. Could you describe the circumstances of that?

15 A. There was a call, like probably a good thirty minutes--  
16 thirty minutes later, thirty/forty-five minutes later. Three  
17 dead bodies came in and he sent medical personnel again, which  
18 was me----

19 (b)(6), (b)(7)(C) Who is "he"?

20 WIT: I said "me."

21 (b)(6), (b)(7)(C) Okay, you said "he sent you." Who is "he"?

22 WIT: I said they sent medical personnel, well they called  
23 on the radio, the TOC called on the radio for medical personnel  
24 and they said, "Medics go grab the bodies." Which is me,

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Sergeant Major (b)(6), (b)(7)(C) and Sergeant (b)(6), (b)(7)(C) and a few--and a few  
2 Iraqi Army Soldiers grabbed the bodies.

3 Q. And what was the condition of the bodies?

4 A. The one, one of them had like a shot to the head. The  
5 other one, like the other one had, probably, like a shot to--I  
6 think a shot to the stomach, like bled to death. I really  
7 didn't get to stay and see the third one, but we had to see them  
8 two.

9 Q. They were all males?

10 A. Yes, sir.

11 Q. Did you notice anything significant about how they were  
12 dressed or anything else about them?

13 A. I didn't really pay attention to how they was dressed.  
14 Like, to be specific, I really don't know like what color  
15 clothes they had on or like that.

16 Q. Did they have a man dress or pants and shirt?

17 A. No, they was in like shirt and pants. One of them, I  
18 think one of them had a man dress on. I really don't know.

19 Q. And was there anything else significant about the way  
20 they appeared?

21 A. They way they came in?

22 Q. Right, anything else in the bag, anything else that  
23 they were wearing?

24 A. Not that they were wearing, but not specific--if you

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 want to be specific. Like, I don't--they wasn't wearing like a  
2 certain color clothes or nothing like that.

3 Q. Were they restrained in any way?

4 A. Yes. There was two of them that were restrained. Two  
5 of them--two guys had zip ties on them and blindfolds.

6 Q. And were they the two that you noticed specific gunshot  
7 wounds?

8 A. Yes, sir.

9 Q. When you say zip ties, would you describe that, where  
10 they were?

11 A. I don't know where they came from, but in the bag they  
12 was just, basically, zip tied by their hands, and they had  
13 blindfolds over their eyes, white blindfolds which was like  
14 bloody because of, maybe being in the bag.

15 Q. They were over their eyes?

16 A. Yes.

17 Q. What color were the blindfolds?

18 A. They were white, they were the construction tape. Have  
19 you ever seen the little white construction--it's not tape----

20 Q. Engineer tape?

21 A. Engineer tape, like, black zip ties.

22 Q. Can you describe the black zip ties?

23 A. Not to thick, maybe an inch thick, both ends wrapped  
24 through.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. You said there was one on each wrist on each of the two  
2 guys?

3 A. Roger, like, the one came through this one and like,  
4 wrapped around, basically. There was two like, but they was  
5 wrapped together. Do you understand what I'm saying? Like, you  
6 take two zip ties, you make a circle. You make a circle with  
7 both of them but they're together, kind of like cuffs.

8 Q. So the zip ties were like this?

9 A. Roger, Roger, just like that.

10 Q. And the two that came in that you noticed the gun shot  
11 wounds on were the two that were bound with the zip ties and had  
12 blindfolds on?

13 A. Yes, sir.

14 Q. You didn't see the condition of the other, the third?

15 A. Not really, I didn't see--when we had to unzip them, I  
16 was unzipping those two and I guess Sergeant (b)(6), (b)(7)(C) was getting  
17 the other body unzipped so they could get a picture.

18 Q. What did you use to unzip them?

19 A. To unzip the body bags?

20 Q. Okay. So you are not talking about unzipping the ties,  
21 you are talking about unzipping the bags?

22 A. No, unzipping the body bags.

23 Q. Okay. And did you say that you unzipped the first two  
24 and then Sergeant (b)(6), (b)(7)(C) unzipped the third one?

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, unzipped the body bag.

2 Q. So that is why you didn't have as much detail as far as  
3 what happened with that guy?

4 A. Roger, I didn't have-----

5 Q. Did you or anybody else cut off those ties?

6 A. When I was over there, it was me, Sergeant (b)(6), (b)(7)(C)  
7 Sergeant (b)(6), (b)(7)(C) Colonel (b)(6), (b)(7)(C) and another Major--another  
8 Major.

9 Q. Did you know this Major?

10 A. No, I never seen him, sir. I think he's a Major of the  
11 S2. I don't--I really don't know, but he was taking pictures.

12 Q. So, initially you all took--it was you, Sergeant Major,  
13 and Sergeant (b)(6), (b)(7)(C) that brought the remains off the helicopter?

14 A. Roger.

15 Q. And brought them back to your area?

16 A. Roger, and one IA Soldier. I have no clue who he was.

17 Q. And after that at some point, other people came in?

18 A. Well, they were--they were like, they were already  
19 there.

20 Q. They were already there. So then what happened?

21 A. They came in, then we zipped them back up after they  
22 took pictures and stuff like that. We zipped them back up.

23 Q. And when you say "they took pictures," who is they?

24 A. Colonel (b)(6), (b)(7)(C) and the Major took some pictures of the

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 guy.

2 Q. So Colonel (b)(6), (b)(7)(C) used a camera and exposed some  
3 pictures or the Major exposed the pictures, or how?

4 A. They--Colonel (b)(6), (b)(7)(C) was in the picture and the Major  
5 was taking the picture while Colonel (b)(6), (b)(7)(C) was over top of the  
6 dead body.

7 Q. All right. And what exactly was going on when the  
8 Major was taking the pictures?

9 A. They came in with the zip ties, well the things over  
10 their face and Colonel (b)(6), (b)(7)(C) cut the--cut the blindfold off the  
11 face.

12 Q. Do you recall what was it he used to do that?

13 A. He pulled out a knife out of his back pocket and cut  
14 the--cut the blindfold off of the guys face.

15 Q. And what kind of knife was that?

16 A. I really couldn't tell you, sir.

17 Q. Did he have to open it or was it already----

18 A. Yeah, he had to open it, like, a flick out knife, some  
19 type of flick out knife. That was the two that I had, like, I  
20 really don't know about the third guy.

21 Q. Do you know what a switchblade knife is?

22 A. The one that you got to flip out?

23 Q. You push a button and the blade switches out.

24 A. I think it was--it could have been one of them. I

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 really wasn't paying close attention to the type of knife he  
2 used.

3 Q. But it wasn't like a bayonet, a fixed type of knife?

4 A. No.

5 Q. Okay. So, you said that he cut the blindfold off.

6 Okay. And then what happened?

7 A. And then they took the pictures, stood over top of the  
8 guy. Colonel (b)(6), (b)(7)(C) stood over top of the guy, they took a few  
9 pictures. He told us zip them back up. We zipped them back up  
10 and we put them on the back of the--one of the--one of our  
11 HMMWVs and we had to place the bodies in this little--some type  
12 of little pit until they was ready to take them up to--I think  
13 they took them up to Brassfield-Mora.

14 Q. Can you describe the Major?

15 A. White guy, older guy, kind of going gray hair, like  
16 goldish hair kind of going gray, short, chubby guy. That's--  
17 that's about it. He didn't have a Kevlar on, he was just  
18 walking around with no Kevlar.

19 Q. Did he have on his IBA?

20 A. Yes.

21 Q. And how about the Colonel?

22 A. Colonel (b)(6), (b)(7)(C)

23 Q. Yes.

24 A. He didn't have--he had some sunglasses on, he had his

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 IBA on, I think he had a shotgun instead of his--he didn't have  
2 his--he had a shotgun and a nine mil on his--on his right leg  
3 and he told the guy to hold it--hold the weapon while they took  
4 the pictures.

5 Q. The shotgun?

6 A. Yeah, he asked the guy to hold his shotgun for him  
7 while he took--the other guy took the picture.

8 Q. And what kind of pictures were these?

9 A. These was digital pictures. He is standing over the  
10 top of the guy, like, I really don't know like if he was making  
11 a facial expression, but he was like standing over the top of  
12 the guy. He got a few pictures, like three pictures, or two  
13 pictures per dead body with him in it. I really don't know how  
14 many pictures they took, I am just--an estimate, probably two.

15 Q. So when you say "standing over," standing straight up?

16 A. Bending over, like looking into the camera over top of  
17 the dead body, like down a little bit.

18 Q. Other than the Sergeant Major, Sergeant (b)(6), (b)(7)(C) and the  
19 Iraqi Army Soldier, were there any other persons present other  
20 than the Colonel and the Major?

21 A. It was--there was a lot of people, I really didn't--  
22 that's the only guys I know that they called up there. I really  
23 don't know who was around, but there was a lot of IA Soldiers up  
24 there because we had to throw them on their truck so there was a

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 few of them.

2 Q. So it was their truck that took the remains to the  
3 hole?

4 A. What was that?

5 Q. It was their truck, the Iraqi Army truck, that you used  
6 to transport the remains to the hole area?

7 A. Yes.

8 Q. So you say that there were a lot of other people there  
9 but nobody that you remember by name?

10 A. No, I don't--it was mainly Iraqi Soldiers there and me,  
11 Sergeant (b)(6), (b)(7)(C) Sergeant Major, I seen the Colonel, Colonel  
12 (b)(6), (b)(7)(C) and his--I guess the guy taking the pictures. There was  
13 a few more people around in ACUs on, but I really don't know  
14 them by name. I wasn't paying attention.

15 Q. Can you describe them? --

16 A. Maybe about two other guys, I guess, I really didn't  
17 pay no attention to what they really looked like, but I just  
18 know it was--probably two other guys just around us with ACUs  
19 on. I really don't know what they had like--what they looked  
20 like.

21 Q. White guys?

22 A. Yeah, they were white guys, two white guys.

23 Q. Nothing, I mean, you didn't see any rank or names?

24 A. I didn't.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. How were they, other than ACUs, were they in IBA or----

2 A. It was IBA.

3 Q. Kevlar?

4 A. No, they didn't have Kevlar.

5 Q. You mentioned that Colonel (b)(6), (b)(7)(C) was wearing his IBA,  
6 was he wearing his Kevlar?

7 A. No.

8 (b)(6), (b)(7)(C) Was he wearing his soft cap or nothing?

9 WIT: No, he is just--he just--he has his glasses on.

10 Q. Did any--do you recall any conversations while the  
11 picture taking was going on? Did anybody say anything?

12 A. My Sergeant Major said--he came over and like we were  
13 sitting there talking, he was like, "Those guys got on--" He  
14 was like, "All I want to know is one question, why do they have  
15 on blindfolds, why was they blindfolded and zip tied." That's  
16 it.

17 Q. He was talking to you when he said that?

18 A. Roger.

19 Q. Did anybody else hear that conversation?

20 A. No, because it was like--the Black Hawk was over top of  
21 us. He was walking away and he asked me that question.

22 Q. So was the Black Hawk still in the area when the  
23 picture taking was going on?

24 A. Roger. To my knowledge, the Black Hawk was for Colonel

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) to get back on, I guess.

2 Q. Did he get back on it? Did you see?

3 A. Yeah.

4 (b)(6), (b)(7)(C) Just so we are straight, because Colonel (b)(6), (b)(7)(C) came  
5 in on the C2 bird. The Black Hawk you are referring to is the  
6 one he flew in on, not the one that brought in the bodies. Is  
7 that right or is that wrong?

8 WIT: The ones that brought in--there was so many Black  
9 Hawks that came, I really don't--really don't know which one he  
10 came on.

11 (b)(6), (b)(7)(C) But it was running and the rotors are turning and  
12 everything?

13 WIT: Roger, sir.

14 Q. But while the picture taking was going on you didn't  
15 hear any conversations?

16 A. No.

17 Q. Between the Major and the Colonel?

18 A. No.

19 Q. Did anybody handle the remains other than you, the  
20 Sergeant Major, and Sergeant (b)(6), (b)(7)(C) and the Iraqi Army Soldier  
21 taking him off the helicopter?

22 A. IA Soldiers grabbed the body and put them up on the  
23 truck. We just grabbed them off the Black Hawk and pulled them  
24 over to the side and----

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. But nobody else handled them other than what you've  
2 said about cutting off the blindfolds?

3 A. Negative, well, S2, when they go down to S2, S2  
4 fingerprints.

5 Q. Right. After this. But before that?

6 A. No. That's all I remember.

7 Q. So, the two folks, the two white males in the ACUs and  
8 the Major and the Colonel, did they handle the remains at all?

9 A. They zipped the bodies, they took--Colonel (b)(6), (b)(7)(C)  
10 zipped one of the bodies back up and that was it. The other  
11 guys were just standing on the side and the Major was just  
12 taking pictures.

13 Q. So nobody touched it, nobody kicked it, nobody moved it  
14 other than cutting off, and that was one blindfold?

15 A. The two guys--the two that I had.

16 Q. Both of their blindfolds?

17 A. Roger, the two that I opened up, and zip ties.

18 Q. What about the zip ties, were they cut at all?

19 A. No, not to my knowledge they weren't cut.

20 Q. You said that the Sergeant Major asked--you said that  
21 he had a question about why they were blindfolded and zip tied.  
22 Did anybody else say anything to you about the circumstances  
23 regarding the persons becoming deceased?

24 A. No, aint nobody said nothing else to me, but everybody

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 around the FOB was talking about it. Everybody was--it just got  
2 around the FOB and everybody was talking about it.

3 Q. So other than yourself and Sergeant Major and Sergeant  
4 (b)(6), (b)(7)(C) did anybody else see the remains with blindfolds and zip  
5 ties on?

6 A. Well, the zip ties were still in the body bag after he  
7 cut it, like he didn't remove, so he cut it and he zipped it  
8 back up and the bodies were put over there for S2, so everybody  
9 from S2 and T--TST----

10 (b)(6), (b)(7)(C)

11 A. (b)(6), (b)(7)(C) they was over there, so----

12 Q. When you say "he cut it," what are you referring to,  
13 and who is "he"?

14 A. Colonel (b)(6), (b)(7)(C)

15 Q. He cut what?

16 A. The blindfolds.

17 Q. Okay. Not the zip ties?

18 A. I don't--I didn't see him cut the zip ties.

19 Q. So the remains were taken in a truck and then they were  
20 taken over to the MI folks?

21 A. Roger.

22 Q. Do you know who it was over there that was dealing with  
23 them?

24 A. I think it was PFC (b)(6), (b)(7)(C) he was the one fingerprinting,

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 so he's the only guy I know, like the only person.

2 Q. So, when the remains went to PFC (b)(6), (b)(7)(C) as far as you  
3 know, there were cut blindfolds and zip ties were still on?

4 A. They was still in the bag, they wasn't still on his  
5 face. They weren't still on his face, they were still in the  
6 bag.

7 Q. The blindfolds?

8 A. Roger.

9 Q. Were in the bag?

10 A. Roger.

11 Q. The zip ties were still on the wrists?

12 A. They should have been still on the wrists.

13 Q. Together?

14 A. Right.

15 Q. Were there any other zip ties that you saw other than  
16 the single pair?

17 A. That's it.

18 Q. You said that you were a medic out at the scene there,  
19 now were there any other medics there?

20 A. No.

21 Q. No other medics?

22 A. No.

23 (b)(6), (b)(7)(C) Sir.

24

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

2 Q. On the taking of the photographs, have you been present  
3 when the 2 shop has done the photos for BATS and that sort of  
4 thing?

5 (b)(6), (b)(7)(C) In the past on other occasions?

6 A. Well, I mean, we had one situation where the person got  
7 injured, not them taking pictures of a dead body, no.

8 Q. On this occasion, did anyone from the 2 shop come down,  
9 and you mentioned the fingerprinting, did they take any photos  
10 when they did the fingerprinting?

11 A. I don't know if they took photos. I just know they had  
12 this machine that was for fingerprints.

13 [Soldier opens the door and walks into the conference room.]

14 (b)(6), (b)(7)(C) I think you are in the wrong place.

15 SOLDIER: Yes, I am, sir, thank you.

16 [Soldier leaves the conference room.]

17 A. They just had, it was just this machine that they had  
18 fingerprints, that's about--I know they was taking pictures of  
19 the detainees that we captured, but I don't know if they was  
20 taking pictures of the dead bodies--deceased bodies.

21 Q. Okay. Comparing what you saw with the photographing of  
22 the detainees and the photographing of the bodies, did it seem  
23 like the same thing? Did it seem like it was documentation for  
24 identity purposes or did it seem---

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. It was just the Major, he had a camera, Colonel (b)(6), (b)(7)(C)  
2 kind of leaned down over the top of the body and they took  
3 pictures, maybe two pictures per body and that was about it.

4 Q. Well, if I--if I had to get your opinion, would it be  
5 your opinion that these were photographs taken for an official  
6 purpose or photographs being taken for a personal souvenir  
7 purpose?

8 A. I would say, they was probably taken for--to put on his  
9 camera probably as like, personal, like personal photos.

10 Q. And I understand that is a hard call to make, none of  
11 us are mind readers.

12 A. Hooah, sir.

13 Q. I am just trying to draw the comparison.

14 A. I understand.

15 Q. Because not being there.

16 A. I understand.

17 Q. You talked--you talked about, word was out on the FOB  
18 about what people thought happened out there. I understand  
19 truth and rumor are two separate things. What was the  
20 scuttlebutt?

21 A. It was that two detainees came in--well two deceased--  
22 three deceased detainees came in off the Black Hawk and  
23 everybody was asking why was they zip tied and blindfolded,  
24 basically. Everybody was like, and they were deceased and

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 everybody was asking, like, how would they try to get away or  
2 why was they shot in the back of the head. A lot of people just  
3 asking questions. A lot of people come up and asking me  
4 questions and I was like, "I really don't know." I was like,  
5 "I'm not talking about that situation." A lot of people was  
6 asking me.

7 Q. Do you have any idea how the--how the scuttlebutt got  
8 out?

9 A. I really wouldn't even know, sir. It could have been  
10 from IA Soldiers, it could have been from USA Soldiers, I was  
11 just--medical personnel was in this area, everybody else was  
12 over here, it was like--people just--it just got out. I don't  
13 know how it got out like that, but it got out.

14 Q. Now, with regard to cutting the blindfolds off, do you  
15 have any idea why that was done?

16 A. To my knowledge, probably to get a better picture. I  
17 wouldn't even know, sir.

18 Q. Was anything said, either at the time or after the fact  
19 of why that was done?

20 A. No, they just told us to unzip the bodies; they wanted  
21 to see the bodies. They said, "Unzip the bodies, let me see the  
22 bodies." And I unzipped and Sergeant Major was over here  
23 unzipping the one, Sergeant (b)(6), (b)(7)(C) was over there unzipping the  
24 other one. We unzipped them, that was about it and he cut the

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 blindfold off. Sergeant--Well, Colonel (b)(6), (b)(7)(C) cut the blindfold  
2 off, he took a few pictures, got back, told us to zip it back  
3 up, we threw it on the truck and they left.

4 Q. Sometimes when I am around folks that are quite a bit  
5 senior to me, I make it a point not to see everything and not to  
6 hear everything, you know, not to eavesdrop or stare at folks.  
7 You saw the blindfold part, but I am getting the feeling that  
8 you are not sure about the zip tie part. To your knowledge they  
9 weren't cut.

10 A. Hooah.

11 Q. But was some of that going on, were you kind of at the  
12 edge?

13 A. I was, like, kind of suspect, and I was like, I mean,  
14 that's kind of weird. I mean, the Sergeant Major came to me and  
15 asked me that, I was like, "yes, that's strange," because they  
16 was zip tied and detained and the majority of the time when they  
17 are zip tied and detained they probably won't be doing nothing  
18 physically to hurt somebody. And the question was why was they  
19 deceased in a body bag.

20 Q. So, during the time that you got the bodies off the  
21 helicopter, you moved the bodies from the----

22 A. Roger, sir.

23 Q. Who did that with you?

24 A. Me, Sergeant (b)(6), (b)(7)(C) Sergeant Major (b)(6), (b)(7)(C) and one of

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 the IA Soldiers.

2 Q. From the time you got the bodies from the helicopter  
3 and then put them in this depression or this hole, would you say  
4 that you saw everything, most, some? I know not at all is not  
5 an option because you saw quite a bit. But on that scale?

6 A. As far as like, other people handling the body, I seen  
7 from the point of them taking them off the Black Hawk and  
8 unzipping them, the picture taking and we zipped them back up  
9 and put them back on the truck. That was--after that they was  
10 turned over to S2. I didn't see the bodies after that.

11 Q. But during that period, you saw nearly everything?

12 A. Roger. To that point.

13 Q. Okay. Great.

14 Questions by Special Agent (b)(6), (b)(7)(C)

15 Q. How far were you from where it was happening?

16 A. It was me, Colonel (b)(6), (b)(7)(C) we was like how far I am  
17 from you guys right now.

18 Questions by Brigadier General (b)(6), (b)(7)(C)

19 Q. Five feet?

20 A. Yeah, five feet, if that, three feet.

21 Q. Were there rotor blades turning the whole time?

22 A. Roger.

23 Q. The helicopters rotors were turning the whole time?

24 A. Yes, sir.

ACLU DDII ROI 33980

Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. I just want to confirm, you physically saw Colonel  
2 (b)(6), (b)(7)(C) cut off the blindfold, two blindfolds, but you didn't see  
3 him cut any zip ties?

4 A. No, sir.

5 Q. Did you see anybody else cut any zip ties?

6 A. No, sir.

7 Q. And you said that you saw Colonel (b)(6), (b)(7)(C) bend over and  
8 look into the camera with two sets of remains but you didn't see  
9 anything with him and the third set of remains?

10 A. No, I didn't--once he got down, I could have been  
11 zipping the ties, zipping the bodies back up, I really didn't  
12 know. I know he went down there, so----

13 Q. At any point while this photographing was going on did  
14 you see anybody put their foot or their hand on top of the  
15 bodies?

16 A. Well, on the first body, like the first body that came  
17 in, nothing, but the last three.

18 Q. Right.

19 A. Colonel (b)(6), (b)(7)(C) grabbed the guys--the back of the guys  
20 head. That was--he grabbed the back of his head and they took a  
21 picture on the first body.

22 Q. So they took a picture with his hand under his head?

23 A. Hand under it, Roger, sir.

24 Q. But nothing with the feet or boots or anything like

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 that?

2 A. Negative, sir.

3 Q. And these pictures that you are describing were taken  
4 by the Major.

5 A. Roger, Roger, sir.

6 Q. Anybody else with a camera that you noticed?

7 A. Negative, sir.

8 Q. Did you hear at any point through this did you hear  
9 Colonel (b)(6), (b)(7)(C) or the Major or any of the other folks from  
10 Brigade saying that----

11 A. The Black Hawk was going so I really couldn't--  
12 Everybody was trying to talk over the top of the Black Hawk, so  
13 I really couldn't hear anything.

14 Q. And then, just, you've already said this, but I want to  
15 make sure that I am straight. What I heard you say was,  
16 somewhere between one and three pictures----

17 A. Roger.

18 Q. Per body were taken with the two bodies that you were  
19 handling.

20 A. Roger.

21 Q. But the third one that came in, you either didn't see  
22 it or it didn't happen, there was nothing done to that third  
23 body. Is that right?

24 A. Roger, I really don't know if it was or if it wasn't.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Right.

2 A. I know they took pictures though, but to my--because  
3 Sergeant (b)(6), (b)(7)(C) was zipping the body back up, so to my knowledge  
4 they took pictures.

5 Q. Okay. To your knowledge, they did or did not?

6 A. They took pictures because that was the only reason we  
7 was unzipping the bodies was to----

8 Q. Was to take pictures?

9 A. To take pictures, Roger, sir.

10 Questions by Special Agent (b)(6), (b)(7)(C)

11 Q. How long would you say that--from the time that you  
12 brought the remains off to the time that the Colonel was getting  
13 off the helicopter, how long did that take, about?

14 A. About ten minutes.

15 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

16 Q. Do you--on the site that day, did you have Soldiers you  
17 were supervising?

18 A. Who were supervising me?

19 Q. No, no, you were supervising?

20 A. Negative.

21 Q. Well, let me back up, what is the breakout of the  
22 section?

23 A. The aide station?

24 Q. Right.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Lieutenant--Lieutenant (b)(6), (b)(7)(C) that is the MEDO, he is  
2 our MEDO, Major (b)(6), (b)(7)(C) is our PA, and the NCO is Sergeant (b)(6), (b)(7)(C)  
3 who is our Platoon Leader, Sergeant (b)(6), (b)(7)(C) who is our Section  
4 Chief, then it's Corporal (b)(6), (b)(7)(C) and Specialist (b)(6), (b)(7)(C) then  
5 it's myself, then it's Specialist (b)(6), (b)(7)(C) then it's PFC  
6 (b)(6), (b)(7)(C) then PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) then PV2 (b)(6), (b)(7)(C)

7 Questions by Brigadier General (b)(6), (b)(7)(C)

8 Q. Is (b)(6), (b)(7)(C) and E2 or an E3?

9 A. (b)(6), (b)(7)(C) is an E2, he is, I think, getting promoted on  
10 May 1st, sir.

11 Q. How far was it between where you guys were operating in  
12 the aide station and where the helo landed and the bodies were  
13 pulled off, 100 meters, 50 meters, 10 meters?

14 A. Probably 100 meters, no, about 75 meters.

15 Q. 75 meters?

16 A. It wasn't that far, you could see that it was pulling  
17 dead bodies off.

18 Q. Right. And just--we just want to make sure that we are  
19 clear on who was in close proximity to where the bodies were  
20 pulled off and the actions that were taken with the bodies.

21 Ross--Sergeant (b)(6), (b)(7)(C) you, Sergeant Major (b)(6), (b)(7)(C) and the IA  
22 Soldier is what I heard you say.

23 A. Hooah.

24 Q. And then the folks that were with Colonel (b)(6), (b)(7)(C) were

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 also in that close circle.

2 A. Hooah.

3 Q. Was PFC (b)(6), (b)(7)(C) part of that group up on the HLZ where  
4 the bodies-----

5 A. He could have been because he was working with the IA  
6 Soldiers.

7 Q. Right.

8 A. So he could have been up there at the time. I just  
9 really didn't pay attention. I was told to go up there. I know  
10 they called for medical support so they probably would have sent  
11 him up there too. I was just with the Sergeant Major at the  
12 time. The Sergeant Major said, "Come, let's go over there and  
13 get the dead bodies off the Black Hawk."

14 Q. I'm sorry, I've got to go back and ask you another  
15 question. You said the Major that was with Colonel (b)(6), (b)(7)(C) took  
16 the pictures while he was bending over looking in the camera. I  
17 already asked you this, if anybody else, if you knew of anybody  
18 else that took pictures and you said----

19 A. No, not to my knowledge.

20 (b)(6), (b)(7)(C) Chief?

21 No, sir.

22 (b)(6)(b)(7)(C) this is an ongoing investigation, so I do not  
23 want you to discuss your testimony with anyone else, that you  
24 just gave us today.

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Interview of Specialist (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 WIT: Yes, sir.

2 (b)(6), (b)(7)(C) Okay. And that is an order.

3 WIT: Yes, sir.

4 (b)(6), (b)(7)(C) If anyone tries to talk to you about your testimony I  
5 want you to decline and then you let me know.

6 WIT: Yes, sir.

7 (b)(6), (b)(7)(C) Through your chain of command and then specifically I  
8 want you to go to the Battalion XO.

9 WIT: Yes, sir.

10 (b)(6), (b)(7)(C) You notify him and he will notify me.

11 WIT: Yes, sir.

12 (b)(6), (b)(7)(C) Do you understand?

13 WIT: Yes, sir.

14 (b)(6), (b)(7)(C) Thanks, I appreciate your honesty and your time.

15 The interview ended at 1029, 28 May 2006.

16

17 I certify that the above transcription is a true and accurate  
18 representation of the interview.

19

20

21

22

23 (b)(6), (b)(7)(C) LTC, U.S. Army

24

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Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 First Lieutenant (b)(6), (b)(7)(C) was sworn at 1041, 28 May 2006,  
2 and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)

4 Lieutenant Colonel (b)(6), (b)(7)(C)

5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) How are you doing?

7 WIT: Good, sir. How are you?

8 (b)(6), (b)(7)(C) For the record, can you state your full name, please?

9 WIT: Yes, sir, First Lieutenant (b)(6), (b)(7)(C)

10 (b)(6), (b)(7)(C) And your duty position?

11 WIT: I am the Medical Platoon Leader, sir.

12 (b)(6), (b)(7)(C) Okay.

13 Sir?

14 (b)(6), (b)(7)(C) This is an investigation into the circumstances

15 surrounding the deaths of a couple of Iraqis who were brought to  
16 your aide station on, I believe, the 9th of May. That is what  
17 this line of questioning is about, and that is what we are going  
18 to get into. Chief is going to ask you some questions and then  
19 we will go around the room here. Okay?

20 WIT: Yes, sir.

21 Questions by Special Agent (b)(6), (b)(7)(C)

22 Q. Sir, Chief (b)(6), (b)(7)(C) with CID.

23 I was wondering if you could go over for us an  
24 overview of your actions during that day, what your



Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 responsibilities were for any deceased personnel coming into  
2 your AO.

3 A. Pretty much my concept of the operation, sir, for the  
4 medical support, well, there was the initial air assault which  
5 was going in early, so we had two birds standing by at  
6 Brassfield-Mora with rotors turning until H plus 15. And then  
7 the GAC was pretty much forty-five minutes behind the initial  
8 air assault which got delayed a little bit because of a flat  
9 tire, but then pretty much after the air assault was done, they  
10 were busy clearing the objectives. We pulled into the TAC area  
11 there and established our forward aide station.

12 Q. And after you established your forward aide station  
13 did--was there an occasion that deceased personnel came in?

14 A. Yes, the timeline I'm kind of varying, but pretty much  
15 after we got set and we were setting up the detainee pens is  
16 pretty much--we were trying to get from them--we heard the  
17 MEDIVAC coming from one of the objectives, so we weren't really  
18 sure if that was coalition personnel or not. So we were kind of  
19 trying to get the word on that so we could better support the  
20 battlefield, but then we had heard that it was local nationals  
21 or AIF or someone else besides coalition forces. So, a little  
22 bit later they, I think, CASAVAC'd some of the bodies with a  
23 Black Hawk over to where the TAC was staged at.

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Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Were you involved in directing any personnel to meet  
2 the bird that had the remains?

3 A. Well, typically, the medics are kind of tasked to do  
4 that. It's really an S4 function, however, medics are usually  
5 the ones who get to bear the brunt of that. So, I think,  
6 Sergeant Major, myself, and, I think, one of my other medics, I  
7 grabbed the litter off one of our trucks and went over there and  
8 took the body off the flight line because it was kind of in the  
9 way, so to speak. And then we moved it over to the side where  
10 the S2 was at so they could photograph it and do whatever they  
11 needed to do to it.

12 Q. That was just one at that time?

13 A. At that time, I just moved one body, myself, sir.

14 Q. And who assisted you in moving it?

15 A. I think it was Sergeant Major (b)(6), (b)(7)(C) and I think at  
16 that time, it was probably Specialist (b)(6), (b)(7)(C).

17 Q. Did you unzip--or was it in a bag?

18 A. It as already in a body bag. I just grabbed a litter  
19 because it was easier to move. I mean, by now I wish I hadn't  
20 of done that because it ruined one of my litters, but I did grab  
21 a litter.

22 Q. Was that a black bag?

23 A. It was, it was in a black bag, a black body bag.

24 Q. Did you observe the remains inside?

3  
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Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I did not. I did not unzip it. It had already started  
2 to smell pretty foul, so I--after I dropped the body off I went  
3 over to the TAC to try to find the S4 rep to see if they had any  
4 kind of mortuary affairs that were going to be set up. And then  
5 we kind of found a depression in the earth that was away from  
6 the TAC, the detainees, and our aide station, and that is where  
7 we put our ex--for our triage area, the expectant cone. We put  
8 the bodies in there.

9 Q. And how was that accomplished?

10 A. Once S2 was done doing whatever they needed to do to  
11 it, we have cones, four cones for the ID. Basically, for the  
12 expectant, it has "E" cut out of it with chem lights and some  
13 engineer tape and we placed that over. I did not take the body  
14 from that--from that location over to the expectant. I believe  
15 they had some S4 people do that.

16 Q. And did you observe any subsequent deceased persons  
17 arrive?

18 A. After that, that was pretty much, they might have  
19 brought them later. I did not transfer the bodies after that.

20 Q. Did you see them?

21 A. To be honest, I really can't think of a time that I did  
22 see them. I did see them put into the expectant area, but I  
23 don't remember the aircraft coming in bringing them in. I was  
24 aware that there was more bodies on the way though.

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4  
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EXHIBIT

31

000193

Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Did you see any others around the remains?

2 A. Just the S2 personnel for the most part. They were--I  
3 know PFC (b)(6), (b)(7)(C) had to fingerprint and photograph the guys.

4 Q. Other than PFC (b)(6), (b)(7)(C) did you observe anybody handling  
5 any of the remains subsequent to the one you handled yourself?

6 **Questions by Brigadier General (b)(6), (b)(7)(C)**

7 Q. Just so we are straight, as we understand it, tell me  
8 if I've got this right or wrong. There was an initial single  
9 set of remains that came in, and then later on, a set of three  
10 remains came in behind that?

11 A. If I remember correctly, sir, there was four initial  
12 body bags they were supposed to bring in, and I think at that  
13 time there was only one because I don't remember going back and  
14 moving any more bodies. We just moved that one and then we put  
15 that aside to where the S2 was going to do their stuff, and then  
16 I went back to the TAC to try to find out what they wanted us to  
17 do when they were done with doing whatever because there was  
18 going to be a health issue at that point.

19 Q. Right. And so you were physically involved in the  
20 first set of remains?

21 A. Yes, sir.

22 Q. But any subsequent sets of remains----

23 A. I did not do, sir.

24 Q. Did you see or physically handle?

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Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No, sir.

2 (b)(6), (b)(7)(C) I am sorry, Chief, what was your question?

3 Questions by Special Agent (b)(6), (b)(7)(C)

4 Q. So, other than the one set of remains that you handled,  
5 well, including the one set of remains that you handled, did you  
6 observe any other persons interact with the remains at all?

7 A. At that time, I didn't really see anybody else because  
8 I was out trying to find the S4 on the other side of the TAC.  
9 We pretty much had the aide station on one side and the FSZ on  
10 the other. I was trying to find the S4 personnel so I was  
11 walking around for a bit and I also was trying to get an Iraqi  
12 truck so we could put the remains in there. At least that is  
13 what we had done in the past if there wasn't going to be any  
14 other type of mortuary affairs. I know they had a lot of Bongo  
15 trucks out there that we use.

16 Q. During the operation there, did you observe any senior  
17 personnel on site?

18 A. Colonel (b)(6), (b)(7)(C) was out there, and some of the Brigade  
19 staff, sir.

20 Q. Of those personnel, did you see any interaction with  
21 them of any the remains that came in?

22 A. I believe he did go out to look at the remains, sir.

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EXHIBIT

31

000195

Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. When you say you "believe," did you see him depart from  
2 the location and say he was going over there or did you hear  
3 that from somebody else?

4 A. I didn't really see him go--he was coming towards me as  
5 I was walking away from the remains.

6 Q. The first set of remains or-----

7 A. Just that one body, sir.

8 Q. Then did you see him have any interaction with that one  
9 set of remains?

10 A. No, sir. I was walking away by that time.

11 Q. Subsequently, did you see him in the area where the  
12 other remains were, either coming off the bird or in PFC (b)(6), (b)(7)(C)  
13 area?

14 A. No, sir. He was walking around toward where the  
15 detainees were and then his helicopter was staged, kind of,  
16 right in front of the TAC.

17 Q. Has anybody indicated to you any interaction that any  
18 senior personnel may have had with the remains?

19 A. As far as what, sir.

20 Q. Has anybody said, "Hey, I saw Colonel (b)(6), (b)(7)(C) or "I  
21 saw a senior member of the Brigade staff."

22 A. I had heard something like that, sir, but I was not  
23 there.

24 Q. What was it that you heard?

7  
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EXHIBIT

31

000196



Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I heard that he went and unzipped the bag, sir, and was  
2 checking out the remains in there.

3 Q. And who told you that?

4 A. I think I heard that from one of the medics that was  
5 walking around there, sir.

6 Q. And that medic was?

7 A. It might have been (b)(6), (b)(7)(C) sir.

8 Q. Did he indicate anything else that he may have heard?

9 A. No, sir.

10 Q. Just that he was--that the----

11 A. That they were over there looking at it, sir.

12 Q. Did he mention--did (b)(6), (b)(7)(C) mention anything to you  
13 about the condition of the remains?

14 A. No, sir.

15 Q. Or any other actions that senior staff may have taken  
16 with the remains?

17 A. No, sir. We didn't inspect the bodies because, I mean,  
18 they were already tagged and bagged so there was nothing more we  
19 could do for them at that point.

20 Q. Other than (b)(6), (b)(7)(C) have any other personnel said  
21 anything to you regarding their observation of the remains and  
22 the condition that they were in?

23 A. No, sir.

24 (b)(6), (b)(7)(C) Sir?

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Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 **Questions by Lieutenant Colonel (b)(6), (b)(7)(C)**

2 Q. Are there any unit or other SOPs on how to handle  
3 casualties, dead bodies?

4 A. As far as what, sir?

5 Q. Well, before you put them in the bag, do you do  
6 anything to immobilize the limbs by zip tying them or anything  
7 of that nature?

8 A. I don't think so, sir.

9 Q. Have you ever seen--well, let me back up, as far as if  
10 there were any SOPs or any procedures out there, would you be  
11 the person responsible for training that to your unit, or how  
12 would that work?

13 A. I mean, not really, sir. For the most part we respond,  
14 I mean, they are the ones usually bringing the detainees to us.  
15 We have very limited contact with them except for just doing  
16 their medical screening part. And we do that here and it's  
17 pretty much our same SOP for when we are out in the field. We  
18 just take most of their vital signs, if they do have any kind of  
19 abrasions or any kind of health risk issues, just document that  
20 and it goes with their S2 packet.

21 Q. Okay.

22 **Questions by Brigadier General (b)(6), (b)(7)(C)**

23 Q. Could you draw us real quick--could you draw us a  
24 picture of the layout of the TAC and the aide station and the

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Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 HLZ and the expectant area just so we can visualize.

2 [The witness did as directed.]

3 A. This was pretty much the--try and get the birds not to  
4 land right in front of here.

5 Q. Right.

6 A. There was a bunker right here and another bunker  
7 located on the other side. This was pretty much the FSC area,  
8 and this was pretty much our perimeter here.

9 Q. Okay.

10 A. And then we also had vehicles right there and right  
11 here.

12 Q. Where was the aide station?

13 A. The aide station was right there, sir, and we had our--  
14 there was a pathway that kind of came like this and so we used  
15 this as our entry and exit, and we had our--it was kind of a----

16 Q. It was a depression?

17 A. Roger, sir. And we kind of had our little cone right  
18 there.

19 Q. Right, for your expectants?

20 A. And those are just the detainee pens.

21 Q. Okay. Were all those buildings? Was the BAS in a  
22 building? Was the TAC in a building?

ACLU DDII ROI 33996

Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. It was not, sir, we had--we had our Rakkasan evac  
2 vehicles. They were pretty much staged close to the road. We  
3 had one on this side and one on this side.

4 Q. Right.

5 A. And we had two Iraqi FLAs and we had one gun truck  
6 right there.

7 Q. And so what is in the box marked BAS?

8 A. We had two----

9 Q. You just set up in the open?

10 A. Roger, sir.

11 Q. There was no building around your tent or anything like  
12 that?

13 A. No, sir.

14 Q. Where is the HLZ that the remains came into? Which  
15 HLZ?

16 A. It was about right back here, sir. The bird kind of  
17 landed right around there.

18 Q. Okay.

19 A. On the road, basically, and they dropped the bodies  
20 off--or the body that I handled right there, and they didn't  
21 move it anywhere and so we moved it, kind of right here next to  
22 the bunker complex right there.

23 Q. Okay. And then you ultimately moved it back to the  
24 expectant area?

ACLU DDII ROI 33997



Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, it was right here, sir, and then afterwards the  
2 bodies got taken to this little area here.

3 Q. Right.

4 A. Kind of out of view.

5 Q. Where was Colonel (b)(6), (b)(7)(C) C2 bird?

6 A. They were right here, sir.

7 Q. Okay.

8 A. Kind of staged off. We were trying to push them, like,  
9 lengthwise away from this TAC.

10 Q. Was the TAC a building?

11 A. It was, sir. That building was later destroyed.

12 Q. And where did you see Colonel (b)(6), (b)(7)(C) You said you saw  
13 him, I think you said after handling the remains?

14 A. Roger, sir. He was--his bird was right here, and after  
15 I dropped off the body I came back out to the TAC to talk to  
16 Major (b)(6), (b)(7)(C) to find out there was really no S4 rep out there.

17 Q. Right.

18 A. And he was walking out this way and I was walking to  
19 the TAC.

20 Q. What is the approximate distance between the TAC and  
21 the BAS? Is it 100 meters? Is it 200 meters?

22 A. About 100 meters, sir.

23 Q. Okay. Thanks. That is helpful. It just helps us  
24 visualize a little better what the setup was.

ACLU DDII ROI 33998

Interview of First Lieutenant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) I really don't have any more questions for you  
2 Lieutenant (b)(6), (b)(7)(C) I will issue you an order though, and that is  
3 that this is an ongoing investigation so don't discuss your  
4 testimony with anyone else. If anyone attempts to talk to you  
5 about your testimony I want you to decline and let me know, and  
6 I want you to let me know through Major (b)(6), (b)(7)(C) you notify  
7 Major (b)(6), (b)(7)(C)

8 Do you understand?

9 WIT: Yes, sir.

10 (b)(6), (b)(7)(C) Okay.

11 The interview ended at 1057, 28 May 2006.

12

13 I certify that the above transcription is a true and accurate  
14 representation of the interview.

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19 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 33999



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Private First Class (b)(6), (b)(7)(C) was sworn at 1101, 28 May  
2 2006, and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)

4 Lieutenant Colonel (b)(6), (b)(7)(C)

5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) Are you doing all right there?

7 WIT: Roger, sir.

8 (b)(6), (b)(7)(C) We are going to ask you some questions about Operation  
9 Iron Triangle. There are some allegations about the  
10 circumstances surrounding the deaths of some Iraqis that  
11 occurred on that operation. I understand you were on it, so we  
12 are going to ask you some questions about it. Like you just  
13 swore on your oath, just tell the truth and you won't have to  
14 worry about anything.

15 WIT: Roger, sir.

16 (b)(6), (b)(7)(C) There is a difference between what you saw with your  
17 eyeballs and what you heard with your ears, and what you--  
18 somebody may have told you happened, and we are going to ask you  
19 to try and distinguish between those two.

20 WIT: Roger, sir.

21 (b)(6), (b)(7)(C) All right.

22 (b)(6), (b)(7)(C) If I could, just for the record, could you please  
23 state your full name?

24 WIT: Yes, sir. (b)(6), (b)(7)(C) sir.

ACLU DDII ROI 34000

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) Can you pick this up?

2 (b)(6), (b)(7)(C) Could you please say your name again?

3 WIT: (b)(6), (b)(7)(C)

4 (b)(6), (b)(7)(C) We are recording this, it doesn't amplify, but it is  
5 being recorded, so I just need you to keep your voice up a  
6 little bit.

7 WIT: Roger, sir.

8 (b)(6), (b)(7)(C) And your duty assignment?

9 WIT: What do you mean, sir?

10 (b)(6), (b)(7)(C) Well, where you are assigned.

11 WIT: I am assigned here at FOB Remagen for the aide  
12 station, sir.

13 (b)(6), (b)(7)(C) Okay. Great.

14 Questions by Special Agent (b)(6), (b)(7)(C)

15 Q. I was just wondering if you could go over for us your  
16 scope of duties while you were on the operation, with particular  
17 attention to any deceased personnel that may have been brought  
18 to the aide station?

19 A. Roger, sir. Let's see. The only deceased person that  
20 I saw was--came off a UH60, it was one person, single, the first  
21 body that came off the UH60. I helped carry it over to--near  
22 the detainee area, about maybe, ten/fifteen meters away from  
23 where we were holding the rest of the detainees. We set the  
24 body down. They opened up the body bag so that (b)(6), (b)(7)(C) could

ACLU DDII ROI 34001



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 fingerprint and ID it. Closed the body bag up, and they took it  
2 off to a pit. The Iraqi Army at that point carried him over to  
3 a pit where they held him until they could get supply to ship  
4 the body off, sir.

5 As far as any other duties, I just--my duties were to  
6 help the detainees for heat casualties and things like that  
7 since there were so many of them. It was really hot that day.  
8 That was basically the scope of my practice for the whole field  
9 problem, sir, or mission.

10 Q. When you--when you opened the bag, do you remember what  
11 color it was?

12 A. Black bag, sir.

13 Q. Black bag. And do you recall seeing any wounds?

14 A. He had a shotgun--or excuse me, a gunshot wound to his  
15 auxiliary right side. I am not sure if that was the exit wound  
16 or the entrance wound. I couldn't really--I didn't get that  
17 close to it, but I did see it was penetrating upwards, and that  
18 was about it. That was the only wound I saw.

19 Q. Do you recall what kind of clothing he was wearing?

20 A. The same clothes that they always wear, sir.

21 Q. A man dress?

22 A. Yeah, a man dress, sort of. He had pants on, but it  
23 wasn't just the dress itself. He had--I want to say it was

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 light colored, almost tan. He was an older gentleman, probably  
2 about 60 years old, had false teeth.

3 Q. Anything else distinctive about the condition?

4 A. Negative, sir. He looked like any other dead body that  
5 I've seen, sir.

6 Q. Do you recall if there was any kind of a blindfold or--

7 --

8 A. Negative, sir. This patient was just normally clothed,  
9 hands by his side, nothing on him or anything like that. He  
10 didn't look out of the ordinary in any way.

11 Q. Did you observe any other remains come off of the UH60?

12 A. Negative, sir. That was the only--that was the only  
13 body that we pulled off. That was the only thing that I saw  
14 coming off the UH60 itself.

15 Q. When you said "we," who was it that helped you bring  
16 the remains off?

17 A. It was myself, Specialist (b)(6), (b)(7)(C) Sergeant Major  
18 (b)(6), (b)(7)(C) and Sergeant (b)(6), (b)(7)(C) Staff Sergeant (b)(6), (b)(7)(C)

19 Q. And did you observe any senior personnel on the  
20 objective?

21 A. At that--you mean carrying the body, sir?

22 Q. No, just at all.

23 TM: Through the whole course of the operation.

ACLU DDII ROI 34003



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Sergeant Major (b)(6), (b)(7)(C) was around us a lot. First  
2 Sergeant (b)(6), (b)(7)(C) was there. Major (b)(6), (b)(7)(C) was with us the whole  
3 time, we work with him at the aide station.

4 Q. Anybody from Brigade?

5 A. Colonel (b)(6), (b)(7)(C) was there.

6 Q. Did you see any of the senior personnel other than the  
7 Sergeant Major who you have already mentioned and the First  
8 Sergeant and the Major, any senior personnel who had any  
9 interaction with any detainee remains?

10 A. Negative. Negative, sir.

11 Q. Has anybody discussed with you any observations that  
12 they have had of detainee's remains----

13 A. Yeah, you mean, in the aide station we talked about the  
14 bodies and stuff, while we were on the mission itself. I was  
15 told there was like two or three more bodies other than that one  
16 that I carried.

17 Q. And who told you that there were two or three others?

18 A. Specialist (b)(6), (b)(7)(C) and PFC--PV2 (b)(6), (b)(7)(C)

19 Q. And did they make any statements regarding the  
20 condition of those remains?

21 A. They just said they were bodies, sir.

22 Q. So they didn't say anything about blindfolds or zip  
23 ties or anything?

ACLU DDII ROI 34004

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Yeah, that's been kind of pushed around the whole FOB,  
2 I want to say, but it's the same thing as everything else, kind  
3 of the telephone game, I didn't even pay it any mind, sir.

4 Q. Did they make statements regarding that to you?

5 A. Roger. Roger, sir.

6 Q. What were the statements that they made?

7 A. That one of the bodies was bound and blindfolded.

8 Q. When you say, "they," both of them made that statement  
9 to you or----

10 A. Specialist (b)(6), (b)(7)(C)

11 Q. So (b)(6), (b)(7)(C) did or did not?

12 A. He did not. He just mentioned that he had helped carry  
13 the bodies.

14 Q. Did anybody make any comments regarding the senior  
15 personnel's interaction with the remains?

16 A. Well, Colonel (b)(6), (b)(7)(C) was interacting with the body when  
17 I was--when we unzipped the bag--the body that I was with.

18 Q. What interaction was that?

19 A. It was just to help (b)(6), (b)(7)(C) ID the body itself.

20 Q. When you say "help," what does that entail?

21 A. Like to hold the head up so he can get a proper  
22 picture.

23 Q. You motioned with your hands together like you lifted  
24 it from behind?



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, sir.

2 (b)(6), (b)(7)(C) This is the first body, the older gentleman?

3 WIT: Roger, sir.

4 Q. Did anybody else expose any photographs that you know  
5 of?

6 A. Negative, sir.

7 Q. Of the first set of remains?

8 A. The only--the only photographs that I saw that were  
9 taken were the ones that (b)(6), (b)(7)(C) took, and then I turned around to  
10 yell at an Iraqi Army Soldier who was trying to take pictures  
11 from about 30 meters away. That was about it. That's the only  
12 people that were--had any acknowledge of that body at the time,  
13 everything else was kind of later on.

14 Q. So you saw him with a camera 30 meters away.

15 A. Roger, sir.

16 Q. And you yelled?

17 A. I yelled, "Get the fuck back," sir. Excuse my  
18 language.

19 (b)(6), (b)(7)(C) It is what it is.

20 (b)(6), (b)(7)(C) We told you to tell the truth. That's the truth.

21 Q. So other than Colonel (b)(6), (b)(7)(C) holding the head of one of  
22 the--of the first set of remains that came in, are you  
23 personally aware of any interaction that he had with any other  
24 sets of remains?

ACLU DDII ROI 34006

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Negative, sir, that was the only----

2 Q. Do you have any second hand information? Did anybody  
3 tell you about him having interaction with a set of remains?

4 A. Negative. That was the only one that I--the only  
5 knowledge that I had of him being there was the body that I  
6 seen.

7 Q. So nobody's told you anything about any other pictures  
8 being taken?

9 A. Negative. We didn't really talk about it directly too  
10 much. They were kind of just like, "Wow, there's more bodies  
11 over there.. We had to help carry them," kind of stuff. I was  
12 more busy treating the heat casualties that we had, preoccupied  
13 with that than anything else.

14 Q. But since you have come back from the operation, has  
15 anybody said anything to you about "Hey, these guys were taking  
16 pictures"?

17 A. No, the only knowledge that I have of any pictures  
18 taken was of (b)(6), (b)(7)(C) IDing the bodies, and that was--from my  
19 understanding is, that is his job, so----

20 (b)(6), (b)(7)(C) Sir?

21 (b)(6), (b)(7)(C) Nothing.

22 (b)(6), (b)(7)(C) That is all I can think of. I appreciate your time,  
23 and I appreciate your candor, and I appreciate what you are  
24 doing. Thanks.

ACLU DDII ROI 34007



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 WIT: Thank you, sir.

2 (b)(6), (b)(7)(C) I'm sorry, sit back down. My bad. This is an ongoing  
3 investigation, so I am giving you an order not to discuss your  
4 testimony with anyone.

5 WIT: Roger, sir.

6 (b)(6), (b)(7)(C) Okay. If anyone tries to talk to you about your  
7 testimony I want you to decline talking to them about it and you  
8 let me know. The way you let me know is to go directly to Major  
9 (b)(6), (b)(7)(C) the Battalion XO, and notify him that someone has  
10 attempted to talk to you about this.

11 WIT: Roger, sir.

12 (b)(6), (b)(7)(C) Okay.

13 WIT: Hooah, sir.

14 (b)(6), (b)(7)(C) Thank you.

15 The interview ended at 1112, 28 May 2006.

16

17 I certify that the above transcription is a true and accurate  
18 representation of the interview.

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23 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34008

Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Sergeant First Class (b)(6), (b)(7)(C) was sworn at 1115, 28 May 2006,  
2 and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)

4 Lieutenant Colonel (b)(6), (b)(7)(C)

5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) If you could for the record, state your full name.

7 WIT: Sergeant First Class (b)(6), (b)(7)(C)

8 (b)(6), (b)(7)(C) And your duty position?

9 WIT: I am the Medical Platoon Sergeant for 3/320th.

10 (b)(6), (b)(7)(C) Thank you.

11 (b)(6), (b)(7)(C) And Sergeant (b)(6), (b)(7)(C) this is being recorded.

12 WIT: Yes, sir.

13 (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) we have been asked to look into the  
14 circumstances and activities regarding the death of a couple of  
15 Iraqis on Operation Iron Triangle.

16 WIT: Yes, sir.

17 (b)(6), (b)(7)(C) That is what this investigation is about.

18 I am going to turn it over to Chief and he will start  
19 to ask you some questions.

20 WIT: Okay, sir.

21 Questions by Special Agent (b)(6), (b)(7)(C)

22 (b)(6), (b)(7)(C) Chief (b)(6), (b)(7)(C) CID.

23 WIT: Good morning.

24 Q. I was wondering if you could provide us kind of an

ACLU DDII ROI 34009



Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 overview of what you did that day and--the day that detainees  
2 came in, deceased personnel came into your aide station.

3 A. Okay, sir. Specifically, the deceased detainees, they  
4 never did come into the aide station. The--I never even saw  
5 them myself, but they came in on helicopter and were over on the  
6 other side of where they were holding the detainees. And I  
7 believe two of my Soldiers went and helped carry them off of the  
8 helicopter. But, I, myself, was never even in that area.

9 Q. So you never observed any of the----

10 A. I did not.

11 Q. --deceased detainees.

12 A. I did not.

13 Q. Did your Soldiers make any report to you regarding  
14 their handling of the deceased detainees, any observations that  
15 they made?

16 A. Umm----

17 Q. Who were those Soldiers?

18 A. I think it was (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) sir.

19 Q. And did they say anything to you?

20 A. I don't--I don't recall any, I mean, any specific  
21 comments that they made.

22 Q. Did you observe any interaction with any personnel with  
23 any of the remains?

24 A. I saw, from a distance, I think, when they had moved

ACLU DDII ROI 34010

Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 them to put them on the back of a HMMWV, that was about the  
2 closest I saw and that was still probably about 100 meters away  
3 there.

4 Q. Did you see anybody exposing any photographs around the  
5 detainees--deceased personnel?

6 A. Oh, no, sir. I did not see any photographs.

7 Q. Has anybody notified you of anybody taking photographs  
8 of the deceased persons?

9 A. No, sir.

10 Q. Did you observe any senior personnel on site that day?

11 A. I saw Colonel (b)(6), (b)(7)(C) come there from probably 200  
12 meters. I saw him coming across the other side of the compound.  
13 I just--the only reason I even remember that is because I just  
14 remember he was just wearing his soft cap, so I just remembered  
15 that he was there.

16 Q. Did he have on IBA?

17 A. I don't think so, sir.

18 Q. Did you observe any of the staff members?

19 A. I wouldn't know who they were, sir.

20 **Questions by Brigadier General (b)(6), (b)(7)(C)**

21 Q. With regard to Colonel (b)(6), (b)(7)(C) not wearing his Kevlar,  
22 wearing a soft cap and no IBA, does that--did that strike you as  
23 odd? I mean, was there anybody else walking around not wearing-

24 ---

ACLU DDII ROI 34011



Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Eventually there was, sir. Eventually--it struck me as  
2 odd at that point because it was earlier in the mission, and I  
3 think as time went on it seemed that everybody kind of let their  
4 guard down some and it was a quite common occurrence to see  
5 people without their helmet on and stuff at that point.

6 Q. How about his IBA?

7 A. I think if--I think people sometimes around, like, when  
8 they are in the immediate area of their vehicle you would see,  
9 but not typically. If they went off and did something they put  
10 their gear back on.

11 Q. Sure, sure, okay.

12 (b)(6), (b)(7)(C) That is really all I've got, Sergeant (b)(6), (b)(7)(C)

13 WIT: Okay, sir.

14 (b)(6), (b)(7)(C) I appreciate your taking your time.

15 WIT: Yes, sir.

16 (b)(6), (b)(7)(C) I do have a couple of quick questions. I apologize.

17 **Questions by Lieutenant Colonel (b)(6), (b)(7)(C)**

18 Q. Are you the direct supervisor of the enlisted folks  
19 within your aide station?

20 A. Yes, sir.

21 Q. What kind of Soldiers are (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

22 A. To be honest, (b)(6), (b)(7)(C) is probably not the best of troops  
23 in the sense that he is--he is kind of a lazy guy, but (b)(6), (b)(7)(C) is  
24 one of our best workers, however, he has come into some trouble

ACLU DDII ROI 34012

Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 in the past. He came up hot on a urinalysis just before we came  
2 here, but he is one of my best--best troops work wise.

3 Q. Have you had--have you ever had an integrity problem  
4 with either of the two?

5 A. I would say, in my opinion, with (b)(6), (b)(7)(C) that--that I  
6 have, but it was never anything that--we had an incident where  
7 we were going to give him a--they wanted to give him an Article  
8 15 for an integrity issue and I came to his defense in that case  
9 only because it was all circumstantial, but in my heart I  
10 believe that he probably did what he was being accused of.  
11 There was just no way to prove it, so----

12 Q. Well, what was he being accused of?

13 A. Of falsifying a sick call slip to--with a dental  
14 appointment that got him out of some duty and then the lady at  
15 the front desk claimed that she didn't write that and there was  
16 no way to prove, like, what had actually happened, so----

17 **Questions by Brigadier General (b)(6), (b)(7)(C)**

18 Q. How about (b)(6), (b)(7)(C) --how about (b)(6), (b)(7)(C) integrity, any  
19 reason to doubt it?

20 A. I never--not that I know of, sir. Not that I know of.

21 Q. (b)(6), (b)(7)(C) current rank is?

22 A. PV2.

23 Q. PV2?

24 A. Yes, sir.

ACLU DDII ROI 34013



Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Is he promotable?

2 A. He will be promoted to PFC on the first of June, sir.

3 Q. Okay. Was he ever busted?

4 A. He was for that incident. He went back to El.

5 Q. Okay.

6 **Questions by Special Agent (b)(6), (b)(7)(C)**

7 Q. Was that reported to CID?

8 A. I don't know, sir.

9 Q. Where was this at?

10 A. Well, the test was conducted at Fort Campbell, but the  
11 results didn't come until almost November when we were already  
12 over here.

13 **Questions by Brigadier General (b)(6), (b)(7)(C)**

14 Q. And you guys deployed in September or August?

15 A. September 18th, and we had a urinalysis when we came  
16 off of block leave there at the end of August?

17 (b)(6), (b)(7)(C) And that was THC? Marijuana?

18 WIT: Actually, what his test showed was cocaine, but there  
19 are several things that come up for that. In this case it was  
20 Ecstasy, sir.

21 (b)(6), (b)(7)(C) Is that what the MRO told you guys? The Medical  
22 Review Officer said that ecstasy----

23 WIT: Just by--just by looking it up and seeing the items  
24 that commonly will show as that, sir. But no, nobody else told

**ACLU DDII ROI 34014**

Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 me that. I looked that up independently, basically, to verify  
2 what he was telling me, that----

3 (b)(6), (b)(7)(C) He could have done it and not realized it and thought  
4 he was doing ecstasy and not cocaine, but they don't--the  
5 urinalysis tests for separate metabolites, so----

6 (b)(6), (b)(7)(C) Do you know, was it BZE?

7 WIT: I don't know, sir.

8 (b)(6), (b)(7)(C) You don't know. Okay. That's fine.

9 (b)(6), (b)(7)(C) Was he reduced from E3?

10 WIT: I think he was only an E2. He was only an E2 in the  
11 first place.

12 (b)(6), (b)(7)(C) To E1?

13 WIT: Yes, sir.

14 (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) this is an ongoing investigation so I  
15 am issuing you an order to not discuss your testimony with  
16 anyone.

17 WIT: Yes, sir.

18 (b)(6), (b)(7)(C) If anyone tries to talk to you about your testimony I  
19 want you to decline to discuss the testimony and let me know.

20 The way to let me know is to notify Major (b)(6), (b)(7)(C) the  
21 Battalion XO, directly and he will get the word to me.

22 Do you understand this order?

23 WIT: Yes, sir.

24 The interview ended at 1124, 28 May 2006.

ACLU DDII ROI 34015



Interview of Sergeant First Class (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 I certify that the above transcription is a true and accurate  
2 representation of the interview.

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(b)(6), (b)(7)(C) LTC, U.S. Army

ACLU DDII ROI 34016

Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 First Sergeant (b)(6), (b)(7)(C) was sworn at 1130, 28 May 2006,  
2 and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) If you could First Sergeant, if you could state your  
7 full name for the record.

8 WIT: (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) Okay. Super. And your duty position?

10 WIT: First Sergeant, HHB, 3rd of the 320th.

11 (b)(6), (b)(7)(C) Okay. Thank you.

12 (b)(6), (b)(7)(C) How are you doing, First Sergeant?

13 WIT: Fine, sir.

14 (b)(6), (b)(7)(C) The--First Sergeant, as I am sure you are probably  
15 aware, there--we're here to investigate the circumstances  
16 surrounding the death of several Iraqis during Operation Iron  
17 Triangle.

18 WIT: Right.

19 (b)(6), (b)(7)(C) That's the general thrust of this investigation.

20 WIT: I know now, hooah.

21 (b)(6), (b)(7)(C) And we are going to ask you some questions here,  
22 Chief, from CID, myself, and Colonel (b)(6), (b)(7)(C) here. What I would  
23 just like to make sure, I know you know how all this works, but  
24 just so you understand, we want to be very clear between--run a

ACLU DDII ROI 34017



Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 distinction between what you saw and what you heard and what  
2 you--what other folks may have said.

3 WIT: Right.

4 (b)(6), (b)(7)(C) And heard and told you about.

5 WIT: Roger.

6 (b)(6), (b)(7)(C) We just want to be clear.

7 WIT: Okay.

8 (b)(6), (b)(7)(C) So, I am going to turn it over to Chief.

9 Questions by Special Agent (b)(6), (b)(7)(C)

10 (b)(6), (b)(7)(C) First Sergeant, Chief (b)(6), (b)(7)(C) with CID.

11 Q. Regarding Operation Iron Triangle, if you could kind of  
12 go over what your role was during that and, specifically, any  
13 interaction or knowledge you have regarding any deceased  
14 personnel coming into the TAC area.

15 A. My job, we did--I was EOD, TCP set up, trash pick up,  
16 everything. I had no particular job. I just went because  
17 Sergeant Major wants to see me to go, so I had no specific  
18 thing. I was just whatever they needed.

19 Q. Right.

20 A. What else?

21 Q. Any interaction that you had with any deceased  
22 personnel coming in or heard or anything like that?

23 A. I saw--I seen two--two dead guys.

24 Q. And what were the circumstances around that, did you

ACLU DDII ROI 34018

Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 help bring them off the bird or----

2 A. They said we got some bodies coming on the bird. The  
3 first one, I guess, was an older gentleman. We went to the  
4 bird, but it wasn't the bird. It was a different bird. He  
5 came--he was coming on a different bird. I went to a bird with  
6 a litter, but he came to another bird, you know, a few meters  
7 down. And then they brought him down, the first guy. Went  
8 over, they opened up the bag and I said, "Damn, that's an old  
9 guy. What the hell is he doing?" And that was it. Only him.

10 Q. Did you notice any wounds that he----

11 A. Roger. I want to say it was right here [pointing to  
12 his left side]. It was--when I say right here, left or right  
13 side. I don't know the side. It was one of these sides, I can  
14 tell you that. I can't remember if the head was this way or  
15 that way.

16 The second gentleman I seen, it was a younger looking  
17 guy. He looked Asian to be honest. And his wound was, like, I  
18 want to say chest, right here. It looked like an entry wound  
19 here and like it came out the back it looked like, the back of  
20 his head. That's the only two guys I seen.

21 Q. When you say "we," who was it that was with you when  
22 you brought the remains off the----

23 A. No, I didn't bring any of them off, sir. No, I went to  
24 the wrong--I got a litter and went to the wrong bird. I got----

ACLU DDII ROI 34019



Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Then they were brought off, you went over there and you  
2 saw them?

3 A. Right. Roger.

4 Q. And were they in bags?

5 A. Body bags, black body bags, sir.

6 Q. Black body bags. And who else was there while you were  
7 there?

8 A. I want to say----

9 (b)(6), (b)(7)(C) For each set of remains, first and then----

10 WIT: I want to say it was me and the XO for the first one,  
11 Lieutenant (b)(6), (b)(7)(C) He was the first--me and him went  
12 together. Because he might have had the litter with me. He  
13 might have had the litter with me. He might have been the one  
14 that had the litter with me. But then, like I said, they didn't  
15 use the litter, it was the wrong place.

16 Q. Was there anybody else still there with the remains  
17 that had actually brought it off the bird?

18 A. I don't know who brought it off. I know there was  
19 somebody there. I couldn't even tell you at all who was there  
20 with--I know Lieutenant (b)(6), (b)(7)(C) I think he said, "That's the  
21 first time I seen, actually, a dead guy other than at a morgue,  
22 you know, at a funeral home or whatever." He made a statement  
23 something like that. That's why I think it was him with me.

24 Q. And then the second?

ACLU DDII ROI 34020

Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. The second one, I was--I was going from the detainee  
2 area. I don't know between----

3 (b)(6), (b)(7)(C) First Sergeant, somebody drew us a picture here, and  
4 what they said is the birds, and here is the BAS, here is the  
5 TAC.

6 WIT: Okay.

7 (b)(6), (b)(7)(C) Here is the detainee area.

8 WIT: Yeah.

9 (b)(6), (b)(7)(C) And this is where the birds came in with the remains.

10 WIT: Right. Is this the sump right here? Is this the  
11 sump?

12 (b)(6), (b)(7)(C) That's where they eventually wound up, where the  
13 bodies wound up.

14 WIT: Right.

15 (b)(6), (b)(7)(C) Right.

16 WIT: First one, TAC right here. First one, I went to the  
17 bird right here, and the bird was actually down here. They took  
18 one off, dragged him over here, I'm assuming. Where are the  
19 detainees at, sir, right here?

20 (b)(6), (b)(7)(C) Detainees were over here.

21 WIT: Sir, they put it between the bird and right here. Saw  
22 him laying right here. I think he went straight to a--I think  
23 he came in and left. I don't know what happened to the old guy.  
24 I never saw him again. It was, you know, a minute there and

ACLU DDII ROI 34021



Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 that was it. I don't know if it was minutes later, hours later,  
2 but then the next guy I seen, I was over here talking to Major  
3 (b)(6), (b)(7)(C) somewhere and he was like, "Hey, we need to get like a  
4 trench dug." So, I went from here to this is sort of actually  
5 over here to be honest. I went from here going right to the  
6 engineers to get them to dig us a thing. And I said, "Damn,  
7 another bag over there." And they were fingerprinting it,  
8 actually. And I said, "What are you doing, (b)(6), (b)(7)(C) It was  
9 (b)(6), (b)(7)(C) I'm sorry. I said, "What are you doing, guy?" He said,  
10 "Oh, we got to fingerprint them." I said, "Damn, I hate to be  
11 you." And I said, "Damn, it really stinks." And that was it.  
12 I said, "And he looks young. He looks Asian." And I left.  
13 That was it and I didn't see any more bodies. I guess they  
14 zipped that one after they finished fingerprinting him. And  
15 that's it on the bodies.

16 Q. Did you see anybody exposing any photographs of the  
17 remains?

18 A. Negative. I didn't see anybody expose any photographs  
19 and I didn't see anybody take any photographs. But I know, it  
20 was that day or the next day, it might have been the same day,  
21 they were, "Hey, I need anything you've taken, you need to give  
22 it up right now. You know, they took all pen drives, they took  
23 cameras, everything, they said, "Give it up right now."

24 Q. Who was "them"?

ACLU DDII ROI 34022

Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. It came down. I don't know who was saying it, but I  
2 was right--I was in front of the TAC the whole time, not the  
3 whole time, but that is where we had the Headquarters 6 at right  
4 there, well, HHB 6, but they asked for all--any type of  
5 photographs that had been taken.

6 Q. When you saw the two sets of remains did you notice any  
7 blindfolds----

8 A. Negative, sir.

9 Q. Or zip ties?

10 A. No, nobody came there blindfolded. Have I heard a  
11 rumor? Yeah. Have I heard a rumor? Yes, but the two guys I  
12 seen, they were not blindfolded.

13 Q. Is it possible they could have blindfolds pulled down,  
14 like not on their eyes anymore?

15 A. Well, anything is possible, but I didn't see any of  
16 that, no. But, if----

17 Q. How about zip ties on their wrists but not----

18 A. The one guy I didn't even see--the second guy, the  
19 young guy, they didn't have it that far--well, of course he did  
20 because they were fingerprinting him when I went there. But the  
21 older gentleman, he was like--I don't know who put him in there,  
22 he was like he was in a casket. He was, actually, his hands  
23 were just like this [gesturing with hands over the top of each  
24 other over his chest.] Actually, they were down here, like you

**ACLU DDII ROI 34023**



Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 would position a body in a morgue or whatever [moving his hands  
2 further down towards his stomach].

3 Q. And no zip ties?

4 A. No, none. And the one guy, the younger guy definitely  
5 wasn't because they were fingerprinting his left hand when I  
6 went over there because his head was toward [indicating one  
7 side] and I looked down and saw his head.

8 Q. Did you notice any senior personnel on site?

9 A. I saw a Major, was a senior guy on the site.

10 Q. How about from the Brigade.

11 A. I saw a senior guy. I saw Rak 6 come from a bird.  
12 From the bird he walked to the TAC, got on the phone, or went in  
13 on the radio or whatever. We were sitting in the shade and he  
14 looked and winked or something, you know, like looked at me and  
15 another guy, does what he does, and he left. Got on the bird,  
16 wait, no, he got his bags off the bird because the bird broke  
17 that he was on and he walked down to another bird. And that was  
18 it. He was the only senior I saw from Brigade. Rak 6, I mean  
19 Colonel (b)(6), (b)(7)(C) when I say Rak 6.

20 Q. How was he dressed?

21 A. Rak 6, ACUs tucked in top. I think he had knee pads  
22 around his ankles.

23 Q. IBA and Kevlar?

ACLU DDII ROI 34024

Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No. He put it on when he went back to the bird to get  
2 his gear because he had to walk a little piece to go down to the  
3 bird.

4 Questions by Brigadier General (b)(6), (b)(7)(C)

5 Q. So he had spent some time at the TAC?

6 A. It was hot out there. And I sat down right here.  
7 This building is pretty, you know, it's long. I am sitting  
8 right here, he walked--he's sitting over talking to the pilots,  
9 drinking soda or whatever else they were doing. He came in, I  
10 saw him in here for a Mike or whatever, I don't know how long he  
11 was there. I wasn't paying attention. You know, you see him,  
12 he's a presence.

13 Questions by Special Agent (b)(6), (b)(7)(C)

14 Q. Sure.

15 A. He walked out, grabbed all his stuff. I remember him  
16 throwing a coke can down. I never forget that crap. He threw a  
17 coke can down, threw his IBA on, grabbed his soft cap and went  
18 to this bird right here and they took off. Well, they went down  
19 there. When they took off, I don't know, but I know he went to  
20 that bird. I actually saw them take off because I saw him catch  
21 hell getting up in there and so he grabbed it and he pulled  
22 himself up in there and they took off.

23 Q. Did you see him in the area where the remains were?

24 A. I saw him--the bird he took off on, there were bodies

ACLU DDII ROI 34025



Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 down there. The bird they took them off of is where they flew  
2 out of, if I remember right. In that vicinity, it might not be  
3 the same bird, but the bird that he got on is the bird that some  
4 bodies came off of, that area. Do you know what I'm talking  
5 about? There was so many birds, there was coming in and going.

6 Q. Did you see him standing where the bags were?

7 A. No, I didn't see him standing by no bags, negative. I  
8 done heard that too. So, you know, I done heard that but I  
9 didn't see him--I saw him go from the bird in the front of the  
10 TAC to the TAC, done his business, I don't know how long he was  
11 there and I saw him walking from the TAC and then I saw him  
12 throw his stuff on and walk to the bird and get off and leave.

13 Q. Did anybody--has anybody told you that they saw him  
14 have any interaction with the deceased Iraqis?

15 A. Yeah, I heard that. I heard----

16 Q. They told you that they saw or just they heard that,  
17 that somebody heard----

18 A. No, no, no, somebody said he put his foot on something  
19 like that and I didn't see none of that.

20 Q. But has anybody told you, "I saw this person"?

21 A. No, negative, sir. No one said, "I seen him." No.

22 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

23 Q. Were there any modifications or changes to the ROE for  
24 this operation?

ACLU DDII ROI 34026

Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Not that I know of, sir.

2 Questions by Brigadier General (b)(6), (b)(7)(C)

3 Q. Were you at the Combined Arms Rehearsal, First  
4 Sergeant? Were you at the Combined Arms Rehearsal?

5 A. I was at the Rock Drill.

6 Q. At the Rock Drill.

7 A. Now, they was doing hook up training. I didn't do part  
8 of that because I drove in. The only thing I went to, the only  
9 one was the Rock Drill when everybody was down there inside the  
10 class 1 bunker. I was there.

11 Q. Okay. And that is what Colonel (b)(6), (b)(7)(C) is asking  
12 about.

13 A. Okay. Roger. I was there, Roger.

14 Q. Was there any discussion on Rules of Engagement, new  
15 Rules of Engagement or anything like that?

16 A. If there were, I wasn't paying attention. Because, to  
17 be honest, I will tell you straight up, I was trying to get out  
18 of there. I looked around; I was like one of two NCOs down  
19 there. It was mainly officers, I said, "Why in the hell am I  
20 here?"

21 Q. Right.

22 A. And it was--I was like--as soon as we did our briefing,  
23 the XO and the BCs gone, when my XO did his GAC Brief, I said,  
24 "Hey, sir, I am out of here." And I left out of there right

ACLU DDII ROI 34027



Interview of First Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 after that. So what they talked about after I left, I couldn't-  
2 -I have no idea.

3 (b)(6), (b)(7)(C) I understand. First Sergeant, this is an order I am  
4 going to issue here. Since this is an ongoing investigation you  
5 can not discuss your testimony with anyone.

6 WIT: Right.

7 (b)(6), (b)(7)(C) And if anyone attempts to talk to you about your  
8 testimony I want you to decline to discuss it and let me know.  
9 The way you let me know is to contact Major (b)(6), (b)(7)(C) the  
10 Battalion XO, and tell him to get in touch with me.

11 WIT: Roger.

12 (b)(6), (b)(7)(C) Do you understand?

13 WIT: Roger.

14 The interview ended at 1142, 28 May 2006.

15  
16 I certify that the above transcription is a true and accurate  
17 representation of the interview.

18

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22 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34028

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Sergeant (b)(6), (b)(7)(C) was sworn at 1154, 28 May 2006, and was  
2 interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)

4 Lieutenant Colonel (b)(6), (b)(7)(C)

5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) Could you please state your full name?

7 WIT: (b)(6), (b)(7)(C)

8 (b)(6), (b)(7)(C) Okay. Super. And we are recording, that is why--so  
9 we can----

10 WIT: Okay.

11 (b)(6), (b)(7)(C) And your duty position?

12 WIT: 13 Delta, Fire Directions Specialist for HHB, 3rd of  
13 the 320th.

14 (b)(6), (b)(7)(C) And you are in the 3 shop?

15 WIT: Yes, sir.

16 (b)(6), (b)(7)(C) Okay. Super.

17 (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) we have been asked to investigate some  
18 allegations regarding the deaths of several Iraqis during  
19 Operation Triangle--Iron Triangle.

20 WIT: Okay.

21 (b)(6), (b)(7)(C) And that is what this investigation is about. So we  
22 are going to ask you a series of questions. What I would just  
23 like to remind you is there is a difference between what you  
24 physically saw with your own eyes and heard with your own ears

ACLU DDII ROI 34029



Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 and what you might have heard from other people that they say  
2 they heard or they say they saw. We want to make sure we are  
3 drawing a clear distinction between those two sets of----

4 WIT: Okay, sir.

5 (b)(6), (b)(7)(C) Chief is going to ask you some questions.

6 Questions by Special Agent (b)(6), (b)(7)(C)

7 Q. If you could, basically, we would like for you to go  
8 over for us your--your duties and your activities during that  
9 operation in kind of a broad sense, and then, specifically, as  
10 it pertains to any interaction you may have had with deceased  
11 enemy personnel.

12 A. Okay. My duty for the Iron Triangle was RTO, to track  
13 any aircraft checking in the area, any patrols checking in the  
14 area, also going out the area. At times, when details came down  
15 I was in charge to get the details together or Sergeant Major  
16 directed me to help out with any details that need to be helped  
17 out any way I can, so to help out to complete the mission.

18 Q. And did any of those details include taking the  
19 deceased persons off of helicopters and handling their remains?

20 A. Not off the aircraft, they was already off the  
21 aircraft, just pretty much to go pick them up and bring them to  
22 the little area that we had for the deceased bodies for S2 so  
23 they could do their assessment and do what they had to do. I

ACLU DDII ROI 34030

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 helped out with carrying those bodies to that place, to that  
2 area.

3 Q. Okay. Can you back up a little bit for me and tell me  
4 how it came to be that you first, you know, the first set of  
5 remains and then kind of walk me through what you did and who  
6 was with you.

7 A. Okay. The first deceased body was--was near the  
8 detention facility where they was actually getting ready to set  
9 it up. And Sergeant Major came and grabbed me to help out to  
10 bring a deceased body to where the S2 was located to do their  
11 assessment, and the deceased body was on a stretcher. I just  
12 picked it up, and me and the Sergeant Major and Specialist  
13 (b)(6), (b)(7)(C) and I'm not sure who the other personnel was at the time,  
14 carried the body to where the S2 do the assessment and put it  
15 right there, and that was it. I went back to the TOC area to  
16 resume RTO duties.

17 Q. So you used the litter, each one of you was on one of  
18 the four corners?

19 A. Yes, sir.

20 Questions by Brigadier General (b)(6), (b)(7)(C)

21 Q. Sergeant (b)(6), (b)(7)(C) on this diagram, [1LT (b)(6), (b)(7)(C) sketch]  
22 here is the TAC, here is the aide station, this is the  
23 depression that the bodies wound up in.

24 A. Right, sir.

ACLU DDII ROI 34031



Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Here is the HLZ, this is the detainee holding pen.  
2 A. Right, sir.  
3 Q. Where did you pick the body up?  
4 A. The first one, sir, was near--near this area right here  
5 [pointing to 1LT (b)(6), (b)(7)(C) diagram].  
6 Q. This berm here?  
7 A. Roger, sir.  
8 Q. Okay.  
9 A. And we--it was right outside this first detainee cell.  
10 Q. Okay.  
11 A. And we just carried it from right there to the little  
12 area where S2 did their assessment at, sir.  
13 Q. Okay. S2 was doing the assessment by this depression?  
14 A. Roger, sir.  
15 Q. Okay. And did you physically put the remains inside  
16 the depression or did you just leave them with the S2?  
17 A. No, we just let them right outside for the S2.  
18 Q. The S2?  
19 A. For the S2, yes, sir.  
20 (b)(6), (b)(7)(C) At any time was----  
21 Q. Sorry, Chief, so you didn't take that first set of  
22 remains off the helicopter?  
23 A. Negative, sir.  
24 Q. It was already on the ground.

ACLU DDII ROI 34032

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Any deceased body I never did take off, it was already  
2 there, I was asked to come help to carry it over there, sir.

3 Questions by Special Agent (b)(6), (b)(7)(C)

4 Q. At any time did anybody open the body bag?

5 A. When I got there, sir, the bag was already closed, I  
6 was just asked to come help to carry it over to the area so I  
7 never did actually see who was inside the body bags or anything  
8 like that, sir.

9 Q. And so nobody opened the bag while you were there?

10 A. Negative, sir.

11 Q. So it was closed when you got there?

12 A. Yes, sir.

13 Q. You transported it. It was closed the whole time, and  
14 when you left out of there it was closed?

15 A. Yes, sir.

16 Q. And that was with the Sergeant Major and----

17 A. Specialist (b)(6), (b)(7)(C) which is a medic and I'm not sure  
18 who the fourth person was to help carry it, sir.

19 Q. Do you remember if it was male or female or----

20 A. It was a male, sir.

21 Q. White guy, black guy?

22 A. I can not remember, sir. There was so much going on at  
23 the time.

24 Q. And so subsequent to that, were there any deceased

ACLU DDII ROI 34033



Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 persons that came in that you helped to move from the flight  
2 area to another area?

3 A. Yes, sir. I think like an hour later, it was, I think,  
4 a total of three more deceased personnel that came in on the  
5 other side of the HLZ, sir. It was like right over here on this  
6 side, on the other side. And it was a total of three, and when  
7 I got to the location where they was at, once again, they  
8 weren't on a litter this time, they were just laid out on the  
9 ground, sir, coming off the aircraft, and I was--at that time I  
10 was helped to--asked to help the IA put the bodies on the truck,  
11 the back of the truck, which they just drove to the area at that  
12 time. And then when we got to that location I helped them  
13 download it off the truck, sir, and left it where the first body  
14 was at, sir.

15 (b)(6), (b)(7)(C) And the first body was already inside the depression?

16 WIT: Roger, sir. It was already there, sir.

17 Q. At any time was the bag open?

18 A. Negative, sir. When I got to the scene it was not  
19 open, sir.

20 Q. Okay, and so the second time when the three sets came  
21 in, was anybody else with you other than Iraqi Army personnel?

22 A. At first the Iraqi Army, the IA, wasn't there at first.  
23 They came, like, not even a minute after I got there. I walked  
24 to the scene, they drove to the scene. So, it was pretty much,

ACLU DDII ROI 34034

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 myself, Sergeant Major again, Specialist (b)(6), (b)(7)(C) pretty much to  
2 go help out with that, sir, also.

3 Q. Just the three of you this time?

4 A. Roger, sir. It was just the three.

5 Q. Did you all arrive at pretty much the same time or----

6 A. Roger, sir. We all walked over there together, sir.

7 Q. Is that the same way it happened the first time, you  
8 were all together or did you come separately?

9 A. We was all together, sir. I was already at the TAC.

10 Sergeant Major came and got me from the TAC, which is Specialist  
11 (b)(6), (b)(7)(C) was already standing outside the TAC and all three of us  
12 walked over there together, sir.

13 Q. So that is the way it happened----

14 A. The first time also, and when I got back to the TAC,  
15 Sergeant Major was already there with me, Specialist (b)(6), (b)(7)(C) was  
16 already at the DS where the aide station little cell was at and  
17 Sergeant Major called him over to the TAC on the second time  
18 with the three deceased bodies and did the same thing, just  
19 walked over and helped out with the deceased bodies, sir.

20 Q. So, other than the three of you, did anybody else--and  
21 the Iraqi Army Soldiers, did anybody else have any contact with  
22 the body bags?

23 A. When I walked up to the scene, sir, Rak 6, which is  
24 Colonel (b)(6), (b)(7)(C) he was at the location also.

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Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Was this the first time or the second time?

2 A. The second time, sir. I'm not exactly sure of the  
3 names of who was already there also, but it was three more  
4 personnel for sure that I know that was also, sir, but I am not  
5 tracking the names.

6 Q. Could you describe them at all?

7 A. I know they was officers, sir, but I am not exactly  
8 sure who they were or who they belonged to, because those  
9 persons I never seen before in the Brigade.

10 Q. Can you give a description of them, white guys, black  
11 guys?

12 A. They were all three white guys, sir, yes, sir.

13 Q. So they were already there when you guys showed up the  
14 second time?

15 A. Roger, sir.

16 Q. And were the bags closed at that time?

17 A. When we got there, sir, the bags were closed, sir.

18 Q. Did you see any activity that they were doing while  
19 they were there around the bags?

20 A. Not at all, sir.

21 Q. They were just standing there?

22 A. Roger, sir.

23 Q. Nobody taking any pictures?

ACLU DDII ROI 34036

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Negative, sir, no pictures at all. The only pictures  
2 they were taking was from S2, sir.

3 Q. Which is after----

4 A. After we transported them to the location where they--  
5 where they were supposed to go, sir.

6 Q. At any time was the Sergeant Major or Specialist  
7 (b)(6), (b)(7)(C) either together or separately, alone with the remains?

8 A. Negative, sir, not at all sir. Once they got to that  
9 area, sir, from there on out, S2 personnel was only the ones  
10 that was around that area, sir. They were the only ones allowed  
11 at that area.

12 Q. So when you--when the three of you the second time, and  
13 the four of you, not sure who the fourth guy was the first time,  
14 after you dropped off the remains with the S2, in the S2 area,  
15 did anybody stay behind or did you all pretty much go back and  
16 leave the area.

17 A. We pretty much left the area, sir. I went back to the  
18 TAC as usual. Sergeant Major was going to check around--around  
19 the operations, I know Specialist (b)(6), (b)(7)(C) went back to the aide  
20 station where they needed help there also, to help finish up.

21 Q. So you walked pretty much with him in that direction?

22 A. Roger, sir.

23 Q. So you didn't leave him behind?

24 A. No, sir.

ACLU DDII ROI 34037



Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. And Sergeant Major wasn't left behind?

2 A. No, sir, not at all, sir.

3 Q. Is it possible they could have gone back while you went  
4 to one place and then you just lost track of them and then they  
5 came back.

6 A. It's a possibility, sir, but I don't know if they did  
7 or not, sir.

8 Q. But for the whole time that you went to the body bags,  
9 moved them, and then left, the three of you were pretty much  
10 together?

11 A. Yes, sir. After the fact, I don't know if they did go  
12 back to the scene.

13 Q. As far as you know, the bags were closed?

14 A. Yes, sir.

15 Q. Nobody unzipped the bags?

16 A. No, sir, not to my knowledge.

17 Q. Nobody exposed any photographs?

18 A. No, sir.

19 Q. What color were the bags?

20 A. They were black body bags, sir.

21 Q. Has anybody told you that they saw somebody taking  
22 pictures or that they saw the remains and that they were in a  
23 certain state and that they saw certain things on the remains or  
24 near the remains or wounds in a certain area?

ACLU DDII ROI 34038

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Negative, sir, not at all, sir.

2 Q. Has anybody told you that they heard that somebody else  
3 said, like rumor mill type of things, anything about the state  
4 of the remains or anybody exposing photographs?

5 A. Negative, sir, not at all, sir.

6 Q. Has Specialist (b)(6), (b)(7)(C) or the Sergeant Major expressed  
7 any concern to you about the state of the remains that were in  
8 the bags?

9 A. Not at all, sir.

10 Questions by Brigadier General (b)(6), (b)(7)(C)

11 Q. Do you know who Private (b)(6), (b)(7)(C) is?

12 A. Private (b)(6), (b)(7)(C) sir.

13 Q. Yeah.

14 A. Roger, sir. He is a medic also, sir.

15 Q. Yeah, was he involved at any step of the handling of  
16 the first set of the remains or the second set of three remains?  
17 Do you recall him being involved in that at all?

18 A. Not to my knowledge, sir. Not at all, sir.

19 (b)(6), (b)(7)(C) Is it possible he was the fourth person?

20 WIT: It could have been possible, sir, but at this time  
21 I'm not exactly sure.

22 Q. When you came up on the second set of remains, the  
23 second group of three remains, I know you've already told the  
24 Chief that the bags were closed. And it was you, Sergeant Major

ACLU DDII ROI 34039



Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and maybe one other, was there anybody  
2 standing around those remains, where they just laying there in  
3 the bag with no folks around?

4 A. For the second set, sir?

5 Q. Yeah, the second set.

6 A. Like I said, it was Rak 6 I know for sure, and three  
7 other persons that was already there.

8 Q. Right.

9 A. When myself, Sergeant Major (b)(6), (b)(7)(C) and Specialist  
10 (b)(6), (b)(7)(C) when we're walking up there.

11 Q. Okay.

12 A. And the IA had their personnel come up with the truck  
13 right behind us while we was walking, sir.

14 Q. Okay. But they were just standing around----

15 A. Roger, sir.

16 Q. They weren't interacting with the remains, they  
17 weren't----

18 A. Negative, sir.

19 Q. I got it.

20 (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) I thank you for your time.

21 WIT: No problem, sir.

22 (b)(6), (b)(7)(C) I am going to issue you an order here.

23 WIT: Okay, sir.

24 (b)(6), (b)(7)(C) This is an ongoing investigation

ACLU DDII ROI 34040

Interview of Sergeant (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 WIT: Okay, sir.

2 (b)(6), (b)(7)(C) So you will not discuss your testimony with anyone.

3 WIT: Roger, sir.

4 (b)(6), (b)(7)(C) If anyone attempts to talk to you about your testimony  
5 I want you to decline discussing your testimony and let me know.  
6 The way you let me know is through Major (b)(6), (b)(7)(C) the Battalion  
7 XO, notify him that someone tried to talk to you about this.

8 Do you understand that order?

9 WIT: Yes, sir.

10 The interview ended at 1207, 28 May 2006.

11

12 I certify that the above transcription is a true and accurate  
13 representation of the interview.

14

15

16

17

18 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34041



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Command Sergeant Major (b)(6), (b)(7)(C) was sworn at 1213, 28 May  
2 2006, and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) For the record, if you could please state your full  
7 name?

8 WIT: (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) And your duty position is Command Sergeant Major?

10 WIT: Sergeant Major, 3rd of the 320th Field Artillery,  
11 Command Sergeant Major.

12 (b)(6), (b)(7)(C) Do you want a Gatorade, Sergeant Major?

13 WIT: No, I am good, sir. I done had some out there, I  
14 just been out there running all morning, so I'm--it'll take a  
15 minute and I'll be all right.

16 (b)(6), (b)(7)(C) Sergeant Major, as you, I am sure can imagine----

17 [Lieutenant Colonel (b)(6), (b)(7)(C) hands the witness a Gatorade.]

18 WIT: Thanks, anyway, sir.

19 (b)(6), (b)(7)(C) We have been asked to conduct an investigation into  
20 the circumstances surrounding the death of a couple of Iraqis on  
21 Operation Iron Triangle, and that's what this series of  
22 questions is going to be about.

23 WIT: Check, sir.

24 (b)(6), (b)(7)(C) It's going to be about--and it goes without saying, I

ACLU DDII ROI 34042

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 know you know this, but I am going to say it anyway, and that  
2 is, it is going to be real important that we--when you are  
3 answering questions that you distinguish between what you saw  
4 with your eyes and heard with your ears and what you may have  
5 been told happened or been told that other people said. So it  
6 would be important to us to know the difference between the two.

7 WIT: Got that, sir. Hooah.

8 (b)(6), (b)(7)(C) Okay. Chief.

9 Questions by Special Agent (b)(6), (b)(7)(C)

10 Q. Sergeant Major, Chief (b)(6), (b)(7)(C) with the CID.

11 I was wondering if you could kind layout for us what  
12 you did during the operation, kind of big picture wise and then  
13 specifically, if you could tell us any interaction you had with  
14 handling the remains of deceased personnel.

15 A. Check, sir. Sir, on the morning of Iron Triangle, me  
16 and Major (b)(6), (b)(7)(C) flew in on Black Hawk. Once we landed,  
17 Bandit was clearing the area that we was going to set up the TAC  
18 at. Once they gave us the clear to move forward, we moved  
19 forward, set up the TAC. I climbed on top of the building and  
20 set up a couple of commos, the rover, the TAC line and right  
21 there (inaudible) the other person on the side of the TOC. They  
22 are on the TOC.

23 Probably I would guess to say, I would estimate  
24 probably about an hour or two into the mission the first chopper

ACLU DDII ROI 34043



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 landed and all, and they said that we had a dead Local National  
2 there. At that time I grabbed me, Specialist (b)(6), (b)(7)(C) and went out  
3 to the bird because they laid the Local National off to the  
4 side. We went out there and picked up the Local National, four  
5 man lift. We carried him over there where we were setting--were  
6 finished setting up the detainee site. Once there, we laid the  
7 individual down, unzipped the body of the individual. And,  
8 well, to come back, it was an older guy, from my observation  
9 then, I know he had been shot on the side and he had dentures  
10 because the dentures was hanging down. At that time Colonel  
11 (b)(6), (b)(7)(C) came over there with me. Colonel (b)(6), (b)(7)(C) when I unzipped  
12 the body looked at the Local National no more than he reached  
13 down and just kind of felt the head, just to make sure, I guess  
14 there wasn't no other wounds in the head or something. At that  
15 time, I want to say Major (b)(6), (b)(7)(C) was taking pictures of the  
16 deceased. My S2 at that time, which was PFC (b)(6), (b)(7)(C) had the  
17 fingerprint machine out there doing the fingerprinting with the  
18 machine. All that right there from me unzipping the body and  
19 zipping it back up and Colonel (b)(6), (b)(7)(C) looking at it was probably  
20 no more than about a minute or two.

21 After that I went back up to the TOC and I said,  
22 "Major (b)(6), (b)(7)(C) I said, "Hey, we need to make a decision if we  
23 are going to have bodies coming in, where are we going to  
24 separate the bodies if we start getting detainees." Because we

ACLU DDII ROI 34044

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 didn't have--we didn't have mortuary affairs there. So I asked  
2 the medics, "Hey, what do we do?" And there was an area off to  
3 the side that was kind of like a little, like a berm there that  
4 we was thinking about putting the detainees. So we made a  
5 conscious decision to separate them over there until we found  
6 out later what we was going to do with them. So, once again, me  
7 and a couple of guys, we walked over there. I would like to say  
8 it was me, (b)(6), (b)(7)(C) I can't remember who the fourth  
9 individual was, it was a four man lift. We laid the individuals  
10 down. My S2 finished doing what they had to do. So after that  
11 I went back to the TOC.

12 By that time, a couple of birds landed in. Colonel  
13 (b)(6), (b)(7)(C) was on site. They was sitting out there on the chopper.  
14 Not doing noth--not too much going on now because everybody at  
15 the locations had their own objectives. Then probably, like I  
16 said, I couldn't tell you the time, maybe forty-five minutes  
17 later, another----

18 (b)(6), (b)(7)(C) Four to five or forty-five?

19 WIT: Forty-five minutes later.

20 (b)(6), (b)(7)(C) Forty-five.

21 WIT: Another chopper came in and it had three bodies on  
22 it. When it came out I went out there. They had already laid  
23 them out when the bodies came because I didn't see because they  
24 landed a little farther down. So I walked out there because I

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 said it looked like we were going to have move these bodies, and  
2 this time since it was going to be farther to carry them I said,  
3 get the--we got the Local Nationals medics to come over there  
4 with the vehicle. When I got there, they had one bag already  
5 unzipped. And I think, once again, Colonel (b)(6), (b)(7)(C) walked down  
6 there. He was looking at the bodies. When I got down there it  
7 was a body, and I could tell you on my far left, he had a lot of  
8 blood on the outside, some of the Soldiers (inaudible) so I  
9 unzipped the body, pulled it back, and once again, Major (b)(6), (b)(7)(C)  
10 was taking pictures. From what I noticed at that time, with my  
11 eyes, that they had engineer tape over their eyes. It was, I  
12 don't know if it was colored red or if it was just red because  
13 of the blood. I didn't dig into that. At that time, on the  
14 same site when we got there, I think Colonel (b)(6), (b)(7)(C) at that  
15 time, he moved one of the engineer tapes up there, I guess, like  
16 probably to make sure there wasn't no injuries there or  
17 something down there and then he told Major, I think Major--I  
18 ain't sure, but I know mainly, I asked the Major, you know,  
19 "Hey, you already took pictures here?" because I want to zip the  
20 body bag back up because he had started to smell. And at that  
21 time I zipped the bodies back up, zipped all three bags back up,  
22 and at that time we told the IA, "Hey, we need to load these and  
23 move them over there with the other individuals." And after  
24 that I just walked away and I noticed they was loading them on

ACLU DDII ROI 34046

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 there and I believe (b)(6), (b)(7)(C) finished with that group getting the  
2 fingerprints.

3 I guess, I know I asked the question, "What we going  
4 to do with these bodies?" Because how long are these bodies  
5 going to stay out here before, because we don't have a mortuary  
6 team to put them in the freezer or nothing. Major (b)(6), (b)(7)(C) then  
7 got--gave (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) and his crew to take them  
8 down to Brassfield, I believe. And they took the bodies down to  
9 Brassfield-Mora. After that, I really didn't hear nothing else  
10 about it.

11 Now, this is the part where we are going to rumors.  
12 What I didn't see, rumors. I know the question was asked at one  
13 time when I was up there, and it's not rumor, I heard this, I  
14 just can't tell you who said it, "Hey, why are they  
15 blindfolded?" And then someone said, "Are their hands tied?" I  
16 didn't see their hands tied. I did not personally see that  
17 myself. The only thing I can personally see is that, hey, the  
18 did have the blindfold on.

19 So, I walked away, but once we made the decision to  
20 take them down to Brassfield-Mora and got them down there and  
21 (b)(6), (b)(7)(C) told me once he came back, that he said, "Sergeant  
22 Major, the guys was asking us a lot of questions." I said,  
23 "What do you mean?" I said, "The only thing you all was going  
24 to do was just take the bodies." "He asked me did we kill the

ACLU DDII ROI 34047



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 guys, did we kill them?" He said, "No, I was just told to bring  
2 them here." Stuff like that. And then, I think (b)(6), (b)(7)(C) asked  
3 me something about the blindfolds and I said, "Hey, don't worry  
4 about that." I said, "We have got another mission to go on."  
5 And after that, never heard anything, only other rumors, like I  
6 said, rumors, right now that I heard, somebody said that Colonel  
7 (b)(6), (b)(7)(C) stepped on an individuals head or something. I said,  
8 "That was a lie." I said because one thing I can say, I was  
9 there the whole time that Colonel (b)(6), (b)(7)(C) dealt with these  
10 individuals. And the only thing that Colonel (b)(6), (b)(7)(C) did when I  
11 unzipped that one, the blood all over the place, maybe I should  
12 have did it too because I touched it with my gloves and my  
13 gloves was kind of soaked and then I just took dirt. He just  
14 took his foot and moved the plastic bag off to the side. But  
15 not at one time did, as I was there, anybody pay disrespect to  
16 the--to the--to the Local Nationals, because, personally, I told  
17 my guys that, "Hey, you handle them just like they handle one of  
18 ours. There is no disrespect." And while I was there, there  
19 was no disrespect handled to the bodies even when we carried  
20 them and moved them over. And that was about the last that I  
21 really dealt with it. After that we went on with the mission.  
22 Questions by Brigadier General (b)(6), (b)(7)(C)

23 Q. Before the Chief asks you any more questions, Sergeant  
24 Major, I just want to set the--set the context.

ACLU DDII ROI 34048

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Okay.

2 Q. You were, yes or no, you were physically there from the  
3 time the three bodies were unzipped until they were reziped and  
4 put on the truck. Is that right?

5 A. I left right before they started loading them on the  
6 truck. And the only person that was left right there when they  
7 got loaded on the truck was the three Iraqi, I think it was  
8 their medics.

9 Q. Right.

10 A. When I left, (b)(6), (b)(7)(C) left with me, and I think (b)(6), (b)(7)(C) came  
11 up there, that is the S2. So, I didn't see after that, but I  
12 stayed there to the time--because we moved the bodies from right  
13 there over to the truck, because at first I thought we was going  
14 to have to carry them over there and they said, no, they brought  
15 a truck and they said they would handle it. So, we put them  
16 back down to let them handle it. And that was it.

17 Q. So, (b)(6), (b)(7)(C) did (b)(6), (b)(7)(C) do his fingerprinting?

18 A. That I can't say for sure, sir. If he did his  
19 fingerprinting right there, because like I said, once I ziped  
20 the bodies back up and moved there, I left and so I don't know  
21 if he did them there or did them once they moved onto the other  
22 site.

23 (b)(6), (b)(7)(C) Okay. Chief?

24

ACLU DDII ROI 34049



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Questions by Special Agent (b)(6), (b)(7)(C)

2 Q. Okay. If I could just back up a little bit and talk  
3 about the first set of remains that came in.

4 A. Hooah.

5 Q. You said that was an older male. You--when you walked  
6 up, the bag was zipped?

7 A. Yes, sir. I moved the bag once they took it off the  
8 bird. We had to carry it from the runway over there to where  
9 the detainees were. I unzipped the bag personally, myself. Had  
10 it been zipped--unzipped before then, I couldn't tell you, but  
11 as far as I know, it was zipped when I arrived and I unzipped  
12 it.

13 Q. And was anybody there when you arrived?

14 A. Yes, whoever the--the Chief that was flying the  
15 chopper; I can't tell you who else came in on that chopper.

16 Q. Other than the aviators, was anybody there?

17 (b)(6), (b)(7)(C) Anybody from your unit, your Brigade?

18 A. Not at--I don't think nobody was there ahead of us, we  
19 got there about the same time because I grabbed (b)(6), (b)(7)(C) and told  
20 him to come and go with me and then as I think--as I started  
21 walking, I think I told (b)(6), (b)(7)(C) to come on, so I can't remember  
22 the fourth guy that was out there. I really can't.

23 Q. So you grabbed (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) and a third person that  
24 you can't really remember.

ACLU DDII ROI 34050

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No, because I think when it came we knew bodies was  
2 coming and that third person, I can't remember if they was going  
3 on over there.

4 Q. You all arrived at pretty much the same time----

5 A. (b)(6), (b)(7)(C) was in the TOC with me and then when I walked by  
6 the aide station I told (b)(6), (b)(7)(C) to come on and come with me.

7 Q. So nobody arrived ahead?

8 A. No.

9 Q. All four of you arrived at the same time?

10 A. And the only person I can't tell you who actually took  
11 the body off the bird and set it down. I can't tell you who was  
12 that.

13 Q. But, as far as you know, among the four of you, you  
14 were the only one that unzipped the bag.

15 A. Check, sir.

16 Q. And you looked inside and saw an older man. He was  
17 shot?

18 A. Check, sir.

19 Q. Where was that?

20 A. On his side. He had a wound on his side and I observed  
21 that myself because I was looking to see where he was shot at.

22 Q. Did you observe if he had a blindfold or any zip ties?

23 A. As I recall, paying close attention to him, he had no  
24 blindfolds on, and I don't think he was zip tied. I am pretty

ACLU DDII ROI 34051



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 sure, I don't think he was zip tied.

2 Q. And at some time after that, Colonel (b)(6), (b)(7)(C) arrived?

3 A. Colonel (b)(6), (b)(7)(C) arrived almost at the same time that we  
4 laid the body down and I unzipped it.

5 Q. And he felt the head?

6 A. Sir, when Colonel (b)(6), (b)(7)(C) he came around to the front  
7 of the body. I was standing there. He looked inside, put his  
8 hand there, like you go up under it and that's--Major (b)(6), (b)(7)(C) he  
9 looked up, he said, "Hey, sir, you get the picture?" And then  
10 he just laid it back down and then I said--and then he said--I  
11 said, "Sir, anything else you need?" You know, He said, "No."  
12 He asked if you got the pictures, he said, "Check." And Colonel  
13 (b)(6), (b)(7)(C) walked off and (b)(6), (b)(7)(C) had to do the fingerprint thing of  
14 it. He had a little machine at the S2.

15 Q. So, he did it there or----

16 A. No, he did fingerprint there. (b)(6), (b)(7)(C) on the first body  
17 (b)(6), (b)(7)(C) did the fingerprint right there.

18 Q. He came to the body?

19 A. He came to the body.

20 Questions by Brigadier General (b)(6), (b)(7)(C)

21 Q. What was the Majors name that you said?

22 A. It's the Brigade S3, (b)(6), (b)(7)(C)

23 Questions by Special Agent (b)(6), (b)(7)(C)

24 Q. And then while (b)(6), (b)(7)(C) did the four of you stay there

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 while (b)(6), (b)(7)(C) fingerprinted?

2 A. Yes, sir. I stayed there.

3 Q. And then after (b)(6), (b)(7)(C) did the fingerprinting?

4 A. We zipped--I'm pretty sure he finished there because I  
5 told him, "Hey, we need to move the body from there." But--and  
6 I want to say I don't think he finished there because when we  
7 zipped the body to move it to that berm I told you (b)(6), (b)(7)(C) came  
8 over there to finish doing whatever the S2 had to do. And I  
9 know for sure, me, (b)(6), (b)(7)(C) carried that body, that four  
10 man litter over there and set it and I think (b)(6), (b)(7)(C) finished  
11 there. After that I just walked off.

12 Q. So before you moved it you zipped it back up?

13 A. I zipped it back up, sir.

14 Q. You walked it over?

15 A. Check, sir.

16 Q. And (b)(6), (b)(7)(C) whatever (b)(6), (b)(7)(C) did, you weren't there, the  
17 four of you all left?

18 A. Yes, the ones that carried, left (b)(6), (b)(7)(C) the S2,  
19 whatever, all the information he needed for them as far as  
20 fingerprinting and with the little machine, he handled that. I  
21 had now a hundred other things I needed to be doing.

22 Q. And then it was about forty-five minutes later a  
23 chopper brought in----

24 A. The other three bodies.

ACLU DDII ROI 34053



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. The other three bodies?

2 A. And I am estimating the time, because I wasn't keeping  
3 time.

4 Q. And when they showed up, somebody from the aircraft  
5 brought them off the chopper, set them on the deck and then how  
6 was it that you came upon that?

7 A. When they got there, when the choppers came, first I  
8 didn't know the choppers was putting the bodies down there. And  
9 then I think I asked Major (b)(6), (b)(7)(C) I said, "Is this chopper,  
10 they said they just brought another body." At that time there  
11 was a crowd down there, and it was probably down there was Major  
12 (b)(6), (b)(7)(C) Colonel (b)(6), (b)(7)(C) Major (b)(6), (b)(7)(C) and I can't remember the  
13 other staff officer. That's who was there when I got there.  
14 Then there was me, (b)(6), (b)(7)(C) came up there, because once  
15 again, I thought we was going to have to carry these bodies  
16 away. Only one body was unzipped by the time I got there and  
17 they had took pictures. That is why I went to the far body, the  
18 one I said had a lot of blood on the outside and I unzipped it.  
19 And I could tell this guy, either he was shot in the head,  
20 because it kind of just looked mushy, and engineer tape was red,  
21 so I figured it was red because of the blood. And then somebody  
22 then made the statement to me, "Hey, why is this guy  
23 blindfolded?" And I didn't say nothing.

24 Q. You saw engineer tape?

ACLU DDII ROI 34054

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Check, sir.

2 Q. Across the eyes?

3 A. Yes. That is the part that I seen. You know, sir,  
4 that is what I seen myself. And that time when Colonel (b)(6), (b)(7)(C)  
5 was looking at it, he moved, slid it, because it wasn't on tight  
6 to me, and that maybe because it looked like he had been shot  
7 head (inaudible) loose there. And what I didn't recognize at  
8 that time, because like I said, the bodies had kind of began to  
9 smell, so I can't tell you how long had they been dead. Had  
10 they been dead since we arrived out there and people running  
11 different objectives. And at that time, Major (b)(6), (b)(7)(C) was taking  
12 pictures, and I said, "Hey, sir, are you finished taking  
13 pictures?" After Colonel (b)(6), (b)(7)(C) just looked at the body, I  
14 zipped it up personally because the Soldiers didn't want to--I  
15 don't think they really wanted to touch it, because, like I  
16 said, it got my gloves all bloody.

17 Q. Now, when--you said when you got there one of them was  
18 unzipped already?

19 A. Check. That was the middle guy.

20 Q. They were taking pictures, you remember that?

21 A. Check, sir.

22 Q. What was the nature of the pictures, I mean, were  
23 people like, lying down and getting their face in the picture?

24 A. No. Sir, when I came there was nobody getting their

ACLU DDII ROI 34055



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 face in the pictures, the pictures that we would use for a story  
2 board or for evidence later. Like I said, for example, the body  
3 I zipped. If I may get up and show you?

4 (b)(6), (b)(7)(C) Yes, go ahead.

5 A. The bags facing the same way. I reached over, unzipped  
6 it, and, you know, how body bags open, and then Major (b)(6), (b)(7)(C) was  
7 in the front, like this, taking the pictures over the top there.  
8 And the only thing the Colonel did, (b)(6), (b)(7)(C) came, when he came  
9 over there to look at it, I moved out of the way. He kind of  
10 stepped over and I know he moved the engineer tape from the eyes  
11 there. Major (b)(6), (b)(7)(C) was right here and he said, "Hey, why"--He  
12 said, "I'm just trying to say why are these guys blindfolded?"  
13 And that was all that was said on that issue. And there was no  
14 pictures that I seen anybody taking for showboat or anything.  
15 Like I said, pictures was taken for evidence, just like we do  
16 when we go out on a site or anything. It was taken for  
17 evidence.

18 Questions by Brigadier General (b)(6), (b)(7)(C)

19 Q. Colonel (b)(6), (b)(7)(C) you said he reached down and moved that  
20 one--that one blindfold off the guy's eyes. Did he handle the  
21 remains in any other way with his hands, his feet, anything like  
22 that?

23 A. No, sir. The only thing, like I said, for the bodies  
24 when I walked up----

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Right.

2 A. The only thing that he did was move the blindfold.

3 Q. Right.

4 A. And looked at the bodies, I guess trying to see where  
5 they was shot at, and that was all.

6 Questions by Special Agent (b)(6), (b)(7)(C)

7 Q. And the one that he touched the blindfold was the one  
8 that you walked up and unzipped?

9 A. Yeah. Sir, I am pretty sure when I got up there all of  
10 them had blindfolds on them, because I looked over to my right  
11 and I could see this guy had on a blindfold but it was slid on  
12 down here by the time I got there. So, this could be just me  
13 guessing, all of them had blindfolds on. But the one I  
14 unzipped, the blindfold was still in tact over here. And once  
15 that was over with, the only thing I believe I left out was that  
16 I left there, I went back and told Major (b)(6), (b)(7)(C) I said, "Hey,  
17 sir," I said, "These bodies that came in," I said, "I am  
18 pretty sure we are going to hear something," I said, "These  
19 guys had blindfolds on them." I said, "Now, me, I don't know  
20 why, I didn't get into it." And from then on I didn't even  
21 worry about it no more, just to make sure that our guys handled  
22 the remains right. And the only thing I brought up once we got  
23 back here after we did an AAR, next time we do a mission like  
24 that, we need to get mortuary affairs in case the bodies have to

ACLU DDII ROI 34057



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 stay out there a lot longer. Then, hey, we don't have bodies  
2 out there deteriorating and start smelling to where it becomes a  
3 health problem. That is the only thing I brought up after we  
4 came back and did our AAR.

5 Q. Do you know who, one bag was already unzipped when you  
6 got there, Do you know who unzipped the one and do you know who  
7 unzipped the third?

8 A. There was a couple of us around, sir. I am going to  
9 say, sir, I unzipped two of them. I am pretty sure I unzipped  
10 two of them. I just didn't unzip the middle one because I think  
11 it was already done because I was looking coming up there. And  
12 like I said, if I didn't unzip the second one, I know I zipped  
13 it back up. In fact, I think I zipped all of them back up  
14 myself.

15 Q. Did anybody else make any statements out there while  
16 standing over the remains; did Colonel (b)(6), (b)(7)(C) make any  
17 statements?

18 A. I didn't hear Colonel (b)(6), (b)(7)(C) make no statements other  
19 than to ask him, Major (b)(6), (b)(7)(C) "Hey, you got the picture?"  
20 Because I asked him the same thing. And the only other person I  
21 know for a fact that made a statement was Major (b)(6), (b)(7)(C) I think,  
22 which is the Brigade S2, and he said, "Hey, sir, I am not trying  
23 to say nothing, but hey, but I wonder why these guys are  
24 blindfolded." And Colonel (b)(6), (b)(7)(C) didn't make a statement on

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 that right there.

2 Q. And were (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) with you the second time going  
3 out?

4 A. Yes, sir. They came out to the bodies because (b)(6), (b)(7)(C) was  
5 in the TOC with me and I grabbed him to come on out because I  
6 remember that (b)(6), (b)(7)(C) didn't unzip the bag, because even though  
7 he is a medic, (b)(6), (b)(7)(C) didn't--couldn't deal with the blood all  
8 over the thing. Like I said, it was on the outside of the bag  
9 because what I did was when I finished I grabbed some dirt and  
10 kind of just rubbed my gloves like that.

11 Q. And they were there--and the second time you went out  
12 for the three remains was there a fourth person that helped you  
13 or was it just (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)

14 A. No, (b)(6), (b)(7)(C) was already--or came up about the same time  
15 I did. The only person I grabbed that time was (b)(6), (b)(7)(C) because,  
16 like I said, there was enough people out there to get help to go  
17 on out there.

18 Q. So was (b)(6), (b)(7)(C) close enough to see what you were seeing  
19 when you went out there with him?

20 A. Sir, he should have been, because everybody was  
21 standing around. It was how much he paid attention to what I  
22 was doing, because while I was unzipping I really wasn't worried  
23 about what everybody was doing. I could just tell you who was  
24 beside me and who was in front of me taking pictures. That was

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 the only thing I could tell you fact wise. But everybody out  
2 there should have seen about the same thing.

3 Q. And you said that you didn't see any zip ties?

4 A. Sir, I didn't pay any attention to that because when I  
5 zipped them down, I didn't--the only time I heard something  
6 about zip ties, is I believe when Sergeant (b)(6), (b)(7)(C) came back and  
7 he said the doctor down there or somebody asked him--he said, I  
8 don't thing they was tied together, they was loose, but I guess  
9 they said they had been zip tied before or whatever. But I'd  
10 never seen that because I didn't examine the body.

11 Q. You didn't see them laying there with zip ties on them?

12 A. No, sir. And I can't say how their hands were.

13 Questions by Brigadier General (b)(6), (b)(7)(C)

14 Q. Could you say, Sergeant Major, definitely--tell me if  
15 you could say it's definitely or not, but were the bags open  
16 enough to where their wrists were exposed, or were they just  
17 brought down to chest level?

18 A. I'm going to say when I unzipped them, I think I  
19 unzipped them down, I can tell you, I did not, because like I  
20 said, I didn't notice the hands zip tied. I did notice that the  
21 guy's hands were kind of laid, like this, just down side, but I  
22 didn't notice the zip ties. I think I was focused more because  
23 these guys were blindfolded and that probably took me, I'm not

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 saying it was right or wrong, away from really paying attention,  
2 and I was just listening, "Why they got blindfolds?"

3 Questions by Special Agent (b)(6), (b)(7)(C)

4 Q. So one of them had the blindfold actually over the eyes  
5 and the other two had--

6 A. One of the two you could tell--the middle one was moved  
7 when I got there and the other one was moved down from--so  
8 that's why I say, I know--or I could almost say for a fact that  
9 all three of them came there probably blindfolded, because two  
10 of them I could say for a fact. Only one that wasn't--that had  
11 been slid down because they had the body already unzipped as I  
12 told you earlier, before I got there. And like I said, the only  
13 other thing I heard about the zip ties is when Sergeant (b)(6), (b)(7)(C)  
14 came back and he said the guy in the morgue was questioning him  
15 that why did they look like they had zip ties on their hands. I  
16 said, "Okay." But other than that----

17 Q. So, to clarify, you mentioned Colonel (b)(6), (b)(7)(C) used his  
18 boot to move the bag?

19 A. No, sir, just like, not his boot to move the bag, just  
20 like, I unzipped the bag, and I'm going to tell you just the way  
21 it was, the only time I seen it. When they unzipped the old  
22 man's bag, we were standing there and the--the bag was still  
23 kind of up around his head and he just took the boot and he just  
24 stepped the bag down there, but it wasn't close to his face or

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 doing any damage, there. It was just like, one, with the blood  
2 I probably would have did the same thing, that I wouldn't have  
3 blood on my hand. But when I heard that, I think, I don't know  
4 if I told the XO, I said, "Sir, that statement somebody made was  
5 false." I said, "I was there," and I said, "While I was there,"  
6 and I know I said, "While I was there. Nobody, not a Soldier,  
7 not a senior, anybody, did anything to disgrace those bodies or  
8 any crazy stuff." Because I wouldn't have allowed that to  
9 happen. Regardless. That's why I said I didn't have to be out  
10 there, but I was glad I was on the scene. And that's the only  
11 thing I can say maybe for that body, that's the only time I seen  
12 his foot up there, somebody wants to say that. I told him,  
13 that's (inaudible) he did not step on nobody's head. He didn't  
14 do any of this, I said.

15 Q. Were you there until the point where the bags were  
16 rezipped and taken away?

17 A. You're talking about the three bodies?

18 Q. The three bodies?

19 A. Yes. I zipped, like I said before, I zipped them back  
20 up and me and (b)(6), (b)(7)(C) we thought we was going to have to carry  
21 them over there like we did, but the three IA guys, which I  
22 believe was their medics, said they would handle it. Then once  
23 I zipped them back up, cleaned my hands off, I went back to the  
24 TOC and I told Major (b)(6), (b)(7)(C) "Hey, sir, we are probably going

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 to hear about this." I said, "Because," I said, "Those guys had  
2 some blindfolds on and I don't know the circumstances why." And  
3 after that, that was just the first day into the mission. I had  
4 other things after that, I went out into the desert.

5 (b)(6), (b)(7)(C) Sir.

6 Questions by Brigadier General (b)(6), (b)(7)(C)

7 Q. Sergeant Major, just for some clarification.

8 A. Okay, sir.

9 Q. Did the I know you already talked about what you heard  
10 Colonel (b)(6), (b)(7)(C) say, but did you--there is an allegation that he  
11 said something to the effect of, "I guess we will have to say  
12 these guys tried to escape." Did you ever hear him say anything  
13 like that?

14 A. No, sir.

15 Q. Or anything else----

16 A. No, sir, because, I didn't stay around when the  
17 officers, when they had their own little meetings.

18 Q. Right.

19 A. So, I wasn't around there, and then I said, on the  
20 third bodies, I walked up when the whole little group was  
21 already there.

22 Q. Right.

23 A. Which was Colonel (b)(6), (b)(7)(C) Major (b)(6), (b)(7)(C) Major (b)(6), (b)(7)(C)  
24 and a couple of other personnel that was out there, probably

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 more of his staff that arrived on the C2 bird with him.

2 Q. Right.

3 A. And I can't tell you all--all the names that was there.

4 Q. Right.

5 A. But, me personally, did I hear that, no, sir.

6 Q. Okay. Did--so for the second set of three bodies, you  
7 come walking up, Colonel (b)(6), (b)(7)(C) and his entourage are already  
8 there?

9 A. Check, sir.

10 Q. You walked up with (b)(6), (b)(7)(C) and one other----

11 A. Well, on the third body, it was just me, (b)(6), (b)(7)(C) and  
12 (b)(6), (b)(7)(C) that walked up together.

13 Q. Was (b)(6), (b)(7)(C) with you? Or was (b)(6), (b)(7)(C) up at that set of  
14 three bodies at any time? Do you----

15 A. Sir, he could have been, because they was working with  
16 the IA medics. He could have been at that time, like I said, I  
17 wasn't really paying attention to everybody that was there  
18 because I didn't want it to seem like it was a funfest,  
19 everybody taking pictures.

20 Q. Yeah, sure.

21 A. Even after the pictures was taken, we made sure that  
22 hey, none of the Soldiers really had pictures, just the  
23 personnel was taking pictures that needed to take pictures.

24 Q. Right.

ACLU DDII ROI 34064

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. And like I said, the only two--the only person that I  
2 remember taking pictures, I'm pretty sure our S2 took them and  
3 Major (b)(6), (b)(7)(C) Brigade S3, they are the only ones I seen taking  
4 pictures.

5 Q. Right. Did (b)(6), (b)(7)(C) take pictures or he just took  
6 fingerprints?

7 A. Fingerprints I know for sure. And, sir, you have to  
8 ask him on that.

9 Q. Okay.

10 A. You know, S2, I'm pretty sure somebody took them, but  
11 for sure, fingerprints.

12 Q. Right. And then when you left the set of three bodies,  
13 Colonel (b)(6), (b)(7)(C) and his staff were still in the area or had they  
14 departed before you did?

15 A. They departed a little bit before me and they went down  
16 there and they talked. The next time I seen Colonel (b)(6), (b)(7)(C)  
17 because he went into the TOC, and he was sent down, I guess,  
18 going to come back to brief the General. And I guess writing  
19 whatever notes that he was going to write the General and  
20 whatever else he was going to take back. So that was about the  
21 last time then, because we gave him some evidence and I think  
22 some money was turned over to him to take back. After that I  
23 really never seen Colonel (b)(6), (b)(7)(C) the only thing I seen was  
24 (inaudible) during that exercise.

ACLU DDII ROI 34065



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. You all went in on the morning of the 9th?

2 A. Yes, sir, I think it was the morning of the 9th. We  
3 rolled out of here right before dawn and----

4 Q. Now, did you fly in or----

5 A. I flew in, sir.

6 Q. You flew in.

7 A. Yes, sir. On my bird, I know, me, Major (b)(6), (b)(7)(C)  
8 mostly my S3 personnel.

9 Q. Right.

10 A. And some of the IA S3 personnel flew in on that bird.

11 Q. And then, what day do you recall coming out of the  
12 objective area, was it the 10th or the 11th?

13 A. The 11th. I think we came out on the 11th. I flew out  
14 a little bit--the morning, earlier than anybody else because I  
15 went up--flew up to Balad because I had one of my Soldiers on  
16 the PSD team that got his citizenship. So I went up there with  
17 him for the ceremony. And then, I think that was on a Thursday  
18 morning we flew out. And they were going to refuel so we hopped  
19 a ride up there. So when everybody else deployed back here I  
20 wasn't here, I was still up in Balad and my PSD team came and  
21 picked me up Friday morning at Balad.

22 Q. I see.

23 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

24 Q. For this particular operation, were there any changes

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 to the ROE?

2 A. Not that I know of, and--because if there was, it  
3 wasn't briefed to me. If there was any changes to the ROE,  
4 because I figure that all rules of engagement for MNF-I, and  
5 what we have are still in effect, the same as anywhere else.  
6 And if they did change it, it wasn't briefed down to me, because  
7 I know the night before I was busy out on the runway doing  
8 slingload ops, because we took a lot of FOB rats out there and  
9 guys didn't know how to rig them. - So, me First Sergeant  
10 (b)(6), (b)(7)(C) and First Sergeant (b)(6), (b)(7)(C) were playing Pathfinder.  
11 So, if they changed it, I didn't read it. I didn't think there  
12 should have been any changes to the ROE without me being briefed  
13 into it. Because I figure our ROE was still in effect, so if  
14 there was, it didn't get down to me.

15 Q. Are there any unit SOPs on the zip tying and  
16 blindfolding of detainees?

17 A. I'm going to say it's not, sir, and I think probably  
18 all over the country there's probably not there, because, you  
19 know, you go out and you detain somebody from doing something,  
20 you know, the biggest thing, I guess we go with the rules of  
21 engagement and still treat them with dignity and respect because  
22 at first, we don't know if, hey, is this a bad guy or a good  
23 guy. There is a difference if I see a guy planting an IED and I  
24 got positive identification or somebody is shooting at me and I

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 am returning fire. I just know that, and I don't think I don't  
2 even know if I told you, I think I was on the bird, no, we had  
3 gotten off the bird, waiting for Bravo to call us up and I knew  
4 there had been some shooting going on because I heard, I guess  
5 Choppin, 3/187, had there, and I think, I heard, heavy shooting,  
6 dah dah dah, and after that I just know the bodies started  
7 coming in and I was running other ops.

8 Q. Have you heard any feedback on the quality of the zip  
9 ties? We have got some testimony about good ties, bad ties?  
10 (b)(6), (b)(7)(C) Real skinny ones that break easy, thick ones that  
11 don't break so----

12 A. Sir, I'm going to tell you to do it yourself. I think  
13 that even if you put the skinny ones on you, unless you're a  
14 pretty strong individual, and I haven't tested it myself, but I  
15 probably will. I know the thick ones, but unless you are pretty  
16 strong yourself, and this is just my assumption, nobody else, it  
17 will still take a little bit of strength to pull those away. I  
18 don't care. That's taking a lot of power, just to take it, even  
19 the skinny ones, because they do have a tested strength for them  
20 to.

21 Now, my guys, personally, since we've been here, I've  
22 never heard of problems with whatever they zip tie the detainees  
23 with ever breaking or getting away when we brought a guy back.  
24 You know, I had a guy zip tied, out there, we went to an

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Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 objective, and I brought him back to the FOB, I had him in the  
2 back seat, with (b)(6), (b)(7)(C) with me again, in the back seat. And not  
3 one time did I feel in danger of him breaking that zip tie. I  
4 just didn't at no time feel threatened. So, I can't say if  
5 there was a problem because we had three different detainees  
6 sets up out there and at night, night and during the day on the  
7 days we had them, I heard nobody not breaking them. So, I  
8 really can't say. Me, personally, nobody ever came to me and  
9 said there was a problem with the zip ties and we need to get a  
10 better quality of zip ties.

11 Q. Is it normal to zip tie in the front, back or is it  
12 just all situational?

13 A. I would say, I don't think it's there. A lot of them I  
14 have seen, our guys we zip tie in the front. One reason we zip  
15 tie in the front, because when they get in the detainee area,  
16 and it's hot and they got no air, he can still drink water. You  
17 aint got to untie him. He can still do the basic things he  
18 needs to do. And I can give him that bottle of water. If it's  
19 like this, I aint got no choice but to cut the zip ties or give  
20 him water myself, but I like to give him a bottle of water.  
21 It's probably not a written rule, but we make sure that we don't  
22 get caught up in detainee abuse because of past OIFs and stuff.

23 Q. Sure.

24 A. So, we will leave that bottle of water with them so at

ACLU DDII ROI 34069



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 any time they are there they can reach and grab that bottle of  
2 water when they feel they need a drink. So, other than that--  
3 and that is one thing out there, I'd say I kept my eye on is the  
4 detainees that--again, I can tell you with pride, that since  
5 we've been here, even though (inaudible) we haven't had no  
6 detainee allegations. I did not hear, like I said, to answer  
7 your question, if the rules of engagement changed, it didn't  
8 filter down to me and I didn't brief any of my guys that, "Hey,  
9 for this exercise rules of engagement--I thought for this  
10 exercise and all exercises the rules of engagement are still the  
11 same. And that is how I treat them.

12 Questions by Special Agent (b)(6), (b)(7)(C)

13 Q. What kind of Soldier is Sergeant (b)(6), (b)(7)(C)

14 A. (b)(6), (b)(7)(C) is a pretty good--quiet. I mean, he is one of the  
15 guys if you tell him to do something he is going to do it and  
16 really isn't going to question you too much about not doing it.  
17 If I go over there right now and get on the telephone and say  
18 (b)(6), (b)(7)(C) I need you in my office in two minutes, need you to go do  
19 this, check, he'll go do it. He's quiet. He never gives us no  
20 trouble. One of the few that's never been busted. Married, got  
21 three kids, so, not loud, quiet, I mean, you tell him to move  
22 that chair, he'll move that chair.

23 Q. Would you describe him as loyal?

24 A. Yes, I would say so.

ACLU DDII ROI 34070

Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Honest?

2 A. Yes, I have no reason why he should lie. Like I said  
3 before, I don't see no reason he would lie about anything. And  
4 like I said, me, because maybe I'm the CSM, I've been in this  
5 Division, I kind of, no matter what exercise we go on and I'm  
6 around, I kind of get in this vibe where you have to pay  
7 attention to the little things because that's what will keep you  
8 alive out there in town. So I am probably more observant,  
9 because mostly he is in the TOC. He is not out there all the  
10 time. I think this may be one of the first exercises that he  
11 was really out--really out of the wire because he works in the  
12 TOC, other than maybe a couple of trips to Speicher or  
13 something.

14 (b)(6), (b)(7)(C) Sergeant Major, thank you very much. I appreciate it.

15 WIT: Hooah.

16 (b)(6), (b)(7)(C) I have to issue you an order, Sergeant Major.

17 WIT: Okay, sir.

18 (b)(6), (b)(7)(C) Since this is an ongoing investigation you cannot  
19 discuss your testimony with anyone.

20 WIT: Hooah.

21 (b)(6), (b)(7)(C) If anyone attempts to talk to you about your testimony  
22 I want you to decline to discuss it and then let me know. If  
23 you would let me know through Major (b)(6), (b)(7)(C) the XO, or you can  
24 contact me directly.

ACLU DDII ROI 34071



Interview of Command Sergeant Major (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Do you understand the order?

2 WIT: Too easy, sir, hooah, I got it.

3 The interview ended at 1251, 28 May 2006.

4

5 I certify that the above transcription is a true and accurate  
6 representation of the interview.

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11 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34072

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Lieutenant Colonel (b)(6), (b)(7)(C) was sworn at 1350, 28 May 2006,  
2 and was interviewed as follows:

3           Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4                                   Lieutenant Colonel (b)(6), (b)(7)(C)  
5                                   Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) Of course, we are recording, so if you could for the  
7 record, please state your full name?

8           WIT: (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) And your duty position?

10           WIT: I am the Battalion Commander for the 3rd of the 320th  
11 Field Artillery.

12 (b)(6), (b)(7)(C) Thank you.

13 (b)(6), (b)(7)(C) As you are aware, I'm sure, this is for the record,  
14 the investigation that we are charged with regards the death of  
15 several Iraqis during Operation Iron Triangle. That is the  
16 series of questions we are going to ask you about.

17           We've got a series of statements from Soldiers  
18 involved and a lot of the questions we are going to be asking  
19 you are derived from what those Soldiers said.

20           Chief; we will start with Chief, do you have anything  
21 that you want to focus on?

22 Questions by Special Agent (b)(6), (b)(7)(C)

23           Q. Allegedly during the operation there was a statement  
24 made regarding Choppin 6 that you made to him over the radio.

ACLU DDII ROI 34073



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Does that ring a bell at all?

2 A. I do. I had several conversations with Choppin 6.

3 Q. The allegation was something to the effect of if there  
4 were any more dead bodies or dead dogs that you would have his  
5 balls.

6 A. I do not recall having that conversation; I don't think  
7 that is something I would have said over the radio.

8 Questions by Brigadier General (b)(6), (b)(7)(C)

9 Q. Here is the quote from the statement. I'm not going to  
10 attribute it, "When I was listening to the radio right after  
11 they dropped off the second batch of bodies I heard our  
12 Battalion Commander on the radio telling Choppin 6 that if he  
13 heard any more about people and dogs being shot he would have  
14 his balls."

15 A. No, sir, I did not make that statement.

16 Q. Okay.

17 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

18 Q. Were there any issues with reports coming in of people  
19 or dogs being shot?

20 A. There were no reports of any dogs being shot that I am  
21 aware of. Coms were poor throughout. The first two hours of  
22 the operation I was in the A2C2 bird. They had sporadic coms.  
23 We moved the ROZ down so I could try to get better coms, didn't  
24 have good coms there. Went to ground, immediately went into my

ACLU DDII ROI 34074

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 vector, linked up with units on the ground at the objectives.  
2 Checked the ones that were on the (inaudible) and I started my  
3 battlefield circulation. Coms were poor. We had tried to  
4 anticipate that with, obviously, all the TACs set. We had 201  
5 Bravo, the 254 portable systems. We had those throughout the  
6 entire AO. I am sure you are familiar with the area that it  
7 covered. We had trans out, but coms were poor at times, but we  
8 had a pretty good handle on as they would make contact with  
9 reports, and if I couldn't get a report from them I went to  
10 them.

11 Q. I think you know this already, I will just say it for  
12 the record, so it is part of the record. Your Battalion has  
13 done a fantastic job of supporting us logistically and also in  
14 extending every courtesy; in particular, Major (b)(6), (b)(7)(C) has  
15 assisted us greatly by sharing his in-progress 15-6 and giving  
16 us copies of all his materials.

17 Have you had a chance to review his 15-6 as it built?  
18 Did you have a chance to----

19 A. I reviewed part of it. He has talked to me about it.  
20 He was the investigating officer, so he did most of his  
21 consultation with the judge. But we did talk about some of the  
22 instances because I ordered a commanders inquiry after the  
23 initial report that we had three members, three AIF members  
24 killed and they appeared to have, you know, their hands cuffed

ACLU DDII ROI 34075



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 and so forth. So, I directed that, and when I briefed Rak 6, he  
2 directed the 15-6 to be done. So, I am familiar with parts of  
3 it, but he has not gone over everything with me. And, I told  
4 the entire Battalion that we were here to hide nothing, and full  
5 cooperation. I also told them that I am not giving undue  
6 command influence, state the facts, you know, answer your  
7 questions and cooperate. So that is good to hear that you are  
8 getting that cooperation.

9 Q. Is--can you explain how the information came to you  
10 that prompted you to do the commanders inquiry?

11 A. I sure can. I had landed after they had completed that  
12 operation. I went and got my vehicles and was moving to the  
13 next objective, while I was enroute there I got a report from  
14 the TOC; Major (b)(6), (b)(7)(C) the Battle Captain, I am not sure which  
15 one it was, that they had had three casualties on the objective  
16 and they were AIF. So, I linked up, because they had already  
17 moved from one position to another position, and linked up with  
18 the Commander, talked to the Commander and First Sergeant and  
19 that is when they informed me that, you know, the Soldiers were  
20 attacked that were guarding the three individuals. There was a  
21 knife, they didn't find a knife during their search procedures,  
22 and that one of the Soldiers was cut up. And that is when I  
23 initiated the commanders inquiry. I told Choppin 6, face to  
24 face at that time, we will do a commanders inquiry on this to

ACLU DDII ROI 34076

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 make sure we got all the facts and it's a record. Then as soon  
2 as I saw Rak 6 I gave him an update. He had already went back  
3 to the TOC area, or was enroute back to the TOC at that time,  
4 when I came back to the TOC, the CP gave him an update and he  
5 said, "Let's do a 15-6 on this."

6 Questions by Brigadier General (b)(6), (b)(7)(C)

7 Q. What day, do you recall what day it was that he  
8 directed the 15-6?

9 A. Sir, I want to say it was the first day. And, it was  
10 afternoon timeframe. I will also tell you that the days kind of  
11 muddle together, just to be up front about that, but I'm pretty  
12 sure it was day one because it occurred on day one.

13 Q. Right.

14 A. He came out for a short period on day two, but really  
15 just came out to get an update from me. He was supposed to be  
16 there for some of our searches in our--phase three of the  
17 operation. He didn't stay around because he got called to, I  
18 think, actually, it was General (b)(6), (b)(7)(C) or somebody was  
19 coming to Samarra for a brief, so he got--he asked for a by on  
20 that brief and didn't get the by, so he had to go back to the  
21 brief. As a matter of fact, he took one of my aircraft, so I  
22 couldn't move around the Soldiers.

23 Q This is really, not completely within the scope of the  
24 investigation, but it is to some extent. The way Charlie 3/187

ACLU DDII ROI 34077



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 moved around the battlefield, they went in on a couple of helos,  
2 they hit an objective, house or two, then they would extract and  
3 then move to another objective and hit another house or two,  
4 that was part of the deliberate plan or were you flexing to on-  
5 call objectives?

6 A. We had initial objectives, and we had some last minute  
7 intel.

8 Q. Right.

9 A. And we changed all of the company's objectives,  
10 company's/battery's objectives.

11 Q. Right.

12 A. We still had Choppin going to the island, and then we  
13 got some intel that there was a large group of males just south  
14 of our AO, we made the initial coordination with the Marines,  
15 got authorization to go across the boundary, and actually, they  
16 had given us a buffer, "Hey, if you go below the," sir, I don't  
17 want to lie to you, I think it was the 3/8. I don't even  
18 remember the exact grid. Then call for further coordination.

19 Q. Right.

20 A. So, we followed on to that objective. I reached  
21 within--I linked up with him on that objective when he had air  
22 assaulted in. They took fire when they air assaulted into that  
23 objective, the second one, we called it the objective AIF gas  
24 station, or objective gas station.

ACLU DDII ROI 34078

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Right.

2 A. Because it was--what it was is a--I don't know if you  
3 are familiar with--they explained it was a gas station complex  
4 just off the Muthanna chemical complex.

5 Q. Right, just to the south at the road intersection?

6 A. Yes, sir. And two large housing areas, one there and  
7 then one about two kilometers, two and a half kilometers to the  
8 south of it. And when they air assaulted in there right by the  
9 gas station they took fire as they air assaulted in.

10 Q. And what I read on the report was they had four enemy  
11 WIAs that they took out of there?

12 A. Yes, sir. They had four vehicles that fled the scene  
13 and attempted to avoid the blocking position. They had a  
14 mounted blocking position posted after the air assault. They--  
15 when the assault force went into the objective area, they were  
16 X-filled out of the objective area. There was only one way in  
17 and one way out. And there were--there were four or five  
18 vehicles, two of the vehicles tried to split. One of them was  
19 a--one went left, one went right, and one was engaged early,  
20 stopped. I believe there was no casualties, or maybe a graze of  
21 the arm, if I recall correctly. And the other vehicle was  
22 struck, there was casualties, one KIA resulted. The airmen  
23 evac'd him out but he died. The second one was, I think, WIA.

ACLU DDII ROI 34079



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. The boat, excuse me, the boat that got engaged on the  
2 island, early on by aerial weapons team, did anybody ever  
3 recover those remains?

4 A. No, sir. And I am not sure that--the report I got that  
5 there was an engagement that men were fleeing into a boat.

6 Q. Right.

7 A. And they got into the boat, but the report I got from  
8 Rak 6 and Choppin 6 is they were, that the casualties were  
9 actually on the shore line, or in the water on the very edge.  
10 They tried to recover them, they had an air weapons team  
11 watching them, but they were not recovered.

12 Q. Okay. Let me ask you about the preparation for the  
13 mission, and we've got your Op Orders, Major (b)(6), (b)(7)(C) has  
14 already given us your Op Orders and your timeline. And, I  
15 understand that having looked through your Op Order, I didn't  
16 see a written set of ROE, which is not unusual because it is  
17 standard ROE, was there a point in which ROE was briefed to  
18 either the leadership or the Soldiers?

19 A. We talked about ROE on, I think, two different  
20 occasions. In one we had Brigade Judge cover ROE and clarified,  
21 you know, what is a--what is determined to be AIF. You know,  
22 there is a difference between known AIF and actions that you can  
23 take. He clarified that. That was done in the planning phase,  
24 I think the back briefs that I had with Rak 6 up at the Brigade

ACLU DDII ROI 34080

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Headquarters, and that would have been myself, Major (b)(6), (b)(7)(C)  
2 and I believe that was it. I don't recall anybody else. I  
3 think the S2 was there but he wasn't there for the back brief.  
4 He was actually working with the Brigade S2. And then during  
5 the rehearsal we covered the ROE and talked about the  
6 objectives.

7 Q. And our understanding is during the rehearsal you had  
8 down to PL present?

9 A. Yes, sir.

10 Q. Can you give me some details on what was talked about  
11 in your rehearsal in terms of ROE?

12 A. Just the fact that we didn't have--these sites were not  
13 declared hostile yet. We were working targeting packets. We  
14 were gaining intelligence. We had all the indicators, you know,  
15 the reason for the mission that they were there. We suspected  
16 these were AIF. What Rak 6 was most concerned about, and I had  
17 said the same thing too, I think I covered it too, is speed, so  
18 we have security team coming off the aircraft and then be  
19 prepared to receive fire when you come off the aircraft, and in  
20 two of the objective areas we had received small arms fire  
21 coming off the aircraft.

22 Q. What were those two?

23 A. The one on the island, and then the gas station.

ACLU DDII ROI 34081



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Right. Was there any discussion of a change to the ROE  
2 that would allow anyone, any males on the island to be engaged  
3 without demonstrating hostile intent?

4 A. No, sir.

5 Q. So there was no new ROE?

6 A. No new ROE. I mean, we covered that the areas were  
7 suspected.

8 Q. Right.

9 A. They were not--I mean, I specifically covered in my  
10 portion that they were not declared hostile yet. We had not got  
11 that, they were working targeting packets and so forth and we  
12 would do that at the update if there any changes to it.

13 Q. And at the update were there any change?

14 A. No, sir, there was not, we were briefed that the SECDEF  
15 had denied the kinetic strike.

16 Q. Right.

17 A. So we didn't have that, so all we had was that we--we  
18 had a preponderance of intel that said these were bad guys, be  
19 prepared to come off the aircraft and get in firefight.

20 Q. Right. Did--at the update, was Charlie Company  
21 Commander, Charlie 3/187 Commander present?

22 A. Yes, sir. All company commanders were, some of the  
23 pilots were, the XO was there, I was there, A3. There was--I  
24 don't recall everyone.

ACLU DDII ROI 34082

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Who is your 3, is he on the ML?

2 A. He was on the ML, yes, sir. So the A3, we had quite an  
3 austere Battalion TOC.

4 Q. Okay. We have got some statements that say--by  
5 Soldiers that say that there were new ROE which stated that  
6 everyone on the island, every male on the island could be  
7 killed. You are saying that never came out through your chain  
8 of command?

9 A. No, sir. I never heard anybody talk about that. We  
10 spent a lot of time talking about the targeting packets and we  
11 were trying to achieve that based on the intel we had, but we  
12 had not got it and that was confirmed that morning. I covered  
13 it on the radio too, so I mean, there is a--this is 101st, that  
14 would have been the best option for us if they had been declared  
15 hostile.

16 Q. Right, sure.

17 A. But they were not, so it was all in accordance with the  
18 ROE, if you receive fire, you still had to PID targets.

19 Q. Right. When, if the 9th was day one, 0500 on the 9th  
20 was H hour, when did the combined arms rehearsal occur?

21 A. The day before, sir.

22 Q. On the 8th?

23 A. On the 8th at, I want to say 1000 hours. It may have  
24 gotten bumped to 1300 hours, but I think it was 1000 hours.

**ACLU DDII ROI 34083**



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. And the update occurred when?

2 A. That morning at 0330 or 04.

3 Q. That was the 09 at 0330?

4 A. Yes, sir. Okay. I believe it was at 04 now that I  
5 think about it, sir.

6 Q. Did you have Charlie 3/187 up here? Did they stage up  
7 here?

8 A. Yes, sir. We staged actually a little over 24 hours  
9 ahead of time so I could get the IA here, do rehearsals here, do  
10 orders, last minute prep. Since we slung in some stuff----

11 Q. Right.

12 A. We had to get, you know, some vehicles ready and strip  
13 them down.

14 Q. Right.

15 A. It was quite a--quite a logistical operation.

16 Q. And then for--so you started the Op up in the C2 bird  
17 and landed where to link up with your vehicle?

18 A. At the TAC, once the TAC was established.

19 Q. Okay. So you went to the TAC?

20 A. Yes, sir.

21 Q. And then you drove down to the gas station?

22 A. Yes, sir. I stopped by, we had a report of a VBID at  
23 Angels objective, I believe it was objective Angel. We had a  
24 report of a VBID and we had fourteen military age males that

ACLU DDII ROI 34084

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 were at that site and it was a water treatment plant that  
2 consisted of three pumping stations. No houses or anything  
3 else, they were living in the cracks. So I stopped by there,  
4 validated that the one target was not a VBID and then went on.

5 Q. Okay. Can you show me where your TAC was?

6 A. The TAC was in--as you came in the main road. There  
7 was a complex right here, it was in the center.

8 Q. Okay.

9 A. It was, actually, AO Bandit was the objective area.  
10 There was a templated from the intel, a templated AIF meeting  
11 area, so we went into that objective first, started our searches  
12 of the Muthanna complex.

13 Q. Right. And then you moved down to, this being the gas  
14 station down here?

15 A. Yes, sir. And initially I went to the report of the  
16 possible VBID at the water treatment facility. It was part of  
17 Angels objective area. Brought in EOD, validated it wasn't a  
18 VBID, although day two, during a detailed search, we checked the  
19 wrong vehicle, they found another vehicle that was being prepped  
20 for a VBID. But, it didn't have any--it had one round close  
21 proximity to (inaudible) coming out of the gas station, but we  
22 missed that. Moved from there, once we cleared that site I went  
23 down and linked up with Choppin 6.

ACLU DDII ROI 34085



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Okay. And how did he get from the island down here?  
2 He air assaulted in?

3 A. He air assaulted in, he had his ground movement, ground  
4 elements as part of the GAC, they came in. The GAC reinforced  
5 after they air assaulted in, they were just passed the blocking  
6 position, I believe by 2/9, ready for the air assault. Once the  
7 air assault went in, they came in and established the outer  
8 cordon, so to speak, to the security objective. Actually, they  
9 blocked here and blocked here, with the two vehicles, and one  
10 here.

11 Q. And I'm not trying to be critical, I am just trying to  
12 make sure I understand. This shows four enemy WIA, you are  
13 saying there was actually a KIA, one of these turned into a KIA?

14 A. Yes, sir.

15 Q. Died of wounds and turned into a KIA? And then this  
16 was the boat incident here?

17 A. I got that report the next day from when they air  
18 medevac'd him out that one of them had died, so probably at the  
19 time that was done.

20 Q. Yeah, this is true at the time, but it changed later.

21 A. Yes, sir.

22 Q. Okay. I am just trying to set context so we understand  
23 how it worked.

24 A. Okay. I understand.

ACLU DDII ROI 34086

Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

- 1 Q. Distance from Remagen to here, roughly, 60Ks?
- 2 A. Yes, sir. At least, I think the actual distance was  
3 like 75.
- 4 Q. 75Ks?
- 5 A. Yes, approximately, greater than 60, less than--less  
6 than 90.
- 7 Q. Right.
- 8 A. That is not a very good window, sir, but I think it was  
9 75.
- 10 Q. How often do you work with--cross attached with Charlie  
11 3/187 or any of the other 3/187?
- 12 A. That was the first time.
- 13 Q. First time.
- 14 A. I have Angel Company here, has been part of my task  
15 organization since we arrived in Tikrit, so I am used to  
16 operating with Angels, Alpha Company, no issues.
- 17 Q. Yeah.
- 18 A. The first time I'd worked with a 2/9 company. We had  
19 provided companies throughout the Brigade to keep a footprint in  
20 everyone's AO. It is pretty common practice that when we do  
21 operations we will take one company out so it doesn't appear to  
22 be abandoning an AO, and move them around.
- 23 Q. Right.

ACLU DDII ROI 34087



Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. In this case the task organization required more  
2 infantry so I got another infantry company and the ARS was  
3 really what I needed for the outer cordon for the blocking  
4 positions and then my Battery, which is not quite as--it's one  
5 platoon short of what an infantry company would be, just not the  
6 manpower with it.

7 Q. We all--we all know that--I think we all know that  
8 Soldiers are going to talk about things that they know about and  
9 things that they don't know about.

10 A. Yes, sir.

11 Q. Can you sum up for me what you have heard running  
12 around the Battalion with regard to this incident?

13 A. Yeah, there is a--with Rak 6, there is--there is  
14 always--there is always talk, just because of his background.  
15 You know, and that is part of his persona that he does when he  
16 leads Soldiers, he is all about pumping them up, being the mean  
17 guy, walking around and doing those kinds of things. After we  
18 came out of the mission I didn't hear anything initially about  
19 anything except from the medics. And (b)(6), (b)(7)(C) I believe it  
20 was, said, "Hey, I've had one of my medics say that Rak 6 was  
21 stepping on one of the KIAs heads." I said, "Now, (b)(6), (b)(7)(C) I  
22 appreciate your telling me that, did you see it? Is this  
23 factual? You know, what is going on here?" He goes, "No, I am  
24 just letting you know what is happening." So I talked to the

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Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Sergeant Major about it. The Sergeant Major was on the--on the  
2 scene there at the TAC. I told him to get with the medics and  
3 stop the rumor control because it happens every time we do a  
4 mission.

5 Q. Sure.

6 A. As you know. Try to contain it. That was really the  
7 only thing I heard, and I was actually at that point, with us  
8 doing the 15-6 and looking at the evidence packets, everything  
9 that I was involved in at that process, I was pretty confident  
10 that we did not have any situation that was criminal or a  
11 violation of ROE.

12 Q. Right.

13 A. So, I've been--for a while I was concerned that we may  
14 have a situation, when I looked at the--got the pictures of the  
15 Soldier that was attacked, when I talked to the Soldiers, when I  
16 talked to the First Sergeant out there, all the pieces came  
17 together, when I read the commanders inquiry that Alpha--that  
18 Choppin 6 did, it made center mass with what I had observed out  
19 there. I looked at the bodies when I was--came back in from  
20 visiting Choppin and everything matched up on everything they  
21 told me. So I was--I felt pretty confident about it.

22 Q. When did--about what time did you look at the bodies?

23 A. That afternoon, sir. It was before 1700, not exactly  
24 sure what time it was.

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Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Had Colonel (b)(6), (b)(7)(C) already gone, had he----

2 A. Yes, sir. He had already departed the AO, he did, sir.

3 Q. Did you look at all four of the bodies?

4 A. I looked at three, I believe. The S2 folks were out  
5 there getting fingerprints and what not, running through BATS,  
6 still trying to get them while we could get a reading on the  
7 data.

8 Q. Right.

9 A. So I came in on that.

10 Q. Did you happen to notice blindfolds or zip ties on any  
11 of them?

12 A. There were zip ties on hands but they were loose, which  
13 matched the story that I got from Choppin 6 that, "Hey, we  
14 didn't have the right zip ties." As a matter of fact, on LOGPAC  
15 operations I've brought out that--they had like the commo zip  
16 ties, very thin pieces of stuff, instead of the big thick ones.  
17 I didn't realize that during the Op. So, we've got new ones  
18 coming in. I saw those, and there were engineer tape around one  
19 of the bodies necks, but it was off his face, based on what I  
20 got told where one was free, two other ones were, you know,  
21 still cuffed and they attacked. It matched. It didn't strike  
22 me as anything unusual. And we didn't--we didn't change  
23 anything about the bodies when we sent them forward either. We

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Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 got the data, took the pictures, and sent them forward as they  
2 were.

3 Q. Right. So, Colonel (b)(6), (b)(7)(C) was already gone by the time  
4 you rolled in to do your----

5 A. Yes, sir. I think I talked to him as I was--he had  
6 just left as I was rolling--if memory--if I recall from memory  
7 correctly, sir. I was rolling in and I talked to him via FM.

8 Q. Right.

9 A. And I watched his aircraft depart when I came in. I  
10 think that one of the--if I recall correctly, one of the Brigade  
11 staff's helicopter had a mechanical problem and they were still  
12 there, but I don't remember if it was after the bodies came in  
13 or before the bodies came in. But they didn't leave at the same  
14 time Rak 6 did.

15 Q. Right.

16 A. They had to wait. I think we actually brought--I think  
17 we brought another aircraft in for him to get him to the--back  
18 to Speicher.

19 Q. I don't know how much of Major (b)(6), (b)(7)(C) 15-6 you have  
20 had a chance to review, so this might be not a completely fair  
21 question to ask you, but the initial KIA on objective Murray,  
22 which was described as, we got off the helicopter, we saw a guy  
23 in the window, shot him, did that strike you as--as being within  
24 the ROE?

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Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No, but they did take fire at the objective Murray, and  
2 I am not tracking that there was somebody in the window that was  
3 shot in the window with out being----

4 Q. Yeah, I don't know how much of his 15-6 you've had a  
5 chance to review.

6 A. No, sir. Not all of it. I am not tracking of any  
7 report or anything like that that came to me that said there was  
8 somebody in the window we just shot.

9 Q. Yeah, it's--when you get the chance to review his 15-6,  
10 you'll see. And actually, we only reviewed the statements, we  
11 haven't reviewed his write up, so, we are just looking at the  
12 Soldiers' statements right now, so that is not a full array of  
13 facts or statements and conclusions.

14 So, I think that's it.

15 Do you have anything?

16 (b)(6), (b)(7)(C) No, sir, I don't.

17 Questions by Special Agent (b)(6), (b)(7)(C)

18 Q. Sir, how many sets of remains had the zip ties on?

19 A. I recall seeing, I believe, three. I looked at three  
20 bodies and there were two or three of them had it on there.

21 Questions by Brigadier General (b)(6), (b)(7)(C)

22 Q. Now, you said "loose," do you mean cut?

23 A. No, there was one that was dangling--what I  
24 specifically recall is, looking at two different sets of arms

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Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 and there was a thin tie hanging from one of the arms on each of  
2 the bodies. I know that is for two for sure. I looked at  
3 three, I--I can't testify that there were three, with ultimate  
4 conviction that the third one had them on there too, but I know  
5 there was two.

6 Questions by Special Agent (b)(6), (b)(7)(C)

7 Q. And it was one that was on, fastened, and then the  
8 other one did not have a zip tie on, or a cut zip tie?

9 A. One was fastened, one appeared to be, there seemed to  
10 be another one hanging from it like it was--I don't think it was  
11 cut though, it was almost like they pulled their hand off, out  
12 of it, but I can't say for sure if it was cut or not. That is  
13 what I recall.

14 (b)(6), (b)(7)(C) That is all I have, sir.

15 (b)(6), (b)(7)(C) Thanks very much.

16 WIT: There are pictures, I think, of all of them too that  
17 should be available.

18 (b)(6), (b)(7)(C) Yeah, we've got a huge data dump from Major (b)(6), (b)(7)(C)  
19 with all of his statements and records and files and photos.

20 So--Okay. I appreciate it, thanks for your time.

21 WIT: Yes, sir.

22 (b)(6), (b)(7)(C) I do have to give you an order before you depart.

23 This is an ongoing investigation. You are not to discuss your  
24 testimony with anyone and if anyone attempts to talk to you

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Interview of Lieutenant Colonel (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 about your testimony you should decline to engage in that  
2 conversation and let me know. You can call me direct.

3 Do you understand the order?

4 WIT: Yes, sir. I understand the order.

5 The interview ended at 1419, 28 May 2006.

6

7 I certify that the above transcription is a true and accurate  
8 representation of the interview.

9

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13 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34094

Interview of Private E-2 (b)(6), (b)(7)(C), U.S. Army  
Forward Operating Base Remagen, Iraq

1 Private E-2 (b)(6), (b)(7)(C) was sworn at 1426, 28 May 2006, and  
2 was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) How are you doing Private (b)(6), (b)(7)(C)

7 WIT: Good, sir.

8 (b)(6), (b)(7)(C) Would you care--for the record, this is being  
9 recorded. If you could, for the record----

10 (b)(6), (b)(7)(C) Oh, I'm sorry.

11 (b)(6), (b)(7)(C) Just state your rank and full name.

12 WIT: Sure, Private Second Class (b)(6), (b)(7)(C)

13 (b)(6), (b)(7)(C) And your duty position?

14 WIT: Combat Medic with the 3/320th Field Artillery.

15 (b)(6), (b)(7)(C) Okay. Private (b)(6), (b)(7)(C) as you are probably aware, this  
16 investigation is looking into the circumstances surrounding the  
17 deaths of several Iraqis during Operation Iron Triangle, so that  
18 is what this line of questioning is about. We are going to be  
19 asking you a series of questions to try and clarify the  
20 circumstances surrounding those deaths and what happened  
21 afterwards.

22 WIT: Roger, sir.

23 (b)(6), (b)(7)(C) So, Chief is going to start with his questions.

24

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Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Questions by Special Agent (b)(6), (b)(7)(C)

2 (b)(6), (b)(7)(C) Chief (b)(6), (b)(7)(C) CID.

3 Q. If you could--if you could go back to that day and,  
4 basically, describe your actions during the day, what your  
5 duties were, and what were some of the significant things that  
6 you did and saw during the day, particularly as it pertains to  
7 any deceased Iraqi personnel coming into your area.

8 A. All right, sir, do you want me to start off with the  
9 first day or the day when we--the second day when we got the  
10 dead detainees in?

11 Q. Start off when you started on the operation.

12 A. All right. It was May 9th, we left from here at about  
13 03 in the morning. We went south there on Tampa for about an  
14 hour and a half, we turned off Tampa down some dirt roads. We  
15 set up base operations out in a desert a couple of clicks off  
16 Tampa, and the first day we just set up a jump aide station and  
17 we got, I think, approximately like sixty detainees in the first  
18 day. We set up three pens for them to process which ones were  
19 going home and which ones were going to stay. So, the first day  
20 that is all we really did was set up and treated a couple of  
21 detainees here and there for minor things, nothing big. And  
22 then the second day is when the first helicopter came and there  
23 was four detainees on there, that helicopter that they dropped  
24 off their bodies. We were told to go dispose of their bodies,

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Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 to take them away because they were--because of the smell. And  
2 so me and a couple of other people there that I don't know their  
3 exact names, but I know Specialist (b)(6), (b)(7)(C) was with me, we all  
4 went up there and Colonel (b)(6), (b)(7)(C) came and just everybody was  
5 standing around. People were saying, you know, things about the  
6 condition the detainees were in because they were zip tied and  
7 blindfolded and that, you know, stood out to people, that why  
8 were they blindfolded and zip tied if they were shot that many  
9 times. So, a couple of things were said and a couple of people  
10 hopped on a litter and took the bodies off to a hole. And then  
11 about two hours later, I believe it was, two more bodies came on  
12 another Black Hawk and they were dropped off the same way, but I  
13 didn't go over to those bodies directly. And they took them  
14 over to the same hole, which I never seen the hole, I just know  
15 there was a lot of people talking about over at the hole taking  
16 pictures and stuff. So, that is pretty much the significant  
17 acts of--the third day there was no dead bodies or anything.  
18 They let most of the detainees go, some came back to Remagen.

19 Q. You said that the operation started on the 9th.

20 A. I am pretty sure, sir, it could have been the 10th. I  
21 know is, we got back, I am pretty sure the 12th. It was hard to  
22 keep track, we didn't have--really have a calendar or nothing  
23 out there.

ACLU DDII ROI 34097



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. You say it's hard to keep track. Is it possible that  
2 the KIA came in on the first day or are you sure that you  
3 remained over night, one day, and then the following day----

4 A. Well, like you said, sir, I--we left at three in the  
5 morning so--I am pretty sure it was the second day, but----

6 Q. You said that a helicopter came in on that day with  
7 four sets of remains?

8 A. Yes, sir.

9 Q. And you were told by who to go out there and handle  
10 them?

11 A. Our First Sergeant came over and he was just like, you  
12 know, "There's dead bodies over there, they want the medics to  
13 take them, take care of them."-- I guess they figure that's our  
14 job as medics.

15 Q. Where were you at the time when he came and told you  
16 that?

17 A. I was standing in our little makeshift, you know, aide  
18 station area.

19 Q. And you specifically recall Specialist----

20 A. (b)(6), (b)(7)(C)

21 Q. There was you, and him, and other persons, do you  
22 remember if it was one person, two persons, how many people it  
23 was?

ACLU DDII ROI 34098

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I don't--I don't remember exactly, sir. When it  
2 landed, there was, you know, some crew, some people there.

3 Q. But as far as your unit, folks from your unit, you and  
4 Specialist (b)(6), (b)(7)(C) and you don't recall anything else?

5 A. I just recall--I--the person I can say 100 percent that  
6 was with me there, sir, is Specialist (b)(6), (b)(7)(C). There could have  
7 been other people, but I wouldn't be able to say for 100  
8 percent.

9 Q. So you couldn't tell me if they were male, female, or  
10 the race?

11 A. I could tell you they were male, sir, because there  
12 were only about three females out there at the time, sir.

13 Q. And they weren't in your area?

14 A. Roger, sir.

15 Q. But you couldn't tell me anything more about the other  
16 folks that went out there this first time, whether they were  
17 white males, black males, Hispanic males, Asian males?

18 A. I could say that they were probably all white, sir.

19 Q. White males?

20 A. Besides (b)(6), (b)(7)(C) is black.

21 Q. But as far as their ranks or anything----

22 A. I didn't take notice to that, sir.

23 Q. So, this was you and (b)(6), (b)(7)(C) and how many other white  
24 males, would you say?

ACLU DDII ROI 34099



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I would say between five to seven other.

2 Q. Five to seven?

3 A. Roger.

4 Q. And, so when you went out to where the remains were,  
5 was that just off of the helicopter?

6 A. Roger, sir. Yeah, the helicopter landed and they were  
7 actually, the crew was taking them and dropping them off for us.

8 Q. So when you got out there----

9 A. They were pretty close to the flight line.

10 Q. What did you guys do when you got out there?

11 A. Well, everybody was just--we were just really  
12 assessing, like, what we should do with them. Like, everybody  
13 was standing around waiting for word to what they wanted us to  
14 do to them because where they had the radio and everything, the  
15 command center was right there and they didn't want, you know,  
16 the dead bodies right there on the flight line with the  
17 helicopters landing and everybody right there.

18 Q. You say "the dead bodies," were they in bags?

19 A. They were wrapped in sheets, sir.

20 Q. Sheets?

21 A. White sheets.

22 Q. Can you describe the cloth, or if it was cloth,  
23 whatever material the white sheets were?

ACLU DDII ROI 34100

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. They could have been body bags, but it looked like  
2 white cloth or white body bags. I just know it was a white  
3 material that they were wrapped up in.

4 Q. When you say "wrapped up," was--do you know what a  
5 regular standard army issue body bag looks like?

6 A. Roger, sir. Yeah, we have the black ones.

7 Q. Okay. So was it that style with a zipper around it or  
8 was it something else?

9 A. I can't say for 100 percent sure. I just remember I  
10 was looking at the bodies. I just remember that, sir. I  
11 remember--I remember one, the head was like--the torso and head  
12 were out and on one the body was almost completely out, and  
13 then, like, I think the other ones were pretty much all covered  
14 up with just blood stains on them.

15 Q. So, they were wrapped in a white material, that you  
16 compared to sheets, but portions of them were exposed and  
17 portions of the other ones were not exposed?

18 A. Roger, sir.

19 Q. So, you said how many of them were exposed?

20 A. I believe two were.

21 Q. Two were exposed and two were not. Of the two that  
22 were exposed, what portion of their remains did you see?

23 A. I see both--the heads from both of them and the torso  
24 and the head from one.

ACLU DDII ROI 34101



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Okay, when you say "the torso," that's from the waist  
2 up?

3 A. Roger, from probably from the belly button up, sir.

4 Q. Now, were the hands also covered or were they out?

5 A. No, the hands were behind the guys back. You could see  
6 that they were there, and they both had blindfolds on.

7 Q. When you say "blindfolds on," where?

8 A. They were----

9 Q. Were they where you would normally have a blindfold,  
10 over the----

11 A. Yeah. Roger, sir. They were over the eyes.

12 Q. And one had his hands behind him, the other two you  
13 couldn't tell----

14 A. Well, they eventually took those off, that is how I  
15 know how they were.

16 Q. Who is "they"?

17 A. I don't know the exact Soldier who took it off. I  
18 mean, the helicopter took off so then I walked away for a little  
19 bit while the helicopter took off and then they--we were just  
20 standing around waiting to see what they wanted us to do with  
21 them and I can't even remember who----

22 Questions by Brigadier General (b)(6), (b)(7)(C)

23 Q. (b)(6), (b)(7)(C) I just want to make sure I've got this  
24 straight.

ACLU DDII ROI 34102

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Sure, sir.

2 Q. The helo lands, how many sets of remains come off the  
3 helo?

4 A. Four, sir.

5 Q. Four, at one time?

6 A. Roger, sir. They were--the crew was like taking them  
7 off, sir.

8 Q. Right. One, two, three, four, and they are wrapped in  
9 sheets.

10 A. I believe--I can't say the exact material. I want to  
11 make sure I say----

12 Q. Right. But in a white material, right?

13 A. Roger, sir.

14 Q. No black body bags around them?

15 A. No, sir.

16 Q. Okay. And so now all four sets of remains are lined  
17 up, and there is three total that you can actually see some  
18 portion of the body, is that right?

19 A. I can say two definitely, sir. I mean, I am trying to  
20 remember exactly details for you, sir.

21 Q. Yeah, no, I got it. And there is one (inaudible) you  
22 can see some portion of the body, and then there is one that you  
23 can't see any portion of the body because it's covered?

24 A. Roger, sir.

ACLU DDII ROI 34103



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) Okay. Go ahead, Chief.

2 Questions by Special Agent (b)(6), (b)(7)(C)

3 Q. So that was on, basically, where the drop off area was.  
4 And you said that they took off the sheets, and you don't  
5 remember who that was. Was that right there----

6 A. Roger, they did it right there. They didn't move the--  
7 --

8 Q. --where they got off the bird or----

9 A. As soon as the bird took off, then they started, you  
10 know, messing around with the bodies and taking the sheets off  
11 and everything or the body bags. I can't even--I wasn't  
12 standing there--standing over watching them.

13 Q. Well, how close were you?

14 A. At first, I walked right up, within, you know----

15 Q. Between us?

16 A. Roger, sir, about that.

17 Q. That close?

18 A. But then, after that, I was probably ten, twenty meters  
19 away, just talking to a couple of people that were around there,  
20 asking, you know, "What are you guys doing?" I said, "I don't  
21 know, they want us to do something with them."

22 Q. Who were these people?

23 A. We were there with so many different units and people,  
24 sir, I----

ACLU DDII ROI 34104

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. They weren't in your unit?

2 A. Most of them weren't, sir, that were at that site at  
3 that particular time, I can say most of them I did not  
4 recognize. That's how I can----

5 Q. How many people you would say that were out there at  
6 that time?

7 A. Well, there's a couple people in the TOC had come out  
8 then, and there was the initial people that had gone up and----

9 Q. How many people from the TOC?

10 A. Probably two or three, sir.

11 Q. And who were these people?

12 A. I couldn't name them off hand, sir.

13 Q. But you knew they were from the TOC?

14 A. Roger, sir. The building there, not our TOC here, the  
15 TOC that we had out there. They had just come out there to see  
16 what was going on.

17 Q. But, possibly not from your unit?

18 A. Roger, sir. There was a couple people hanging out.

19 Q. And there were other people besides the people from the  
20 TOC that were there?

21 A. Roger, sir.

22 Q. About how many of those?

23 A. The same five to seven from before.

ACLU DDII ROI 34105



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. So, the people from the TOC, these two to three, were  
2 of the five to seven?

3 A. Negative. No, they had come out when I walked away and  
4 they were all still hovering over, I guess taking the bodies out  
5 of whatever they were wrapped in.

6 Q. So that is in addition to the five to seven?

7 A. Roger, sir.

8 Q. So there is, approximately, seven to ten people out  
9 there?

10 A. At that time after the helicopter left, yes, sir.

11 Q. Plus you, Specialist (b)(6), (b)(7)(C) and the two people from  
12 your unit, the white males?

13 A. Roger, sir.

14 Q. Okay. So, you all are out there and one of these two  
15 to three, or five to seven, proceeds to do what?

16 A. Well, they took them out of whatever, either the white  
17 body bag or the sheets they were wrapped in, and then that's  
18 how---

19 Q. You didn't watch how they did that?

20 A. I didn't watch how they did that, sir, no.

21 Q. Or what they did with----

22 A. They were just lying right there because they put that  
23 on the litter and took it with them. They put the bodies on the

ACLU DDII ROI 34106

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 litter and that is how I seen that they were all--came in the  
2 same way, zip tied and blindfolded.

3 Q. So, I am trying to visualize this. When you say, like,  
4 "wrapped in sheets" is that something that's tightly, like a  
5 mummy wrapped, or is that something loosely wrapped?

6 A. I am trying to remember, sir, I don't want to say  
7 something that is not 100 percent. I just--I can't really  
8 remember.

9 Q. So, after they take off whatever it was that was around  
10 them, what did you see?

11 A. That is when I seen that they were all the same way,  
12 how the first two bodies were. They were blindfolded and zip  
13 tied.

14 Q. Well, when you saw the first two bodies, you saw, one  
15 was a head; the second had his hands behind his back. Could you  
16 see his hands while they were behind his back?

17 A. I didn't see that they were zip tied, no.

18 Q. So initially, you see----

19 A. I just--he was in an awkward position like with--it  
20 just looked really awkward.

21 Q. Okay. So then afterwards, when they take the white  
22 material off, then you see that--what exactly is it that you  
23 see?

ACLU DDII ROI 34107



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Well, they were all really skinny. They were--the  
2 bodies, they were wearing their, like, traditional Iraqi man  
3 dresses, I guess, you could say. If I remember correctly, I  
4 remember one was tan, and the other color is white, I remember.  
5 I just remember two of them really good. Where one was shot in  
6 the head, I want to say one time, but I couldn't tell you if it  
7 was more and he had a couple of bloody holes on the chest like  
8 he was shot in the chest.

9 Q. Was this the one that was wearing the tan or the white?

10 A. I will say the white, sir.

11 Q. Okay.

12 A. And then the other guy, I couldn't really tell too much  
13 about his torso, but I just remember his head was really like,  
14 really disfigured. Like, you could see brain matter and  
15 everything.

16 Q. Was that the one wearing the tan, or could that have  
17 been one of the others?

18 A. It could have been either, sir.

19 Q. And you said "his head was disfigured"?

20 A. Roger, like, you couldn't really tell his eyes, nose,  
21 and mouth, because of the, I guess, gunshot. You know, I guess  
22 he was shot in the face and I don't know if he was shot in the  
23 back and it came out the front, exit wound and it made his face  
24 like that or----

ACLU DDII ROI 34108

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Is that what it appeared to be to you, to be a gunshot  
2 wound?

3 A. That is what it appeared to be, sir, yes.

4 Q. And, now you said that---so other than the injuries,  
5 what else did you--other than the injuries, what else did you  
6 see? You described the dress, you described that one had a  
7 gunshot wound to the head, to the chest, and then one had a  
8 disfigured head that you believe came from a gunshot wound. You  
9 mentioned zip ties. Could you describe who--which of those may  
10 have had zip ties on?

11 A. All of them had zip ties and blind folds on, sir.

12 Q. All the blind folds were over the eyes?

13 A. Roger, sir.

14 Q. All the zip ties were?

15 A. They were the black zip ties we use--like the cuffs,  
16 not just regular zip ties zip tied together, they were actual,  
17 like the cuffs made for putting peoples hands together, the  
18 thick ones.

19 Q. How thick would you say they were?

20 A. Wide, they were probably half an inch wide, but  
21 thickness, probably, less than one eighth of an inch. They are  
22 not very thick.

23 Q. They were all zip tied?

ACLU DDII ROI 34109



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. They were all zip tied. If they were all in the same  
2 black ones--I am trying to remember if I can see four pairs of--  
3 I can tell you that they were all zip tied. That I----

4 Q. What position?

5 A. With their hands behind their back.

6 Q. Did you notice any other wounds on any of the others?

7 A. I mean, there just--there was a lot of blood and guts,  
8 I can tell you that, specific wounds, I remember seeing, like I  
9 said, the one guy had a----

10 Q. Other than what you've already said, do you recall any  
11 of the other wounds?

12 A. I don't recall specific wounds, sir, no.

13 Q. You said "just a lot of blood and guts." Were the  
14 other ones all bloody?

15 A. Right.

16 Q. So you couldn't discern----

17 A. Yeah, I didn't really sit there and stare.

18 Q. So you couldn't--so you couldn't discern the specific  
19 wounds to the other two?

20 A. No, sir, I couldn't say.

21 Q. To these two you could?

22 A. Roger, sir, I just remember seeing the two that were  
23 closest to me and I didn't really move the other two.

ACLU DDII ROI 34110

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Okay. So you are out there with the remains and they--  
2 these--somebody took off sheets, white material, and then what  
3 happened?

4 A. As in with what?

5 Q. With the remains.

6 A. Well, Colonel (b)(6), (b)(7)(C) came. Did you want to know what--

7 --

8 Q. Sure, if that is what happened next.

9 A. Roger. Colonel (b)(6), (b)(7)(C) came. He was moving them around  
10 with his boot. I remember specific----

11 Q. When you say "moving them around," what----

12 A. Just, like, kicking them around to look at, I guess,  
13 the different wounds on them. I couldn't quote exactly  
14 everything, what he was saying. I just remember, you know,  
15 everybody was like, "Oh, it's Colonel (b)(6), (b)(7)(C) And they were  
16 just watching him. I remember he said, "We need to get more  
17 bodies." He was like--I remember he was, like, disappointed  
18 that we only got four. And he put his boot on one of the heads  
19 and his PSD team took a picture of them. He posed.

20 Q. When you say "his PSD team," how do you know it was his  
21 PSD team?

22 A. Well, Roger. I shouldn't say that. The guys that were  
23 traveling with him. I assumed there was a PSD team. They were  
24 in military gear, ACUs, just like everybody else.



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. How many of them exposed pictures?

2 A. I would say between two and three pictures, probably,  
3 they took.

4 Q. But how many persons were taking pictures?

5 A. Just one person had a digital camera and took pictures.

6 Q. Can you describe that person?

7 A. That person actually took, yeah, took their Kevlar off.  
8 I could say that that person was bald, naturally bald, not--they  
9 had a little bit of stubble on the side of the head. I want to  
10 say the rank is E6, but I can't say that 100 percent. I just  
11 remember he took off his Kevlar and glasses to take the picture.  
12 So, that is the only reason I can say what he looked like.

13 Q. White, black?

14 A. White, sir.

15 Q. Mustache?

16 A. No mustache, no facial hair, sir.

17 Q. And when you say "he took pictures," you stated that  
18 these were posed pictures or pictures of just the remains?

19 A. Roger, I believe he took one with his boot on the head,  
20 one he lifted the guys head up by his hair and took a picture of  
21 that.

22 Q. When you say "he"?

23 A. Colonel (b)(6), (b)(7)(C) And I believe, yeah, that's the poses  
24 I remember. That is the most I can remember from that.

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. So, was anybody else there to witness this?

2 A. Roger, Specialist (b)(6), (b)(7)(C) was there.

3 Q. Anybody else?

4 A. The 100 percent person I can say that I know saw that  
5 was Specialist (b)(6), (b)(7)(C) I can't say for sure who else.

6 Q. Was the helicopter gone at that time?

7 A. The helicopter that dropped the bodies off. A separate  
8 helicopter had brought Colonel (b)(6), (b)(7)(C)

9 Q. So he came off the helicopter and then came over to  
10 where you guys were at?

11 A. Roger, his helicopter had landed behind the other one  
12 beforehand.

13 Q. Before or after.

14 A. I'll say--I'll say after that helicopter landed.

15 Q. So, the helicopter with the remains lands?

16 A. Roger, it still had its rotors and everything spinning.  
17 It was really loud, so I am pretty sure his helicopter came in  
18 after that. I know they didn't come in together. I didn't see  
19 them, plus it was a couple of minutes after they landed  
20 initially and did it until he came over.

21 Q. So you looked and saw Colonel (b)(6), (b)(7)(C) come off another  
22 helicopter?

23 A. No, sir. I didn't see him come off another helicopter.  
24 I just know he came from, you know, around behind us on the

19  
ACLU DDII ROI 34113



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 flight line. I didn't physically see him get off a helicopter  
2 though, no.

3 Q. Had that helicopter gone when this happened?

4 A. Which helicopter, sir?

5 Q. The helicopter that you saw behind the helicopter that  
6 dropped off the remains?

7 A. No, that stayed there until Colonel (b)(6), (b)(7)(C) left.

8 Q. It was out there the entire time?

9 A. Roger, sir.

10 Q. About how far away would you say the other helicopter  
11 was?

12 A. Probably 150 to 200 meters behind us on the flight  
13 line. There was only a row where the helicopters were landing.

14 Q. Did Colonel (b)(6), (b)(7)(C) make any other statements?

15 A. Well, see I don't want to make exacts quotes from  
16 people because I don't----

17 Q. Do you want to say it's the gist of what he said----

18 A. Okay. I could say that. The gist of what was said  
19 was, people were talking about, you know, I remember somebody  
20 being like, you know, "Why the hell are they in zip ties, I  
21 wonder what they tried to do?" And he was like, "Well, I guess  
22 we'll just have to say they tried to escape and that's--" I  
23 remember him exactly saying that because that's when he reached  
24 down and he cut off one of the blindfolds. And I only witnessed

ACLU DDII ROI 34114

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 him cut off the zip ties and blindfolds of one person with a  
2 Gerber.

3 Q. So, where was the Gerber? Could you see where he was  
4 carrying the Gerber?

5 A. No, I--I mean I didn't--I guess he pulled it off his  
6 side. I don't remember that detail, exactly where he had it.

7 Q. But you saw him take a Gerber and do what?

8 A. Roger, I knew it was a Gerber. I know that knife. We  
9 have the same one. He just reached down, slid it under the  
10 blindfold of the one guy----

11 Q. So the Gerber was already open?

12 A. I can't remember him exactly going there and opening  
13 it. Roger, it was open when he went down and put the knife  
14 underneath his--the blindfold.

15 Q. So backing up, did you see him open it or----

16 A. No, sir. I didn't see him open it or even take it out  
17 of wherever he had it.

18 Q. You said you have a similar knife?

19 A. Roger, I have the same knife.

20 Q. Do you have it on you?

21 A. I don't have it on me, sir. It's the, you know,  
22 everyone in this Battalion has it. It's just the regular one  
23 that you open. It says Gerber on it. That knife, it's probably  
24 about six inches long.



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Does it have more than one blade?

2 A. No, one blade, sir. And it doesn't have nothing else  
3 on it. It's not like the Gerber's with the wrench. It's just a  
4 plain knife.

5 Q. So it's like--it's an opening knife, it's not a knife  
6 that's fixed----

7 A. Roger, yeah, no, it has nothing else but a blade on it.

8 Q. But you have to open it?

9 A. Roger.

10 Q. And do you remember which set of remains?

11 A. I don't want to--I mean, I can't say exactly which one,  
12 the closest one to him.

13 Q. And then what did he proceed to do with the Gerber?

14 A. He reached down with the Gerber, slid it under, cut off  
15 one of the blindfolds, then he reached back and he had to saw at  
16 the zip ties, you know, saw it and cut off one pair of zip ties.

17 Q. So cutting off of the blindfold just was a----

18 A. Roger, that was easy.

19 Q. Single motion, cut right off.

20 A. Roger, but zip ties, it was hard for him to cut them  
21 off.

22 Q. Do you know if he cut the remains at all while trying  
23 to cut that off?

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I didn't look in that close, sir, no, I don't know if  
2 he did.

3 Q. How far away would you say you were when this happened?

4 A. I was probably about five meters.

5 Q. Were you standing--where were you standing in relation  
6 to where he was standing?

7 A. I was standing--he was standing to my right and I was  
8 to his left, a little bit behind him, probably about the five  
9 meters behind him. He was--we were--I was facing this way and  
10 he was right here.

11 Q. And did he make any statement at that time?

12 A. Nothing that I could quote or remember exactly, sir.

13 Q. Then what happened?

14 A. Then that's when they had the--somebody brang the  
15 litter up, I don't know, and then they put the litter down and  
16 then, I can't name exactly the persons who did it, but they put--  
17 -started putting the body on the litter. I know the Sergeant  
18 Major was there at that time then.

19 Q. Was Sergeant Major there before this?

20 A. No, I don't believe he was. I believe he might have  
21 even been the one that brang the litter there, but I don't want  
22 to say some thing that's--I mean----

23 Q. So Sergeant Major arrived sometime after you did?

24 A. Roger, sir, yeah.



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. And----

2 A. Right after Colonel (b)(6), (b)(7)(C) was done with that, he left  
3 and then every--all of us were still just standing around and  
4 people were deciding what to do and then I just remember, I'm  
5 pretty sure the first body that when they put it on it was  
6 (b)(6), (b)(7)(C) the Sergeant Major, like, Sergeant (b)(6), (b)(7)(C) and somebody  
7 else that took the first body. I never helped take any of them  
8 because everybody else was just helping doing it.

9 Q. So you mentioned the Sergeant Major, (b)(6), (b)(7)(C) Sergeant  
10 (b)(6), (b)(7)(C)

11 A. Roger, they are the ones.

12 Q. So (b)(6), (b)(7)(C) went out there with you?

13 A. Roger.

14 Q. When did Sergeant (b)(6), (b)(7)(C) and Sergeant Major get out  
15 there?

16 A. I just remember walking away and then looking back up  
17 at the site and then seeing them three specifically on the  
18 litter taking it around and to the hole.

19 Q. So you were there before they were?

20 A. Roger, I was there before the Sergeant Major and  
21 Sergeant (b)(6), (b)(7)(C) Roger, and I guess when they came (b)(6), (b)(7)(C) went  
22 off and was talking to them and I was just standing there by  
23 myself, so there was enough people there to take care of them so  
24 I just walked away.

ACLU DDII ROI 34118

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Did they make any statements to you regarding anything  
2 while they were there?

3 A. Oh roger, yeah. We talked about it for a couple of  
4 days about how----

5 Q. No, right then and there?

6 A. Right then and there?

7 Q. On the flight line?

8 A. No, sir, no.

9 Q. But since then you've had a conversation with somebody  
10 about what happened out there?

11 A. I mean, we talked about it, we were like, you know,  
12 joking around like, "I can't believe he was, like, taking  
13 pictures and stuff with the bodies." And stuff like that, but I  
14 can't remember exact conversations.

15 Q. Okay. So, Colonel (b)(6), (b)(7)(C) went out there and this first  
16 set of four remains came out after you were there?

17 A. Roger.

18 Q. But before Sergeant Major, Sergeant (b)(6), (b)(7)(C) before the  
19 Sergeant Major and Sergeant (b)(6), (b)(7)(C) were there?

20 A. Roger, it was me and (b)(6), (b)(7)(C) first.

21 Q. You and (b)(6), (b)(7)(C) went out separately?

22 A. Well----

23 Q. Ahead of Colonel (b)(6), (b)(7)(C) but after----

24 A. Roger, ahead of Colonel (b)(6), (b)(7)(C)



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Or--and ahead of Sergeant Major and Sergeant (b)(6), (b)(7)(C)

2 A. Roger. Colonel (b)(6), (b)(7)(C) came and then after that he left  
3 and then that's when I remember Sergeant Major and (b)(6), (b)(7)(C) being  
4 there and carrying the bodies off.

5 Q. Okay. So they carried the bodies away and then what  
6 happened?

7 A. I mean, that day?

8 Q. Yes.

9 A. Well, I think I took a couple--took care of more  
10 detainees. I mean the detainees were old so they all kept  
11 getting sick. And then I am pretty sure it was later on that  
12 day, about, probably two hours later that we got two more  
13 detainees, but they didn't drop them off in the same place, they  
14 dropped them off down the flight line, right, kind of by the  
15 detainee pen. And those bodies I did not go over and see. I  
16 just from hearsay, probably from (b)(6), (b)(7)(C) heard that they were  
17 the same way, zip tied and blindfolded, and they were like,  
18 "Holy shit." You know, it was like a joke, like, what are they  
19 going to keep sending them in----

20 Q. So you saw the remains come in?

21 A. Roger, sir.

22 Q. Come in, taken off the bird?

23 A. Roger, sir.

24 Q. But you didn't go out there?

ACLU DDII ROI 34120

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No, I didn't go out there because Sergeant Major, he  
2 was there, and (b)(6), (b)(7)(C) was there, and (b)(6), (b)(7)(C) was there again.

3 Q. So you saw those three go out there?

4 A. Roger, and then there was some of the Iraqi Army around  
5 them too at that time, around those bodies.

6 Q. And what did you see them do?

7 A. I mean, just, they were taking pictures.

8 Q. Who is "they"?

9 A. The Iraqi Army. And I can't say 100 percent sure, but  
10 I--pretty sure they took them to the same hole. I mean, I  
11 didn't hear anybody say, "We're taking them to the hole."

12 Q. You say "they were taking pictures," what were they  
13 taking pictures of?

14 A. The Iraqi Army was taking pictures of the dead bodies.

15 Q. So they came without covering?

16 A. Those guys, from far away, I seen--all I seen was, you  
17 know, the same thing as before, bloody white material.

18 Q. You didn't see any black body bags?

19 A. No, not at all.

20 Q. And then you saw the Iraqi Army guys taking pictures  
21 while the Sergeant Major (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were out there?

22 A. Roger. I think that they--they were--well, they were  
23 deciding what to do, how to get them too, but we didn't have any  
24 more litters, so one of the IA had their trucks and they backed

ACLU DDII ROI 34121



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 it over there and I think that is how those ones got there  
2 because I know we didn't give them another litter, but I was off  
3 doing other things, so--but I just remember them saying they  
4 used an IA truck but I didn't see them lift them up there or  
5 nothing.

6 Q. Did you see Sergeant Major or (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) try to  
7 intervene or stop the Iraqis from taking pictures?

8 A. No.

9 Q. Did you see them take any pictures?

10 A. No. I just know a lot of people--I heard people saying  
11 they were taking pictures.

12 Q. So you heard, or you saw?

13 A. Heard.

14 Q. Heard. So you did not see any of this taking pictures?

15 A. I seen the Iraqis taking pictures on their cell phones,  
16 but I didn't see--the only person I saw take a picture, was,  
17 like I said, that guy and Colonel (b)(6), (b)(7)(C) and that's the only  
18 exact 100 percent time I saw somebody take a camera and take a  
19 picture.

20 Q. So did you see the remains at any time after that?

21 A. I did not see the remains at all after that, sir. I  
22 didn't go over to the hole. Like I said, I heard people were  
23 going over to the hole and taking pictures. That is all I know.

24 Q. How well do you know (b)(6), (b)(7)(C)

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I would say pretty good. I mean, we came--deployed  
2 together, you know, you get to know somebody good over a  
3 deployment, you spend every single day together. We work on the  
4 night shift together every night so, I guess, good  
5 acquaintances.

6 Q. Do you know him to be a truthful person?

7 A. I would say so, sir, about important stuff.

8 Q. Do you think what we are talking about today is  
9 important stuff?

10 A. I do, sir, very much so.

11 Q. If I were to tell you that he told me a different  
12 version of what happened than you have told me right now, what  
13 would you say?

14 A. I would say that I was trying to make, you know, that  
15 not happen, that's why I didn't want to try and get specific  
16 details of--I know he probably can't remember certain stuff like  
17 I remember certain details right either, so--I mean, I don't--I  
18 know we've talked about it. I know we saw the same thing, so I  
19 can't imagine our stories are too much different.

20 Q. So if he is telling a different version of it then  
21 there is no explanation for that?

22 A. Not really, sir, except for--I mean, I knew this was  
23 going to happen, he didn't, so, that's all I can say, sir.

24 Q. So you are not saying that he is not telling the truth?



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I'm not saying that, sir, no.

2 Q. So he could be telling the truth?

3 A. He could be, sir, sure.

4 Q. So if he is telling the truth and it's a direct  
5 contradiction to what you are saying, what would that lead us to  
6 assume?

7 A. I can't imagine that he would have any direct  
8 contradictions to what I'm saying unless I am remembering it  
9 wrong or he is remembering it wrong.

10 (b)(6), (b)(7)(C) Sir,

11 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

12 Q. You know, the allegation that detainees are killed,  
13 it's very serious, it's a law of war violation.

14 A. Roger, sir.

15 Q. You could see how serious the Army takes this.

16 A. Roger, sir.

17 Q. So, I need to ask you some more questions.

18 A. Sure, sir.

19 Q. Is this the first time that you personally viewed dead  
20 bodies?

21 A. Not in theater, sir, no.

22 Q. I want to make sure that we are all on the same sheet  
23 of music. Because there are--there are some problems; I believe  
24 we might not be. You say there were four?

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Sure sir.

2 Q. Are those three of the four, or can you tell?

3 A. [Viewing pictures] I can't tell, sir.

4 Q. And in the bottom picture, closest to you, he appears  
5 in the picture to be wearing a white shirt or a white cover.

6 A. Cover, sir, yeah.

7 Q. Is that what you are describing, or are you describing  
8 something different when you are describing them being dressed  
9 in white.

10 A. No, it's white like that, sir, bloody white like that.

11 Q. But look behind the head, see the black behind.

12 A. Roger. I'm 100 percent <sup>the four</sup> sure there wasn't black behind  
13 at all.

14 Q. Okay.

15 A. Black body bags.

16 Q. Well, let me just tell you some of the inaccuracies and  
17 maybe you can help me on this.

18 A. Sure, sir.

19 Q. You are saying that the four casualties, the four  
20 bodies came in at the same time?

21 A. I would believe so, sir.

22 Q. Okay well--

23 (b)(6), (b)(7)(C) Followed by two--by another set of two?



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 WIT: Roger, sir. Those were definitely separate apart. I  
2 mean, if there was some there before, I just remembered the  
3 first helicopter came in, there was four bodies when we went out  
4 there.

5 Q. Okay. And that's--that's why it's important for us to  
6 know what you know as opposed to what you think.

7 A. Roger, sir. That's what----

8 Q. And I am just going to give you an example, because I  
9 have other questions, but this is a real clear example. Based  
10 on the interviews we have done today and the information that we  
11 have access to, I am certain that there were two separate  
12 flights. The first bringing a single body and the second  
13 bringing three.

14 A. Roger, sir.

15 Q. But now you come in and say, "The four were there  
16 together." Which leads me to believe that that's what you think  
17 because when you came out the helicopters were leaving, there  
18 are four bodies there and you just don't know that there was a  
19 flight possibly forty-five minutes earlier.

20 A. Roger, that could have definitely happened, sir.

21 Q. Okay. But, in my mind, that causes big problems  
22 because if you are stating as fact, there's four coming  
23 together, and I know that factually that is wrong, everything  
24 else you tell me is in doubt. Do you see what I mean?

ACLU DDII ROI 34126

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, sir. I will try and clarify everything.

2 Q. Okay. Well, let's run through some of it then.

3 A. Sure.

4 Q. The first one we covered. It may have been one and  
5 three but when you came up on it there were four.

6 A. Roger, sir.

7 Q. Okay.

8 A. I mean, like you said, it could have been that the  
9 second--I didn't physically see four thrown out. I just  
10 remember seeing bodies out and they were stacked up, so like you  
11 said, I probably should have said that I----

12 Questions by Brigadier General (b)(6), (b)(7)(C)

13 Q. Somebody drew us a diagram here [1LT (b)(6), (b)(7)(C) sketch].

14 A. Sure.

15 Q. This is where the TAC was. You tell me if we got this  
16 about right.

17 A. Sure, sir.

18 Q. This is where the TAC was. Your aide station was here.  
19 The holding pens for detainees were down here. Big berm, big  
20 berm, and this is where the helos were coming in and landing.  
21 Is that right? Does that look about right?

22 A. Everything----

23 Q. This is the hole, or maybe over here where the bodies  
24 eventually wound up. So does that look about right?



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Yeah, Roger, sir. I am just trying to--I imagine a  
2 different--right, yeah. This I would have put a little closer  
3 to----

4 Q. Okay. Where were the four bodies that you saw?

5 A. Right here in front of the TAC, sir.

6 (b)(6), (b)(7)(C) Okay. Go ahead.

7 (b)(6), (b)(7)(C) No problem, sir.

8 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

9 Q. Every other witness that we have heard from describes  
10 the black body bags and describes zippers being opened and  
11 zippers being closed. Folks have sat in that chair and they've  
12 said that they were the one that opened the zipper and closed  
13 the zipper.

14 A. That's what I was trying to be completely--like I don't  
15 want to say any hearsay, but I just felt like that answer was  
16 trying to get out from me, so I can say honestly though, no, I  
17 didn't see no zippers being opened. I don't remember seeing any  
18 zippers. That is what I say 100 percent sure.

19 Q. When you came upon the bodies, were they already  
20 exposed? I mean, when you happened upon them, do you remember--

21 --

22 A. I just remember seeing the white.

23 Q. --seeing faces and torsos?

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I just remember seeing the white. I remember seeing,  
2 like I said, half of one, and just the head of the other. I  
3 don't recall any black body bags. I mean, if they were in the  
4 sheets, then they were in the sheets, but I, from my eye  
5 witness, I did not see any black body bags.

6 Q. So is it possible that when you arrive the bags have  
7 already been opened and your attention is focused on the  
8 contents as opposed to the bags?

9 A. It could have been possible that they had the sheets  
10 there that they wrapped them up in, but I mean, I didn't see any  
11 black body bags lying next to it.

12 Q. All right. The Gerber, and the cutting away of the  
13 blindfolds and the zip ties. The information that I believe is  
14 that there were three that had blindfolds. As far as zip ties,  
15 there's inconsistencies; it may have been as many as three, but  
16 the cutting. I am not getting cutting from anyone else.

17 A. I've actually had a conversation with (b)(6), (b)(7)(C) and we  
18 definitely talked about he saw it too.

19 Q. Cutting away of zip ties and blindfolds?

20 A. Blindfolds, Roger, sir. That 100 percent.

21 Q. And you understand, under oath and being recorded?

22 A. I understand, that's why, sir, like you said----

23 Q. That is why I want to get down to it, you saw this.

ACLU DDII ROI 34129



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. I know, I don't want to say nothing that--Roger--like  
2 If I don't remember something 100 percent, can we like just  
3 gloss over that or----

4 Q. Just say you don't understand. I mean, you took an  
5 oath to tell the truth. If it is, "I don't recall that." Or  
6 that's the truth, done.

7 A. Because before I was the only person, so I was trying  
8 to be told to give every detail and I'm trying to give that to  
9 you. But now I understand there's other witnesses that--so,  
10 Roger, sir.

11 Q. Right. But the bottom line is, what we are looking for  
12 is ground truth, and if ground truth is "I don't know," or "I  
13 can't recall accurately," that's it.

14 A. Roger, sir. I can 100 percent say that the blindfold  
15 and zip ties were cut off for one detainee that I witnessed.  
16 And I know (b)(6), (b)(7)(C) witnessed too.

17 Q. For one.

18 A. I know 100 percent.

19 Q. Okay. Well let's not--let's just go with what you  
20 know.

21 A. Sure, sir.

22 Q. So right now, here today, you can say you saw the  
23 blindfold and zip ties cut from one body by Colonel (b)(6), (b)(7)(C)

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, sir, by Colonel (b)(6), (b)(7)(C) one person 100 percent.  
2 That--the body bags and everything else, I can't say 100  
3 percent, like you said, it could have been somewhere else, maybe  
4 I don't remember them, but the blindfold and zip ties, I can say  
5 100 percent off of one.

6 Q. Now, communication is a funny thing. Because you have  
7 the person sending and you have the other person receiving and  
8 in between those two stations, you know, messages can get  
9 garbled. In your initial messages to Sergeant First Class  
10 (b)(6), (b)(7)(C) the e-mail----

11 A. Roger, sir.

12 Q. When I read those, it appears to me that you are in  
13 fear.

14 A. Roger.

15 Q. You are in fear because of the garbage. Tell me about  
16 that.

17 A. Roger, sir. That, like I said, I broke OPSEC. That  
18 was my fault. That was dumb to have talked to him. That, I did  
19 e-mail him right after that. I mean, I did kind of feel that,  
20 but once I thought about that incident, it really was just, I  
21 had, like I said in my statement, the argument with that NCO the  
22 day before, so he, the next day then decided to put me on that  
23 detail and then that accident just happened and I don't feel



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 that it had nothing to do with this incident like I told the  
2 first thing, (b)(6), (b)(7)(C) and I told Sergeant (b)(6), (b)(7)(C) in an e-mail.

3 Q. Okay. So when I read the e-mail and then I read the  
4 statement you gave to CID a week later. If I am reading that  
5 to--at the time he sends the message, he has some fear, but at  
6 the time he gives the statement he has now had time to think  
7 about it and he's not in fear.

8 A. Roger, sir.

9 Q. That's a fair reading?

10 A. Roger, sir. Yeah, I think I made that clear in my  
11 first statement that he was trying to get me--I didn't even want  
12 to put that part in it. I figured it should just be about the  
13 detainees because I didn't even want to bring it up. It was  
14 Sergeant (b)(6), (b)(7)(C) that went ahead. But I understand that it was my  
15 fault for even saying to him that it was brought up so----

16 Q. Well, there is no fault here. We're just trying to get  
17 to ground truth.

18 A. Roger.

19 Q. All right. I want to make sure that the same thing  
20 didn't happen between your statement to CID and your testimony  
21 here today.

22 A. Roger, sir.

23 Q. That is that at this point in time, real concern, at  
24 this point of time, no that concern wasn't valid. Okay. At the

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Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 time that you're giving the statement--I know that that is a  
2 process, it takes place over a period of time and then it's  
3 reduced to writing. Okay. Today we've got an advantage. We  
4 don't have that delay. We are going to get it right on tape  
5 now.

6 A. Roger, sir.

7 Q. There is a big difference between posing for a picture  
8 for a souvenir and helping get a picture so that you have  
9 documentation. Okay. You say you saw the pictures taken with  
10 the first body. Is that correct?

11 A. I am not sure if it was the first body laying there on  
12 the ground. It was one of the four that was there on the  
13 ground.

14 Q. Okay. Now, I know you are not looking through the  
15 viewfinder of the camera, so you can't tell if he's focused just  
16 on the face or if he's got it back further to get more of a big  
17 picture.

18 A. Roger, I can't tell.

19 Q. But based on what you saw, could you tell the  
20 difference between a pose for a souvenir versus assisting in  
21 getting a picture for official purposes?

22 A. Roger, sir. Yeah, I've been part of, like, taking  
23 pictures for story boards. I know it wasn't for that.

24 Q. Why?

39  
ACLU DDII ROI 34133



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Because just the mannerism, how Colonel (b)(6), (b)(7)(C) had his  
2 boot on the guys head, I didn't think----

3 Q. Well, no, I need details here.

4 A. Roger, sir.

5 Q. Tell me what you saw and what you heard that makes you  
6 believe it was a pose for a souvenir as opposed to taking an  
7 official photo?

8 A. Well, it could have been for a story board but I  
9 wouldn't think that, you know, an officer with like his boot on  
10 a dead guys head would be for a story board, so----

11 Q. Well, you are five meters away.

12 A. Roger, sir.

13 Q. Is the boot on the head, or is the boot beside the  
14 head?

15 A. No, it's on the head, sir.

16 Q. Was it to move the bag or anything off away from the  
17 face to get a clear shot or was it to----

18 A. I mean, it could have been all them things, sir, but I-  
19 -all I just tell you is what I see and like you said, not what I  
20 think. I just seen his boot on the--one boot from one of his  
21 foot on his head and him look at the camera and they took a  
22 picture.

23 Questions by Brigadier General (b)(6), (b)(7)(C)

24 Q. But, boot on forehead, boot on side?

ACLU DDII ROI 34134

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. The side of the head, sir.

2 Q. Okay.

3 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

4 Q. And how many pictures?

5 A. I can remember two or three, sir.

6 Q. And how many bodies that you personally saw?

7 A. Just one, sir.

8 Q. Just one. Was it the same body that he cut the  
9 blindfold and zip ties off of?

10 A. I can't say for sure, sir.

11 Q. Okay. Now did you see any other conduct by anyone  
12 there that you would consider maltreatment of the bodies?

13 A. No, sir. Not by anyone else.

14 Q. Well, let me back up, the boot on the head, the  
15 picture, did you view that as maltreatment, disrespect?

16 A. I viewed it as disrespect, sir.

17 Q. But you didn't see any other--anybody else touch or  
18 maltreat or disrespect bodies?

19 A. No, sir.

20 Q. And with Colonel (b)(6), (b)(7)(C) you saw the one?

21 A. Just that one, sir.

22 Q. In your statement to CID, there is a quote that is  
23 attributed to Colonel (b)(6), (b)(7)(C) "I guess we will have to say these  
24 guys tried to escape."



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Yeah, it left, I am trying to remember if it was still  
2 going on. Yeah, it left before he started talking. So, I  
3 remember--I remember actually, that's why I was farther away  
4 because I had walked away and turned my back when it took off.

5 Q. I am trying to figure out how you heard that comment  
6 and I haven't had any other person tell me they heard that  
7 comment. Any ideas?

8 A. I mean, I can't say exactly where (b)(6), (b)(7)(C) and them were  
9 at that point. I mean, I know I was standing close enough to  
10 hear what they were talking about. I wasn't trying to listen to  
11 what they were talking about. I was just standing there waiting  
12 to be told, like, what we were going to do with them.

13 Q. Okay. Similar to the photograph question, there is a  
14 world of difference between masterminding a cover up and blowing  
15 off steam and saying something that is maybe inappropriate but  
16 an attempt to be funny. Based on what you've heard, based on  
17 what you could observe, do you have a basis to have an opinion?

18 A. Roger, yeah, I don't think it was a mastermind to cover  
19 up or nothing like that. I think he was just being funny, like  
20 when he said, you know, "We need to get more kills."

21 Q. Okay. So you think both of those comments were humor,  
22 attempts at humor.

23 A. Roger, yeah, I think, because I don't know if you guys  
24 know Colonel (b)(6), (b)(7)(C) that is just how he is, he's----

ACLU DDII ROI 34136

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Never met him.

2 A. Well, he tells us our warning shot is to shoot the guy  
3 next to him, so I mean, that's not a bad thing for a leader, but  
4 I'm just saying, that's what kind of sense of humor he has and  
5 what kind of guy he is. I don't think it's bad, but----

6 Q. Well, that's why--that's why guys like me have to ask  
7 you questions like this----

8 A. Roger, sir.

9 Q. Because, yeah, we don't have first hand information.

10 A. Yeah, I don't dislike Colonel (b)(6), (b)(7)(C) at all. I don't  
11 dislike him at all. Like I said, I talked to Sergeant (b)(6), (b)(7)(C) and  
12 he recommended you guys and everything, so that's why we are  
13 here today.

14 (b)(6), (b)(7)(C) That is all I have.

15 Questions by Brigadier General (b)(6), (b)(7)(C)

16 Q. Private (b)(6), (b)(7)(C) I am kind of going down the same road  
17 that the Colonel is on. I am trying to reconcile things that  
18 you said with things that other people have said.

19 A. Sure, sir.

20 Q. In your e-mail to Sergeant (b)(6), (b)(7)(C) you said that you had  
21 to cut zip ties off of people. "They told me to cut the zip  
22 ties and shit off." But it's not in your statement and you  
23 didn't tell us that today. Did you cut zip ties off any of  
24 these----

ACLU DDII ROI 34137



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No, I cut them off detainees, not the dead ones though.

2 Q. Okay. And then, I just want to make sure I heard you  
3 exactly right. You said the four detainees were all zip tied,  
4 the dead--I shouldn't say detainees, the four dead Iraqis that  
5 were lying on the ground were all zip tied.

6 A. Roger, sir.

7 Q. And their hands were behind their back, zip tied behind  
8 their back, all four.

9 A. Roger. I was--lying there it was just like a big  
10 jumble of bodies.

11 Q. Right, right.

12 A. Everybody else was saying they were zip tied and  
13 blindfolded too, so I'm sure I know that they were.

14 Q. Okay. And when Colonel (b)(6), (b)(7)(C) you already described  
15 how he cut the blindfold off of one dead Iraqi, how did he cut  
16 the zip tie off?

17 A. That, I didn't stand there and watch him. I just--I  
18 mean, he bent down and he took longer than--I just remember  
19 seeing out of, like, kind of like, peripheral vision, I wasn't  
20 standing there staring at him watching him do it.

21 Q. Did you see him roll the guy over to get to his zip  
22 ties if his hands----

23 A. No, I didn't see him move him at all, sir. I just  
24 remember--I remember it was easy for him just to get the

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 blindfold off and then--it was kind of just like he was walking  
2 around like surveying them and he just stopped at the one and  
3 did that.

4 Q. Okay. The four bodies eventually got moved to the  
5 hole?

6 A. Roger, sir.

7 Q. Right. How did they get there?

8 A. By litter, sir.

9 Q. All four?

10 A. I can't--I just remember seeing the first one. Like I  
11 said, I had walked away by that point and I just remember them  
12 asking us for a litter and I remember at least the first body  
13 being carried away by the Sergeant Major, Sergeant (b)(6), (b)(7)(C) and  
14 (b)(6), (b)(7)(C) sir.

15 Q. So you never saw the other three bodies go to the hole?

16 A. No, sir.

17 Q. Okay. And then the last two that came in?

18 A. Yeah, I didn't see them go to the hole sir, I didn't  
19 even know where the hole was, sir. I just remember them saying  
20 they put them in a hole because they were smelling bad.

21 Q. Right. Have you ever operated with the 187 guys  
22 before?

23 A. Yeah, I actually went on a couple of mission with them,  
24 sir. We use our Rak Evac Vehicle to go on raids.

ACLU DDII ROI 34139



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Right. And in your e-mail you said this is the second  
2 time something like this happened with this same infantry  
3 company, Rakkasans 187. Do you know what that other incident  
4 was?

5 A. Just like, not as in like killing detainees, but they  
6 are just really rough with them. I mean, an instance, I went  
7 out--see I don't even want to--I can't remember exact specifics,  
8 but I just went out with them once and they beat up detainees  
9 really bad. So I don't really like going out with those guys  
10 because it makes me feel uncomfortable because, you know, I know  
11 the consequences and how other people are getting in trouble  
12 over here left and right. And me being the only medic going out  
13 with them and, you know, you feel uncomfortable just sitting  
14 there when they are like, you know, an instance when he punched  
15 him and stuff. I don't like that.

16 Q. Right. Just give me a minute here. I got to look  
17 through--I have a lot of notes I've got to look through.

18 (b)(6), (b)(7)(C) A quick question, sir.

19 Questions by Special Agent (b)(6), (b)(7)(C)

20 Q. You mention in your statement something about the  
21 Battalion Commander and radio traffic from Chopper 6.

22 A. Roger, sir.

23 Q. Do you want to go into that a little bit?

47  
ACLU DDII ROI 34140

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Sure, I just remember--well, like everybody was really  
2 talking about, like, because, you know, when we go out on  
3 missions we don't really have a lot of kills or anything so when  
4 I came in everybody was talking about it, and especially how  
5 they came in. So then I was laying in the back of, I guess it  
6 was the Iraq Evac vehicle and I just heard, it was just a random  
7 thing that I heard that I thought would help that I--that they  
8 told me to put in there. So, I remember, his call sign is Red  
9 Knight 6, Lieutenant Colonel, he called and asked for Chopper 6  
10 and he said, "There's been reports that you guys are shooting  
11 people and dogs." He's like, "And next time I hear you guys  
12 shot somebody, I'm going to have your balls." Something to that  
13 effect. The guy was like, "Roger, sir."

14 Q. Okay. Did anybody else in the area hear that  
15 conversation?

16 A. Not in the immediate area, but I'm not sure, I mean,  
17 anybody listening to the radio. It might not have stuck out to  
18 them like it did to me, and I thought----

19 Q. Right. Were they sitting there with you?

20 A. No, nobody was sitting there with me. I just remember  
21 hearing it. It was just something that stuck out.

22 Q. You mentioned a Staff Sergeant wearing small framed  
23 glasses. Do you have any further description of this Staff  
24 Sergeant?

ACLU DDII ROI 34141



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. No, sir. I just--I didn't want that incident. I just  
2 thought that was out of context really because I know why he  
3 told me to do it because, you know, I'd gotten into an argument  
4 with him. So, I don't think----

5 Q. Do you know his race?

6 A. White.

7 Q. Okay.

8 A. White, sir.

9 Questions by Brigadier General (b)(6), (b)(7)(C)

10 Q. Could you get up for us and--just stand up for a  
11 second.

12 A. Sure, sir.

13 [Private (b)(6), (b)(7)(C) did as directed.]

14 Q. Back up, so we can see your feet...

15 [Private (b)(6), (b)(7)(C) did as directed.]

16 Q. You are now Colonel (b)(6), (b)(7)(C) and the body is lying with  
17 its feet toward us and the head is right in front of your feet.

18 A. Okay.

19 Q. Could you show me the pose for each of the pictures as  
20 you best remember?

21 A. Sure, well, I'm trying to think. Well, if the body was  
22 facing this way, he was like this, the head was right here.

23 Q. Where is the feet?

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. The feet, still facing that way [motioning toward the  
2 table].

3 Q. Okay.

4 A. And the camera guy would have been right here  
5 [motioning toward the door].

6 Q. Okay.

7 A. I would have been right here [motioning to the right].

8 Q. Okay.

9 A. And the head was, I'm pretty sure facing this way, it  
10 could have been facing this way, but I just remember that and  
11 him looking over like that.

12 Q. Okay.

13 A. And I just seen the flash.

14 Q. Okay.

15 A. And I was standing right about here, sir [standing  
16 about five feet to the right].

17 Q. Okay. So that is one pose.

18 A. Roger, sir.

19 Q. Any other different poses.

20 A. I mean, I can just remember camera flashes. I don't  
21 remember looking up.

22 Q. All right. But did he--was he--did he position himself  
23 any differently for other pictures?

24 A. I can't remember specific other pictures, sir.

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Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Okay.

2 A. I remember seeing flashes, I just don't remember.

3 Q. Okay.

4 A. I remember him picking up the----

5 Questions by Special Agent (b)(6), (b)(7)(C)

6 Q. So you describe it as--with your--stand where you were  
7 standing and I stand where Colonel (b)(6), (b)(7)(C) was standing.

8 [SA (b)(6), (b)(7)(C) goes to the where Private (b)(6), (b)(7)(C) is standing to  
9 help demonstrate.]

10 A. Okay. This is where I am standing [standing about five  
11 feet to the right of SA (b)(6), (b)(7)(C)]

12 Q. And I am standing over here and I am Colonel (b)(6), (b)(7)(C)  
13 So, you are in front of me--of Colonel (b)(6), (b)(7)(C) positioning  
14 himself to face Private (b)(6), (b)(7)(C)?

15 A. No, he is facing this way. [Motioning for SA (b)(6), (b)(7)(C)  
16 to turn toward the left].

17 Q. Okay, so the same way you are?

18 A. He is facing this way for the picture. This is for the  
19 picture. And I remember standing here.

20 Q. You are standing like this?

21 A. Roger. He is looking at the guy that had the camera.

22 Q. The guy that's taking the camera is this way?

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, the guy there had his Kevlar off and he had--  
2 Colonel (b)(6), (b)(7)(C) handed him a digital camera and is the one that  
3 took the picture and I was right here.

4 Q. So, in relation to me, how would you describe where it  
5 is that you are standing right now.

6 A. I was probably standing----

7 Q. Now, what direction would you say you are standing--in  
8 front of me, or standing to my front?

9 A. Well, how the drawings go, the command building would  
10 be right behind me, that would be the flight line right there.

11 Q. Right. Just describe to me where it is that I am in  
12 relation to you, front, back, side, right,-----

13 A. So like, right in front of me and I am standing right  
14 here and you're facing that way and I am facing you this way.

15 Q. Okay. So as far as, how would you describe where you  
16 are standing in relation to me?

17 A. As in----

18 Q. Where are you standing in relation to where I a standing  
19 right now? How would you describe that?

20 A. I would say----

21 Q. You are to my front, left, up, down?

22 A. Probably to your right side.

23 Q. To my right and to my front or to my back?

24 A. To your side, if you were facing that way.

ACLU DDII ROI 34145



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 Q. Okay. So you are to my front side, right side?

2 A. Right side.

3 Q. Right side, kind of angled toward my front or angled  
4 toward my back?

5 A. Yeah, angled toward your back, you were facing more  
6 that way.

7 Q. Okay, so facing more this way?

8 A. Roger.

9 Q. So now you are more straight to my side.

10 A. Yeah, you're kind of like this, right here sir.

11 Q. I was right here.

12 A. Roger.

13 Q. Angled this way?

14 A. Yeah, I was just standing here. I can't even tell you  
15 what I was doing. He was just there. But he was more like, you  
16 know, posing for the picture, he wasn't just standing there  
17 facing me.

18 Q. So like this [lifting foot up and turning toward left].

19 A. Roger. Say, like, the door would be the guy.

20 Q. So, if you were to draw an imaginary line, I put my  
21 arms out like this, would you say that you are in front of this  
22 line or behind this line?

23 A. I would say, I am in front of it

24 Q. You are in front?

ACLU DDII ROI 34146

Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger.

2 Q. Thank you.

3 Questions by Brigadier General (b)(6), (b)(7)(C)

4 Q. Was his foot--do you recall if his foot was--did it  
5 feel--did it seem like this is the head, his foot was propping  
6 the head up to keep it from rolling over, or was it up on top of  
7 the skull?

8 A. I mean, I couldn't tell you exact details, sir, I don't  
9 know.

10 Q. Okay. And just so I am clear, two to three photographs  
11 at one body is what you can confirm you saw.

12 A. Roger, sir. I can confirm the one photo that I exactly  
13 100 percent know that Colonel (b)(6), (b)(7)(C) was in.

14 Q. Did you ever see Colonel (b)(6), (b)(7)(C) lean over a set of  
15 remains and push the head up.

16 A. Roger.

17 Q. Did you physically see that?

18 A. Roger, sir. I remember that.

19 Q. Okay. Was that for a photograph or some other reason?

20 A. I don't think anybody took a photograph. I just  
21 remember. I don't know if he was looking at, you know, the  
22 blindfolds, I just remember him picking him up by the hair.

23 Q. He reached down and picked him up by the hair?



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 A. Roger, just like rough handling him, like looking  
2 around the bodies.

3 Q. Do you know about how long he held him up by the hair?

4 A. Just a couple of seconds, sir.

5 Q. A couple of seconds?

6 A. Yeah, not long at all, maybe one or two seconds.

7 (b)(6), (b)(7)(C) Chief?

8 Questions by Special Agent (b)(6), (b)(7)(C)

9 Q. Is everything you told us today the truth?

10 A. It is sir. I would like to state something too, if I  
11 could. I just want to say, this isn't something malicious that  
12 I set out to do whatsoever. I mean, I told somebody, you know,  
13 what happened out on the mission and they decided to go forward  
14 with it.

15 (b)(6), (b)(7)(C) Sure.

16 A. I mean, I didn't say--come forward and say nothing  
17 because I figured my higher up command would do it and I  
18 wouldn't want to overstep them. I didn't come to them and say,  
19 you know, "Why were these people handcuffed and shot?" But, you  
20 know, it aint something I went and did and I just want to put  
21 that out there.

22 (b)(6), (b)(7)(C) Sure.

23 WIT: So I didn't go--I have no hard feelings against  
24 Colonel (b)(6), (b)(7)(C) whatsoever. I just want to make--you know, I'm



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 not some Soldier who has a grudge against him or the 101st or  
2 anything. I love the Army and everything like that, but, you  
3 know, when I first talked to your--you know the first person  
4 that interviewed me just explained that, you know, it's  
5 important to you guys, so you know, I'm just cooperating. I  
6 have nothing to gain from, you know, lying, so everything I am  
7 telling is 100 percent to my ability to what I am trying to  
8 remember. So, that is--I just want to put that out there, that  
9 I'm not----

10 Q. Okay, so having said that, everything that you've told  
11 us today is the truth?

12 A. Yes, sir.

13 Q. And the reason that we should believe you is?

14 A. I mean, I have nothing to gain, you know, I think this  
15 causes more trouble for me than it would be if I had said  
16 nothing, so, I mean, I am not gaining anything from this.  
17 Either way I lose, so.

18 Q. And I am not saying this is a fact, but if I were to  
19 tell you that I didn't believe you, what would you say?

20 A. I would just say once again, sir, I have no reason to  
21 mislead you. I mean, if I could give you exact dates,  
22 everything, I would, but I mean, it's not a situation I thought  
23 about right away. I mean, I just talked, we talked, a bunch of



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 people talked about it afterward and they would say things and  
2 I'd be like, "Oh yeah. Okay. I remember that." So----

3 Q. And I am not saying that this is what's happened, but  
4 if somebody did make a false allegation of this magnitude, what  
5 do you think should happen to that person?

6 A. I think they should get in very much trouble, and I  
7 mean, the hard thing is, I mean, people that want to be loyal,  
8 because when it first came down that they heard that you guys  
9 were coming, I mean, of course, I knew, but, I mean, people were  
10 joking around, they were like, "I'm not saying nothing. I'm not  
11 getting him in trouble." And that kind of got me scared at  
12 first. I am like, "Oh, what if everybody goes in there and was  
13 like, oh, nothing happened, nothing happened." I mean, I don't  
14 think this is a big cover up conspiracy by our Battalion at all.  
15 I mean, maybe they should have clarified to us that, you know,  
16 what did happen with the bodies, but no one ever said nothing,  
17 so, I mean, I don't think it's some big conspiracy by Colonel  
18 (b)(6), (b)(7)(C) to, you know, that he killed innocent people or that--my  
19 bad, that (b)(6)(b)(7)(C) or whoever killed innocent people and we tried  
20 to cover it up. But, you know, that's for you guys to decide  
21 what happened. I am just----

22 (b)(6), (b)(7)(C) I just want to let you know two things, the first  
23 thing is there is an independent investigation that your unit  
24 launched, so your instinct that you could count on your unit to

ACLU DDII ROI 34150



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 do the right thing was correct. So, just stick that in your  
2 rucksack, or if it gives you any kind of piece of mind----

3 A. Yeah, that makes me feel better, sir.

4 Q. --outside of all of this, something else is going on  
5 and it will be resolved. The other piece is, if you feel any  
6 repercussions you should contact anyone with CID or legal, or  
7 General (b)(6), (b)(7)(C) through your chain of command, because coming  
8 forward when you think something wrong has happened is the right  
9 answer. And you are absolutely right, you've got nothing to  
10 gain, but it's every Soldiers duty to report a law of war  
11 violation if that is what you think has happened. So, to that  
12 extent, I can tell you you did the right thing by bringing what  
13 you thought you saw to light. So, (inaudible) the information  
14 you got from the first CID agent to talk to you, 100 percent on  
15 the money. It's your job to cooperate.

16 Does that make sense?

17 A. Roger, sir. Yeah, because, I mean, I was apprehensive  
18 at first because I didn't want to, you know, blow a big thing  
19 open and, you know, I was just struggling to try and remember  
20 things, you know, exactly how they were and, you know, I didn't  
21 want to put no hearsay out there, and I was a little worried  
22 that if things came, like that people, because everybody was  
23 joking around or saying like, "I'm not saying shit because I'll  
24 get in trouble." Or, "I'm not going to testify against Colonel

ACLU DDII ROI 34151



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) And, you know, I was like, Oh great, no one is going  
2 to say, like, how you said a couple of things that you know, a  
3 couple of people said were different, things I know were 100  
4 percent, you know, maybe some of my details weren't 100 percent  
5 accurate, but you know, some things I know, and it's come out of  
6 other peoples mouth and we've talked about it that I know. So,  
7 I was a little worried about that because I didn't want, you  
8 know. Like I said, I just caused a bunch of trouble for myself  
9 to go through all this and for you all. So, like I said, I  
10 don't want to come get interviewed by a bunch of high ranking  
11 officers, so I am not gaining anything out of it.

12 (b)(6), (b)(7)(C) I'd just like to second what Colonel (b)(6), (b)(7)(C) just told  
13 you. You did exactly the right thing initially. I mean,  
14 initially an e-mail to your old drill sergeant isn't exactly the  
15 right way, but at least you were letting somebody know. The  
16 right way is your chain of command, and like Colonel (b)(6), (b)(7)(C)  
17 said, within a few hours of this happening, your chain of  
18 command understood that there was a situation that needed some  
19 further investigation because on the surface things didn't look  
20 real good.

21 WIT: Right sir.

22 (b)(6), (b)(7)(C) They didn't look exactly the right way. And they are  
23 not finished with their investigation yet.

24 WIT: That is good to know, sir.

ACLU DDII ROI 34152



Interview of Private E-2 (b)(6), (b)(7)(C) U.S. Army  
Forward Operating Base Remagen, Iraq

1 (b)(6), (b)(7)(C) Okay. (b)(6), (b)(7)(C) thank you very much. I do have one  
2 last thing I have got to tell you. I am going to issue an  
3 order.

4 WIT: Yes, sir.

5 (b)(6), (b)(7)(C) And it's this, this is an ongoing investigation, do  
6 not discuss your testimony with anyone. If anyone attempts to  
7 talk to you about your testimony you are to decline and let me  
8 know. The way you let me know is either through Command  
9 Sergeant Major or through Major (b)(6), (b)(7)(C) the XO, the Battalion  
10 XO.

11 Do you understand this order?

12 WIT: I do, sir.

13 (b)(6), (b)(7)(C) Okay. That means you don't talk about what you said  
14 in here to anybody.

15 WIT: Roger, sir. I kept it quiet until now.

16 The interview ended at 1541, 28 May 2006.

17  
18 I certify that the above transcription is a true and accurate  
19 representation of the interview.

20  
21  
22  
23  
24 (b)(6), (b)(7)(C) LTC, U.S. Army

ACLU DDII ROI 34153



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Major (b)(6), (b)(7)(C) was sworn at 1005, 29 May 2006, and was  
2 interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) If you could for the record, could you please state  
7 your full name?

8 WIT: (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) And your duty position, Major (b)(6), (b)(7)(C)

10 WIT: I am the SIGO for 3rd Brigade, 101st

11 (b)(6), (b)(7)(C) Thank you.

12 (b)(6), (b)(7)(C) We've been charged with investigating the  
13 circumstances surrounding the deaths of several Iraqis who were  
14 in Operation Iron Triangle.

15 WIT: Yes, sir. (b)(6), (b)(7)(C)

16 (b)(6), (b)(7)(C) And what may or may not have happened with their  
17 remains subsequent to their deaths. We--the key thing we are  
18 trying to distinguish is between what you or any other witnesses  
19 may have seen with your eyes and heard with your ears versus  
20 what you may have been told happened.

21 WIT: Okay, sir.

22 (b)(6), (b)(7)(C) So it is important that you draw a line between those  
23 two.

24 WIT: I understand.

ACLU DDII ROI 34154



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 TM: We've had an opportunity to read your statement, and  
2 just for the record, I'd like you to state that that statement--  
3 you stick by your statement, and that is a complete statement.

4 WIT: Yes, sir. This is my statement.

5 (b)(6), (b)(7)(C) I mean, is there anything you want to add?

6 WIT: I forgot there were a couple of folks on the aircraft  
7 that I negated or didn't include. On retrospect, Chief (b)(6), (b)(7)(C)  
8 the FSO, and Captain (b)(6), (b)(7)(C) the MEDO, were also on the aircraft.

9 (b)(6), (b)(7)(C) Okay. And we got their names.

10 WIT: Okay, sir. I just--that was the only thing I didn't  
11 include, sir.

12 Questions by Special Agent (b)(6), (b)(7)(C)

13 Q. Sir, Agent (b)(6), (b)(7)(C) CID.

14 Just for clarity, this is a 1300, 28 May 06,  
15 statement?

16 A. Oh, check, when I wrote it, yes.

17 Q. Could you briefly cover for us what your duties were  
18 during the operation and any interaction you may have had, or  
19 information you have regarding deceased Iraqi personnel?

20 A. Okay. I was charged with riding in the C2 aircraft  
21 helping the command group provide command and control over the  
22 assault phase of Operation Iron Triangle. There's a couple of  
23 systems in the back, as the signal officer, I am proficient in  
24 the use of the radios, and in fact, this time it required help



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 do some manipulating of the radio stats because once we are in  
2 flight the crew can't manipulate the radios, like the head sets.  
3 And plus, just stay on one of the nets, help out the S3, the S2.  
4 I am also--I've did Battle Major a couple of times for the  
5 Brigade so I just kind of help the battle track. And then when  
6 we landed at Iron--excuse me, at Red Knight TAC, I had a CP note  
7 out that was supporting their TAC that belonged to my guys. So  
8 I immediately peeled off and went--I think it was to the right  
9 to go check--or straight ahead out from where we landed to check  
10 on the TAC CP note. The rest of the command group, just about  
11 in its entirety, if I remember, everybody went and walked over  
12 and--to view some remains. And I understood they were doing  
13 that when we landed. I went over and talked to Sergeant (b)(6), (b)(7)(C)  
14 my CPO team chief, and we stood there probably ten or fifteen  
15 minutes talking about how his set up went and then what he was  
16 doing, and then I met the rest of the command group back at the  
17 helicopter. I pulled--I don't remember who I--probably Mr.  
18 (b)(6), (b)(7)(C) or a couple of the other guys, and everybody was just  
19 kind of chatting talking. I said, "What did you see?" They  
20 said, "Dead Iraqis." And I said, "Okay, great. That is what we  
21 are here for, to kill the enemy." So, we--we sat there talking  
22 a couple of hours.

23 Q. You mentioned in your statement something about  
24 blindfolds on the remains?

ACLU DDII ROI 34156



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Yes, I--there was--I just noticed a certain air of,  
2 "Yeah, this is going to--we are going to have to do an  
3 investigation. We are going to have to look into it." And I  
4 don't remember if it was (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) because I think at  
5 some point, the (b)(6), (b)(7)(C) Major (b)(6), (b)(7)(C) walked up. But some of the  
6 guys were like, "It's kind of screwy, we are going to have to  
7 look into it. The boss is upset. Something doesn't look  
8 right." I said, "What do you mean?" They said, "There were  
9 some--there were some blindfolds present." Like engineer tape  
10 blindfolds that they had to move to see the eyes in the  
11 photograph. I said, "Well, that's not good if you have to move  
12 a blindfold to photograph. It doesn't brief well."

13 Q. Did anybody say anything about who it was that moved  
14 the blindfold?

15 A. I believe I understood that Colonel (b)(6), (b)(7)(C) had, because  
16 there is a lot of blood, obviously, with deceased remains that  
17 have been shot recently. There is blood on everything, so I  
18 believe he used a knife to physically raise the blindfold up and  
19 over. And I had heard that he also used a knife, he just kind  
20 of--it wasn't like they were trying to explain it to me, they  
21 just casually mentioned that he would move the clothing off the  
22 side or lift there dishtirt or whatever you call their garment.  
23 He would lift that up to see--just to see what had killed them  
24 and kind of get his assesment of how they died.

AGLU DDII ROI 34157



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Q. At any time did they mention the use of the knife to  
2 actually make contact with the remains to cut the remains or  
3 anything like that?

4 A. Absolutely not.

5 Q. Did anybody mention anything about any restraints being  
6 present?

7 A. Yes, I believe there was--there was--I can't remember  
8 if they said tape or the zip ties--like the plastic zip ties. I  
9 did remember hearing talk that there were zip ties present.

10 Q. When you said "zip ties," you put your wrists together;  
11 did anybody indicate that the wrists were together?

12 A. No, I'm sorry, I was just--no, they didn't say whether  
13 they were front or back, and I don't remember asking. They said  
14 that at least one of the dead Soldiers or--not Soldiers, dead  
15 Iraqi AIF had restraints on at the time. And I said, "Well, why  
16 did they get shot?" And they said, "Well, that is what we will  
17 have to investigate." I believe we started a 15-6 when we got--  
18 actually, it started right then with the (b)(6), (b)(7)(C) telling Colonel  
19 (b)(6), (b)(7)(C) "Hey, you need to start doing this, like today."

20 Q. Did anybody else make any other statements regarding  
21 any of the actions taken by the Soldiers that were involved in  
22 the Iraqis becoming deceased?

23 A. There was--I remember asking what happened, and  
24 everybody was kind of speculating. I believe, and it wasn't a

ACLU DDII ROI 34158



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 big mass conversation that everybody heard all sides of, but if  
2 I remember right, it was either myself and (b)(6), (b)(7)(C) or myself and  
3 (b)(6), (b)(7)(C) or it could have been me and Jenio talking, and one of  
4 the--and I said, "Well, how did they become dead?" And they  
5 said, "Well, apparently a young Soldier was charged with  
6 guarding the prisoners and at some point one of the prisoners  
7 got out of his restraints, produced a knife, and the young man,  
8 the gunner, began firing and killed all--killed the prisoners.

9 Q. You were in the C2 bird?

10 A. Yes.

11 Q. Did you have an opportunity to be over objective  
12 Murray, the island?

13 A. Yes. Well not, we did not view--our ROZ was off to  
14 the--if you look at Murray, we were off to the NorthEast of  
15 Murray, as a matter of fact, we were off to the NorthEast of the  
16 entire Muthanna complex. So, we weren't flying over it. We  
17 were more--we were doing a C2 ROZ within radio contact. We did  
18 have some radio difficulties and I suggested that he move up and  
19 closer in, like up to--we tried getting up to like 1200 feet,  
20 1500 feet, and that improved our coms. So, we didn't actually  
21 over fly the objectives the entire time. We did over fly the  
22 objectives at one point when we were leaving and I think the  
23 assault had already--was already completed when we did our over  
24 flight.

ACLU DDII ROI 34159



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Q. So you didn't see a firefight going on?

2 A. No, I did not see the firefight.

3 Q. Anybody moving to the objective, or were people pretty  
4 much standing around after having completed the mission?

5 A. When I--when we landed on the TAC, it was--they were at  
6 the after--you know, the initial assault had taken place and it  
7 was the after work was happening. They were bringing in  
8 prisoners, truck loads and truck loads of prisoners.

9 Q. While you were in the air did you have the opportunity  
10 to see objective Murray?

11 A. After--after the assault I saw Murray, yeah. Because I  
12 remember taking- (b)(6), (b)(7)(C) said I want to see this from the air one  
13 time so I can visualize it, and they flew the entire complex  
14 before we landed at some point.

15 Q. And that flight was pretty much after the initial  
16 assault?

17 A. Oh yes.

18 Q. Not during?

19 A. Right.

20 Questions by Brigadier General (b)(6), (b)(7)(C)

21 Q. Did you--you related to us just now, in your statement--

22 ---

23 A. Yes, sir.

24 Q. Those were things that you heard. Did you see any of

ACLU DDII ROI 34160

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 these activities, Rak 6, Colonel (b)(6), (b)(7)(C) activities or  
2 interaction with the corpses?

3 A. No, sir. I didn't physically see it myself.

4 Q. Right now we've got a list of names of individuals who  
5 were likely to have been physically present and witnessed any  
6 handling of the remains.

7 A. Yes, sir.

8 Q. And that is (b)(6), (b)(7)(C) Tech Sergeant  
9 (b)(6), (b)(7)(C) and Captain (b)(6), (b)(7)(C)

10 A. Yes, sir.

11 Q. Is there anybody else we can add to that list, any  
12 other names that you can add to that list?

13 A. There would have been somebody from Red Knight,  
14 probably their--someone from their TAC would have been present  
15 as well----

16 Q. We have indications that their Sergeant Major----

17 A. Okay. That makes sense. And then----

18 Q. Anybody else from BCT Headquarters there?

19 A. The PSD is always around RAK 6 when he is on the  
20 ground.

21 Q. Okay. Any idea of who--any names of who they might  
22 have been?

23 A. Typically, he has Sergeant (b)(6), (b)(7)(C) that is his--that is  
24 the PSD NCOIC and most trusted--or, most, you know, he is the

ACLU DDII ROI 34161



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 guy that is with Rak 6, if there is only one, he is the one.

2 Q. Right. You mentioned the (b)(6), (b)(7)(C) a couple of times, and  
3 that is Major (b)(6), (b)(7)(C)

4 A. Major (b)(6), (b)(7)(C) yes, sir.

5 Q. Was he physically present? Was he with Rak 6?

6 A. I don't know if he was with Rak 6 when Rak 6 viewed the  
7 remains, I just remember he had been flying with--2C2 aircraft,  
8 one Euro, one A2C2S, and he was with the A2C2S with  
9 Colonel (b)(6), (b)(7)(C) Red Knight 6.

10 Q. Right.

11 A. Helping him, essentially clear fires, make sure we stay  
12 within the law, and then when we landed, he--I guess, you know,  
13 all of us realized rather quickly that the action, that, you  
14 know, the action had tapered off, there was not going to be a  
15 lot going on.

16 Q. Right.

17 A. At this--for the rest of this mission. And the Colonel  
18 made the decision that he was going to peel off and go back to  
19 Speicher. So the (b)(6), (b)(7)(C) made his way out from the TOC, the TOC  
20 is only 70 meters from this--not even that far, from the  
21 helicopters when we were in them waiting. So, he made his way  
22 out to the helicopter and waited with us and when the other  
23 helicopter landed he left with us.

24 Q. Were you present for the combined arms rehearsal?

ACLU DDJ ROI 34162

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Yes, sir, I was.

2 Q. Do you recall any discussion of the ROE during the  
3 combined arms rehearsal?

4 A. Yes, sir, I do.

5 Q. Who talked about ROE?

6 A. I remember Colonel (b)(6), (b)(7)(C) I can remember the hangar, it  
7 was in a--like an empty hangar, not empty, it had some pallets  
8 in it. I remember the Colonel, Colonel (b)(6), (b)(7)(C) addressing some  
9 ROE and Colonel (b)(6), (b)(7)(C) addressing ROE, but, sir, I honestly,  
10 without thinking about it too hard.

11 Q. Do you recall ever hearing a statement made that there  
12 were any changes to the ROE or a new set of ROE issued with  
13 regard to Iron Triangle?

14 A. No. Absolutely not, sir.

15 Q. Do you ever recall a statement being made by either the  
16 Brigade or the BCT or the Battalion Commander that all males on  
17 the island of objective Murray were genuine targets to be  
18 engaged on acquisition?

19 A. On objective Murray, sir?

20 Q. Yeah.

21 A. Yes, sir, I do.

22 Q. You do remember hearing that?

23 A. Yes, sir.

24 Q. Can you explain that to me?

ACLU DDII ROI 34163



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. There was--the intel to my memory was that everybody--  
2 this island was an AIF training camp and only AIF lived on that  
3 island.

4 Q. Okay.

5 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

6 Q. With regard to the briefing, was there a connect the  
7 dots, what that translated to for the Soldiers on the objective?

8 A. No, I wouldn't say so, sir. I think that he was trying  
9 to do, what I took it as him imparting that we expected there to  
10 be--they truly expected to come in and have people shooting at  
11 them and I think they were just trying to impart, this is bad  
12 guys, this is not a walk in the park, this isn't a raid where  
13 you are going to go in and grab somebody in a village, you know,  
14 sheik and take him out and take him for questioning. This is  
15 going to be--they are going to come out shooting. So I think he  
16 was trying to impart on them that everybody there was bad. I  
17 could see, maybe on a stretch, a kid could see that, but I  
18 didn't. I didn't see that you could--that gave anybody a free  
19 ride--free reign to just shoot.

20 Q. When you say "he was trying to impart," which he? You  
21 said Colonel (b)(6), (b)(7)(C) and Colonel (b)(6), (b)(7)(C) briefed.

22 A. I really don't remember, sir. It has been at least  
23 three weeks. I can't remember who was briefing the ROE. I  
24 just--I do remember it being briefed and I do remember imparting



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 that Murray was going to be bad. Murray was going to have, you  
2 know, bad guys coming out with guns and that was where we were  
3 focusing our attention was, you know, that first couple of  
4 minutes and I can remember Colonel (b)(6), (b)(7)(C) pulling aside the, I  
5 think it was Choppin, Charlie 3/187 commander early on and  
6 talking to him and just making sure he was ready, because  
7 everybody anticipated that to be a firefight when we landed.

8 Q. I understand that there was a fires package pending.

9 A. Yes, sir.

10 Q. At the point that these discussions had taken place  
11 about the ROE, at that point is the fires package still pending  
12 or had it come back?

13 A. When we--to the best of my knowledge, as a SIGO, we--we  
14 wanted a fires package, and I--even on retrospect, I think we  
15 should have, you know, the fires package would have killed a lot  
16 of AIF. We know there were a lot of AIF, we arrested, you know,  
17 when 60 males are in a single structure or two single structures  
18 and there is no signs of them making a living, and they all have  
19 brand new AK47s, they are probably AIF. If you come in and  
20 arrest them they will give themselves up because they know if we  
21 don't have anything on them they are going to be out in two  
22 weeks. So there was talk of the fires package, and that we--  
23 that wasn't why, that is my after comment. But, there was, we  
24 were going to get a fires package. It had been applied.

ACLU DDH ROI 34165



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 initially, it was a big goat screw, it got briefed that we had  
2 it and then it had to go up to--because it was a chemical  
3 complex it had to go up to (b)(6), (b)(7)(C) desk. And we were  
4 literally getting sitreps that it was at, you know, the Corps  
5 Commanders desk, (b)(6), (b)(7)(C) desk, and then it was working it's  
6 way back down. And I guess (b)(6), (b)(7)(C) or somebody, that is what  
7 I heard, the version I heard was that (b)(6), (b)(7)(C) pushed it back  
8 down to Division Commander level. The Division Commander, when  
9 it hit his desk again the second time turned it down and said no  
10 preassault fires. And that was--we didn't hear that until less  
11 than ten to twelve hours before the mission. So, I didn't like  
12 it. I remember kind of being pissed, and a lot of guys were  
13 kind of pissed, because you don't want to change the plan on a  
14 young man that is about to exit an aircraft and the thinks,  
15 "Hey, this target has been neutralized." And then all of a  
16 sudden nothing has happened and he is the first guy, the first  
17 sound they hear is helicopter blades beating near. And he is  
18 going to walk out. So, we anticipated there to be casualties  
19 and, you know, more fire.

20 Q. And in your mind, as of that time, on the ROE being  
21 discussed for this objective----

22 A. Yes, sir.

23 Q. Was it the equivalent of a declared hostile force?

24 A. I am not sure what you mean by "declared hostile force"

ACLU DDH ROI 34166

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 force." You mean, like the enemy?

2 Q. Yeah, exactly.

3 A. Well, we knew--there was intel that said there were  
4 enemy AIF training and working and living, that is why we went  
5 in there. That is the whole reason for the mission was to find  
6 the AIF and kill them.

7 Q. I guess to try and break it down to make sure there is  
8 no miscommunication.

9 A. Okay.

10 Q. Generally speaking, there is two times you can engage a  
11 target.

12 A. Right.

13 Q. Declared hostile force, or someone displays hostile  
14 intent or a hostile act.

15 A. Right.

16 Q. So, the two categories. If I've got a hostile force, I  
17 don't have to wait for the act or the intent to manifest itself.

18 A. Okay. I understand.

19 Q. I can shoot. So, at the time that Murray was being  
20 briefed and the discussion with the ROE is taking place, are the  
21 folks on that objective now functionally declared hostile?

22 A. Yes, sir. That is my take on it, sir.

23 (b)(6), (b)(7)(C) That is all I have.

24 (b)(6), (b)(7)(C) That is all I've got. Listen, I appreciate your time



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 and your cooperation.

2 WIT: Yes, sir.

3 (b)(6), (b)(7)(C) I am going to issue you an order. This is an ongoing  
4 investigation. You are not to discuss your testimony with  
5 anyone. If anyone attempts to talk to you about your testimony  
6 I want you to decline and let me know.

7 WIT: Okay, sir.

8 (b)(6), (b)(7)(C) Either let me know directly or through the BCT XO.

9 WIT: Okay, sir.

10 (b)(6), (b)(7)(C) Do you understand?

11 WIT: Yes, sir.

12 (b)(6), (b)(7)(C) Okay, Major (b)(6), (b)(7)(C) thank you very much. I  
13 appreciate your time.

14 The interview ended at 1025, 29 May 2006.

15  
16 I certify that the above transcription is a true and accurate  
17 representation of the interview.

18

19

20

21

22 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34168

Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 Technical Sergeant (b)(6), (b)(7)(C) was sworn at 1031, 29 May 2006,  
2 and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) do we have a statement from you?

7 WIT: No, you do not, sir.

8 You have to excuse me, I have Bronchitis, so I will  
9 try not to cough all over you too much.

10 (b)(6), (b)(7)(C) For the record, could you please state your full name?

11 WIT: (b)(6), (b)(7)(C)

12 (b)(6), (b)(7)(C) And your duty position?

13 WIT: I am a JTAC at the Division.

14 (b)(6), (b)(7)(C) And I notice you're United States Air Force.

15 WIT: Yes, I am.

16 (b)(6), (b)(7)(C) All right. Thank you.

17 (b)(6), (b)(7)(C) Sergeant (b)(6), (b)(7)(C) we are investigating the circumstances  
18 surrounding the deaths of several Iraqis in Operation Iron  
19 Triangle and subsequent actions with their remains. That is the  
20 nature of what we have been asked to look into, so that is what  
21 this line of questions is going to be. What I would like to  
22 make clear to you, is we are really interested in what you may  
23 have seen with your own eyes and heard with your own ears versus  
24 what other people may have told you they saw and have told you

ACLU DDII ROI 34169



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 that they heard, and draw a distinction between those two sets  
2 of information.

3 We are going to start with Chief over here who is  
4 going to ask you some questions.

5 Questions by Special Agent (b)(6), (b)(7)(C)

6 Q. Chief (b)(6), (b)(7)(C) CID.

7 A. Hi, sir.

8 Q. I am wondering if you could go back to that day for us  
9 and kind of give us an overview of what your actions were on the  
10 objective and what your roles there were and any interaction  
11 that you may have had personally, or may have seen others have  
12 with the remains of the deceased Iraqis.

13 A. I will tell you what I can remember. You'll have to  
14 forgive me, this is my first operation with this staff, so all  
15 the names--I can give you their positions more than I can names.

16 My job was command and control on the C2 bird for all  
17 close air support and fixed wing assets flying in and on Iron  
18 Triangle. And for the most part, I stayed on that helicopter  
19 for, I'd say probably, at least the first six hours, except when  
20 we would land to refuel and then go back to the objective. And  
21 then Rak 6 made a call needing a helicopter to get off the  
22 objective he was on, which was Murray, to take him, I believe,  
23 back to the GAC TAC where he was going to link up with the GAC  
24 commander and discuss how it went. We had an extra seat in the

ACLU DDII ROI 34170



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 C2 bird and we went and picked him up. We did, enroute to the  
2 GAC, stop and look for some bodies that the Apaches air weapons  
3 team, I am pretty sure it was Apaches, had engaged in a boat  
4 north of Murray, and they wanted to ensure that they had gotten  
5 their hands on those bodies before they sank. We never--we  
6 never found anything where we landed to pick them up. We then  
7 flew to the GAC, dropped Rak 6 off, flew around and checked some  
8 other control points that they had set up on the outer perimeter  
9 of Iron Triangle. And when I say "we," then entire C2 staff was  
10 with me, that was in the bird, which if I remember right was the  
11 Commo, the 2, the 3, I know Chief (b)(6), (b)(7)(C) because the FSO was on  
12 leave, and myself. I believe that was--and then, of course, the  
13 staff of the C2 bird. We then went back to pick Rak 6 up. It  
14 was about a 20 minute flight that we flew around. Landed,  
15 waiting for Rak 6 to finish his conversation, of course, we wait  
16 on the Generals, the Generals and the Colonels don't wait on us.  
17 So, he took a little while, and we had to shut down to conserve  
18 fuel. He came out, we went to crank, and the helicopter broke.  
19 So we ended up being there for the next couple of hours. They  
20 had brought one body into the holding area, which was probably  
21 500 meters, maybe 400 meters, from where we were parked. I  
22 believe it came in on a FLA, or some sort of vehicle. It was  
23 bagged. Rak 6, and I believe the 2, went over to take pictures  
24 of the body. Probably 50 minutes to an hour later, I am not

ACLU DDII ROI 34171



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 sure of the time with that, three more bodies came in that were  
2 bagged on a helicopter. I went with the staff to look at those  
3 three bodies. They unzipped the bags, Rak 6 unzipped the bags,  
4 removed what appeared to be some sort of blindfold on their  
5 faces with his knife, and they took pictures of the bodies.  
6 Then we went back to the helicopter. I know I had said it, that  
7 I--let's see if I can remember how I put it, "I wonder how come  
8 they are blindfolded." And nobody really--I don't know how loud  
9 I said it, because I was kind of surprised I heard it out loud,  
10 because I know I was thinking the words. And they took the  
11 pictures. They held their faces up, took their pictures, zipped  
12 the bags back up, and we went back to our helicopter. Then we  
13 waited for another helicopter to come and pick us up because  
14 this one had a starter problem and we left the area.

15 Q. You said "blindfolded," were all three blindfolded?

16 A. Yes.

17 Q. Were the blindfolds over the eyes or were they----

18 A. They were over the eyes. To me they looked like they  
19 were placed there after they were dead because they weren't as  
20 bloody as the rest of the clothing. It looked like the blood  
21 had been sloshed around from the bodies being moved. And it's  
22 not--the material used, the best I could tell, was a webbing  
23 material, kind of a--almost like engineer marking tape, probably  
24 two inches in width. I remember thinking it was odd that they

ACLU DDII ROI 34172



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 were over their eyes because it was rather narrow, wouldn't make  
2 a very good blindfold. It's almost like someone just didn't  
3 want to look into their eyes, and that is why they were covered  
4 up.

5 Q. Did you see any restraints?

6 A. No, the body bags were only zipped down to the chest.

7 Questions by Brigadier General (b)(6), (b)(7)(C)

8 Q. Physically, how close were you to the bodies?

9 A. Four feet.

10 Questions by Special Agent (b)(6), (b)(7)(C)

11 Q. When you say "exposed pictures," what kind of pictures  
12 were they?

13 A. Head shots.

14 Q. Just pictures of----

15 A. I mean, I didn't take the pictures. I don't know----

16 Q. Right, but when you saw them taking the pictures, did  
17 it look like just, basically, taking pictures of the remains or  
18 was anybody else, like trying to be in the picture----

19 A. No, no hero shots if that is what you are asking. No,  
20 they were taking head shots for--I don't know why they took the  
21 pictures. They looked like identification pictures to me, like  
22 we do if there is anybody else that we kill and don't know who  
23 they were.

24 Q. You said that he removed one with a knife, one of the

ACLU DDII ROI 34173



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 blindfolds or all of the blindfolds were removed with that  
2 knife?

3 A. When I say "removed," you got to know that your--I  
4 don't know, he used his knife to pull the blindfolds down. He  
5 didn't want to touch them because he didn't have gloves. That's  
6 the best I can figure.

7 Q. So he didn't cut them off?

8 A. No. And I think if you look at the pictures, all of  
9 them should be laying somewhere right around here.

10 Q. Did you observe any wounds, specific wounds, on the  
11 remains?

12 A. I did not see any entry wounds, I do know that. I  
13 don't know which body it was, it appeared it had been shot in  
14 the neck or up through the head because it was odd shaped, but,  
15 all I could tell you is they were dead.

16 Q. During the first--when the first KIA was brought in,  
17 you said Rak 6 and the 2 went over and they exposed pictures.  
18 Was it Rak 6 and the 2 when the second set of remains was  
19 brought in or was it more people that went----

20 A. It was more. There were more people around, because we  
21 were spread out. I know, I had just went to visit my other  
22 JTACs that were on the objective that came into the GAC when the  
23 first body came in, and then, it was basically, it was the crew  
24 that was on the helicopter. I am trying to remember exactly who

ACLU DDH ROI 34174



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 was standing around. I know the 3 was there. I believe the 2--  
2 yeah, the 2 was there, the 6, and I know Chief (b)(6), (b)(7)(C) was there  
3 as well. I know those were there.

4 Q. Did anybody--well, did you see the 2 expose pictures  
5 when he went over there?

6 A. What do you mean "expose pictures"?

7 Q. Take pictures?

8 (b)(6), (b)(7)(C) Take photos.

9 A. Yes, he was the one with the camera, I am almost  
10 positive.

11 Q. Was anybody else taking pictures?

12 A. No.

13 Q. Just the 2?

14 A. As far as I know. Again, I want to be clear, I am not  
15 positive that it was the 2 that was taking the pictures because  
16 he was standing over to the right and the two people that were  
17 standing there was the, I believe, the 2 and the 6. And then  
18 (b)(6), (b)(7)(C) and then I was kind of back in between them. So, I know  
19 pictures were being taken, but I want to be honest, I am not  
20 positive who took the pictures. But there was only one camera,  
21 I know that.

22 Q. That was on the second set?

23 A. That was on the second set.

24 Q. The first incident it was the 2 and the 6 that was

ACLU DDII ROI 34175



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 over?

2 A. Yes, I don't know if anybody else linked up with Rak 6  
3 on his walk over there. I just know those were the two that  
4 left the helicopter to go look.

5 Questions by Brigadier General (b)(6), (b)(7)(C)

6 Q. When you were--the second set of bodies, the second set  
7 of three remains, there was a group of individuals standing  
8 around. You were describing some pictures taken, and you saw  
9 Colonel (b)(6), (b)(7)(C) move the blindfold down with his knife. Can you  
10 recall whether there were helos in the area, either on the  
11 ground or in the air, on the ground specifically, with the  
12 blades turning? Would it have been easy to hear anybody to say  
13 something while that was going on or were there helos with  
14 blades turning on the LZ? Do you recall?

15 A. There were helos parked there, and they actually did  
16 lift off while we were standing around there.

17 Q. Okay. So it might have been difficult if you weren't  
18 standing close to somebody, to hear?

19 A. Exactly.

20 Q. Did you hear Colonel (b)(6), (b)(7)(C) say any one of these two  
21 phrases, or something even close to these two phrases, "I guess  
22 we will have to say these guys tried to escape." Do you----

23 A. No, sir.

24 Q. How about, "Good job, but we need more bodies"

ACLU DDII ROI 34176



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 A. No, sir.

2 Q. Would you have been in a position--were you close  
3 enough you might have heard that if he said it?

4 A. Sir, I could hear just about everything that was going  
5 on around there, but when you have a group of people standing  
6 around and you--I know I was talking to Chief (b)(6), (b)(7)(C) a little  
7 bit, you don't always hear what other people are saying.

8 Q. Sure. Sure.

9 A. But you are aware of your surroundings. So, I didn't  
10 hear any of those, and I would remember if he said something  
11 like that.

12 Q. Sure.

13 A. I know that--this is the first time I have worked with  
14 the man, so I don't know how this group of individuals--they are  
15 like any other professional Army staff that I have ever worked  
16 with.

17 Q. Sure. Like I said, we, as you can imagine, we were--we  
18 are in receipt of some allegations and we are trying to confirm  
19 or deny allegations by people that were in a position to either  
20 hear or see things. I know you've already said no hero pictures  
21 were taken with the remains; there is an allegation that there  
22 was a posed picture taken by Colonel (b)(6), (b)(7)(C) with his foot on a  
23 dead Iraqis head. Did you see anything like that happen?

24 A. No, sir. People should be careful about what they say.

ACLU DDII ROI 34177



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 because I know with the helicopters, Colonel (b)(6), (b)(7)(C) was trying  
2 to keep the body bags open----

3 Q. Right.

4 A. --so a picture could be taken, but he only zipped down  
5 to the chest. I think that could be confused if people say  
6 that.

7 Q. Right.

8 A. Especially if a picture was taken while he was trying  
9 to move the body bag, it may--I don't know what pictures you're  
10 talking about. I know what happened right there around those  
11 three bodies.

12 Q. Yeah.

13 A. So that could be confusing.

14 Q. And we've actually seen a couple of pictures where  
15 there is a foot along--holding down part of the body bag  
16 alongside the head to--it appears to keep the rotor wash from  
17 blowing the bag over the top of the face.

18 A. Yeah. They threw them right outside the rotor--the  
19 rotor area of the helicopter so we were getting dusted up pretty  
20 good.

21 Q. Were you--did you go to the combined arms rehearsal?

22 A. Yes, I did.

23 Q. Was there any briefing as part of the rehearsal on the  
24 rules of engagement?

ACLU DDII ROI 34178



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 A. As far as---

2 Q. What the rules of engagement were for Operation [Iron]  
3 Triangle or for any specific objectives on Operation Triangle--  
4 Iron Triangle?

5 A. I know I went through some of my rules of engagements  
6 with the 3. With that many people briefing you don't always  
7 listen to everybody's. If you have been to one you know what I  
8 am talking about.

9 Q. Right.

10 A. I know I discussed some of my rules of engagement as  
11 far as--I asked the 3 if he had approval, if he had been  
12 delegated approval from Rak 6 to authorize any kinetic strikes  
13 on my behalf.

14 Q. Right.

15 A. And those things. So many different commanders  
16 briefed. I know that there were things covered that--that deal  
17 with the rules of engagement. Nothing specific sticks out.

18 Q. Were you--as you went in on that operation, or better  
19 yet, as you came out of that combined arms rehearsal, did you--  
20 did you have--did you believe--did you believe that there had  
21 been any changes with the ROE with a requirement for a hostile  
22 act or a hostile intent before engaging? Did you think that  
23 objective Murray had been declared--had been declared hostile  
24 and could be preemptively engaged?

ACLU DDII ROI 34179



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force  
Camp Speicher, Iraq

1 A. There was a package assigned to strike Murray before we  
2 went in, and it was denied.

3 Q. Right. So then, as you went into--as you began this  
4 operation, what would you say with regard to the ROE, had they  
5 changed or were they the same that you've been dealing with your  
6 whole time here?

7 A. The rules of engagement were the same.

8 Q. Right.

9 A. I mean, that was a hostile target. They were going--  
10 they were going to be shooting going in. I know the door guns  
11 were probably going to be shooting, but, I mean, they had--they  
12 were going to shoot it up with hellfires, they were going to use  
13 Gimlers. I know that was one of the targets I specifically  
14 looked at in my fixed wing CAS.

15 Q. Right.

16 A. Before we went--probably ten minutes before the  
17 helicopters landed.

18 Q. Right.

19 A. I am not sure of your specific question, because as far  
20 as the rules of engagements go, and I have to take a written  
21 test monthly on the rules of engagements on our part, there was--  
22 --there was no change in the rules of engagement, everything was  
23 ops as normal.

24 Q. Right.

ACLU DDII ROI 34180



Interview of Technical Sergeant (b)(6), (b)(7)(C) U.S. Air Force,  
Camp Speicher, Iraq

1 A. Its--there have been some statements made by folks on  
2 this whole operation up and down the chain of command. A few of  
3 them have indicated that there were new ROE which allowed--which  
4 declared objective Murray--anybody on objective Murray as  
5 hostile so that they can be engaged without showing hostile  
6 intent or hostile act. And what I think I just heard you say  
7 is, you know there had been a request to that effect but it had  
8 been denied so the ROE did not change. I think that is what I  
9 heard you say.

10 A. That is correct. Sir, let me clarify on that.

11 Q. Yeah.

12 A. They expected to get shot at when they hit Murray.  
13 That is what we believed the enemy's intent would be. So----

14 Q. But the strike package being denied----

15 A. Yes, the air weapons team engaging with hellfires was  
16 shut down. I wish I could tell you when--it seems to me they  
17 were still going to do it at the GAC. It was planned at the GAC  
18 and it was shut off later.

19 Q. Right.

20 A. I am 95 percent positive on that.

21 (b)(6), (b)(7)(C) Okay. That is all we've got for you I believe. I am  
22 going to issue you an order. Since this is an ongoing  
23 investigation you are not to discuss your testimony with anyone,  
24 that you just gave. If anyone attempts to talk to you about

ACLU DDII ROI 34181



Interview of Technical Sergeant (b)(6), (b)(7)(C) J.S. Air Force  
Camp Speicher, Iraq

1 your testimony, I want you to decline discussing your testimony  
2 with them and then let me know, and you can let me know through  
3 the Brigade XO, Major (b)(6), (b)(7)(C) or you can call me directly.

4 Do you understand this order?

5 WIT: Yes, I do, sir.

6 (b)(6), (b)(7)(C) Thank you Sergeant (b)(6), (b)(7)(C) I appreciate it.

7 The interview ended at 1049, 29 May 2006.

8

9 I certify that the above transcription is a true and accurate  
10 representation of the interview.

11

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15 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34182

1 Chief Warrant Officer Three (b)(6), (b)(7)(C) was sworn at 1157, 29  
2 May 2006, and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)

4 Lieutenant Colonel (b)(6), (b)(7)(C)

5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) And obviously we are recording, so if you could for the  
7 record, please state your full name.

8 WIT: Chief Warrant Officer Three (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) And your duty position?

10 WIT: I am the Brigade Targeting Officer. I work in the  
11 Fires and Effects Coordination Cell.

12 (b)(6), (b)(7)(C) Thank you.

13 (b)(6), (b)(7)(C) Chief, as you probably are aware of, we have been  
14 charged with investigating the circumstances surrounding the  
15 deaths of four Iraqis on Operation Iron Triangle.

16 WIT: Yes, sir.

17 (b)(6), (b)(7)(C) As well as Colonel (b)(6), (b)(7)(C) actions with regards to the  
18 detainees, well, I shouldn't say "detainees," those Iraqis and  
19 their remains. So that is the line of questioning that we are  
20 going to come at you with.

21 And it is our understanding from other folks statements  
22 that you were present at some of these activities, so that is  
23 really what we are going to be asking you, is what you saw or  
24 heard. What I would like to make clear to you is, we want to draw



1 a pretty sharp line between things that you saw with your own  
2 eyes, heard with your own ears, versus things you may have heard  
3 people say or what other people saw.

4 WIT: Yes, sir.

5 (b)(6), (b)(7)(C) Okay. So we are going to start with Chief over here.

6 Questions by Special Agent (b)(6), (b)(7)(C)

7 Q. Agent (b)(6), (b)(7)(C) CID.

8 I have in front of me here a statement that you gave  
9 2100 on 28 May, that I would like you to take a look at, ask you  
10 if that is your statement and if everything in there is accurate.  
11 Would you like to make any changes to that?

12 A. No, I don't want to make any changes. That is my  
13 statement and as--as best as I can recollect from the 9th of May,  
14 that is my--that is what happened.

15 Q. Basically, if you could go back for us and explain what  
16 your duties were during the operation and any interaction you may  
17 have had with the remains of the deceased personnel and any  
18 interaction you may have seen other people had with the deceased  
19 personnel.

20 A. Okay. My--my duty for this operation, for Operation Iron  
21 Triangle was part of the Brigade Command Team, Command and Control  
22 Element. I was flying in the Euro Command and Control aircraft  
23 for the infiltration of the forces onto the objective area and to  
24 control any fires that we may need to shoot. We did not have any

1 preassault fires approved for the operation, so we did not shoot  
2 any preassault fires. I was monitoring the air battle net and the  
3 combat aviation net, which was the command net for the operation.  
4 So I was monitoring those nets during the operation from the  
5 aircraft. Communications were somewhat intermittent depending on  
6 where we were in the orbit in the ROZ, but things seemed--things  
7 seemed to be going pretty well and according to planned. There  
8 was some activity on objective Murray which was to the West out in  
9 one of the canal areas, that we had reported four KIA from the  
10 objective ground forces, and an additional three KIA from an  
11 aerial engagement from an air weapons team. Things, again, were  
12 going pretty smoothly it seemed in the operation. Our aircraft  
13 went back to Fort Remagen for a refuel, came back on station and  
14 we got a call from the ground from Colonel (b)(6), (b)(7)(C) that he wanted  
15 to do some battlefield circulation and he needed an aircraft. He  
16 was on the initial ground assault forces with the Charlie 3/187 on  
17 objective Murray. So our aircraft went to the objective Murray  
18 area, picked up Rak 6 and did some battlefield circulation. One  
19 of the things he was concerned with was the three individuals that  
20 had been engaged by the air weapons team on the canal area. We  
21 were unable, due to other events going on on Murray, to get ground  
22 forces over there to try and recover those bodies so that we could  
23 verify who they were, what--try and positively identify the three  
24 individuals that had been killed on the canal. We were never able

assault forces  
ACLU DDII ROI 34187



1 to find those three bodies.

2 At that point he wanted to go visit with the commander  
3 on the ground at the 3rd of the 320th TAC location. I believe  
4 Colonel (b)(6), (b)(7)(C) was still in another A2C2 aircraft and the 3rd of the  
5 320th XO was on the ground at the TAC. So we dropped Colonel  
6 (b)(6), (b)(7)(C) off there. Then our aircraft went back airborne with the  
7 original command and control element to still monitor nets and see  
8 what was going on with the battle. About twenty minutes was about  
9 all the time that we had because we needed to get back for fuel  
10 again. So we landed back at the TAC to retrieve Colonel (b)(6), (b)(7)(C)  
11 at which point one--one of the dead bodies arrived at the TAC  
12 location. It was segregated away from everything else, but  
13 Colonel (b)(6), (b)(7)(C) wanted to try and identify that body. We try and  
14 take a photo of that body so that we can verify it against--  
15 positively identify it against target folders to try and identify  
16 if it was an HVT or a known insurgent. I did not go to the site  
17 where that body was at. I know Colonel (b)(6), (b)(7)(C) went over, and I'm  
18 not exactly sure who the other individuals that went. I believe  
19 he took Rak 2 with him, Major (b)(6), (b)(7)(C) to get a photo and try to  
20 match that against target folders.

21 At this point we were coming back to the aircraft to  
22 take off and return to Speicher. The aircraft had a maintenance  
23 issue and could not--could not leave. So we were stranded for  
24 awhile. We were waiting to get another aircraft. They had some



1 contingency aircraft and an (inaudible) aircraft that was about to  
2 go off station so we were going to catch a ride with those guys  
3 back here to Speicher. At which point one of the contingency  
4 aircraft came in and it had three more bodies in body bags on  
5 that--on that aircraft. When the individuals went down to try and  
6 do positive identification on that I went down with the  
7 individuals. As they opened the body bags and went to view the  
8 bodies, initially I didn't notice anything out of the ordinary.  
9 And it's in my statement that it didn't dawn on me, didn't make  
10 any comment. And in my statement I say, "Someone said," I believe  
11 it was Rak 6, but I am not sure that he is the one that said it.  
12 Somebody said that it was kind of odd that the detainee's eyes  
13 were covered. It was a piece of cloth, I don't know if it was  
14 engineer tape, what kind of cloth it was but there was a strip of  
15 cloth around the--around the heads of each of the individuals  
16 covering their eyes. I guess initially I thought it was something  
17 cultural because there were partnered units on the ground with the  
18 Iraqi Army units. I assumed it was something cultural with one  
19 Muslim or one Arab not wanting to see the eyes of another dead  
20 Arab or Muslim. The comment was made that it was kind of odd that  
21 their eyes were covered and Rak 6 said that he would mention it to  
22 the (b)(6), (b)(7)(C) and have him check into it. And that's--I kind of left  
23 it alone at that. And once we got back up to the aircraft,  
24 waiting for either a maintenance part to fix the aircraft we were



1 in, or the contingency aircraft to come off station so we could  
2 catch a ride back to Speicher, Rak 6 and Major (b)(6), (b)(7)(C) the Command  
3 Judge Advocate, started to converse, at which point everybody else  
4 left them alone so the two of them could talk in private. And at  
5 that point I left it in their ball court and didn't mention it to  
6 anybody else and haven't said anything until this point when  
7 somebody told me that they needed a sworn statement and be ready  
8 to come and visit with you, sir.

9 Q. You mentioned the second bird coming in with the three  
10 sets of remains. You said that "we went over there." Other than  
11 yourself and Rak 6, do you know who those personnel were?

12 A. Tech Sergeant (b)(6), (b)(7)(C) was the forward air controller, joint  
13 tactical air controller enlisted, JTAC, that was in the aircraft  
14 with us to control close air support and any fast movers. He was  
15 with us. I don't remember exactly who else was there. I believe  
16 the SIGO might have been there, Major (b)(6), (b)(7)(C) the S2, Rak 6, I'm  
17 not sure who else was in that group.

18 Q. And did you see, yourself, the cloth over the eyes? You  
19 saw that yourself?

20 A. On those three individuals I did, yes.

21 Q. You mentioned the photos. Were there any posed photos?  
22 Anybody standing next to the remains or----

23 A. No, no. It was strictly a photo, a head shot photo to  
24 match against pictures that we might have in the target folder.

1 Q. Nobody had their boot on the head of a detainee taking a  
2 picture of that?

3 A. No.

4 Q. You saw the remains of the three that were brought in.  
5 Did you notice any wounds on them?

6 A. Well, there was blood, obviously. One of them looked to  
7 have a bullet hole to the upper cheek. I don't remember which  
8 side it was. The other--the other two individuals, I assume it  
9 was a chest or body shot because of the blood, but I did not see a  
10 bullet wound or entry or exit wound on either of those  
11 individuals.

12 Q. What was the aircraft, the specific aircraft, type of  
13 aircraft that engaged the three in the boat? Was that an Apache?

14 A. It was an H64 Apache, yes. And I believe the weapons  
15 system he used was his 30 millimeter cannon. I am not 100 percent  
16 sure of that, but I believe it was the 30 millimeter cannon and  
17 not a rocket shot on the boat.

18 Q. Was there any more information regarding what were the  
19 circumstances regarding the three in the boat?

20 A. The three individuals--yes, the--we'd received reports in  
21 the past that in this area or in other areas where there is the  
22 canals like that, specifically regarding the Muthanna chemical  
23 complex that any time there was anything coalition force or IA  
24 down in that area in the way of a raid that they would use boats,



1 fishing boats out in the area to move some of the higher ranking  
2 individuals from the cells across the canal. They know that we  
3 don't, other than having to get an aircraft and get an aircraft to  
4 hop across to the island, that we don't have boats. We can't  
5 follow them across the canal. So the reports that we had seen was  
6 that that was a TTP that they would use boats to move high ranking  
7 cell members across the canal. My understanding of the--of the  
8 engagement was that after the initial assault on objective Murray,  
9 a boat was seen fleeing the area, that the H64 approached, tried  
10 to fire some warning shots into the water. They did not stop  
11 moving. They continued to flee across the canal, at which point  
12 they were engaged.

13 Q. Did the H64 take fire?

14 A. I don't know that.

15 Q. Did they report if the individuals in the boat were  
16 armed?

17 A. I don't recall.

18 Q. While you were with the set of the three remains, did  
19 anybody make any statements regarding the remains or the  
20 circumstances of how they were killed?

21 A. I don't remember any statements being made other than--  
22 again, someone in the group, I believe it was Rak 6, made the  
23 statement that it was odd that their eyes were covered.

24 Q. Was there anybody else other than the Brigade personnel,

1 was anybody else in the area of the three sets of remains from the  
2 unit on the ground?

3 A. I know it was individuals from the ground unit that took  
4 them off the aircraft. At the time that we opened the body bags  
5 and looked I don't know. I don't have a clear impression in my  
6 mind where those individuals were in proximity, if they were right  
7 there where we were at, or if they were standing close. But I  
8 don't know that they were hovering over, or there to see the body  
9 bags. I assume they were the individuals that had loaded them in  
10 the body bags, so I don't remember a bunch of people rushing  
11 around the Brigade Commander to see what he was doing. I know  
12 they are the individuals that took him off the aircraft. They  
13 were taking them to a collection point, putting them on a vehicle  
14 to take them to the collection point where the other body was  
15 already at so they could segregate that from--from where  
16 everything else was going on. So, I'm sure they were close so  
17 that they could continue with their mission of taking that--those  
18 three bodies to the collection point.

19 Q. What was the color of the body bags?

20 A. Black. All three body bags were black.

21 Q. Did you see the body bag of the first KIA that was taken  
22 off?

23 A. It was at a distance, I believe it was black too, but it  
24 was--it was probably three to four hundred meters away from where



1 I was at when they brought it in.

2 Questions by Brigadier General (b)(6), (b)(7)(C)

3 Q. Chief, were you--were you in within earshot of Colonel  
4 (b)(6), (b)(7)(C) for most of the time that he was in the vicinity of the  
5 remains, the three sets of remains?

6 A. I think Colonel (b)(6), (b)(7)(C) was there before I was. When I  
7 approached the first body bag was already open, and then from that  
8 point, yes, I was in earshot of Colonel (b)(6), (b)(7)(C)

9 Q. Did--at any time did you hear him make one of these two  
10 statements that he is alleged to have made, "I guess we'll have to  
11 say these guys tried to escape," or anything to that effect?

12 A. I don't--I don't recall that, no.

13 Q. Okay. Or another statement that he may have said, which  
14 is, "Good job, but we need more bodies," or any words to that  
15 effect?

16 A. I don't remember that statement, no.

17 Q. Okay. Did you see him or anyone else remove the  
18 blindfolds or cut the blindfolds off of----

19 A. Yes, I did. Colonel (b)(6), (b)(7)(C) did remove the blindfolds so  
20 that we could get an accurate photo to match against our target  
21 folders.

22 Q. How did he do that?

23 A. One he did--I do recall at least one that he took his  
24 knife and cut the cloth away so that he could reveal the eyes. I

1 believe on one he slid the blindfold up on the head to reveal the  
2 eyes.

3 Q. And all three had this cloth over the eyes, do you  
4 remember?

5 A. To the best of my recollection, they all three did, yes,  
6 sir.

7 Q. Were you in a position where you could see the hands or  
8 wrists then of the three KIAs?

9 A. I don't remember the hands or wrists on any of them, no.

10 Q. So what we are looking for is we have some allegations  
11 that they were zip tied.

12 A. I have heard that since. I don't remember from standing  
13 there that day, in my mind I don't have a clear picture of whether  
14 their hands were bound or not.

15 Q. Okay.

16 A. And I don't think I saw their feet at all.

17 Q. Right. Were any of the remains maltreated in your  
18 estimation?

19 A. From what I could see, I didn't see anything that looked  
20 out of the ordinary. Like I said----

21 Q. That's not what I want to ask you. I should have been  
22 more clear. When the remains were being handled for the  
23 photographs, the positive ID photographs and any other time while



1 they were on the LZ before they got loaded onto the truck and  
2 headed out, did you feel----

3 A. Sir, I didn't feel that they were treated with any  
4 disrespect. I didn't feel that they were treated any way out of  
5 the ordinary, out of the way that I would expect them to be  
6 treated. The investigator over here mentioned something about a  
7 boot on the head, there was one body, I do remember the head was  
8 lying to the side and would not sit up. They couldn't get it, so  
9 again, I don't remember who it was, but somebody did, in order to  
10 keep the head in an upright position, they didn't put their boot  
11 on the head, but they took the toe of their boot to shift the head  
12 sideways or in a straight forward position with the rest of the  
13 body.

14 Q. Were you at the combined arms rehearsal?

15 A. Yes, I was, sir.

16 Q. Could you describe any discussion of ROE that was  
17 conducted, or briefing of ROE that was conducted either by Colonel  
18 (b)(6), (b)(7)(C) or Colonel (b)(6), (b)(7)(C) if you recall?

19 A. I don't remember the specific conversation that was made,  
20 sir. I do know that we expected a lot more resistance on the  
21 initial assault than we received on the initial landing zones. So  
22 they were, they were very adamant about reminding people on the  
23 ground that they were expecting a fight. That they were expecting  
24 to be engaged as they came off the aircraft.

1 Q. Well, based on your understanding of the current ROE in  
2 theater, were there any elements that have to be met before you  
3 can engage a target, and if so can you describe it for me?

4 A. My understanding of the current ROE in a situation as  
5 this is a hostile act or hostile intent. You have to positively  
6 identify an individual either conducting a hostile act or engaging  
7 in hostile intent.

8 Q. And based on what you remember of the combined arms  
9 rehearsal and the discussion of ROE was there, in your mind had  
10 that requirement been lifted or negated in any way toward this  
11 particular operation or for objective Murray, the requirement  
12 being hostile act or hostile intent?

13 A. Not that I'm--not that I'm aware of.

14 Q. Okay. So it is your belief that Soldiers going into  
15 objective Murray still required hostile intent or a hostile act  
16 before they could engage a target?

17 A. Yes, sir.

18 (b)(6), (b)(7)(C) Give me a second here.

19 That's all I've got.

20 Chief, thank you very much. I've got to issue you an  
21 order before you part. This is an ongoing investigation, so do  
22 not discuss your testimony with anyone. If anyone attempts to  
23 talk to you about your testimony, decline and let me know, and you  
24 can either let me know directly, I'm down at MND-B, or you can



1 notify your Brigade XO, Major (b)(6), (b)(7)(C) and he'll notify me.

2 Do you understand?

3 WIT: Yes, sir.

4 (b)(6), (b)(7)(C) Thanks, Chief, appreciate your time.

5 The interview ended at 1216, 29 May 2006.

6  
7 I certify that the above transcription is a true and accurate  
8 representation of the interview.

9  
10  
11  
12  
13 (b)(6), (b)(7)(C) LTC, U.S. Army

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Private First Class (b)(6), (b)(7)(C) was sworn at 1221, 29 May 2006,  
2 and was interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) This interview is being recorded, so if you could,  
7 please state your full name.

8 WIT: My name is (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) And your duty position?

10 WIT: I'm on PSD for HHC, 3rd Brigade.

11 (b)(6), (b)(7)(C) Okay. Thank you, Private (b)(6), (b)(7)(C)

12 (b)(6), (b)(7)(C) Private (b)(6), (b)(7)(C) the investigation we've been asked to  
13 conduct is regarding the deaths of several Iraqis during  
14 Operation Iron Triangle and some things that may or may not have  
15 happened to the remains afterwards. So that is what we are  
16 going to ask you questions about, what you may have seen or  
17 heard. Just so we are real clear, we want--when you are  
18 answering questions, we want you to be real clear as to whether  
19 it's something that you saw physically with your own eyeballs or  
20 heard with your own ears or somebody may have told you that they  
21 saw or told you that they heard. Okay. So, we are going to ask  
22 you to draw a distinction.

23 WIT: Hooah, sir.

24 (b)(6), (b)(7)(C) Okay. Chief is going to ask you some questions.

ACLU DDII ROI 34199



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Questions by Special Agent (b)(6), (b)(7)(C)

2 Q. I'm Agent (b)(6), (b)(7)(C) with CID. If you could go back to  
3 your participation and what role you had in Operation Iron  
4 Triangle, and if you could explain for us any interaction that  
5 you may have had with the remains of deceased Iraqi personnel or  
6 what you may have observed other people interacting with those  
7 remains.

8 A. Sir, I was a gunner on the convoy. We got to the rally  
9 point, and they were unloading one of the bodies off in a body  
10 bag off about fifty feet behind where we were at. And we just  
11 observed the body, and me and a couple of my battle buddies  
12 walked up and looked at the body for probably about a minute,  
13 just observed it, and then went and got back in our trucks and  
14 SQd back in. We didn't know who killed the man or anything like  
15 that.

16 Q. When you say it was a man, can you describe the remains  
17 further, like what he was wearing, any injuries he may have had?

18 A. He was an older man, probably about, if I had to guess,  
19 I'd say he was probably about forty years old, had white hair,  
20 was in a white sheet. I don't know if it was clothing or a  
21 sheet, but he had an entry wound in his lower right abdomen. I  
22 didn't see an exit wound.

23 Q. Was there any type of restraint or blindfold on the  
24 remains?

ACLU DDII ROI 34200

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. No, sir.

2 Q. Was it in a body bag at the time?

3 A. Hooah, sir.

4 Q. What color was the bag?

5 A. It was black.

6 Q. And it was unzipped when you approached?

7 A. Yes, sir.

8 Q. Did you see it being unzipped or was it just unzipped  
9 at the time you approached?

10 A. It was just unzipped at the time I approached.

11 Q. Was there anybody standing there, basically responsible  
12 for the custody of the remains?

13 A. Yeah, there was two--two Soldiers there, sir. I think  
14 they were taking information on the body, maybe mortuary  
15 affairs. I am not sure who they were, sir.

16 Q. Was this in a depression area, like a hole, basically,  
17 in the ground, or was this somewhere else?

18 A. It was just laying right out, right out in the open.

19 **Questions by Brigadier General (b)(6), (b)(7)(C)**

20 Q. Was it close to where the helos had landed?

21 A. I'm sorry, sir.

22 Q. Was it close to where the helos had landed.

23 A. Yes, sir. It was probably--the helicopters landed  
24 right in front of where we were at, and about fifty feet behind

ACLU DDII ROI 34201



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 us, off to the right is where the body was. So, I am assuming  
2 they unloaded him off one of the helicopters. That is only an  
3 assumption. I am not sure how----

4 Questions by Special Agent (b)(6), (b)(7)(C)

5 Q. The Soldiers that you identified as processing the  
6 remains, can you describe them?

7 A. I believe one was a Staff Sergeant, not really sure  
8 what he looked like.

9 Q. Do you know if he was white, black, Asian, Hispanic?

10 A. Couldn't even tell right now, sir. Couldn't even tell.

11 Q. The other one you have no recall?

12 A. No recall who was there. I just walked up with one of  
13 my battle buddies, observed the body, and turned around and  
14 walked off. We didn't really, you know, we weren't really  
15 trying to see who was all around or----

16 Q. Did anybody expose any photographs?

17 A. No, sir.

18 Q. Did anybody place their feet on the remains or handle  
19 the remains?

20 A. No, sir.

21 Q. Who was your battle buddy?

22 A. I walked up with Private (b)(6), (b)(7)(C)

23 Q. And did you see any other remains while you were there?

24 A. That is the only one, the only one I saw, sir.

ACLU DDII ROI 34202

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Q. Did they--did anybody make any comments regarding the  
2 circumstances of the remains coming in, how they were killed?

3 A. No, sir.

4 (b)(6), (b)(7)(C) Sir.

5 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

6 Q. At what point did you--did you leave the site?

7 A. Well, I pulled up to the rally point, we were there for  
8 probably half an hour and then my section sergeant informed us  
9 that we were to SP back to Speicher. Our part in the mission  
10 had been fulfilled, I guess. So we were there for a total of  
11 about a half an hour, sir.

12 Q. Did--did any other body bags arrive while you were  
13 there?

14 A. No, sir, just that one.

15 Q. Was--was (b)(6), (b)(7)(C) with your group?

16 A. Yes, sir.

17 Q. And did he arrive and leave with you?

18 A. Yes, sir.

19 Q. Was, I might be mispronouncing this, Sergeant (b)(6), (b)(7)(C)

20 A. (b)(6), (b)(7)(C)

21 Q. (b)(6), (b)(7)(C) Was he was with you?

22 A. Yes, sir.

23 Q. Did he arrive and leave with you?

24 A. Yes, sir.

ACLU DDII ROI 34203



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Q. And Specialist (b)(6), (b)(7)(C)  
2 A. (b)(6), (b)(7)(C)  
3 Q. [REDACTED]  
4 A. Yes, sir.  
5 Q. Was he also with your group?  
6 A. Yes, sir.  
7 Q. So, he also arrived and left with you?  
8 A. Yes, sir.  
9 Q. Okay. Did--was there anybody else with your group that  
10 arrived and left with you?  
11 A. Yes, sir. We had a total of four trucks, I believe  
12 four passengers in each truck. Several of them are on leave  
13 right now.  
14 Q. Was Sergeant--again I might be mispronouncing,  
15 (b)(6), (b)(7)(C)  
16 A. (b)(6), (b)(7)(C) sir.  
17 Q. [REDACTED] was he also with your group?  
18 A. Yes, sir.  
19 Q. And he also arrived and left with you?  
20 A. Yes, sir.  
21 Q. So, the whole time that all of those folks that I  
22 mentioned by name were there, there was just the single body?  
23 A. Yes, sir.

ACLU DDII ROI 34204

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Q. Is this picture, basically, what you saw? You can go  
2 ahead and grab it.

3 A. Yeah, this is the man I saw, sir [viewing picture].

4 Q. That is the man you saw?

5 A. Yes, sir.

6 Q. And do you remember the dentures were kind of out of  
7 his mouth?

8 A. Yes, sir.

9 (b)(6), (b)(7)(C) Okay. Thank you. I don't have anything further.

10 Questions by Brigadier General (b)(6), (b)(7)(C)

11 Q. Did you see Colonel (b)(6), (b)(7)(C) walk over to this set of  
12 remains at any time that you were there?

13 A. No, sir. While we were on the ground, Colonel (b)(6), (b)(7)(C)  
14 was by the Black Hawks, sir. I believe he was talking to some  
15 other officers.

16 Q. Right. So, you never saw him, and other than the two  
17 Soldiers you said were processing that set of remains you never  
18 saw--did you see any other folks walk up to that set of remains,  
19 to that mans body?

20 A. No, sir. There was a couple of us that went up just to  
21 observe, but not anything official or unofficial.

22 Q. Okay. And you said you went with Private Lowe, anybody  
23 else that went with you?

ACLU DDII ROI 34205



Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Just me and Private (b)(6), (b)(7)(C) and Private (b)(6), (b)(7)(C) walked up  
2 to the body.

3 Q. Just looked at it and then walked away?

4 A. Just looked at it and walked off. I am not sure if  
5 anyone else from our PSD walked up there. I didn't see anyone  
6 else walk up to it, sir.

7 Q. Okay.

8 (b)(6), (b)(7)(C) I just have one alibi.

9 Questions by Special Agent (b)(6), (b)(7)(C)

10 Q. Does Colonel (b)(6), (b)(7)(C) have a personal camera that he  
11 carries?

12 A. I have never seen him carry one, sir.

13 (b)(6), (b)(7)(C) That is all I have.

14 (b)(6), (b)(7)(C) Private (b)(6), (b)(7)(C) thanks a lot. Stand by for a second. I  
15 am going to issue you an order here. This is an ongoing  
16 investigation so you are not allowed to discuss your testimony  
17 with anybody. If anyone tries to talk to you about your  
18 testimony I want you to decline and not discuss it with anyone  
19 and then you let me know, and I want you to let me know through  
20 the Brigade XO, Major (b)(6), (b)(7)(C) I think you know who he is,  
21 right?

22 WIT: Yes, sir.

23 (b)(6), (b)(7)(C) Do you understand this order?

24 WIT: Yes, sir.

ACLU DDII ROI 34206

Interview of Private First Class (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 (b)(6), (b)(7)(C) Okay. Thanks, Private (b)(6), (b)(7)(C) appreciate your time.

2 The interview ended at 1232, 29 May 2006.

3

4 I certify that the above transcription is a true and accurate  
5 representation of the interview.

6

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10 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34207





1 Questions by Special Agent (b)(6), (b)(7)(C)

2 Q. Good morning, sir, Agent (b)(6), (b)(7)(C) CID.

3 I was wondering if you could go back for us to that  
4 operation and kind of explain your role during the operation and  
5 what you may have seen in person, any interactions you had with  
6 the remains of deceased Iraqis and any interaction that others  
7 may have had with particular attention to that.

8 A. Okay. Let's see, my role during the operation, I was in  
9 the--in the Euro bird which was one of the A2C2 aircraft that  
10 was up in the air. Primarily we, as the Brigade staff, had  
11 command and control for the air assault portion of the operation  
12 and during the insertion. And I was--I was in the Euro in the  
13 event that we had to call air medevac or make some medical  
14 decisions on the ground as far as ground casavac or anything  
15 like that. I was in the air for that reason.

16 As far as interactions with any of the deceased  
17 Iraqis, there was a--we landed--we landed the bird in the  
18 vicinity of the Muthanna chemical plant, which was where 3rd of  
19 the 320th had their--had their TOC set up. At the time we got  
20 off the bird and I remember hearing that there were some  
21 deceased Iraqis that were referred to as EPWs or dead, you know,  
22 dead enemy, enemy KIA. And I know Rak 6 said that he wanted to  
23 actually see the bodies. He wanted to see the remains. A few  
24 hundred meters to the rear of our bird there was--there were



1 three body bags that were getting ready to be loaded onto a  
2 truck I believe, and he said before they went anywhere he wanted  
3 to view the remains. So, myself, the rest of the staff members  
4 that were with him on the Euro, and Rak 6, we walked back behind  
5 the bird there to where the bodies were. They were in the bag  
6 zipped up, and we unzipped the bags and he viewed the remains.  
7 At that point, I guess he was satisfied with what he saw, for  
8 what he wanted to get out of it, I guess. And he told them to--  
9 to zip the bags back up and take care of them.

10 Q. By "take care of them" he means?

11 A. I guess continue with whatever they were doing. It  
12 looked like they were getting ready to load them on a truck.

13 Q. When you say "we members of the staff," do you remember  
14 who exactly went with him over?

15 A. Myself; Major (b)(6), (b)(7)(C) the S2; Major (b)(6), (b)(7)(C) the S3; I  
16 think Major (b)(6), (b)(7)(C) was over there as well, I am not positive  
17 about that, obviously Rak 6. There were a couple of Soldiers  
18 standing by there too, that were dealing with the body bags.  
19 But, yeah, as far as that goes, I think, I think, Major (b)(6), (b)(7)(C)  
20 and Major (b)(6), (b)(7)(C) may have helped unzip the bags so that Rak 6  
21 could view the bodies along with the Soldiers that were standing  
22 there.

23 Q. When they were unzipped did you view the remains  
24 yourself?

1 A. Yes, I did, sir.

2 Q. What was the status of the remains? How did they  
3 appear to you?

4 A. Well, they were, obviously there was a lot of blood.  
5 It was kind of striking to me, right off the bat I noticed--I  
6 noticed that they were blindfolded and they were flex cuffed. I  
7 remember seeing their hands, so I believe they were flex cuffed  
8 in front of them because I recall seeing the hands very clearly.  
9 And I remember, I don't know who said it, but I think we were  
10 all kind of thinking it at the time, but it was noted that,  
11 "Hey, these guys were blindfolded and flex cuffed." And at  
12 least two of them appeared to have been shot in the head. One  
13 of them was shot in the face, I believe. It looked like the  
14 entry wound went through the cheek. And I can't recall where  
15 the third one was shot, but that's about all I can really  
16 recall. They were just laying there in the bags.

17 Q. Were photographs exposed?

18 A. There were photographs taken.

19 Q. Who took the photos?

20 A. I can not recall exactly. I think it may have been

21 Major (b)(6), (b)(7)(C)

22 Q. Was there just one camera?

23 A. There was one camera that I know of, yes, sir.

24 Q. Did anybody handle the remains in order to take the



1 pictures?

2 A. I don't know if it was necessarily in order to take the  
3 pictures, I know Rak 6 did reach down and touch the bodies. I  
4 think he may have moved the blindfolds off to get a clear look  
5 at the faces. That may have been for the benefit of the  
6 photograph as well to get a clear picture of the faces.

7 Q. You made a motion with your thumb and forefinger as far  
8 as moving them. Was any instrument used to move the blindfold  
9 or was it just the thumb and forefinger?

10 A. I think it may have just been his hand. I can't recall  
11 if he used an instrument or not.

12 Q. Were any of the photos taken--was anybody like posing  
13 next to the remains or putting their boot on their heads or  
14 anything like that?

15 A. Nothing of that nature. I know, it was a little windy  
16 there and I know somebody, it may have been Rak 2 had his foot  
17 on the bag, keeping the bag open. That was it.

18 Q. Did anybody use their foot to move the remains?

19 A. Yeah, I think they may have.

20 Q. Do you know who that was? Do you remember?

21 A. I just--I remember seeing boots very close to the body.  
22 I kind of--I wasn't necessarily looking up, I was looking--I was  
23 kind of focused on the bodies. But, if I was to guess, it may  
24 have been--it may have been Major (b)(6), (b)(7)(C) or Major (b)(6), (b)(7)(C) Again,

1 it may have been just to position the head because it may have  
2 been to the side.

3 Questions by Brigadier General (b)(6), (b)(7)(C)

4 Q. That is what I was going to ask. Can you describe what  
5 they might have done with their feet?

6 A. Right, just pushing, like pushing a body part, or like  
7 the head for instance that may have been turned to the side so  
8 that they could have got a clearer shot with the--with the  
9 photograph.

10 Questions by Special Agent (b)(6), (b)(7)(C)

11 Q. Nobody was kicking?

12 A. There was no kicking or anything like that, just  
13 nudging, if anything else--if nothing else that is all it would  
14 have been that I--that I observed. There was just--the only  
15 time anyone touched anything on the bodies was just to--just to  
16 get a clearer look at what we're looking at. And it's--it was  
17 my belief that Rak 6 was asking for photographs so that he could  
18 go back and possibly identify the bodies with any HVTs we may  
19 have had. I think that is why he was trying to get the clear--  
20 clear shots of the faces.

21 Q. You said that you saw the hands together. Could you  
22 further describe that? What exactly was used?

23 A. It appeared to be flex cuffs, zip tie type flex cuffs.

24 Q. Do you remember the color or the size?

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1 A. It was dark, I think black. They were thin, they  
2 weren't thick, if I recall, and I think, I believe the hands  
3 were together like this. I don't believe they were crossed. I  
4 recall seeing the hands kind of side by side.

5 Q. Thumb to thumb.

6 A. Yeah, kind of side by side.

7 Q. Rather than wrist on top of wrist?

8 A. Right, I think.

9 Q. And were they all like that?

10 A. I couldn't be sure. I know they were all flex cuffed  
11 or appeared to be flex cuffed in front of them. Their hands  
12 were laying on their chest--or their stomach so to speak.

13 Q. When you say "flex cuffed," did you see one cuff  
14 attached to another cuff, both attached to the wrist or did you  
15 see cuffs on wrists that may or may not have been attached?

16 A. I couldn't tell to be honest.

17 Q. But the wrists were----

18 A. The wrists were together and I could see--I could see  
19 the zip tie, you know, where you tighten it. I didn't really  
20 focus on it for that or pay that close of attention to that--to  
21 the zip ties.

22 Q. So all the remains had their hands, basically---

23 A. They had their hands in front of them zip tied. I  
24 can't recall exactly if they were hand over hand or hands

1 together. I remember seeing the hands side by side, but I think  
2 they were like this, thumb to thumb.

3 Q. All the remains had their hands in front of them in  
4 some position?

5 A. Right.

6 Q. And zip ties on each wrist?

7 A. Yes, sir.

8 Q. Do you remember if the zip ties may or may not have  
9 been connected but they definitely had zip ties----

10 A. They definitely had zip ties, I recall, sir.

11 **Questions by Brigadier General (b)(6), (b)(7)(C)**

12 Q. Can you describe, when you came up, the positions of  
13 the blindfolds on each of the three, or did you see all three  
14 blindfolds across the eyes of all three sets of remains, were  
15 they--or where were they when you laid on eyes on them?

16 A. When I laid eyes on them it was as soon as they opened  
17 the bags up, and yes, sir, they all had the blindfolds across  
18 the eyes. To be able to take a clear photograph of the face you  
19 had to move the blindfold up over the head.

20 **Questions by Special Agent (b)(6), (b)(7)(C)**

21 Q. Did anybody cut any of the blindfolds?

22 A. I don't believe so, sir.

23 Q. Or use a knife in any way to move the blindfolds?

24 A. I don't recall, sir, honestly. Somebody may have used



1 a Leatherman or something like that to--if it was me, I would  
2 have. I wouldn't have wanted to touch it with my hands.

3 **Questions by Lieutenant Colonel (b)(6), (b)(7)(C)**

4 Q. Was it your impression being there that there was  
5 either an effort to document the blindfolds and the cuffs or the  
6 opposite extreme in an attempt to hide the ball and by moving  
7 the blindfolds, cutting the cuffs and those sorts of things?  
8 Did you get the impression based on being there whether either  
9 of the extremes were there?

10 A. No, sir. I didn't have any impression that Rak 6 was  
11 concerned about hiding, or anybody was concerned for that matter  
12 about hiding what we were seeing. It was--we saw what we saw,  
13 type thing. And to my understanding, the blindfolds were only  
14 being pushed out of the way. Like I said, my impression was  
15 only to get a clearer shot, clearer picture of the face. But  
16 they--the blindfolds weren't taken off completely, I mean, they  
17 were kind of pushed up over the head so they could see the face  
18 clearer. And I don't recall any notions to cut the flex cuffs  
19 while I was standing there.

20 Q. Now, you were present when the bags were open?

21 A. Yes, sir.

22 Q. Were you also present when the bags were closed?

23 A. I was walking away as they were zipping them closed,  
24 sir.

1 Q. As far as you know, was any evidence of these  
2 individuals being detainees, was any physical evidence of that  
3 kept in the bag or was any of it removed?

4 A. To my understanding, sir, it would have been kept in  
5 the bag. Like I said, my belief was that after we got done  
6 viewing it and taking the photographs for positive ID later, Rak  
7 6 told them to continue with what they were doing. I don't know  
8 if those were his exact words, but that was what I recall. It  
9 was--he told them, "Okay, you know, finish up what you have to  
10 do here," so to speak, and whether it was load the vehicles on  
11 to the truck or whatever they were--or load the bodies onto the  
12 truck, whatever they were doing with them.

13 Q. At the site, or later, was there any continuing  
14 discussion about the blindfolds, the cuffs and any type of  
15 action that would be taken down the line?

16 A. Yes, sir. I recall Rak 6, he was speaking to one of  
17 the other staff officers, it may have been, it may have been Rak  
18 3, where he said he wanted to look into that. He was concerned.  
19 He showed obvious concern that the bodies were blindfolded and  
20 flex cuffed and I know he--he said something to the effect of,  
21 "We need to look into this."

22 Questions by Brigadier General (b)(6), (b)(7)(C)

23 Q. Were you within--when you were in the vicinity of these  
24 three sets of remains, were you within earshot where you had a



1 high likelihood of hearing anything that Colonel (b)(6), (b)(7)(C) may have  
2 said?

3 A. For most of the time, sir.

4 Q. Did you ever hear him say any words to this effect, "I  
5 guess we'll have to say these guys tried to escape"?

6 A. No, sir.

7 Q. How about, "Good job, but we need more bodies" or words  
8 to that effect?

9 A. No, sir.

10 Q. Okay. Did you ever see him cut any zip ties on any of  
11 the detainees?

12 A. No, sir. I don't recall him seeing--cutting any zip  
13 ties while I was standing there.

14 Q. Okay. Did you attend the combined arms rehearsal the  
15 day prior to the operation?

16 A. Yes, sir, I did.

17 Q. Do you recall if there was any, as a part of the  
18 rehearsal, if there was any discussion of the rules of  
19 engagement as part of discussion, or the briefing that occurred?

20 A. Right. Not specifically, sir. I can't remember any  
21 detailed discussion on the rules of engagement.

22 (b)(6), (b)(7)(C) Judge?

23 (b)(6), (b)(7)(C) Nothing.

24 (b)(6), (b)(7)(C) Chief?

1 Questions by Special Agent (b)(6), (b)(7)(C)

2 Q. Was there any prior set of remains that you had  
3 knowledge of that had come on the objective?

4 A. Prior, sir?

5 (b)(6), (b)(7)(C) Prior to the set of three.

6 Q. Prior to the set of three remains?

7 A. There was--there was another body, I didn't view the  
8 body, but I could see it from a distance. It was--it was--as we  
9 came off the bird it would have been toward the front right of  
10 the bird, maybe fifty or seventy five meters over by where they  
11 had their--they had an EPW pen set up and the body was just  
12 outside the EPW pen. Rak 6 went over and took a look at that  
13 body as well. I didn't go over there at that time.

14 Q. Did anybody else go over with Rak 6?

15 A. I can't be sure. If I was guessing I would say yes,  
16 but I can't be sure sir. At that--when he was going over to  
17 look at the body I was going over to talk to the medical platoon  
18 leader that was down there, had his aide station set up and was  
19 partnering with the Iraqis. So I was actually more concerned  
20 about that at the time.

21 Q. Did you happen to see if there were any pictures taken  
22 over there?

23 A. Again, sir. I can't recall. I wasn't paying any  
24 attention to that.



1 Questions by Brigadier General (b)(6), (b)(7)(C)

2 Q. With the set of three remains that you were in the  
3 vicinity of, you may have already said this, I just want to go  
4 back over it, to your knowledge, who took the photographs? Do  
5 you know who specifically, who took photographs?

6 A. Sir, I think it was Major (b)(6), (b)(7)(C) He had the camera.

7 Q. Right.

8 A. He is the only one I knew of who had a camera at the  
9 time.

10 Q. Any idea of how many he took?

11 A. Maybe three to five, something along that range.

12 Q. Total of all the bodies?

13 A. Right, sir. It wasn't a lot.

14 Q. Right. That is all I've got.

15 (b)(6), (b)(7)(C) Okay. Captain (b)(6), (b)(7)(C) I appreciate your time. I am  
16 going to issue you an order here.

17 WIT: Yes, sir.

18 (b)(6), (b)(7)(C) This is an ongoing investigation, therefore I do not  
19 want you to discuss your testimony with anyone. If anyone  
20 attempts to talk to you about your testimony I want you to  
21 decline to discuss it and let me know immediately, and you can  
22 either let me know directly down at the Multi-National Division-  
23 Baghdad or you can notify me through the Brigade XO, Major

24 (b)(6), (b)(7)(C)

1 WIT: Yes, sir.

2 (b)(6), (b)(7)(C) Do you understand?

3 WIT: Yes, sir.

4 (b)(6), (b)(7)(C) Thanks for your time.

5 The interview ended at 1256, 29 May 2006.

6  
7 I certify that the above transcription is a true and accurate  
8 representation of the interview.

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(b)(6), (b)(7)(C) LTC, U.S. Army



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 Major (b)(6), (b)(7)(C) was sworn at 1420, 29 May 2006, and was  
2 interviewed as follows:

3 Persons Present: Brigadier General (b)(6), (b)(7)(C)  
4 Lieutenant Colonel (b)(6), (b)(7)(C)  
5 Special Agent (b)(6), (b)(7)(C)

6 (b)(6), (b)(7)(C) Major (b)(6), (b)(7)(C) we are recording, so if you could for the  
7 record please state your full name.

8 WIT: (b)(6), (b)(7)(C)

9 (b)(6), (b)(7)(C) And your duty station?

10 WIT: I am the BCT S3, sir.

11 (b)(6), (b)(7)(C) Thank you.

12 (b)(6), (b)(7)(C) Major (b)(6), (b)(7)(C) we are--we have been asked to conduct an  
13 investigation into the deaths of several Iraqis on Operation  
14 Triangle--Iron Triangle, as well as some allegations of what  
15 Colonel (b)(6), (b)(7)(C) may or may have not done with the remains of  
16 those Iraqis.

17 WIT: Yes, sir.

18 (b)(6), (b)(7)(C) That's kind of the general line of questions that we  
19 are going on. We are--I am going to ask you to, as you--as you  
20 make your statements, it is very important that we distinguish  
21 between the things that you saw or you heard with your eyes  
22 versus what other people may have seen or heard and told you  
23 about. So it's important that we understand the difference,  
24 what the source of the information is. So, with that as a set

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 up, and I believe we have a statement from you.

2 WIT: Yes, sir.

3 (b)(6), (b)(7)(C) A pretty thorough statement from you dated 28 May 06.

4 I assume that you consider this to be a complete statement?

5 WIT: Yes, sir. Based on the investigation that we  
6 started--Colonel (b)(6), (b)(7)(C) initiated before he went on leave.

7 (b)(6), (b)(7)(C) How much of that investigation have you physically  
8 seen?

9 WIT: I have seen none of it, sir.

10 (b)(6), (b)(7)(C) Okay. I am going to turn it over to Chief.

11 Questions by Special Agent (b)(6), (b)(7)(C)

12 Q. Sir, I'm Agent (b)(6), (b)(7)(C) with the CID.

13 And, if I could ask you to please go back for us to  
14 the operation and explain your role, just get an overview of  
15 what you were doing and specifically interaction you had with  
16 the remains of Iraqis and any interaction you saw others have  
17 with those remains.

18 A. Do you want the planning piece or just the day of?

19 (b)(6), (b)(7)(C) We will probably come back to the planning piece.

20 WIT: Okay.

21 (b)(6), (b)(7)(C) Let's just do day of.

22 WIT: Day of, took off in the A2C2 aircraft, picked us up  
23 here, we flew down to FOB Remagen where we just kind of staged a  
24 final conditions check. Then from there loaded back up. Two C2

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 aircraft, one was for 3rd of the 320th, that was the A2C2S. We  
2 had a Euro model, that was myself; the SIGO, Major (b)(6), (b)(7)(C) the  
3 S2, Major (b)(6), (b)(7)(C) the JTAC NCO from Division, I can't remember  
4 his name, our Med Plans, Captain (b)(6), (b)(7)(C) and our targeting  
5 officer, CW3 (b)(6), (b)(7)(C) We were in the Euro together.

6 Rak 6 was going in with Charlie Company on objective  
7 Murray which was the main effort, that was the objective on kind  
8 of the small island just to the West of the canal. That was the  
9 main effort. He and I talked through the final conditions  
10 check. Everybody loaded up, really no issues at that point. We  
11 were essentially, the way we had laid this out, we were--  
12 Brigades responsibility was to see to the insertion up to about  
13 H plus 6 and from there it was completely the Battalions fight  
14 even though they had the whole ground piece, standard Rak 6,  
15 Brigade was the air assault task force commander and 3rd of the  
16 320th ground force commander, so we facilitated their insertion  
17 and interaction with the aviation. I'd say probably, H hour was  
18 05, we went and FARPd at about 0630, came back on station, we  
19 played around with a load that had gotten--the aircraft had done  
20 kind of a PL. It didn't--didn't punch the load, worked--worked  
21 through that, getting that thing recovered. Then, went up  
22 closer to the objective.

23 (b)(6), (b)(7)(C) PL is a precautionary.

24 WIT: Yes, sir.

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EXHIBIT

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1           Then from there we got a call from Rak 6 saying, "Hey,  
2 I want to go over to the 3rd of the 320ths TAC." We tried to  
3 use--we had--we had two Black Hawks that were contingency  
4 aircraft that essentially after the insertion came back and 3rd  
5 of the 320th controlled them so if they needed to go XYZ place,  
6 the Battalion Commander controlled them, "Hey, come pick them up  
7 here, take the over here." We had done that a couple of other  
8 operations, very very successful. Couldn't--we were having  
9 significant coms issues, which always seems to be the case with  
10 C2 aircraft, my experience. Finally, the boss said, "Hey, I  
11 need someone to pick me up." Tried to get the contingency  
12 aircraft, couldn't do it. So we had an empty seat on the A2C2S.  
13 Landed at Murray, picked him up. We flew around the canal area,  
14 just kind of checking out there because we had a lot of reports  
15 of caches and other houses. We had been--we'd been watching  
16 this with ISR hard for two weeks, and I'd say intermittently for  
17 about two months. So we had a pretty good idea there was a lot  
18 of river crossings and stuff we'd see at night. Couldn't quite  
19 track where people were going in some marshy areas. Did that  
20 for about twenty/thirty minutes. We landed, I think, twice, saw  
21 some boxes and stuff, thought it might be caches. It ended up  
22 being car batteries, not quite sure what they were for. Then we  
23 went to the Red Knight TOC, landed, before the boss got out he  
24 said, he asked me, he said, "Hey, what is the TAC plan?" And we

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 had driven out--his PSD had come in with the GAC. So he had  
2 flexibility if he wanted to drive around the battlefield. The  
3 initial plan we had created was, myself, the 2 and the SIGO were  
4 going to stay with him and the PSD out there, the rest of the  
5 folks in the C2 bird were going to come back to their day jobs  
6 and we were probably going to stay, we figured about 36 hours.  
7 He said, he said, "Hey, is there any reason, do you think,  
8 command and control wise we need to stay?" "No, sir. Their JNN  
9 is up, we got good coms with them. Everything is flowing right  
10 now." He said, "Okay. We are going to go back." He said,  
11 "Give me twenty minutes here and then we are going to take off."  
12 So he went and talked to Colonel (b)(6), (b)(7)(C) I'm assuming. At that  
13 point we took off and I had to fly the perimeter just so I could  
14 see the BPs in relation to the objective. Pretty--pretty wide  
15 open areas, you've probably seen on the target sketches. We  
16 landed; I went in and linked up with the boss. We were talking  
17 to, I believe Major (b)(6), (b)(7)(C) in there is the XO. Somebody came  
18 in, I'm not sure if it was one of our guys or one of the crew  
19 chiefs and said, "Hey, we've got to go, we are running out of  
20 gas. So we got to go hit the FARP here and then we can do  
21 whatever we need to do." Started coming out and then at that  
22 point one of the--somebody came in with one of the bodies from,  
23 I think, objective Murray. Well, that is where all our  
24 casualties--all the enemy KIA were, so he had to be from Murray.

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 The boss said, "Hey, let's go over there and get photos of this  
2 so we can take it back. One of the AAR we learned after (b)(6), (b)(7)(C)  
3 was that trying to bring that stuff back so then we can send it  
4 to the JCCS, pictures, you know, they give us fake names, that  
5 kind of crap, so they confirm, "No, this is the bad guy." Then  
6 we wanted to send it to 3/4 because we were in their AO. Went  
7 over, I had my digital camera. We took pictures of that one  
8 body, that was the man with the false teeth. Took pictures of  
9 that, walked back over to the bird, loaded up, and then the  
10 aircraft broke. It was overheating, they checked it out and a  
11 pin had sheered. So they ordered--they told the contingency  
12 aircraft where they were FARPing, go get this part, bring it  
13 back, so we just kind of--kind of hung out at that point. A  
14 bunch of detainees came in, we started getting some good initial  
15 DOCX stuff, I think it was two or three guys who had tried to  
16 pay off the IA Soldiers, \$5,000.00 a whack, so they brought in  
17 that money, so we had that, we had some cassettes, DVDs, so we  
18 were getting initial reports. The boss called the CG with an  
19 update. About eight of us counted the money about ten times  
20 because every time we counted it somebody else came up with a  
21 different number because the CG asked Rak 6 to bring back the  
22 bills because they were all sequential and it looked like CERP  
23 money, which I think it was.

24 Got done with that, went back to the aircraft, just kind of

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Interview of Major (b)(6), (b)(7)(C) J.S. Army  
Camp Speicher, Iraq

1 BS'd, probably for about an hour and then the aircraft, two  
2 aircraft came in, the contingency aircraft, and they were--I'm  
3 not sure what they were doing. They were--they dropped off some  
4 folks, some other folks got on and they took off again. The  
5 aircraft came back and they unloaded, I think it was three more  
6 bodies. So we walked down--we walked down there, took pictures  
7 of all three of those bodies, it was me, I don't know if the  
8 SIGO was with us or not, S2 was with us because my camera had  
9 died at that point so the S2 with his camera took pictures of  
10 the bodies. Sergeant Major (b)(6), (b)(7)(C) the Battalion Sergeant  
11 Major was helping us unzip and zip everything back up. We took  
12 the pictures there, went back to our aircraft, at that time the  
13 next set of aircraft came in, which was our ride home, grabbed  
14 all of our gear out of the C2 bird, went over to those aircraft  
15 and then came back here.

16 Q. Regarding the first set of remains that was brought in,  
17 do you remember the color of the body bag?

18 A. I believe it was black.

19 Q. And regarding the condition of the remains, do you  
20 recall anything more specific about it other than the teeth,  
21 about the dress or anything at all about the remains?

22 A. He was--he was pretty much intact. In fact, I don't  
23 even know, we were discussing for a little bit where he got shot  
24 because it wasn't--he was bloody, but there wasn't a visible, at

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 least from where the clothes were covering not covering, a  
2 visible entry or exit wound. So, we just took--took pictures.  
3 We took three pictures of him.

4 Q. Was there any blindfolds or zip ties?

5 A. No, there was one guy I know for sure had a blindfold  
6 on.

7 (b)(6), (b)(7)(C) On the first.

8 Q. On the first set.

9 A. On the first one, no, that is what I am saying, sir. I  
10 don't think it was on that one. I am like 99 percent sure. I  
11 know on the second group, that was when we came up, had a  
12 blindfold and the boss said, "What's this?" I said, "I don't  
13 know, sir." So----

14 Q. So that was just one?

15 A. That was just one that I recall.

16 Q. Any zip ties?

17 A. I did not see any, but then again I wasn't looking  
18 either, so----

19 Q. Were the body bags open all the way up or----

20 A. No, I don't--I don't think so. They were open pretty  
21 much just so we could get the face shot so that we could record  
22 all that and pass it around and see if we'd gotten any of our  
23 HVTs.

24 Q. Did you observe any of the wounds on the three bodies?

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Yeah, one of--the group of three one had been shot in  
2 the head and most of the stuff was out so it was pretty pliable.

3 Q. Other than that?

4 A. No, not really. Because that is the one where I used  
5 my boot to kind of take him from this to this so we could get a  
6 shot of him, because I didn't have my gloves on.

7 Q. Do you remember any specific wounds on any of the other  
8 two?

9 A. [Nods head side to side indicating no.]

10 Q. Regarding these photographs, was anybody posing in them  
11 with the remains?

12 A. [Nods head side to side indicating no.]

13 Q. Did anybody take a picture with somebody with their  
14 boot on the remains?

15 A. Like, physically, like standing on them?

16 Q. Standing on them?

17 A. No. The only thing in the photos you'll see, you know,  
18 either my boot or Rak 6's hands just trying to hold the head  
19 straight so we could get a couple of good face shots for PID.  
20 But at least when I was there on both sets, the one and then the  
21 three, there was--there was none of that?

22 Q. Did anybody remove the blindfolds? Where were they  
23 when you first saw them?

24 A. Rak 6 removed one from one of the three, like I said, I

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EXHIBIT

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 can't remember which one it was, but he took his knife and kind  
2 of pulled it down from his eyes down to around his neck. That  
3 is when he asked me, he said, hey, what--what do you make of  
4 this?" I said, "I'm not sure, sir."

5 Q. Did he use a knife to cut any of them or did anybody  
6 use a knife to cut any of the blindfolds?

7 A. Nope.

8 Q. The set of three remains, and you said the Sergeant  
9 Major was there, were there any other Soldiers there?

10 A. Now there was a group, the group that had come in on  
11 the helos and I think had done the physical labor of unloading  
12 them, they were probably about 30 yards off to our left, but  
13 standing right there was myself, the 2, again, I'm not sure if  
14 the SIGO walked up there or if he was dicking with the JNN and  
15 then we had Sergeant Major (b)(6), (b)(7)(C)

16 Q. But any of the Soldiers in the unit, like from the TAC,  
17 that were with Sergeant Major, did he have any Soldiers help  
18 unzip?

19 A. From 3rd of the 320ths TAC?

20 Q. Roger.

21 A. I don't think so. There might have been a couple  
22 hanging around, like the periphery, but I don't recall any  
23 standing right there with Sergeant Major (b)(6), (b)(7)(C)

24 Q. Do you recall any significant statements made regarding

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 when--viewing the remains?

2 A. No.

3 Q. Anybody say anything that stuck out?

4 A. None at all. Essentially, we just--we unzipped the  
5 bags, took the pictures, zipped the bags back up and then went  
6 back to waiting for our aircraft.

7 (b)(6), (b)(7)(C) Sir.

8 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

9 Q. You had mentioned that you had taken three pictures,  
10 three photos?

11 A. Yes, sir.

12 Q. I just ask you to take a look at these three and make  
13 sure they are the three.

14 A. Yep, sure are, sir.

15 Q. Other than the three pictures you took, did anyone  
16 other than Major (b)(6), (b)(7)(C) snap any pictures?

17 A. Not that I know of, no sir.

18 Q. Okay. And you had said you switched out from your  
19 camera to his camera because your camera had died?

20 A. Yes, sir.

21 Q. Did Colonel (b)(6), (b)(7)(C) carry a camera?

22 A. No, sir.

23 Q. So as far as this investigation, trying to police up  
24 all the photos, between Major (b)(6), (b)(7)(C) and these three, it should

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 be 100 percent?

2 A. Yes, sir. At least for when we were there. I don't  
3 know if the Company, the Company took pictures, which, actually,  
4 I would hope they did before they came to us because that is one  
5 of the problems we've had in the past. Again, I know, we've--  
6 the boss has emphasized several times that anytime you're out on  
7 an operation, detainee or enemy KIA, these are government issued  
8 digital cameras that we bought before we deployed. I am sure,  
9 you know, same thing in your all's unit, that government  
10 property gets transferred to S2, downloads all the stuff and  
11 then goes from there so we don't have, you know, guys during  
12 their R&R leave, "Hey, look at all the great pictures I took  
13 over in Iraq." So, now I'm not naive enough to believe that  
14 there aren't guys copying them over, but that is at least the  
15 intent. We take pictures and catalog all of them just because  
16 we do a--we do a pretty poor job figuring out who it is. That's  
17 where the JCCs helped us out quite a bit, the Samarra City  
18 Council President on numerous occasions, he's actually OCFI's  
19 number one--number one fan because they send down the pictures  
20 and he'll say, "That's not this dude, it's really this guy."  
21 He's PIDd probably five or six really bad guys for us, which is--  
22 -which is pretty good.

23 Q. So for the time that you were there and for the photos  
24 you were present for, any type of allegation that there was

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 souvenir type pictures being taken?

2 A. [Nods head side to side indicating no.]

3 Q. You have to answer out loud for the recording.

4 A. Yeah, no sir.

5 (b)(6), (b)(7)(C) You were shaking your head. You can't record the  
6 shaking of your head.

7 A. Yeah. No, sir. There were no souvenir pictures taken,  
8 and again, the only ones I know of that took pictures were  
9 myself and Major (b)(6), (b)(7)(C) and we collogued that stuff and sent it  
10 to 3/4 ID, their S3.

11 Q. And was there ever a point in time where Colonel (b)(6), (b)(7)(C)  
12 would have been in a position to take photos without you seeing  
13 him take those photos?

14 A. No, sir. I was with him the entire time, unless it was  
15 when I flew around, but the bodies weren't there yet. So, after  
16 that we were together the whole time.

17 (b)(6), (b)(7)(C) Sir, switch gears and talk a little ROE?

18 (b)(6), (b)(7)(C) Not yet.

19 (b)(6), (b)(7)(C) Not yet.

20 Questions by Brigadier General (b)(6), (b)(7)(C)

21 Q. Obviously we are dealing with--excuse me, some  
22 allegations that were made, so we are trying to confirm or deny  
23 allegations. You described that Colonel (b)(6), (b)(7)(C) moved one of the  
24 blindfolds with his knife. Did you see him cut any blindfolds

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000437

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 off?

2 A. No, sir, I did not.

3 Q. And of the three sets of remains, as I recall, you  
4 saying at least one had the blindfolds across the eyes and  
5 Colonel (b)(6), (b)(7)(C) moved it. The other two, can you describe where  
6 the blindfolds were?

7 A. Sir, I am not even sure if they had blindfolds. I only  
8 know of the one that he and I kind of went, "Why does he have a  
9 blindfold?"

10 Q. Were they all three in close proximity, this number two  
11 group?

12 A. Yes, sir, they were.

13 Q. Did you hear at any point while in the vicinity of the  
14 bodies, Colonel (b)(6), (b)(7)(C) make a statement to the effect of "I  
15 guess we will have to say these guys tried to escape"?

16 A. No, sir.

17 Q. Did you ever hear him say, "Good job, but we need more  
18 bodies" or words to that effect?

19 A. No, sir.

20 Q. Yeah, let's go ahead and change gears.

21 (b)(6), (b)(7)(C) Okay.

22 (b)(6), (b)(7)(C) Actually, we are switching gears a little bit back to  
23 objective Murray.

24 Q. Do you recall how many--I know objective Murray is the

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 island. Do you recall how many discreet targets there were on  
2 objective Murray?

3 A. There were--what we were calling, kind of, Murray  
4 proper had three structures.

5 Q. Right.

6 A. It had two houses and then one, kind of a mud hut  
7 thing, where we didn't know if it was a tent that was being,  
8 kind of, hardened by mud. That was Murray proper. And then  
9 about--about 300 meters to the North West was another group of  
10 buildings that we didn't put an objective goose egg around, sir,  
11 but that I know Charlie Company was immediately hitting that one  
12 too, and they set up the air package to be able to--to be able  
13 to influence both of them.

14 Q. So, basically, two target areas that you wanted to----

15 A. Two target areas, yes, sir.

16 Q. Did--did--how did you assault those two target areas?  
17 Was it two simultaneous infills or was it----

18 A. Yes, sir.

19 Q. Or was it infill one, infill two?

20 A. Almost--no, it was two simultaneous. I believe the  
21 package they had was seven Black Hawks so they had four on one,  
22 three on the other.

23 Q. Okay, and the one that Colonel (b)(6), (b)(7)(C) went in on was--

24 was there contact on the objective that Colonel (b)(6), (b)(7)(C) went on?

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ACLU DDII ROI 34238

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Sir, I'm not even sure. I know we got the report the  
2 couple minutes after infill. The coms were pretty crappy, but  
3 we got the report that there were shots fired at Murray.

4 Q. Right.

5 A. And that's all we got. And then----

6 Q. Do you know which one?

7 A. Probably--no, sir. No, we did not. And then probably  
8 about somewhere between thirty to forty-five minutes later we  
9 got a report that there were--there were enemy KIA at Murray.

10 Q. And then on the AH64 engagement on the boat, do you  
11 know, can you fill us in any on how that occurred? Who might  
12 have cleared the fires?

13 A. No, sir.

14 Q. Okay. Were they working for----

15 A. They were working for Red Knight.

16 Q. They were working for Red Knight?

17 A. Yes, sir.

18 Q. The AH64 was working for Red Knight. Okay.

19 A. Well, and he might have pushed them down to Charlie  
20 Company since they were on that side of the river--canal rather.

21 Q. Okay. Backing up to the planning phase, particularly  
22 interested in the--the kinetic strike package that was submitted  
23 and then the combined arms rehearsal that all preceded the  
24 operation. Can you talk me through that a little bit?

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000440

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Yes, sir. We---

2 Q. Really, I'll tell you what we are really interested in,  
3 is there is--we've had some testimony here today that there had  
4 been a declaration that all--that the island had been declared  
5 hostile and anybody on the island was declared hostile ahead of  
6 time. And I'd like you to kind of talk through whether you  
7 believe that to be true or not.

8 A. Yes, sir. We--we drew up our plan and one of the key  
9 pieces--we had a lot of--a lot of historical reporting on  
10 Muthanna, there were--there were two key, no, actually there  
11 were three. Three key OCFI hits down in that area where  
12 objective Consequences, which was the end of January the  
13 beginning of February, where they had fifteen enemy KIA, all of  
14 them were foreign fighters. They had objective, it wasn't  
15 Simpson, maybe it was Simpson, just South of the chemical plant,  
16 actually, it was one--right where one of our BPs were that they  
17 had, I think it was ten enemy KIA suicide vest. We had the  
18 historical reporting that Muthanna was a place bad guys hung out  
19 at. They had gotten, contractors had gotten hit there, Croll  
20 Contractors, I think probably about a week and a half before the  
21 operation. (b)(6), (b)(7)(C), (b)(7)(D)

22 (b)(6), (b)(7)(C), (b)(7)(D)  
23 (b)(6), (b)(7)(C), (b)(7)(D)  
24

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000441

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1           Initially (b)(6), (b)(7)(C) was one of about fifteen NAIs we  
2 had lumped under--it's called Iron Triangle, but it really  
3 encompassed all of South Tharthar, because we'd done some ops  
4 down there. We'd done Katrina, which was a DOCX just windfall  
5 of stuff, and then we'd done Rita with OCFI, where they had--  
6 they had killed Abu Ghada. So we had done some stuff down  
7 there, we were taking a real hard look at it. We were going to  
8 do, we were trying to set up an operation where we did all those  
9 NAIs, kind of like (b)(6), (b)(7)(C) but kind of not. We bounced around  
10 all these targets we were looking at. We couldn't get there  
11 from here. We wanted to focus and hit one in May, beginning of  
12 May, A. Because the timing was right, and B. We wanted to do  
13 it before the boss went on leave, because he said, "Hey, no big  
14 ops while I am gone." "Got it. Makes sense." So we focused on  
15 just (b)(6), (b)(7)(C) which is one of our NAIs.

16           The key piece was that source. We got word that,  
17 "Hey, he's available for recontact." Actually he works for 4th  
18 ID down in Baghdad. Made initial contact. He said, "I am  
19 willing to come up. I am willing to PID, fly around, do  
20 whatever the case is." I can't remember the source code, but he  
21 was, you know, rated, I think it's fairly reliable, so it's a  
22 good source for you all down there, or at least whoever the  
23 handler is. So we brought him up, they flew around, it was the  
24 day before the operation. We had prepped the aviation guys

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 saying, "Hey, be prepared for the assault objectives to shift."  
2 We created a package where we had three assault packages,  
3 everything else was isolation BPs. And we said, "Hey, based off  
4 of, you know, final PID from this guy we might adjust. We  
5 completely scrapped the one objective because he said there is  
6 nothing up there but farmers, and then we added one where he  
7 said there were some Amirs, including Iranian, Palestinian, a  
8 couple of other bad guys, kind of in the center of the objective  
9 where we weren't tracking. Objective Ling didn't move, and then  
10 objective Murray didn't move. What he--what he gave us though,  
11 more than anything else from his over flight was, he said there  
12 were anywhere from seventy to eighty foreign fighter trainees  
13 who lived in the bunkers which were right there where objective  
14 Ling is. We had looked at Ling as a meeting place. We thought,  
15 okay, that is going to be hit or miss. If we hit it and there  
16 happened to have been a meeting we might get lucky, if not, it's  
17 probably going to be a dry hole. So that was new information.  
18 Knowing Iraqi math, that means there is probably ten to twenty  
19 if there is any at all down there. Then the other thing, he  
20 nixed the one objective, gave us the Amirs, and then the final  
21 piece, I guess he got, and I wasn't up on the flight, I know the  
22 S2 for 3rd of the 320th was. He got very, excited is the wrong  
23 word, but very emotional over Murray, saying, "That's where  
24 Zarqawi's guys are. They are all AQIZ. There is all the bad

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EXHIBIT

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 guys." Which then kind of corroborated objective Consequences,  
2 all the stuff we had been watching with ISR and some of the  
3 other HEMET reporting that we had gotten before that it just  
4 doesn't make sense for anything to be there at all because  
5 you've got a canal on one side, you go the river on the other  
6 side so what, it's not a good place to farm, you could just jump  
7 across the canal and get the same thing and be able to hit ASR  
8 Golden. It just didn't make sense other than, hey, this is a  
9 good place for bad guys to hang out. We had noticed on some of  
10 our ISR about the week--the week preceding that, sometimes when  
11 they hear the shadows you'd see guys scurrying out to kind of  
12 the marshes. All of this stuff just didn't--didn't add up. So  
13 at that point, this again is the night before; I got that report  
14 probably about 2000. I told the boss--or it actually might have  
15 been two days prior. I can't remember. But I told the boss,  
16 "Hey, I think this is a lot more serious than we initially  
17 thought." I said, "Sir, we are going to start drawing up the  
18 kinetic strike package. I will come back with you and brief you  
19 up on it but we have to get this thing moving and get the  
20 (inaudible) grids, all this stuff, figure out what effects we  
21 want to get out of it and at the same time get some assets in  
22 line because it was out of the range of Gimlers so we knew we'd  
23 have to move that. We've had terrible success with USAF  
24 aircraft, so that was not our primary thing we were looking at

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 doing. Came back, briefed him, said, "Hey, here is what we got  
2 from the source." Came back, laid out all that stuff, and here  
3 is our recommendation is we're going to do a Gimler shot on the  
4 four bunkers, we're going to hit them, and then one minute later  
5 hit them again for these guys that potentially were down in  
6 there. We really had no desire to have folks going down in  
7 there potentially clearing kinetically in a place underground  
8 that we had no knowledge of at all. At the same time on Murray,  
9 had recommended that we used 64s for preassault fires there  
10 similar to what we had done on objective Katrina where we had a  
11 VBIED maker and then we had, kind of, a safe house bed down area  
12 that we had hit and gotten approval of that before. Sent all  
13 that stuff up, the big sticking point was that it was Muthanna  
14 chemical complex and they lumped everything into Muthanna even  
15 though there is reams of open source and classified data saying  
16 all the chemicals are contained into these bunkers right here.  
17 They are sealed. They are sealed. But that was our staff  
18 battle that we fought. We kept pushing that up, asking my  
19 targeting guys, you know, what do you think of our packet  
20 between them and the intel folks, and the word they were getting  
21 all the way up the chain was that this was the best packet that  
22 they had seen yet. It was way better than what we had gotten  
23 approval for on Katrina, but the sticking point was the chemical  
24 stuff. It was a WMD site, which I was told took ~~SECRET~~

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ACLU DDH ROI 34244



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 approval. So, it went all the way, again, my knowledge is, it  
2 went through Division, the CG blessed it. Went to MNC-I, MNC-I  
3 blessed it. Went up through F-I, up through CENTCOM, got to OSD  
4 and it was kind of just wallowing around there and then somebody  
5 said, I think at our Division FEC, "Hey, if you change this on  
6 your Gimler strike on the bunkers, then it becomes Division  
7 Commander approval." And whatever, sir, I don't even know what  
8 it was. The effects were the exact same, the strike was the  
9 exact same, but it became General (b)(6), (b)(7)(C) call. We say, "Well,  
10 shit, do it. Let's go. We need to get this thing going here."  
11 It went to that and then the word we were working that with G3  
12 and CHOPS and the word we got back, 2200 the night before, so  
13 really probably we started the kinetic stuff two nights before.  
14 The night before the op was the CG had disapproved it. Rak 6  
15 was down at Remagen at that point. He had gone down there a  
16 little bit early to talk to the Battalion Commander before the  
17 operation. Called him up, said, "Hey, sir. Got disapproved.  
18 Got pushed down to CG, disapproved. I don't know if you want to  
19 call him." He said, "Yeah, I'm going to give him a call." I  
20 gave him the number, called CG at the hooch. CG said no. I  
21 called him back and said, "Hey, I talked to the G3 folks. We  
22 think we still got it on the Gimler thing, everybody's very  
23 concerned about the chemical munitions. I said, "I recommend on  
24 Murray, I think you can brief that to the CG as a separate

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EXHIBIT

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 piece. We will scrap the Gimplers on the bunkers, because that's  
2 the--again, we've got more evidence here and more data than we  
3 did on Katrina which he had approved. So he called up the CG  
4 again, the CG said no. The boss said, "Hey, drop it at this  
5 point. We are, you know, we are not going to pursue preassault  
6 fires." So at that point we had to rejimmy the whole plan again  
7 and go from there. And then--my days are all screwed up. The  
8 next morning we had--yeah, we were all trying to do this all  
9 before the Rock drill. So it was that night, two nights before,  
10 we then had to go back to our original plan, timings, redid the  
11 CINC matrix, the X check, sent all that stuff out, then we had  
12 the Rock drill, I think at nine o'clock. Made sure the aviators  
13 had it for their six o'clock air crew rehearsal, which they had,  
14 so they were tracking, specifically, 1/101 aviation. Went to  
15 the Rock drill, did the Rock drill, and then from there that was  
16 proceeded with that plan.

17 Q. What do you believe to have been the--well, let me back  
18 up a little bit. My belief is, and you tell me if you've got  
19 the same belief. Is that the standard theater ROE with regard  
20 to engaging a target with direct fires is the individual has to  
21 display either a hostile act or hostile intent before you can  
22 engage in direct fires. Do you see it the same way?

23 A. Yes, sir. Unless we can confirm, and this is the hard  
24 part, don't laugh, unless we can confirm they are one of the

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ACLU DDH ROI 34246

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 fifteen groups that are listed as terrorist organizations, then  
2 they can be--they can be engaged.

3 Q. Okay.

4 A. Of course, they don't readily as you know, say, "Hey,  
5 I'm AQIZ."

6 Q. Right. Do you believe that that condition, hostile  
7 act, hostile intent condition was in effect for objective Murray  
8 when the helicopters landed and the Soldiers came off?

9 A. Yes, sir.

10 Q. Okay. So, you don't believe that everybody on the  
11 island had been declared hostile?

12 A. Oh no no, I think it was pretty clear that we were  
13 declaring Murray a hostile target based on everything that we  
14 had had before.

15 Q. Okay. So if you were a Rakkasan coming off the  
16 helicopter, could you shoot anyone on that island, or did you  
17 have to have hostile act, hostile intent?

18 A. I think you could, but, you know, once you delve down  
19 to that far, I don't think they--well, I know they didn't--they  
20 didn't kill everybody on the island. They had the ability to do  
21 that and knew that they were going into a AQIZ hostile  
22 objective. I mean, because we were pushing hard at that point  
23 to get preassault fires.

24 Q. Right.

ACLU DDII ROI 34247

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Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 A. Which we wouldn't do unless we thought it was a hostile  
2 objective.

3 Q. Do you--were you with Colonel (b)(6), (b)(7)(C) for the combined  
4 arms rehearsal?

5 A. Yes, sir.

6 Q. Was there a discussion that changed--that allowed  
7 people to be preemptively engaged on the island, was that part  
8 of the Rock drill?

9 A. He said, at the end, you know, they did their standard  
10 Rock drill commander's comments at the end from him and Destiny  
11 6. He--he reiterated again, like he did in the AMB that  
12 aviation crews needed to be ready to--to engage on ingress  
13 egress based on the threat that was down there, that we didn't  
14 have the preassault fires, that everybody needed to be ready off  
15 the aircraft and be in a firefight, that this was, you know, a  
16 hostile environment, specifically on Murray that we were going  
17 into.

18 Q. But--but you didn't hear him say--I shouldn't say you  
19 didn't hear him. Did you hear him say that the ROE had changed  
20 and----

21 A. No, sir.

22 Q. And that the requirement for hostile intent or hostile  
23 act was suspended?

24 A. No, he didn't come out and say the ROE had changed or

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ACLU DDII ROI 34248

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 anything like that, but it was definitely, it was my  
2 understanding, I know it was his understanding that this was--  
3 this was a hostile target that we were going in on and that the  
4 evidence and the--not evidence, the information that we had was  
5 more than enough to do that, thus the reason that we were  
6 pursuing the preassault fires to begin with. Because, it really  
7 becomes, if somebody had approved it, it becomes a mute point  
8 and it had been approved all the way up even though it came back  
9 for some reason, you know, the CG decided to change it, I'm not  
10 sure why.

11 Q. Right. Do you--do you recall if Colonel (b)(6), (b)(7)(C) had a  
12 sidebar conversation with the Charlie 3/187 Commander?

13 A. No, sir. No, sir, I don't know.

14 Questions by Lieutenant Colonel (b)(6), (b)(7)(C)

15 Q. With regard to the term hostile target or hostile  
16 objective, does that mean that everyone on that piece of  
17 territory or if it is a building everyone in that building by  
18 virtue of being there falls into the category of one of the  
19 fifteen groups?

20 A. I think if we--if we declare it hostile, sir, then you  
21 can. I mean, and again, I go back to the fact that we were  
22 recommending preassault fires which would have killed everybody  
23 on there had it been approved. Maybe not killed, but obviously

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ACLU DDII ROI 34249



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 had greater effects than what we had just going in with ground  
2 maneuver forces.

3 Q. And then, I'll just lay it right out for you, because  
4 I'm not sure if your aware of this. We received a report that  
5 the Soldiers engaged a target who was in a window and there was  
6 no indication of being armed or any kind of hostile act or  
7 hostile intent. And one of the explanations offered was that it  
8 was a legitimate target because the target was on Murray. Does  
9 that sink up with everything you know about the train up and  
10 what was put out to Soldiers?

11 A. I think they had the ability to do that. I mean, if we  
12 are declaring a target hostile, I don't think they did that  
13 though, based on, I think there were people still alive at that  
14 objective, in fact I know they were because they took detainees  
15 off of that objective.

16 Q. Correct.

17 A. But again, going back to the intent of having the  
18 preassault fires, you know, what we were going to put into those  
19 were two thermobarrik hellfires into each one of those three  
20 structures definitely initially, and I'm not sure about the  
21 other one that was about two/three hundred meters away. And if  
22 it would have had the effects that we had initially desired and  
23 submitted in there, all of them would have been--would have been  
24 incapacitated, if not dead, still the structure would have

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ACLU DDH ROI 34250

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 remained to conduct exploitation of DOCX out of it.

2 Q. So, if I could paraphrase to see if this is accurate,  
3 if a Soldier on Murray that morning took a shot through the  
4 window, at that point, it was that Soldier's judgment call?

5 A. Yes, sir.

6 Q. And you are saying that you may not have made the same  
7 judgment, but under the ROE for that operation, in that place,  
8 it was in that individual Soldiers discretion to----

9 A. Yes, sir. Yes, sir.

10 Q. Okay.

11 A. I would say that is a great paraphrase of it.

12 Questions by Brigadier General (b)(6), (b)(7)(C)

13 Q. Did you and the Brigade SJA have any discussions about  
14 the ROE with regard to objective Murray?

15 A. Numerous.

16 Q. Did you?

17 A. Yes, sir.

18 Q. What--can you kind of sum that up?

19 A. I talked to--you know,--initially submitting the strike  
20 packet, asked, you know, A. Is this, you know, a valid,  
21 legitimate, what we're about submitting. He said, "Hey, I think

22 (b)(6), (b)(7)(C), (b)(7)(D)  
23

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ACLU DDII ROI 34251



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 (b)(6), (b)(7)(C), (b)(7)(D)  
2  
3  
4  
5  
6  
7  
8

9 (b)(6), (b)(7)(C), (b)(7)(D)

He said, "Hey, this is

10 much better than what we had for Katrina." I said, "Okay.  
11 We're going to recommend to the boss here that we submit this as  
12 a strike packet, you know, give me a common sense no shitter on  
13 this. Is this valid?" He said, "Oh, this is more than valid.  
14 More than valid to do this and to hit the bunkers." We didn't  
15 have enough fidelity on the other stuff that was out there and  
16 at that point it--it really changed the dynamics, sir, because,  
17 although we knew these potentially would be contested  
18 objectives, at that point in my mind, from, you know, the S3  
19 stand point, we had significantly changed the environment and  
20 dynamics on the objective based on, you know, finally getting

21 (b)(6), (b)(7)(C), (b)(7)(D)  
22  
23  
24

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ACLU DDII ROI 34252

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 (b)(6), (b)(7)(C), (b)(7)(D)

2 (b)(6), (b)(7)(C), (b)(7)(D)

I'll tell you when the packet went up, our initial frustration was the at the whole Muthanna WMD thing, but then when it was disapproved by the CG, and I'm sure he had his reasons, and he's up there because he is a lot smarter than I am, but I was extremely disappointed because I truly believed that that was in, you know, the best interest of making sure, A. Doing the right thing, because I'm not going to kill innocent people just for no reason at all, and then B. Ensuring the safety--safety of our folks. That, and my only real comparison other for preassault fires was objective Katrina, which was another AQIZ target that we had and that one getting approved. So, based off of that and what the targeteers had said talking to Division and higher in terms of "Hey, how is our packet look?" And they said, "This thing--this is a no brainer here. This is going to get approved if you can get passed the WMD portion."

18 Q. I understand you and the JAG discussed the target and  
19 the kinetic strike package prior to it going up, as it went up,  
20 when it came back down disapproved, did you and the JAG have any  
21 conversations after----

22 A. I think we talked about whether or not, you know, we  
23 could still label, classify it as hostile. I don't remember all  
24 the specifics. I don't want to say, he said, "Yes, this is

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ACLU DDII ROI 34253



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 hostile." Because that could be incorrect, but we did--we did  
2 talk about it and, you know, to the best I can recall, we said,  
3 "Hey, we still--there is still good enough justification for  
4 them to come off the helicopters and engage if desired based off  
5 of the threat that we see here on this objective.

6 Q. Did you--did you feel that after the strike package was  
7 disapproved, did you feel like the assault forces going into  
8 objective Murray had a clear understanding of what they were  
9 authorized to do or not do under the Rules of Engagement? Did  
10 you recommend that anything be published or any guidance be  
11 given?

12 A. No, but I--no, I didn't recommend anything be published  
13 at that point, sir. If anything I hoped it renewed their sense  
14 of "Hey, this is serious. You're going in naked."

15 Q. Right.

16 A. You know, you've got a 64 team with you, if you need  
17 them they're right there. This is the Brigade Commanders focus,  
18 he is going in with you to provide that--that adult supervision  
19 if necessary if things get hairy, but that was definitely, all  
20 eyes were on the insertion into Murray to make sure they got in  
21 and out. That was my concern, that they understood that this  
22 was--this had the potential for being a hot LZ. I think both  
23 Rak 6 and Destiny 6, Colonel (b)(6), (b)(7)(C) emphasized that at the Rak  
24 drill, that, "Hey, this is no joke here, the whole objective is

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ACLU DDII ROI 34254

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 no joke, but this one here could get--could get extremely  
2 hairy."

3 (b)(6), (b)(7)(C) Okay. Chief?

4 (b)(6), (b)(7)(C) No.

5 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) any alibis?

6 (b)(6), (b)(7)(C) Nothing.

7 Q. I know we have beaten this horse, but we haven't  
8 dismounted yet, I'm just going to say it one more time, just  
9 because I want to make sure I understand what was going on in  
10 your brain. The--the--based on what you saw in the orders  
11 issue, the guidance given at the combined arms rehearsal, it's  
12 your belief that the Soldiers coming off the helicopters at  
13 objective Murray were not required to establish hostile act or  
14 hostile intent before engaging a target?

15 A. That is correct, sir. If I was the Company Commander,  
16 that would have been my take away. Now, you know, trying to  
17 recall if Rak 6 ever came out and said, "This is a hostile," you  
18 know, kind to say it in jagesé, as per the ROE article, you  
19 know, 3-8, this is the definition, no, he didn't.

20 Q. Right, making a declaration.

21 A. I don't remember him ever saying that. But if I was  
22 the Company Commander and after being at the back brief  
23 listening to the Battalion Commander, the Brigade Commander,  
24 Aviation Brig ~~Commander~~, my impression would have been this

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**ACLU DDII ROI 34255**



Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 is a hostile target.

2 Q. Right.

3 A. Although, I still would have told them again, if I was  
4 Company Commander, I would have told them, "Hey, gentleman, you  
5 need to be prepared to go, but we ain't coming off just shooting  
6 anything that freaking moves."

7 Q. Right. There is several statements that indicate that  
8 Colonel (b)(6), (b)(7)(C) had a conversation with that Company Commander,  
9 so we are--we are going to ask him as well what might have been  
10 said in that conversation.

11 A. Right. Okay.

12 (b)(6), (b)(7)(C) I have to issue you an order before I release you.  
13 This is an ongoing investigation, so you are not to discuss your  
14 testimony with anyone. If anyone attempts to talk to you about  
15 your testimony I want you to decline to discuss it and let me  
16 know, and you can either let me know directly down in MNDB or  
17 you can contact the Brigade XO, Major (b)(6), (b)(7)(C) and let me know  
18 through him. Either one is fine.

19 WIT: Yes, sir.

20 (b)(6), (b)(7)(C) Do you understand?

21 WIT: Yes, sir.

22 (b)(6), (b)(7)(C) All right. I appreciate your time.

23 WIT: Yes, sir.

24 (b)(6), (b)(7)(C) Appreciate your candor. Thanks very much.

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ACLU DDII ROI 34256

Interview of Major (b)(6), (b)(7)(C) U.S. Army  
Camp Speicher, Iraq

1 The interview ended at 1503, 29 May 2006.

2

3 I certify that the above transcription is a true and accurate  
4 representation of the interview.

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9 (b)(6), (b)(7)(C) LTC, U.S. Army

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ACLU DDII ROI 34257

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### SWORN STATEMENT

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

LOCATION CID COB Speicher, APO AE 09393	DATE (b)(6), (b)(7)(C) 29 May 2006	TIME (b)(6), (b)(7)(C) 1518	FILE NUMBER Seq #
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS PFC/AD
ORGANIZATION OR ADDRESS C Company 3/187 Brassfield Mora, Iraq (Fort Campbell, KY)			

I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 On May 8, 2006 we were given the R.O.E to kill all military age males on O.B.J Murry. Given by the brigade commander COL (b)(6), (b)(7)(C). The next day in the morning we landed on the second O.B.J or O.B.J Murry. As the helicopter touched down we headed to the the first house of the O.B.J. SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) my self and I believe one other individual fired at a male in the window in accordance with the R.O.E that was given the day before. We continued around the house to the front. As we entered the house we found three other males hiding behind two women so we detained them and took them out side and brought the man that we shot in the window outside so that the (b)(6), (b)(7)(C) could help him. By the time I had searched the three males and had turned back around the fourth male had died from a sucking chest wound. After that I went around the house with the women. The rest of third squad along with Gun 6 went to the second house where a man comes out of the house with a baby in front of him so that he would not get shoot. They brought him to the first house so the total count of detainees was 4. 3 from the first house and 1 from the second house. I don't remember what time it was but the LT and second squad had took off with the K.I.A leaving third squad Gun 6 and the R.T.O at the O.B.J. I was in the back of the house with the women and SSG (b)(6), (b)(7)(C) and the women when I heard oh shit and gun fire following. SSG (b)(6), (b)(7)(C) and I ran around the house to find out what happened the first person I saw was PFC (b)(6), (b)(7)(C) holding his eye I went up to him and asked him what had happened he told me that they had noticed one of the flex cuffs were broke so they started to change out the flex cuffs as they were changing the flex cuffs on of the detainees swung around with a knife and swung at SPC (b)(6), (b)(7)(C) and slit his arm. And one of the other detainees swung around and hit PFC (b)(6), (b)(7)(C) in the eye. I looked in the door and saw that SPC (b)(6), (b)(7)(C) was ok so I went around to the other side of the house and went back in the room with the women and stand there till we left (b)(6), (b)(7)(C)

- Q: (b)(6), (b)(7)(C)  
 A: (b)(6), (b)(7)(C)  
 Q: Did you type the above narrative?  
 A: Yes (b)(6), (b)(7)(C)  
 Q: What is your position in the squad?  
 A: Saw gunner (b)(6), (b)(7)(C)  
 Q: Could COL (b)(6), (b)(7)(C) be spelled (b)(6), (b)(7)(C)?  
 A: I don't know how to spell his name (b)(6), (b)(7)(C)  
 Q: What BDE is COL (b)(6), (b)(7)(C) in command?  
 A: 3<sup>rd</sup> Bde, Rakkansans (b)(6), (b)(7)(C)  
 Q: Had you ever been told to kill all military age men as an ROE before?  
 A: Before this incident, no (b)(6), (b)(7)(C)  
 Q: Did you find it strange to be told to kill all military age men at this junction?  
 A: Yes (b)(6), (b)(7)(C)  
 Q: Did you question the above order?  
 A: Not to them. I kept it to myself (b)(6), (b)(7)(C)  
 Q: Prior to this operation, what was the ROE?  
 A: To detain any suspicious males unless the posted a threat to you, then you should kill them (b)(6), (b)(7)(C)  
 Q: Upon helo entry to OBJ Murry, did you receive enemy fire?  
 A: No (b)(6), (b)(7)(C)  
 Q: Based on what you saw, did you encounter any hostile action while on OBJ Murry?  
 A: No (b)(6), (b)(7)(C)  
 Q: Did you see the 3 detainees get shot?  
 A: No (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)
		PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE  
 INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE  
 LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



(b)(6), (b)(7)(C)

Seq #

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT CID COB Speicher, APO AE 09393 DATED 29 May 2006 CONTINUED

Q: Did you see the 3 detainees run or attempt to escape?

A: No (b)(6), (b)(7)(C)

Q: How did you learn what happen to the 3 detainees that got shot?

A: PFC (b)(6), (b)(7)(C)

Q: Did anyone else tell you what happened to 3 detainees?

A: It heard it from SPC (b)(6), (b)(7)(C) when we got back (b)(6), (b)(7)(C)

Q: Did you see a knife?

A: Yes, when it got pass off to someone in second PLT (b)(6), (b)(7)(C)

Q: What was the knife involved in?

A: Cut SPC (b)(6), (b)(7)(C) guess (b)(6), (b)(7)(C)

Q: Is that what you were told about the knife? By Who?

A: Yes, by PFC (b)(6), (b)(7)(C)

Q: Describe the knife you saw as stated above?

A: Had an orange handle, blade was 10" long, handle was 4" long and it was tape to the blade, it looked homemade. (b)(6), (b)(7)(C)

Q: Was there any other cutting device obtained during the searches?

A: No (b)(6), (b)(7)(C)

Q: Did you notice some scissor like cutters?

A: Yes (b)(6), (b)(7)(C)

Q: Can you describe them (scissors)?

A: Green handle and look like they were used to cut bushes and look homemade too (b)(6), (b)(7)(C)

Q: Who search the 3 detainees taken from the initial house?

A: I did (b)(6), (b)(7)(C)

Q: Did you find any weapons on the 3 detainees during your search?

A: No (b)(6), (b)(7)(C)

Q: Who applied the flexi cuffs to the 3 detainees?

A: I did one of them and I think SPC (b)(6), (b)(7)(C) did the other two. (b)(6), (b)(7)(C)

Q: Who applied the blindfolds to the 3 detainees?

A: I did one and SPC (b)(6), (b)(7)(C) did the other two. (b)(6), (b)(7)(C)

Q: Were the flexi cuffs applied correctly?

A: Yes (b)(6), (b)(7)(C)

Q: Could the flexi cuffs been broken by the detainees?

A: Yes, only reason I know that is I had broken some the day before (b)(6), (b)(7)(C)

Q: When you broke them, were they behind your back?

A: Yes (b)(6), (b)(7)(C)

Q: How did you break them?

A: I slowly started to pull my hands apart. (b)(6), (b)(7)(C)

Q: Was your leaderships notified of the weak flexi cuffs?

A: Not my higher, but SSG (b)(6), (b)(7)(C) did, which is why he had the other cuffs (b)(6), (b)(7)(C)

Q: Who took photos on OBJ Murry?

A: I do know it was SGT (b)(6), (b)(7)(C) photo camera, but I don't know if he took the pictures (b)(6), (b)(7)(C)

Q: What happened to the forth detainee?

A: He got taken in. (b)(6), (b)(7)(C)

Q: Was he ever with the other detainees?

A: I believe he was, but I did not see it. (b)(6), (b)(7)(C)

Q: Was he taken away before or after the 3 detainees were shot?

A: Afte (b)(6), (b)(7)(C)

Q: How was transported (forth)?

A: By helicopter (b)(6), (b)(7)(C)

Q: Did you see SPC (b)(6), (b)(7)(C) self inflict his cuts to his face or arm?

A: No (b)(6), (b)(7)(C)

Q: Did (b)(6), (b)(7)(C) tell you he self inflicted the injuries as stated above?

A: No (b)(6), (b)(7)(C)

Q: Did you see any injury to PFC (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

ACLU DDII ROI 34261 (b)(6), (b)(7)(C)

PAGE 2 OF 4 PAGES

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(b)(6), (b)(7)(C)

Seq #

STATEMENT OF [REDACTED] TAKEN AT CID COB Spiecher, APO AE 09393 DATED 28 May 2006 CONTINUED

- A: I saw right side of his face near the eye had been hit, cause it was swollen not bruised? (b)(6), (b)(7)(C)
- Q: Did you hear from anyone, another account of this incident, contrary to what has been reported? (b)(6), (b)(7)(C)
- A: No (b)(6), (b)(7)(C)
- Q: Did anyone coach you during your initial statement given to the PLT leader? (b)(6), (b)(7)(C)
- A: It was written on the board the names of the detainees who were shot, the location and the times. (b)(6), (b)(7)(C)
- Q: Did anyone direct you to write in a certain way? (b)(6), (b)(7)(C)
- A: No (b)(6), (b)(7)(C)
- Q: Did anyone direct you write a certain fact or bit of information, of which you were uncertain to its truthfulness? (b)(6), (b)(7)(C)
- A: No (b)(6), (b)(7)(C)
- Q: What was name of the operation of which this incident above occurred? (b)(6), (b)(7)(C)
- A: Operation Iron Triangle, OBJ Murry (b)(6), (b)(7)(C)
- Q: What was the reaction of the women you were guarding when the shooting occurred? (b)(6), (b)(7)(C)
- A: They were calm, and didn't cry and the asked me if I wanted some water or lie down. (b)(6), (b)(7)(C)
- Q: Did the women speak English? (b)(6), (b)(7)(C)
- A: No, they used hands and arm signals (b)(6), (b)(7)(C)
- Q: Where you provided breaks during this interview? (b)(6), (b)(7)(C)
- A: Yes (b)(6), (b)(7)(C)
- Q: How were treated by SA (b)(6), (b)(7)(C)
- A: Good (b)(6), (b)(7)(C)
- Q: Do you have anything you wish to add to your statement?
- A: No////END OF STATEMENT//// (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

*id*

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU DDII ROI 34262

(b)(6), (b)(7)(C)

PAGE 3 OF 4 PAGES

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EXHIBIT

49

(b)(6), (b)(7)(C)

Seq #

STATEMENT OF

TAKEN AT CID COB Speicher, APO AE 09393 DATED 29 May 2006

CONTINUED:

STATEMENT (Continued)

(b)(6), (b)(7)(C)

not used

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of May, 2006 at CID COB Speicher, APO AE 09393

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

SA, USA

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

Art 136, UCMJ (Authority To Administer Oaths)

INITIALS OF

STATEMENT

(b)(6), (b)(7)(C)

ACLU DDJ ROI 34263 PAGE 5 OF 5 PAGES



SWORN STATEMENT

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

COB SPEICHER, TIKET, I 2 APO AG 09343		DATE	TIME	FILE NUMBER
(b)(6), (b)(7)(C)		29 MAY 00	1530	
LAST NAME, FIRST NAME, MIDDLE NAME		SOCIAL SECURITY NUMBER		GRADE/STATUS
(b)(6), (b)(7)(C)		(b)(6), (b)(7)(C)		E-5/AD
ORGANIZATION OR ADDRESS				
C Co 3-187th Infantry For Brassfield-Hora, I 2 APO AG 09349				
(b)(6), (b)(7)(C)				

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ELEMENTS OF OUR COMPANY, CHARLIE CO 3-187th, WERE GIVEN A MISSION TO CLEAR OBJECTIVES WITHIN OBJ MURRAY. OBJ MURRAY WAS AN ISLAND WHERE WE WERE TOLD POSSIBLE ALQUEDA AND ATF FORCES WERE. THE ROE FOR OBJ MURRAY WAS TO KILL ANY MILITARY AGED MALE THAT WAS NOT ACTIVELY SURRENDERING. ON DAY 1 OF OPERATION IRAN TRIANGLE WE AIR ASSAULTED INTO THE FIRST OBJECTIVE ON THE ISLAND. 3RD PLATOON CLEARED AROUND 5 HOUSES ON THE FIRST OBJECTIVE FINDING NO MILITARY AGED MALES. 2ND AND 3RD SQUAD WERE THEN GIVEN A FOLLOW ON MISSION. I ALONG WITH MY MACHINE GUNNER CPL (b)(6), (b)(7)(C) WERE ATTACHED TO 3RD SQUAD AND WERE FLOWN TO THE 2ND OBJ. ON THE FLIGHT WE WERE TOLD THAT NEXT OBJECTIVE WAS STILL ON THE ISLAND THEREFORE THE CURRENT ROE STOOD. UPON LANDING MY OWN TEAM ALONG WITH 3RD SQUAD AND CHOPPIN 86, 1LT (b)(6), (b)(7)(C) PROCEEDED NE TO A SINGLE HOUSE. 2ND SQUAD WENT SE TO PROVIDE OVERWATCH. UPON NEARING THE HOUSE ELEMENTS OF 3RD SQUAD ENGAGED A MAN STANDING IN THE WINDOW OF THE HOUSE. 3RD CLEARED THE HOUSE FINDING 3 OTHER MILITARY AGED MALES HIDING BEHIND WOMEN. WE DETAINED THEM AS WE PULLED THE ONE WHO HAD BEEN SHOT OUT OF THE HOUSE. (b)(6), (b)(7)(C) PERFORMED FIRST AID AND PROXIMATED THE MAN DEAD WITHIN A COUPLE OF MINUTES. THE 3 DETAINEES WERE FLETCUFFED AND WATCHED BY SPC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C) AS THE REST OF 3RD SQUAD PROCEEDED TO CLEAR A HOUSE NORTH OF THE ORIGINAL HOUSE. MYSELF AND CPL (b)(6), (b)(7)(C) WERE INSTRUCTED TO LAY DOWN GRAZING FIRE OFF THE HOUSE BY SSG (b)(6), (b)(7)(C) AS HE AND 3RD SQUAD RAN TO THE HOUSE TO CLEAR IT. AS THEY APPROACHED THE HOUSE WE LIFTED THE GRAZING FIRE. ONE MALE EXITED THE HOUSE HOLDING A BABY OVER HIS HEAD WHILE 3RD SQUAD DETAINED HIM. UPON SEARCHING THE HOUSE AND IMMEDIATE AREA THE FOUND (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF	PAGES
	(b)(6), (b)(7)(C)	6	6

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE INCLUDED THE BACK OF PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.



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FILE NUMBER:

STATEMENT OF SGT (b)(6), (b)(7)(C) TAKEN AT FOB SPEICHER DATED 20 MAY 06 CONTINUED:

(b)(6), (b)(7)(C)

SEVERAL CHILDREN AND WOMEN. THEY DETAINED THE MALE AND WE BROUGHT HIM BACK TO THE ORIGINAL HOUSE. THERE WE STARTED DETAINING PATRONS AND PICTURE TAKING. IN THE ORIGINAL HOUSE THEY HAD FOUND AN AK 47 AND SEVERAL PARTS FOR AK'S AND MAGAZINES AND A HAND GUN. CHOPPIN 36 AND 2ND SQUAD WERE THEN CALLED OUT ANOTHER MISSION. WE WERE TOLD THAT AFTER THEY WERE FLOWN OUT AND DROPPED OFF, THE BIRDS WOULD COME BACK TO PICK US UP AFTER THE BIRDS HAD TAKEN OFF, MYSELF AND CPL (b)(6), (b)(7)(C) WERE INSTRUCTED TO GO SECURE THE LANDING ZONE. SPC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) AND THE DETAINEE WHO HAD COME FROM FROM THE 2ND HOUSE WERE AT THE LANDING ZONE. WE HEARD SHOUTS COME FROM THE DIRECTION OF THE HOUSE. I TURNED TO SEE THE MALES WE HAD RETAINED RUNNING NORTH AWAY FROM THE HOUSE. THEN THERE WAS GUNSHOTS AND THE MEN FELL AROUND 20-30 METERS FROM THE HOUSE. WE RUSHED TO THE HOUSE TO SEE THAT SPC (b)(6), (b)(7)(C) HAD BEEN CUT WITH A KNIFE BY ONE OF THE MEN. I WAS TOLD BY SPC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C) THAT THE DETAINEES HAD BROKEN THEIR FLECK CUFFS AND HAD ATTACKED BOTH OF THEM AND STARTED RUNNING AWAY WHICH THEY ENGAGED THEM. (b)(6), (b)(7)(C) LOOKED OVER THE MEN THEN PATCHED UP SPC (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Q.- SA (b)(6), (b)(7)(C)

A.- SGT (b)(6), (b)(7)(C)

Q.- WHO GAVE YOU THE ROE FOR OBJECTIVE MURRAY?

A.- COL (b)(6), (b)(7)(C) HAD COME BY ME NIGHT BEFORE AND TALKED TO CHARLIE COMPANY ABOUT THE MISSION AT HAND AND MENTIONED THE ROE FOR OBJ. MURRAY. THIS WAS ALSO ENFORCED BY OUR COMPANY COMMANDER CPT (b)(6), (b)(7)(C)

Q.- WHAT EXACTLY WAS THE ROE?

A.- ON OBJ MURRAY THE ROE WAS TO KILL ANY MILITARY AGED MALE WE CAME IN CONTACT WITH.

Q.- WERE YOU OR YOUR SQUAD ENGAGED WITH ENEMY FIRE?

A.- NOT ON OBJ MURRAY. I DO NOT THINK WE WERE EVER ENGAGED ON OPERATION IRON TRIANGLE.

Q.- HOW MANY SOLDIERS PARTICIPATED ON OBJECTIVE MURRAY?

A.- ON OBJECTIVE 2 WHICH INVOLVED CLEARING 2 HOUSES THERE WERE 10 SOLDIERS AND 2 IRAQI ARMY SOLDIERS. THERE WAS ALSO A 2ND LIFT (b)(6), (b)(7)(C) WITH (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

ACLU DOJ (b)(6), (b)(7)(C) 34265

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EXHIBIT 49

000465



LAW ENFORCEMENT SENSITIVE  
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FILE NUMBER:

STATEMENT OF SGT (b)(6), (b)(7)(C) TAKEN AT FOB SPEICHER DATED 29 MAY 00 CONTINUED:  
(b)(6), (b)(7)(C) AN UNKNOWN AMOUNT OF SOLDIERS WHO PROVIDED OVERWATCH AND HAD NOTHING TO DO WITH CLEARING THE HOUSES.

Q - WHO WERE THE 2 IA SOLDIERS?

A - I DO NOT KNOW ANY NAMES OR RANKS BUT DO KNOW THEY ARE FROM FOB 7.

Q - WHO WERE THE SOLDIERS ON THE SECOND CHOPPER?

A - 3RD PLATOON, 2ND SQUAD, CHARLIE COMPANY.

Q - WHO ENGAGED THE MALE ON THE WINDOW?

A - 3RD SQUAD, CHARLIE COMPANY. SGT (b)(6), (b)(7)(C) I DO NOT KNOW EXACTLY WHO OPENED FIRE BUT THE 5 MAN TEAM FROM 3RD SQUAD WAS SGT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C)

Q - HOW MANY SHOTS WERE FIRED?

A - I WOULD SAY IT WAS A COUPLE OF POUNDS, MAYBE 2-4, FROM 1-2 M-4s. THE BIRDS WERE STILL CLOSE AND IT'S PRETTY HARD TO TELL

Q - WHO CLEARED THAT HOME?

A - THE PREVIOUS 5 FROM 3RD SQUAD.

Q - DID YOU SEE THE INJURIES ON THE MALE THAT WAS SHOT ON THE WINDOW?

A - BASICALLY HE HAD A BULLET WOUND TO I BELIEVE HIS RIGHT SIDE MID SECTION AND ALSO HIS RIGHT ARM. I THINK IT WAS ALL FROM A SINGLE SHOT.

Q - WHO HELICOPTERED THE DETAINEES?

A - I DO NOT KNOW.

Q - WHAT WERE YOU DOING WHILE THE DETAINEES WERE CARRIED?

A - I WAS MOVING TO THE NORTH TO THE TOP OF THE BERM WITH CPL (b)(6), (b)(7)(C) TO OVERWATCH 2ND HOUSE.

Q - WHO BLINDFOLDED THE DETAINEES?

A - I KNOW I BLINDFOLDED ONE OF THEM AFTER THE 2ND HOUSE WAS CLEARED AND AFTER WE HAD TAKEN PICTURES OF DETAINEES.

Q - HOW WERE THE DETAINEES FROM THE FIRST HOME PROCESSED?

A - WHEN THEY WERE FIRST BROUGHT OUT AND PLACED FLAT ON THE GROUND FACE DOWN WHILE THE MALE WHO WAS SHOT WAS GIVEN FIRST AID. AFTER THAT I WENT UP TO THE BERM WITH CPL (b)(6), (b)(7)(C)

Q - WHAT WAS SEIZED FROM THE 1ST HOUSE?

A - AN AK-47, SEVERAL AK MAGAZINES, SOME AK-47 PARTS, AND A HAND GUN.

Q - WERE THERE ANY KNIVES SEIZED? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT:

(b)(6), (b)(7)(C)

ACLU DDH ROI 34266  
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000466



LAW ENFORCEMENT SENSITIVE  
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FILE NUMBER:

STATEMENT OF SGT (b)(6), (b)(7)(C) TAKEN AT FOB SPEKHER DATED 21 MARCH CONTINUED:

(b)(6), (b)(7)(C) A - FROM WHAT I KNOW, I DO NOT BELIEVE THERE WERE ANY KNIVES SEIZED.

Q - WHO CLEARED THE SECOND HOME?

A - MYSELF AND CPL (b)(6), (b)(7)(C) WERE ON THE BERM. SGT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) AND SPC (b)(6), (b)(7)(C) CLEARED THE HOUSE (b)(6), (b)(7)(C) ALSO CLEARED THE HOUSE.

Q - WHO STAYED WITH THE 3 DETAINEES?

A - SPC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C)

Q - WHO TOOK PICTURES?

A - (b)(6), (b)(7)(C) AND CPL (b)(6), (b)(7)(C)

Q - WITH WHAT CAMERA?

A - I THINK IT WAS SGT (b)(6), (b)(7)(C) CAMERA

Q - WHEN DID CHOPPIN 36 (1LT (b)(6), (b)(7)(C)) AND 2ND SQUAD LEAVE?

A - AFTER WE CLEARED THE 2ND HOME, WHILE WE WERE AT FIRST HOUSE DOING DETAINEE PACKETS, THEY TOOK THE BODY OF THE MAN WITH THEM.

Q - HOW DID THEY TAKE THAT BODY?

A - THE BODY WAS PUT IN A BODY BAG BY 3RD SQUAD AND TAKEN TO 2ND SQUAD AT THE LZ BEFORE THEY LEFT.

Q - WHAT COLOR WAS THE BODY BAG?

A - BLACK

Q - WHEN YOU WERE READY TO LEAVE THE AREA AND SECURED THE LANDING ZONE WHO STAYED WITH THE THREE DETAINEES?

A - SPC (b)(6), (b)(7)(C) AND PFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) WAS IN THE HOUSE GUARDING THE WOMAN. SSG (b)(6), (b)(7)(C) HAD HANDED OFF THE DETAINEE TO CPL (b)(6), (b)(7)(C) NEAR LZ AND WAS WALKING BACK NEAR THE HOUSE WHEN THE SHOUTING AND SHOOTING STARTED.

Q - WHO SHOUTED?

A - IT WAS EITHER (b)(6), (b)(7)(C) OR (b)(6), (b)(7)(C) BUT I DO NOT KNOW WHICH ONE.

Q - HOW MANY SHOTS DID YOU HEAR?

A - ALL I COULD REALLY MAKE OUT WAS A BURST FROM A SAW. I DO NOT KNOW HOW MANY OTHER ROUNDS WERE FIRED.

Q - WERE ALL THREE DETAINEES RUNNING IN THE SAME DIRECTION?

A - YES. ALL 3 WERE PRETTY CLOSE RUNNING IN THE DIRECTION OF THE 2ND HOME (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

ACLU DDJ 00104267

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000467



LAW ENFORCEMENT SENSITIVE  
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FILE NUMBER:

STATEMENT OF

TAKEN AT

DATED

CONTINUED:

(b)(6), (b)(7)(C) Q. - WHAT WAS (b)(6), (b)(7)(C) REST WITH?

A. - A MEDIUM SIZED, DEBRIS HANDLED KNIFE, POSSIBLY COULD HAVE BEEN A KITCHEN KNIFE.

Q. - HOW LONG WAS IT?

A. - AROUND 7-9 INCHES.

Q. - WHERE DID IT COME FROM?

A. - DO NOT KNOW.

Q. - WHERE IS THE KNIFE NOW?

A. - I SAW IT IN AN EVIDENCE BAG A COUPLE OF MINUTES AFTER THE INCIDENT. (b)(6), (b)(7)(C) WHEN IT WAS LYING ON THE GROUND NEAR THE HOUSE, THAT IS THE LAST TIME I SAW THE KNIFE.

Q. - WHEN YOU APPROACHED THE HOUSE AFTER THE SHOOTING, WHERE WERE (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C)

A. (b)(6), (b)(7)(C) WAS STANDING AT THE NE CORNER OF THE HOUSE, HE LOOKED STUNNED, (b)(6), (b)(7)(C) WAS LYING DOWN INSIDE THE DOOR LOOKING AT HIS ARM.

Q. - WHERE WERE THE DETAINEES?

A. - ABOUT 20-30 METERS NORTH OF THE HOUSE. AT LEAST 2 OF THEM WERE ON TOP OF EACH OTHER.

Q. - WHO WAS THE FIRST ONE TO APPROACH THE BODIES?

A. - I DO NOT KNOW FOR SURE, BUT I BELIEVE IT WAS (b)(6), (b)(7)(C)

Q. - WHO BROKE THE FLEXICUFFS OF THE DETAINEES?

A. - (b)(6), (b)(7)(C) AND (b)(6), (b)(7)(C) HAD TOLD US THAT ONE OR TWO OF THEM HAD BEEN BROKEN AND THEY NOTICED, SO WE WERE PREPARING TO PUT NEW ONES ON. THEY CUT ME THRU FLEXICUFFS AND THE ATTACK HAPPENED SHORTLY AFTER.

Q. - WHERE IS THE MALE FROM THE SECOND HOME?

A. - HE WAS TAKEN BY 2ND PLATOON, CHARLIE COMPANY ALONG WITH THE 3 DEAD BODIES, AND SEIZED GULONKE AND BROWN OUT, I DO NOT KNOW WHERE TO.

Q. - WHAT WAS THE PROCESS OF WRITING YOUR STATEMENT AFTER THE MISSION?

A. - WHEN WE RETURNED TO RAMAGEN, WE WERE ALL CALLED INTO A ROOM. INFORMATION SUCH AS GRIDS, AND DETAINEE NAMES WERE WRITTEN ON A BOARD FOR REFERENCE. WE THEN ALL PROCEEDED TO WRITE STATEMENTS SEPARATELY.

Q. - WHO WROTE THE INFORMATION ON THE BOARD? (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

ACLU DDII (b)(6), (b)(7)(C)

PAGE 5 OF 10 PAGES

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EXHIBIT 49

000468



STATEMENT OF SGT (b)(6), (b)(7)(C) FILE NUMBER:  
STATEMENT (Continued) TAKEN AT FOG SPEICHER DATED 29 MAY 2006 CONTINUED:

(b)(6), (b)(7)(C) A, -SPC (b)(6), (b)(7)(C)

Q - WERE YOU TOLD WHAT TO WRITE ON YOUR FIRST STATEMENT?

A - No.

Q - IS THERE ANYTHING ELSE YOU WISH TO ADD TO YOUR STATEMENT?

A - No. // END OF STATEMENT // (b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of MAY, 2006 at FOG SPEICHER T. K. I. A. A. 89393

(b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Act 136, O.C.M.S.

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU FILE # DDJ ROI 34268



SWORN STATEMENT

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

LOCATION COB Speicher Tikrit, IZ, APO AE 09343	DATE 29 May 06	TIME 1548	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS O-2/AD
ORGANIZATION OR ADDRESS C Company, 3/18th TNE BN, FOB Brassfield-Mora, Samarra, IZ, APO AE 09349			

(b)(6), (b)(7)(C) ILT (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on ~~29~~ <sup>05</sup> MAY 06 my platoon, 3/C/3-187 arrived at FOB Remagen at or about 1500 for operation Iron Triangle. We then began to conduct rehearsals with out IA counterparts for this mission. I was called aside by Chaplain (b)(6), (b)(7)(C) who told me that the ROE for this mission was that all military aged males on this objective (Objective Murray) were positively identified as being affiliated with Al-Queda in Iraq and they could therefore be shot/engaged immediately upon identifying them as a military aged male on objective Murray. We then went to chew with our Iraqi counterparts. After chew we had a backbrief in a warehouse to the south west of the parking lot we had staged in. Squad leaders and above attended this backbrief. The ROE was reinforced that all military aged males on objective Murray (the whole island) were positively identified as al-Queda in Iraq and could be engaged on sight/positive identification that they were a military aged male and that all structures were hostile structures. We were also briefed that pre-assault fires had been approved for this objective. I then went back on ~~reiter~~ reinforced this ROE to my Platoon. Soon after that, Col (b)(6), (b)(7)(C) came and gave a speech to C/3-187 and reinforced that every military aged male on objective Murray was to be killed. He again reinforced, verbally that this objective had engaged you

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 11 PAGES (b)(6), (b)(7)(C)
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF AND THE COPY OF THIS FORM.

ACLU DDH ROH 34270



FILE: IBER

STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT COB Speicher, Tikrit, IZ, NDAAC 09343 DATED 29 May 06 (b)(6), (b)(7)(C) CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C)

The special forces before and that the positively identified it as a hostile objective and that a high level informant ~~possibly~~ had also identified this objective as completely hostile. Around 2100 that evening my platoon sergeant, SFC (b)(6), (b)(7)(C) talked with my platoon and the IA and told them that there would be dead bodies and we discussed any noise they might have. Then everyone was put into rest cycle for the morning. At approximately 0400 we moved to the pick up zone for our mission. Sometime at or about 0430 we learned that the preassault fires had been cancelled. I then met with CPT. (b)(6), (b)(7)(C) and he told me that the ROE (Rules of engagement) had not changed when I asked. We were still to engage every military aged male on objective Murray. I then reinforced this to my soldiers. We left the FOB Remagen by UH-60 helicopter and hit objective Murray at 0500. We engaged the first house, but no one was home. We then pushed west and found no other structures so, we then pushed south and engaged the housing structures there (approx 3 structures). Upon our arrival, there was no one there either. I heard CPT. (b)(6), (b)(7)(C) engage a boat with an Apache helicopter over the radio. The boat was said to be fleeing the island. I was then told by CPT. (b)(6), (b)(7)(C) to go back to the original target house to prepare to be picked up to go to another 2 houses on the north side of objective Murray. I gathered SSG. (b)(6), (b)(7)(C) squad and SSG (b)(6), (b)(7)(C) squad and we were picked up by 2 UH-60 helicopters. I was ensured by CPT. (b)(6), (b)(7)(C) that the ROE still (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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ACLU DDII ROI 34271

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EXHIBIT 5A

000471



STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT (b)(6), (b)(7)(C) AB Speicher, Tikrit, IZ, APO AE 09313 DATED 29 May 06

(b)(6), (b)(7)(C)

CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C)

applied to engage all military aged males on the objective and that these houses to the north were still on the island and were therefore still on Objective Murray. Col (b)(6), (b)(7)(C) was present on Objective Murray this entire time. Upon arriving to the houses to the north, I pushed Ssg (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Squad the the first house to the north-east and I placed Ssg (b)(6), (b)(7)(C) Squad on a hilltop/mound directly towards the east. It was approximately 0700 at this point and the sun was out. Upon moving to the first house, SSG (b)(6), (b)(7)(C) and his squad identified 1 military aged male in the south side windows of the house and engaged him. They then pushed into the house and detained the other 3 males who were hiding behind women. We flexcuffed/zip-tied their hands and blindfolded them. We moved the (b)(6), (b)(7)(C) women to the east room in the house and Private (b)(6), (b)(7)(C) guarded them. PFC (b)(6), (b)(7)(C) then moved to the north hill to recon the next house. He spotted one woman outside, who ran back inside. SSG (b)(6), (b)(7)(C) and his squad bagged the one body after (b)(6), (b)(7)(C) worked on him for about 2 minutes. He passed from what looked to be 2 gunshot wounds to his side. The detainees (3) were put in a half moon shape, outside the north of the house and left with a guard Cpl (b)(6), (b)(7)(C) and Sgt. (b)(6), (b)(7)(C) moved to the top of the hill to the north. I instructed Cpl (b)(6), (b)(7)(C) to fire 3 feet above the next objective's structures because we had already seen 1 woman and there were 3 women in the last house. He opened fire and (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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ACLU DDII ROI 34272

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(b)(6), (b)(7)(C)

EXHIBIT 50



STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT CAB Speicher, Tikrit, Iraq, APO AE 09355 DATED 29 May 06 (b)(6), (b)(7)(C) CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C)

engaged the top half of the hill/mound on the north side of the second house. The house nor anyone was engaged. SSG (b)(6), (b)(7)(C) Squad flanked the house from the west. 1 man came out using a baby as a shield over his thoracic cavity holding the baby out. He was not engaged. He was detained and brought back to the second first house after a sensitive site exploitation of his house and some administrative paperwork done on his detainee packet that SPC (b)(6), (b)(7)(C) and I did. I provided SPC (b)(6), (b)(7)(C) the evidence for put on the evidence sheet which consisted of 1 AK-47 and one magazine and gave him the grid to where we were. Upon arriving back at the first house on the north objective on objective Murray SPC (b)(6), (b)(7)(C) my RTO, (radio telephone operator) informed me - that I had to have an element ready to leave on a helicopter that was arriving in 5 minutes. I had the body in the bag brought to the pick up zone (PZ) and SSG (b)(6), (b)(7)(C) Squad and the IA and the combat camera man staged. I left SSG (b)(6), (b)(7)(C) back to finish the detainee paperwork with his squad (which included SPC (b)(6), (b)(7)(C)). The UH-60's came at approximately 0830. SSG (b)(6), (b)(7)(C) Squad, myself, the IA and the one body left on that bird. SSG (b)(6), (b)(7)(C) was left on the ground with his squad, a M-249 team, and SPC (b)(6), (b)(7)(C) with an ASIP radio. About 3 to 5 minutes into my flight back to the first objective I ~~he~~ (b)(6), (b)(7)(C) overheard on the radio that SSG (b)(6), (b)(7)(C) status, on the ground had changed from 4 detainees to 3 KIA and 1 detainee. I arrived back (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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EXHIBIT 50



STATEMENT OF **(b)(6), (b)(7)(C)**

TAKEN AT COB Speicher, Tikrit, Iraq DATED 29 May 06 **(b)(6), (b)(7)(C)** CONTINUED

STATEMENT (Continued)

**(b)(6), (b)(7)(C)**

at the first objective, Regrouped my element and was told the birds were going right back to pick up SSG **(b)(6), (b)(7)(C)**. I was then told they were diverted to pick up cal. **(b)(6), (b)(7)(C)** from where I had just arrived to **(b)(6), (b)(7)(C)** to headquarters. After gathering up my 2nd Squad, I located 2 birds and parked northeast to off of objective Murray and set up an assembly area north of the chemical plant. I did not link up there with SSG **(b)(6), (b)(7)(C)** element until about 5 hours later. Upon their arrival, I noticed PFC **(b)(6), (b)(7)(C)** black eye and SFC **(b)(6), (b)(7)(C)** had a **(b)(6), (b)(7)(C)** wound on his face. They then told me that the zip-ties/flec cuffs had broken on 2 detainees so they cut off the 3rd detainees to replace them as well. Upon doing this, the one detainee punched PFC **(b)(6), (b)(7)(C)** in the face and the other attacked SFC **(b)(6), (b)(7)(C)** by attempting to stab him in the temple and cutting his face and arm. While PFC **(b)(6), (b)(7)(C)** and SFC **(b)(6), (b)(7)(C)** were stunned the detainees' detainee's fled North, towards the second house they were then engaged by PFC **(b)(6), (b)(7)(C)** and SFC **(b)(6), (b)(7)(C)** in self defense. We then settled into the Assembly area for the night as the rest of the unit linked up. However I left the ground of this incident from what they said about 1 to 2 minutes before it happened while there were still **(b)(6), (b)(7)(C)** detainees. I witnessed none of this. **(b)(6), (b)(7)(C)** I also have no reason to believe anything any differently from what I was shown and told. All POW on this objective was given and reinforced directly through our Brigade and Company commander and indirectly by our battalion commander. **(b)(6), (b)(7)(C)**

INITIALS OF PERSON MAKING STATEMENT: **(b)(6), (b)(7)(C)**

PAGE

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**(b)(6), (b)(7)(C)**



STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT Cob Speicher, Tikrit, IZ, APO AE 0933 DATED 29 May 06 (b)(6), (b)(7)(C) CONTINUED

STATEMENT (Continued)

Q: SA (b)(6), (b)(7)(C)

A: 1LT

Q: What does "IA" stand for?

A: Iraqi Army

Q: Who is CPT (b)(6), (b)(7)(C)

A: My company commander (C/3-187)

Q: Was it ~~unusual~~ (b)(6), (b)(7)(C) unusual for your unit ROE to change this drastically?

A: It had been put out a few days prior that a positive identification was enough to engage from then on. However, this was the first time we had been given the circumstances in order to engage. It was ~~an~~ (b)(6), (b)(7)(C) definitely a new approach that seemed different the previous ROE that we had been given. Pretty much the other end of the spectrum.

Q: Why do you believe this sudden change occurred?

A: To be more inline with the threats and the kind of indirect contact we had taken from the enemy. I.E.) IED's, mortars, rockets. The small arms and direct fire had not been a tactic used often since around Jan/Feb, by the enemy. This allowed us to stay in the fight with the enemy's new tactics.

Q: Who is CQ (b)(6), (b)(7)(C)

A: My Brigade commander (3-187)

Q: Did you ever receive fire by any enemy forces during this operation?

A: Personally, no. My first sergeant said he witnessed some small arms tracks fly by the M-16's on our left.

Q: Who is SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

A: 3rd squad leader (SSG (b)(6), (b)(7)(C)) and 2nd squad leader (SSG (b)(6), (b)(7)(C)) in 3 platoon / C/3-187. I am platoon leader of this platoon. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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EXHIBIT 50



STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT COB Speicher, Tikrit, Iraq, APO AE 09343 DATED 29 May 02 (b)(6), (b)(7)(C) CONTINUED

STATEMENT (Continued)

Q: Where was CO (b)(6), (b)(7)(C) located on Objective Murray?

A: At our initial target house on the south side of the island. I never actually saw him though.

Q: Do you know if he ever moved from that particular site?

A: He left to go to headquarters after I had returned from the second objective on objective Murray (b)(6), (b)(7)(C) was told, but I did not witness this.

Q: Who actually placed the zip ties on the detainees?

A: I don't know (b)(6), (b)(7)(C).

Q: Where was this done?

A: The first 3 were done outside on the north of the initial target house and the 4th was done at the house to the north. I did not directly witness

(b)(6), (b)(7)(C) the first 3 being zip-tied. I did witness the (b)(6), (b)(7)(C) at the north house.

Q: Who is PVT (b)(6), (b)(7)(C)?

A: He is a Squad automatic gunner (SAW) in 3rd Squad.

Q: Who is PFC (b)(6), (b)(7)(C)?

A: He is also a Squad automatic weapon gunner in 3rd Squad. I believe he is a member of 3rd Squad none the less.

Q: Where did SPC (b)(6), (b)(7)(C) work on the first detainee who was shot and killed?

A: About 1 foot north of the north (main) door to the first house and a little to the west of it. It was outside.

Q: Who is CPL (b)(6), (b)(7)(C)?

A: He is the gunner of Gun Six in my platoon. 3/c/3-187.

Q: Who is SGT (b)(6), (b)(7)(C)?

A: He is my Forward observer in my Platoon who was serving as CPL (b)(6), (b)(7)(C) assistant gunner.

Q: Who is SPC (b)(6), (b)(7)(C)?

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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STATEMENT OF

(b)(6), (b)(7)(C)

TAKEN AT

CDB Speicher, Tikrit, IZ, ABAC 01353 DATED 20 May 06

(b)(6), (b)(7)(C) CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C)

A: He is a team leader in SSG (b)(6), (b)(7)(C) Squad, and also a rifle man and sometime, a M-203 gunner.

Q: Did you instruct or dictate exactly what was to be put in any sworn statements?

A: No, there were some preformatted parts passed down on the statements that were given to us (i.e. grid, name, etc.) left as fill in the blanks. However on the sworn statements for this incident, I posted the names of the detainees, the grid, and the times of pickups and events on a white board while my guys filled them out, but I in no way dictated what they should have as content on their statements. I told them several (b)(6), (b)(7)(C) times to just put what ever they believe to be the truth on their statements when we filled them out.

Q: Who photographed the dead bodies and the mission itself?

A: The combat cameraman and SGT (b)(6), (b)(7)(C) for evidence purposes. The pictures were turned into Maj. (b)(6), (b)(7)(C) (320<sup>th</sup> FA) and then immediately erased by SGT (b)(6), (b)(7)(C).

Q: Who is SGT (b)(6), (b)(7)(C)?

A: SGT (b)(6), (b)(7)(C) is a team leader in SSG (b)(6), (b)(7)(C) Squad.

Q: What was the name of the combat cameraman?

A: He was a young black guy from Panama, that I believe worked for brigade.

Q: What do you mean when you say "birds?"

A: UH-60 helicopters

Q: Approximately what time did you link back up with SSG (b)(6), (b)(7)(C) element?

A: Approximately 1500, I know it was later in the afternoon somewhere between 1300-1500. (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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EXHIBIT 30



STATEMENT OF

**(b)(6), (b)(7)(C)**TAKEN AT CBS Speicher, Tikrit, IZ, APO AE 09393 DATED 29 May 06 **(b)(6), (b)(7)(C)** CONTINUED

STATEMENT (Continued).

**(b)(6), (b)(7)(C)**

Q: Why would anyone from your platoon have 3 detainees free at the same time and try to re-plexi cuff them all at once?

A: Inexperience and the "fog of war" after just shooting someone. It was not taught that was and would be primarily chalked up as a large mistake made by all team leaders and a blow on the ground. I do not condone, reinforce, or even instruct any of my men in any breach of security in that magnitude. It was a big mistake made by a team leader and a young squad leader.

Q: Can you describe the knife used to cut SPC **(b)(6), (b)(7)(C)**

A: It was described to me as a kitchen knife/sheer with about a 3 or 4 inch blade with a yellow orange handle with some kind of rope/string on the handle.

Q: Where is the knife now?

A: It was turned over to 2nd platoon/C/3-187 along with the other evidence to the main body/detainee processing facility. **(b)(6), (b)(7)(C)** My platoon members never saw it again after that. 2LT **(b)(6), (b)(7)(C)** wrote a sworn statement along with other members of second platoon about seeing/taking control of the knife. I never saw the knife myself.

Q: Where did the shooting of the 3 detainees occur?

A: Outside to the north/northwest of the house after they had struck and began to flee is how it was described to me by the members of 3<sup>rd</sup> squad.

Q: How do you think it is possible for PFC **(b)(6), (b)(7)(C)** and SPC **(b)(6), (b)(7)(C)** to recover so quickly from their attacks to engage the 3 detainees?

A: They were only hit with a punch and a knife blow, both were immediately still relatively conscious. The knife blow was intended to be severe but was not and PFC **(b)(6), (b)(7)(C)** to the punch **(b)(6), (b)(7)(C)**

INITIALS OF PERSON MAKING STATEMENT: **(b)(6), (b)(7)(C)**

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HIB



STATEMENT OF (b)(6), (b)(7)(C)

TAKEN AT CB Speicher, Tikrit, Iraq, APOAE 09393 DATED 26 May 86 (b)(6), (b)(7)(C) CONTINUED

STATEMENT (Continued)

(b)(6), (b)(7)(C) Q: How close were the 3 detainees to them when they were engaged?

A: They said about 10 feet, (b)(6), (b)(7)(C) but I was nearly 10 km away during all this with little to no communication with them so I have no way of knowing for sure. (b)(6), (b)(7)(C)

Q: Did you witness the intentional killing of any detainees or Iraqis which were unlawful or against your ROE?

A: No, I did not.

Q: Did you ever question your superiors about the new ROE?

A: (b)(6), (b)(7)(C) No, I did not.

Q: Were you aware the zip ties used to detain the Iraqis were weak?

A: No, I did not know they could be broken until I tried to break them after the incident to see for myself. They had a thin look but I was unaware they were breakable with so little tension.

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

A: No, I do not. // END OF STATEMENT // (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

ACLU DOJ (b)(6), (b)(7)(C) 04279

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EXHIBIT 30







**SWORN STATEMENT**

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

LOCATION COB Speicher, Tikrit, IA	DATE (b)(6), (b)(7)(C) 29 May 2006	TIME (b)(6), (b)(7)(C) 1641	FILE NUMBER Seq #
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-5/AD
ORGANIZATION OR ADDRESS C Co, 3-187 <sup>th</sup> INF, 3 BCT, 101 <sup>st</sup> ABN DIV (AASLT), FOB Brassfield-Mora, Samarra, IZ APO AE 09393			

I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

This statement is generated to clarify my previous statement I provided.

Q: (b)(6), (b)(7)(C)

A:

Q: In your previous statement, you stated "Our R.O.E was that every male on the ONJ was hostile," who briefed that to you?

A: LT (b)(6), (b)(7)(C) our PL. Military aged males have been considered hostile due to previous activity involving insurgents in Al-Qaeda and Special Operation Forces

Q: Did anyone coach you how to write your statement you provide previously?

A: No, but the date and time information along with the name of detainees and grid location was given to us to fill out the witness statements.

Q: Did anyone in your chain of command influence you to provide any false information or omission of any information in your previous statement?

A: No

Q: Besides Soldiers of C Co 3-187 INF, who else was present during your assault on objective Murray?

A: About 4-5 Iraqi Army soldiers (b)(6), (b)(7)(C) our interpreter, and SPC (b)(6), (b)(7)(C) a combat photographer.

Q: Can you provide more information about (b)(6), (b)(7)(C)

A: Harry is our company interpreter, about 5' 3", 190lbs, and spoke English well. I don't know his full name.

Q: Were the three detainees that were found in the first house you assaulted Flex-cuffed or zip-ties at the wrists?

A: Zip-tied

Q: How thick were the zip-ties?

A: About 1/8<sup>th</sup> of an inch thick.

Q: What color?

A: Black.

Q: Who put the zip-ties on the three detainees?

A: I did not physically see the three detainees get zip-tied, but I was told by SSG (b)(6), (b)(7)(C) that PFC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) had zip tied all three male detainees.

Q: Where were you when the detainees were shot?

A: I was at PZ posture setting up security for the detainees waiting to get exfilled. I was with SPC (b)(6), (b)(7)(C) CPL (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and one detainee.

Q: Who was the detainee?

A: The detainee was the male we had caught using his baby daughter as a shield as we assaulted his house.

Q: Where was the house that had the other three detainees located, in relation to your position?

A: 200 meters north of my position.

Q: Where were the locations of the rest of the Soldiers?

A: the rest of my squad was at the first building we assaulted with the 3 detainees.

Q: Identify the Soldiers who were at the house with the three detainees?

A: SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C)

Q: From your position, did you have direct line of site of the house?

A: Yes.

Q: How many sides of the house could you see?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED."  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE  
INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGES WILL BE  
LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823

1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

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000481



Seq #

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT COB Speicher, Tikrit, IA DATED 29 May 2006 CONTINUED

A: 2 sides, the back side with the 3 windows and the left side of the building.

Q: How long were you at your location before you heard someone say "Oh Shit."

A: About 5-6 minutes.

Q: During those 5-6 minutes, what activity did you see at the house?

A: The rest of the squad was getting there gear together so they could escort each detainee individually to my position right before the helicopters came for the detainees.

Q: Did you see the detainees?

A: No.

Q: Name the Soldiers you saw?

A: I couldn't identify an individual soldier by name.

Q: How many Soldiers could you see?

A: 1-2 Soldiers

Q: Explain in detail what you saw when you heard "Oh shit."

A: I heard "Oh shit" and a pause, then about 10-12 shots fired. First I heard single shots then a quick 5-6 round burst. Right as that happened, I seen 2 detainees run a few steps then one fell after the other.

Q: How much time elapsed when you heard "Oh shit" and the shots being fired?

A: The pause was about a second or 2.

Q: What direction were they running?

A: They ran north away from the house.

Q: Did you see the third detainee?

A: No.

Q: Were the two detainees running side by side.

A: They were side by side

Q: How much distance was in between them?

A: About ten feet in between them.

Q: As you are watching them, who fell first?

A: The male furthest to the left as they ran fell first and then the male to his right fell after him.

Q: How much time elapsed between the shots you heard and them falling to the ground?

A: About 2 seconds in between.

Q: Were their wrists bonded as they were running?

A: No.

Q: Were they blindfolded.

A: The blindfolds hung around one of the Males neck, as if he pulled it down. The other male had his over his head on top of his hair. I'm not sure which one was which.

Q: Did you see who shot them?

A: No.

Q: When the shots were fired, who was at your location?

A: SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) CPL (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were with me at that time.

Q: Were any Soldiers in your line of sight near the house when the shots were fired?

A: No.

Q: What happened after you saw the two detainees fall to the ground?

A: I called SSG (b)(6), (b)(7)(C) on the ICOM radio. After I got no response, I sent SPC (b)(6), (b)(7)(C) and CPL (b)(6), (b)(7)(C) to the Building.

Q: How long was it before you saw the two detainees fall to the ground until saw a Soldier?

A: After I sent SPC (b)(6), (b)(7)(C) and CPL (b)(6), (b)(7)(C) to the building, I waited about 5 min and still only saw SPC (b)(6), (b)(7)(C) and CPL (b)(6), (b)(7)(C) waited another 5 minutes and then went up there myself to see what was going on.

Q: What did you see upon arrival to the house?

A: I saw the 3 detainees down on the ground on their bellies. From left to right, the male farthest left was about 10 feet from the male to his right. The male on the left was lying on his stomach with his head facing towards the north and about 20 feet away from the house. The male in the middle was lying on his left side with his head slightly towards the right facing away from the house and about 15 feet away from the building. The male farthest to the right was on his stomach, head facing north and about 12 feet from the house.

Q: How much time elapsed between the detainees falling on the ground to when you physically saw the bodies on the ground?

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

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EXHIBIT 51

000482

ACLU DDII ROI 34282



Seq #

STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT COB Speicher, Tikrit, IA DATED 29 May 2006 CONTINUED

- A: Almost 15 minutes.
- Q: Upon your arrival to the house, what was the exact location of each Soldier?
- A: SPC (b)(6), (b)(7)(C) and CPL (b)(6), (b)(7)(C) were helping SSG (b)(6), (b)(7)(C) put the bodies in bags. SPC (b)(6), (b)(7)(C) was spreading out the bags and prepping them.
- Q: Did you see SPC (b)(6), (b)(7)(C) or PFC (b)(6), (b)(7)(C)?
- A: No, neither did I see PFC (b)(6), (b)(7)(C).
- Q: Did anyone tell you where they were?
- A: I was told by SSG (b)(6), (b)(7)(C) they were inside the house.
- Q: Who informed you the details of the incident?
- A: SSG (b)(6), (b)(7)(C) told me what had happened and I asked SPC (b)(6), (b)(7)(C) how bad the injuries were.
- Q: How much time elapsed between your arrival to the house until you saw (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C)?
- A: Ten to fifteen minutes.
- Q: Did you see any physical marks on (b)(6), (b)(7)(C)?
- A: His right side of his cheek was red and beginning to swell. His eyes were red and watery.
- Q: Did you see any physical marks on (b)(6), (b)(7)(C)?
- A: He had a deep cut to his left forearm, a scratch going up and down on his left cheek and a scratch across his left cheek.
- Q: Did you see the knife that the detainee allegedly used to attack (b)(6), (b)(7)(C)?
- A: No I didn't see it.
- Q: Did anyone tell you they saw the knife?
- A: Yes, it was placed into a bag along with the other AK-47's that were found in the house.
- Q: Who told you that?
- A: SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) said they put it in the bag. Later the 2<sup>nd</sup> platoon PL said he saw the knife in the bag when they transported the bodies and weapons.
- Q: Did they tell you what the knife looked like?
- A: Not too, much detail other than it was rusty and about 6 inches long with a taped up end.
- Q: Were you informed where the detainee retrieved the knife from?
- A: No, only that it might have been on the ground.
- Q: Who conducted the search of the three detainees?
- A: I'm not sure.
- Q: Did the killing of the three fleeing detainees coincide with the guidelines of the Rules of Engagement?
- A: Yes they were because they stressed to us that the males on the Island were in an AL-Qaeda cell and have had significant engagement with other US forces in that area.
- Q: Are you authorized to shoot and an enemy who was previously searched, detained and decided to flee?
- A: Proper escalation of force was used when the detainee became hostile and armed himself with a weapon and wounded one soldier and struck another.
- Q: Is there anything you want to add to this statement?
- A: Our actions on OBJ Murray were in accordance to the ROE briefed to us prior to our mission and moments before our air assault was conducted.
- Q: Is there anything else you want to add to this statement?
- A: No.
- Q: Did you type every answer to the questions I typed?
- A: Yes. \\End of Statement\\ (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

ACLU DDII ROI 34283

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EXHIBIT 51

000483



STATEMENT OF (b)(6), (b)(7)(C) TAKEN AT COB Speicher, Tikrit, IADATED 29 May 2006 CONTINUED: STATEMENT (Continued)

Seq #

NOT USED

(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of May, 2006 at COB Speicher, Tikrit, IA

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Art 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU DDII ROI 34284

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## SWORN STATEMENT

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

LOCATION Tikrit CID Office, COB Speicher	DATE 29 May 2011 + 36	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	RANK/STATUS E4/AD
ADDRESS/ORGANIZATION C Company, 3/187 <sup>th</sup> Infantry Regiment, FOB Brassfield-Mora, APO AE 09393		

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Three or four weeks ago we had a mission named Iron Triangle. We were briefed during the op order by our platoon leader, LT (b)(6), (b)(7)(C) that all military age males on objective Murray, small island in the company sector, were positively identified by high level informants to be members of AL Qaeda. Iraq and that we were clear to engage on sight. Upon our arrival at Remagen same ROE was also briefed or reenforced by CPT (b)(6), (b)(7)(C). Later, the Brigade Commander, COL (b)(6), (b)(7)(C) briefed the same ROE to us while we were in formation prior to leaving for the mission. When we got to the island we cleared the first group of houses but we did not find anything. We then regrouped and Air Assaulted to a second group of buildings on the island. When we got to the second group of houses, a military age male was spotted in a window in a house and he was engaged by the elements clearing the house. I am not sure who shot him. They continued to clear the house in which the guy was shot and they found the three military age males. When I came around the back of the house they had three males flexed cuffed outside the house and the one male that was shot was lying on his back but I think he was still alive. I think a saw (b)(6), (b)(7)(C) work on him, trying to save his life. I was not paying to much attention. I was trying to send up a situation report to CPT (b)(6), (b)(7)(C). After that, SGT (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) moved there 240 up on the berm to provide over watch for the element moving into the next house. I saw the 240 gunner laying suppressive fire over the next house. I was moving down the berm to try to get a grid to the first house to pass up to my chain of command. Then I moved into the second house and saw they had a male detainee on the ground and flexicuffed. This was the guy who had held the baby in front of him. This I did not see myself on site but I did see it later on a photograph. We then did a quick search of the house and the area around the house. I think they turned up an AK 47. After the search was complete, we moved him back to the first house. We put him near the three males that were detained from the first house. By that time I think the guy who had been shot was already bagged. This was about the time we started moving towards the pick up zone. LT (b)(6), (b)(7)(C) and elements from our platoon were going to be Air Assaulting to another objective after they dropped off the bag (guy shot in first house). They left myself, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) at the first house with the remaining 4 detainees. We processed them by completing the paper work, photograph them and right out there names. When the paperwork was complete; the birds took LT (b)(6), (b)(7)(C) element to about 400 meters away. They also was going to pickup another element that was in the area. This element was separate from the mission we were on but in they were in the same company. Myself (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) who had positive control of the one detainee started moving toward the pickup zone. When we reached the pickup zone, which was about 50 meters away, SSG (b)(6), (b)(7)(C) left the detainee with myself (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) at the pickup zone. He was going to check on PVT (b)(6), (b)(7)(C) who was guarding the women at the first house. While I was at the pick zone I heard a burst of gun shots, but I am not sure how many. I heard the saw and some M4 fire. I turned around and saw all three detainees fall. Then I ran over to the house where they were located and saw that they were all dead. I saw PVT (b)(6), (b)(7)(C) had his k-pod off, bent over holding his face. He was next to the house and the first body was about three to four meters away from him and the next two were about five or six meters away from (b)(6), (b)(7)(C). The two bodies had fallen on top of each other. I think the guy on top was face up and the guy on bottom was face down. The guy on top blind fold was lifted slightly off his eyes. I found (b)(6), (b)(7)(C) in the house in one of the rooms. While in the house I was looking for other weapons. I did not find anything (b)(6), (b)(7)(C) was also treating his cut on his arm and face.

Q: When were the pictures taken of the detainees with the numbers by their heads?

A: I think they were taken on the wall next to the house. After we had all them gathered up. After I came back from the second house.

Q: Who was photographing them?

A: I am not sure.

Q: Was this after they were made to lie on the ground and flexicuffed? (b)(6), (b)(7)(C)

A: Yes, they were flexicuffed immediately after they were encountered (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF... TAKEN AT... DATED... CONTINUED."

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_ OF \_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDII ROI 34285



"STATEMENT OF (b)(6), (b)(7)(C)  
 DATED \_\_\_\_\_ CONTINUED."

TAKEN AT *COB Speeches, Joint CID Office*

(b)(6), (b)(7)(C)

- Q: When were they processed?  
 A: After we had them all gathered up and brought the guy from the second house over to the first house.  
 Q: Who removed the blindfolds and flexicuffs?  
 A: I don't think they had blindfolds on but they did have flexicuffs on during the pictures.  
 Q: When were they blindfolded?  
 A: I didn't blindfold them and I am not sure when they were.  
 Q: Were they blindfolded prior to you and SSG (b)(6), (b)(7)(C) moving to the pickup zone?  
 A: I believe they were but I am not sure.  
 Q: When you returned to where they were shot were they blindfolded and flexicuffed?  
 A: They blindfolds were on partially but all the flexicuffs were broken. But I did not get a close look at the guy on the bottom?  
 Q: Did anyone explain to you why they were shot when you returned to where they were lying on the ground dead?  
 A: Yes, but I don't know who. I was told they were in the process of changing the flexicuffs because they were broken. One of them was broken and they were afraid the others were going to break and they were attacked in the process.  
 Q: How did the flexicuffs get off of the detainee?  
 A: (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were cutting the flexicuffs off so they can change them out.  
 Q: So, one was already broke and then they cut the other two off, just in case they broke?  
 A: Yeah, I think so.  
 Q: What is the procedure for placing flexicuffs on detainees?  
 A: You would get the detainee in a controllable position and then you have one person guard and the other put the flexicuffs on.  
 Q: Are you saying you were told no one was guarding the detainees and the detainee was not in a controllable position when they cut two of the detainees cuffs off and one detainee's cuffs was already broken?  
 A: They did not elaborate.  
 Q: Were the flexicuffs broken while you were there?  
 A: I didn't notice it but I was not checking their flexicuffs either. They were small enough to brake.  
 Q: What type of flexicuffs did everyone bring with them on the mission?  
 A: SSG (b)(6), (b)(7)(C) had given them bigger ones.  
 Q: When did he give them the bigger ones?  
 A: SSG (b)(6), (b)(7)(C) said he had given them to them before because he noticed one had broken before we went to the landing zone.  
 Q: So, six guys left with one detainee. Two guys stayed behind with three detainee and one of those detainee's cuff was already broken.  
 A: Yes,  
 Q: Was there a discussion on what was suppose to happen to the detainee prior to you and the others going to the pickup zone?  
 A: No, we were planning to move them all at the same time.  
 Q: How was (b)(6), (b)(7)(C) injured?  
 A: He was punched by one of the detainees.  
 Q: Did he tell you this?  
 A: Yes, after we got off the island, but he may have mentioned it early.  
 Q: What happened to (b)(6), (b)(7)(C)?  
 A: He said he had been cut by a knife by one of the detainee.  
 Q: Where is the knife?  
 A: I think I may have left it on the objective or it may have got loss in the shuffle.  
 Q: Whose knife was it?  
 A: It did not look like it belonged to any of us (Americans). They were small and used to  
 Q: Was there a knife found when you guys did the search of the detainees or the house?  
 A: I don't know. When we search the house we don't look for knives. When we search the detainees we look for any weapons they may have. I did not search the detainees and we did not find a knife. I do not know where that knife came from.  
 Q: Why wasn't the knife placed with the other stuff you guys had collected?  
 A: I don't remember what I did with the knife.  
 Q: Who shot the detainees?  
 A: (b)(6), (b)(7)(C) said they had opened fire after they had gotten hit.  
 Q: How did they end of in a position where they could get hit when the detainee were flexicuffed?  
 A: We were all tired and mistakes happen.  
 Q: Was the objective to kill all military aged males on the island?  
 A: Yes.  
 Q: How did the Iraqi Army soldiers react to the incident?  
 A: They were visibly angry when the first guy got shot but I really didn't pay attention to their reaction when the other guys were shot.

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(b)(6), (b)(7)(C)

NOT SENSITIVE

EXHIBIT

52

(b)(6), (b)(7)(C)

000486



STATEMENT (Continued)

Q: So why were they flexicuffed?  
 A: I think it was more out of habit. They did not have a clear line of sight to engage the target.  
 Q: So if they would have had a clear line they would have shot them anyway?  
 A: Yes.  
 Q: Is it possible they may have thought they should just kill them because that was the objective?  
 A: Anything is possible but I don't think they would have done that.  
 Q: Where was the gunman shooting when you stated you heard gun fire from an M4 and a saw?  
 A: Near the area where the detainees were. I think they were killed by the saw gunner (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) M4.  
 Q: Do you know this or this is what you think?  
 A: That was the only gun fire at the time. Which bullet shot them, I don't know.  
 Q: Did (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) state who they had shot to you?  
 A: They stated they shot at them but I don't think they stated who they shot specifically.  
 Q: How did the flexicuffs get off the other dead detainee?  
 A: Far as I know they were still on but cut.  
 Q: Why were all of them cut?  
 A: Because they were changing them out but I was not there.  
 Q: Describe the knife.  
 A: It had an orange handle and looked like it was kind of bent in, maybe broken or braking.  
 Q: Why did the detainee land on top of each other?  
 A: I don't know.  
 Q: Where were there wounds?  
 A: I think they were shot in the chest. Maybe one got hit in the head.  
 Q: Do you have pictures of this incident?  
 A: No, I don't have a digital camera.  
 Q: Was anyone told to delete images of this incident?  
 A: Not to my knowledge.  
 Q: Are you being truthful while making this statement?  
 A: Yes.  
 Q: Do anything else to add to this statement?  
 A: No, not at this time.

A: No. ///END OF STATEMENT///  
(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 29th day of May, 1906 at COB Speicher CID Office, 1736

(b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6), (b)(7)(C)

ACLU DDJ ROI 34287

PAGE 3 OF 3 PAGES



SWORN STATEMENT

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

F0B SPEICHER, TIKRIT, I2  
LAST NAME, FIRST NAME, MIDDLE NAME

DATE (b)(6), (b)(7)(C)  
29 MAY 1983

FILE NUMBER

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

GRADE/STATUS

E-4/AO

CC 3/87, IN 7 AMB, F0B BRASSFIELD-MORA, I2 APO AE 09349

(b)(6), (b)(7)(C), SFC (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At/On the first day of Iran triangle, at OBJ Murray 3<sup>rd</sup> SQD w/ Attachments landed SW of a known AIF house. Once the birds landed 2<sup>nd</sup> SQD pushed E on a berm to provide overwatch for the Main Effort (3<sup>rd</sup> SQD, including myself). 3<sup>rd</sup> SQD Elements including SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SFC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and myself pushed NE to the house. Our ROF was to eliminate all military-aged males on the island (OBJ Murray). Upon the annex to the house, we spotted a military-aged male in the Western most window and engaged as we passed. We then pushed around the Eastern wall to the Northern wall where the entrance was located. I was lagging in the stack; by the time I got to the entrance of the house the Detainees were being walked out. We segregated them, instructed them to lay on their stomachs and place their chin's on the ground, and searched them. PFC (b)(6), (b)(7)(C) conducted the search as I pulled security. At the same time, the women (2) were being segregated, and the elder male who had been shot through the window was dragged out of the house. (b)(6), (b)(7)(C) attempted First Aid, but the man died approximately 2 minutes later. I pushed back to the LZ/PZ to pick up a body bag for the dead man. By the time I got back, PFC (b)(6), (b)(7)(C) was still there. The rest of 3<sup>rd</sup> SQD plus attachments had already pushed to the second house. PFC (b)(6), (b)(7)(C) and I pulled up the body. (b)(6), (b)(7)(C) came back from the second house and while (b)(6), (b)(7)(C) pulled security on the Detainees, (b)(6), (b)(7)(C) and I conducted an in-depth search of House #1 at which point we found extra AK parts for the already found AK-47 (May have been 2 at house #1) and extra magazines with ammo, and a pistol with ammo. At this point I pushed to House #2 to give SSG (b)(6), (b)(7)(C) a situation report about the new found weapon parts, and handgun. Upon arrival at House #2, they'd already detained one male and segregated the family (women and children). SSG told me that the man they detained walked out of his house and was holding a baby in front of his chest. Much like the first 3 detainees who were hiding behind the 2 females upon entering

(b)(6), (b)(7)(C)

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

ACLU DDH FOI 24288

DA FORM 2826  
1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

EXHIBIT 53

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000488



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FILE NUMBER:

STATEMENT OF SPC (b)(6), (b)(7)(C) TAKEN AT FOB SCOUTER DATED 20 JAN 2002 (CONTINUED):

(b)(6), (b)(7)(C) their house. At this time we pushed back to house # 1 with the detainees the PL (1LT (b)(6), (b)(7)(C)) instructed us (3rd SQD w/ Attachments) to finish paperwork on the 1st 3 detainees, as he and 2nd SQD pulled off the OBJ to hit another OBJ. Upon completing the paperwork; SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) CPL (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and myself pushed to the LZ/PZ to secure it for movement. SSG (b)(6), (b)(7)(C) walked the detainee from House # 2 parallel to the LZ/PZ at which point CPL (b)(6), (b)(7)(C) retrieved the detainee and escorted him to the LZ/PZ. At this time I was preparing gear for movement and heard gunshots from behind the house. I ran to the NW corner and linked up with SSG (b)(6), (b)(7)(C) We then pushed around to the front using the Western wall. Upon arriving to the front of the house I witnessed the 3 dead detainees and SPC (b)(6), (b)(7)(C) inside the house laying on the ground. I asked Him what had happened and noticed his arm had been sliced. His face had also been sliced, but not as bad as his arm. I yelled for (b)(6), (b)(7)(C) who hustled to the house and immediately conducted First Aid. PFC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) informed me the detainees attempted to run after one had punched (b)(6), (b)(7)(C) in the face, and another pulled out a knife and attempted to stab SPC (b)(6), (b)(7)(C). All 3 detainees performed a hostile act, whether one ran, punched a soldier, or attempted to injure a soldier by using a made knife. At this time myself and SSG (b)(6), (b)(7)(C) picked up the bodies. Elements of 2nd PLT soon came up and assisted us with getting the bodies (b)(6), (b)(7)(C) loaded up on the birds. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Q - SA (b)(6), (b)(7)(C)

A - SPC

Q - WHO ARE THE ATTACHMENTS FOR 3RD SQUAD?

A - CPL (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) 1LT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C)

Q - WAS THERE AN INTERPRETER WITH YOU?

A - Yes (b)(6), (b)(7)(C) Also, there were approximately 5 Iraqi Army soldiers.

Q - WHO GREETED YOU ON THE ROE?

A - 1LT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

Q - DID YOU HEAR CPT (b)(6), (b)(7)(C) OR COL (b)(6), (b)(7)(C) BRIEF THE ROE FOR DETLEVUE MURRAY?

A - No

Q - WHO WAS THE COMBAT "CAMERAMAN"?

A - He was an American Soldier. He wore ACUs. His Rank was SPC/E4

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)

PAGE 2 OF 5 PAGES

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EXHIBIT 53

000489

(b)(6), (b)(7)(C)  
ACLU DDII FOI 34289  
(b)(6), (b)(7)(C)