

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of 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 (SSN).
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. THRU	2. TO <i>Director</i> <i>US Army Crime Record Center</i> <i>6010 G.H. Street, Fort Belvoir</i> <i>VA 22060</i>	3. FROM <i>Commander</i> <i>11th MP BN (AOD)</i> <i>APO AE 09542</i>
4. USACRC CONTROL NUMBER <i>0011-04-CD449-79630</i>	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block 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.

7. NAME OF SUBJECT (Last, First, MI)	8. GRADE <i>02</i>	9. SSN	10. DATE OF BIRTH (YYYYMMDD)
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
<i>Involuntary Manslaughter</i>	<i>20031215</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<i>Aggravated Assault</i>	<i>20031215</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<i>False Official Statement</i>	<i>20040116</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:
 REFERRED TO (Check appropriate blocks)

DATE REFERRED (YYYYMMDD) DATE RESPONDED (YYYYMMDD)

<input type="checkbox"/> F = FAMILY ADVOCACY		
<input type="checkbox"/> D = DRUG/ALCOHOL ABUSE		
<input type="checkbox"/> S = SPECIAL REFERRAL		
<input type="checkbox"/> E = EQUAL OPPORTUNITY		
<input type="checkbox"/> L = LEGAL OFFICE		
<input type="checkbox"/> M = MENTAL HEALTH		
<input type="checkbox"/> R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

- LETTER OF CONCERN/COUNSELING
- ADVERSE OER/NCOER COMMENT
- RELIEF FOR CAUSE OER/NCOER
- SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
- DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)

Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA IMPOSED
 COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL
 SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

bb, 7c

13. JUDICIAL FINDINGS

GUILTY
 NOT GUILTY

DISMISSED
 OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND b. ADMONITION c. ORAL d. IN WRITING
 e. DETENTION f. FORFEITURE g. FINED \$ 2000 / 6 MONTHS
 h. REDUCED FROM _____ TO _____ i. EXTRA DUTY FOR _____ DAYS j. RESTRICTED FOR _____ DAYS
 k. CORRECTIONAL CUSTODY FOR _____ DAYS l. CONFINED _____ YEARS _____ MONTHS
 m. SEPARATION: PUNITIVE DISCHARGE OTHER
Type _____ Chapter: _____ Characterization: _____ Effective Date: _____
 n. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Conspiracy
Obstruction of Justice

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

SFC [REDACTED] b6-3, b7(c)-3

16b. TURF

[REDACTED] b6-3, b7(c)-3

16c. DATE OF REPORT (YYYYMMDD)

20050423

16d. AKA ACCOUNT E-MAIL ADDRESS

[REDACTED]@US.ARMY.MIL b6-3, b7(c)-3

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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SUSPENSE DATE (YYYYMMDD)

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
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1. THRU	2. TO Crime Records Center: ATTN: CICR-FP 6010 6th St Fort Belvoir, VA 22060-5506	3. FROM Commander 38th MP Det (CID) 11th MP Bn (CID) APO AE 09342
4. USACRC CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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 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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block 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.

7. NAME OF SUBJECT (Last, First, MI) [REDACTED]	8. GRADE SGT	9. SSN [REDACTED]	10. DATE OF BIRTH (YYYYMMDD) [REDACTED]
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Involuntary Manslaughter	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Not charged in FG Article 15
Aggravated Assault	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
False Official Statement	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)
 * Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALBOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOER COMMENT
 RELIEF FOR CAUSE OER/NCOER
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)
 Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

<input type="checkbox"/> SUMMARIZED	<input checked="" type="checkbox"/> FIELD GRADE	<input type="checkbox"/> GCMCA-IMPOSED
<input type="checkbox"/> COMPANY GRADE	<input type="checkbox"/> GENERAL OFFICER IMPOSED	

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

<input type="checkbox"/> SUMMARY COURT MARTIAL	<input type="checkbox"/> GENERAL COURT-MARTIAL
<input type="checkbox"/> SPECIAL COURT-MARTIAL	<input type="checkbox"/> CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY

DISMISSED

NOT GUILTY

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND

b. ADMONITION

(1) ORAL (2) IN WRITING

c. DETENTION

d. FORFEITURE

e. FINED \$ 907 / two MONTHS

f. REDUCED FROM SGT TO SPC

g. EXTRA DUTY FOR 45 DAYS

h. RESTRICTED FOR 45 DAYS

i. CORRECTIONAL CUSTODY FOR _____ DAYS

j. CONFINED _____ YEARS _____ MONTHS

k. SEPARATION: PUNITIVE DISCHARGE OTHER

Type _____ Chapter: _____ Characterization: _____ Effective Date: _____

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Action suspended for six months

b6-3, b7c-3

b6-3, b7c-3

Information obtained from CPT [REDACTED] Chief of Justice, 4th ID, Fort Hood, TX 76543 [REDACTED]

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

Reporting

CW4

b6-3, b7c-3

16b. SIGNATURE

16c. DATE OF REPORT (YYYYMMDD)

b6-3, b7c-3

2005 01 22

16d. ACCOUNT E-MAIL ADDRESS

@us.army.mil

b6-3, b7c-3

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

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

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AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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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.

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4. USACRC CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block 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.

7. NAME OF SUBJECT (Last, First, MI) [REDACTED]	8. GRADE SPC	9. SSN [REDACTED]	10. DATE OF BIRTH (YYYYMMDD) [REDACTED]
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Involuntary Manslaughter	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	32 hearing recommend Article 15
Aggravated Assault	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
False Official Statement	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

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L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOER COMMENT
 RELIEF FOR CAUSE OER/NCOER
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)
 Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA-IMPOSED
 COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)
 SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL
 SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY

DISMISSED

NOT GUILTY

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING

c. DETENTION d. FORFEITURE e. FINED \$ 747 / susp MONTHS

f. REDUCED FROM SPC TO PFC g. EXTRA DUTY FOR 45 DAYS h. RESTRICTED FOR 45 DAYS

i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS

k. SEPARATION: PUNITIVE DISCHARGE OTHER

Type _____ Chapter: _____ Characterization: _____ Effective Date: _____

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

b6-3, b7c-3

b6-3, b7c-3

Information obtained from CPT [redacted] Chief of Justice, 4th ID, Fort Hood, TX 76543 [redacted]

b6-3, b7c-3 Reporting

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[redacted] CW4

16b. SIGNATURE

16c. DATE OF REPORT (YYYYMMDD)

[redacted] **b6-3, b7c-3**

2005 01 22

16d. AKA _____ E-MAIL ADDRESS _____

[redacted] @us.army.mil **b6-3, b7c-3**

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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7. NAME OF SUBJECT (Last, First, MI) [REDACTED]	8. GRADE SPC	9. SSN [REDACTED]	10. DATE OF BIRTH (YYYYMMDD) [REDACTED]
11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
False Official Statement	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	First to report the incident, and not
Conspiracy	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	an active participant
		YES <input type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
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S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN

FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING

ADVERSE OER/NCOER COMMENT

RELIEF FOR CAUSE OER/NCOER

SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE

DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)

Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA-IMPOSED

COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

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13. JUDICIAL FINDINGS

GUILTY

DISMISSED

NOT GUILTY

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

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a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING

c. DETENTION d. FORFEITURE e. FINED \$ _____ / susp MONTHS

f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS

i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS

k. SEPARATION: PUNITIVE DISCHARGE OTHER

Type _____ Chapter: _____ Characterization: _____ Effective Date: _____

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

66-3, 67C-3

66-3, 67C-3

Information obtained from CPT [REDACTED] Chief of Justice, 4th ID, Fort Hood, TX 76543 [REDACTED]

Reporting

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

CW4

66-3, 67C-3

16b. SIGNATURE

[REDACTED] **66-3, 67C-3**

16c. DATE OF REPORT (YYYYMMDD)

2005 01 20

16d. AKA AND HOME ADDRESS

[REDACTED]@us.army.mil

66-3, 67C-3

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7. NAME OF SUBJECT (Last, First, MI)	8. GRADE CPT	9. SSN	10. DATE OF BIRTH (YYYYMMDD)
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Accessory after the Fact	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Conspiracy	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Obstruction of Justice	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)
 * Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

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R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOR COMMENT
 RELIEF FOR CAUSE OER/NCOR
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d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL
 SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

015249 000009

13. JUDICIAL FINDINGS

GUILTY
 NOT GUILTY

DISMISSED

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING

c. DETENTION d. FORFEITURE e. FINED \$ _____ / _____ MONTHS

f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS

i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS

k. SEPARATION: PUNITIVE DISCHARGE OTHER

Type _____ Chapter: _____ Characterization: _____ Effective Date: _____

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

b6-3, b7c-3

b6-3, b7c-3

Information obtained from CPT [REDACTED] Chief of Justice, 4th ID, Fort Hood, TX 76543 [REDACTED]

Reporting

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

[REDACTED] CW4 **b6-3, b7c-3**

16b. SIGNATURE

[REDACTED] **b6-3, b7c-3**

16c. DATE OF REPORT (YYYYMMDD)

2005 01 22

16d. AKA

[REDACTED] @us.army.mil **b6-3, b7c-3**

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of 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 (SSN).

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. THRU A1	2. TO <i>Director US Army Crime Records Center 6010 6th Street Ft Belov. VA 22060</i>	3. FROM <i>Commander 11th MP BN (CID) APO AE 09312</i>
4. USACRC CONTROL NUMBER <i>6011-04-CID464-79630 5H</i>	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block is to enter report number from a civilian law enforcement agency, police report, or information on a civilian law enforcement agency (e.g. (include law enforcement agency address) may be entered in the remarks section).

7. NAME OF SUBJECT (Last, First, MI) <i>[REDACTED]</i>	8. GRADE <i>E7</i>	9. SSN <i>[REDACTED]</i>	10. DATE OF BIRTH (YYYYMMDD) <i>[REDACTED]</i>
---	-----------------------	-----------------------------	---

11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
<i>Involuntary Manslaughter</i>	<i>20031215</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<i>Conspiracy</i>	<i>20040116</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<i>Obstruction of Justice</i>	<i>20040116</i>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL: REFERRED TO (Check appropriate blocks) DATE REFERRED (YYYYMMDD) DATE RESPONDED (YYYYMMDD)

F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING

ADVERSE OER/NCOER COMMENT

RELIEF FOR CAUSE OER/NCOER

SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE

DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)

Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA IMPOSED

COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL

SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

000011

15251

BATES Page 15252 was not used

015252

13. JUDICIAL FINDINGS

GUILTY

DISMISSED

NOT GUILTY

OTHER (For example, guilty of lesser criminal offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

1. REPRIMAND 2. ADMONITION 3. FORMAL 4. REPRIMAND IN WRITING
 5. DETENTION 6. FORFEITURE 7. FINED 8. EXTRA DUTY FOR _____ MONTHS
 9. REDUCED FROM _____ TO _____ 10. RESTRICTED FOR _____ DAYS
 11. CORRECTIONAL CUSTODY FOR _____ DAYS 12. CONFINED _____ YEARS _____ MONTHS
 13. SEPARATION: PUNITIVE DISCHARGE OTHER

Type _____ Chapter _____ Characterization _____ Effective Date _____

1. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

STC

[REDACTED]

bb-3, b7c-3

16b. [REDACTED] URE

[REDACTED]

bb-3, b7c-3

16c. DATE OF REPORT (YYYYMMDD)

20050422

16d. AKA ACCOUNT E-MAIL ADDRESS

[REDACTED]

@US.ARMY.MIL

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

SUSPENSE DATE (YYYYMMDD)

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. THRU	2. TO Crime Records Center: ATTN: CICR-FP 6010 6th St Fort Belvoir, VA 22060-5506	3. FROM Commander 38th MP Det (CID) 11th MP Bn (CID) APO AE 09342
4. USACRC CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block 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.

7. NAME OF SUBJECT (Last, First, MI) 66-5, 672-5 8. GRADE MAJ 9. SSN 66-5, 672-5 10. DATE OF BIRTH (YYYYMMDD) 66-5, 672-5

11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Accessory after the Fact	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Conspiracy	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Obstruction of Justice	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALBOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOER COMMENT
 RELIEF FOR CAUSE OER/NCOER
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)
 Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA IMPOSED
 COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL
 SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY
 NOT GUILTY

DISMISSED
 OTHER

(For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING

c. DETENTION d. FORFEITURE e. FINED \$ _____ / _____ MONTHS

f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS

i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS

k. SEPARATION: PUNITIVE DISCHARGE OTHER

Type _____ Chapter: _____ Characterization: _____ Effective Date: _____

l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Information obtained via e-mail from CPT [REDACTED] Chief of Justice, 4th ID, Fort Hood, TX 76543 [REDACTED]

b6-3, b7c-3 **b6-3**

b7c-3

b6-3, b7c-3 Reporting

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER
[REDACTED] CW4

16b. SIGNATURE
[REDACTED] **b6-3, b7c-3**

16c. DATE OF REPORT (YYYYMMDD)
2005 01 22

16d. AKA [REDACTED] EMAIL ADDRESS
[REDACTED]@us.army.mil **b6-3, b7c-3**

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of 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 (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. THRU	2. TO Crime Records Center: ATTN: CICR-FP 6010 6th St Fort Belvoir, VA 22060-5506	3. FROM Commander 38th MP Det (CID) 11th MP Bn (CID) APO AE 09342
4. USACRC CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block is used to enter report number from a civilian law enforcement agency report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

7. NAME OF SUBJECT (Last, First, MI) [REDACTED]	8. GRADE LTC	9. SSN [REDACTED]	10. DATE OF BIRTH (YYYYMMDD) [REDACTED]
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11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
Accessory after the Fact	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Conspiracy	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
Obstruction of Justice	20040103	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:
 REFERRED TO (Check appropriate blocks) _____ DATE REFERRED (YYYYMMDD) _____ DATE RESPONDED (YYYYMMDD) _____

F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOER COMMENT
 RELIEF FOR CAUSE OER/NCOER
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)
 Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

<input type="checkbox"/> SUMMARIZED	<input type="checkbox"/> FIELD GRADE	<input type="checkbox"/> GCMCA IMPOSED
<input type="checkbox"/> COMPANY GRADE	<input checked="" type="checkbox"/> GENERAL OFFICER IMPOSED	

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

<input type="checkbox"/> SUMMARY COURT MARTIAL	<input type="checkbox"/> GENERAL COURT-MARTIAL
<input type="checkbox"/> SPECIAL COURT-MARTIAL	<input type="checkbox"/> CIVILIAN OR MAGISTRATE CRIMINAL COURT

015256

000015

13. JUDICIAL FINDINGS

GUILTY DISMISSED
 NOT GUILTY OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING
 c. DETENTION d. FORFEITURE e. FINED \$ _____ / _____ MONTHS
 f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS
 i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS
 k. SEPARATION: PUNITIVE DISCHARGE OTHER
Type _____ Chapter: _____ Characterization: _____ Effective Date: _____
 l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

bb-3, b7c-3

Information obtained via e-mail from CPT [REDACTED] Chief of Justice, 4th ID, Fort Hood, TX 76543 [REDACTED]

b7c-3

bb-3,

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER
Reporting
[REDACTED] CW4 **bb-3, b7c-3**

16b. SIGNATURE [REDACTED] **bb-3, b7c-3**

16c. DATE OF REPORT (YYYYMMDD)
2005 01 20

16d. AKC [REDACTED] @us.army.mil **bb-3, b7c-3**

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of 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 (SSN).
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. THRU 1/8th Infantry Battalion, 4th ID Fort Carson, CO 80913	2. TO A Company, 1/8th Infantry Fort Carson, CO 80913	3. FROM 38th MP Det (CID) 3rd MP Group, USACIDC Camp Victory North, Baghdad, Iraq
4. USACRC CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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 MP, 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.

Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block 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.

7. NAME OF SUBJECT (Last, First, MI) b6-5, b7c-5	8. GRADE SGT	9. SSN b6-5, b7c-5	10. DATE OF BIRTH (YYYYMMDD) b6-5, b7c-5
11a. OFFENSE(s) False Official Statement Conspiracy	11b. DATE OF OFFENSE(s) (YYYYMMDD) 20040129 20040129	11c. ACTION TAKEN YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	11d. IF NO ACTION TAKEN, EXPLAIN:

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOER COMMENT
 RELIEF FOR CAUSE OER/NCOER
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)

Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

SUMMARIZED FIELD GRADE GCMCA IMPOSED
 COMPANY GRADE GENERAL OFFICER IMPOSED

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL
 SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY

DISMISSED

NOT GUILTY

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

- a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING
 - c. DETENTION d. FORFEITURE e. FINED \$ _____ / _____ MONTHS
 - f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS
 - i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS
 - k. SEPARATION: PUNITIVE DISCHARGE OTHER
- Type _____ Chapter: _____ Characterization: _____ Effective Date: _____
- l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Coordination was affected with CPT [redacted] regarding the disposition pertaining to SGT [redacted] CPT [redacted] related no action was taken against SGT [redacted] as a result of the aforementioned investigation.

b6-3, b7c-3

b6-3, b7c-3

b6-5, b7c-5

b6-5, b7c-5

b6-1, b7c-1

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER
recorded by [redacted] CW5, Chief, Investigative Operations

16b. SIGNATURE [redacted] b6-1, b7c-1

16c. DATE OF REPORT (YYYYMMDD)

20050714

16d. [redacted] ACCOUNT E-MAIL ADDRESS

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

For use of this form, see AR 190-45; the proponent agency is Office of 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 (SSN).
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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. THRU 1/8th Infantry Battalion, 4th ID Fort Carson, CO 80913	2. TO A Company, 1/8th Infantry Fort Carson, CO 80913	3. FROM 38th MP Det (CID) 3rd MP Group, USACIDC Camp Victory North, Baghdad, Iraq
4. USACRC CONTROL NUMBER 0011-04-CID469-79630	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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.

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Block 5. Provost Marshals must enter the Military Police Report number for all cases referred to commanders.

Block 6. This block is used to enter report number from a civilian law enforcement agency. Information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

7. NAME OF SUBJECT (Last, First, MI) **66-5, 6725**
 8. GRADE **SGT**
 9. SSN **66-5, 6725**
 10. DATE OF BIRTH (YYYYMMDD) **66-5, 6725**

11a. OFFENSE(s)	11b. DATE OF OFFENSE(s) (YYYYMMDD)	11c. ACTION TAKEN	11d. IF NO ACTION TAKEN, EXPLAIN:
False Official Statement	20040129	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Conspiracy	20040129	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Aggravated Assault	20040103	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

12. ACTION TAKEN (check all that apply)

* Subject was advised that although no action was taken, the report would be retained in Army records and that requests for amendment, correction, or expungement may be submitted IAW AR 190-45 (MP Reports) or AR 195-2 (CID Reports).

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

REFERRED TO (Check appropriate blocks)	DATE REFERRED (YYYYMMDD)	DATE RESPONDED (YYYYMMDD)
F = FAMILY ADVOCACY		
D = DRUG/ALCOHOL ABUSE		
S = SPECIAL REFERRAL		
E = EQUAL OPPORTUNITY		
L = LEGAL OFFICE		
M = MENTAL HEALTH		
R = RELIEF AGENCY		

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN
 FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING
 ADVERSE OER/NCOER COMMENT
 RELIEF FOR CAUSE OER/NCOER
 SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE
 DISCHARGE PURSUANT TO AR 635-200 (ENLISTED)/AR 600-8-24 (OFFICER)
 Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

c. NONJUDICIAL PUNISHMENT (Article 15, UCMJ) (ATTACH COPY OF ARTICLE 15)

<input type="checkbox"/> SUMMARIZED	<input type="checkbox"/> FIELD GRADE	<input type="checkbox"/> GCMCA IMPOSED
<input type="checkbox"/> COMPANY GRADE	<input type="checkbox"/> GENERAL OFFICER IMPOSED	

d. JUDICIAL (If subject was tried by court-martial attach a copy of the court-martial order giving findings and sentences.)

<input type="checkbox"/> SUMMARY COURT-MARTIAL	<input type="checkbox"/> GENERAL COURT-MARTIAL
<input type="checkbox"/> SPECIAL COURT-MARTIAL	<input type="checkbox"/> CIVILIAN OR MAGISTRATE CRIMINAL COURT

13. JUDICIAL FINDINGS

GUILTY
 NOT GUILTY

DISMISSED

OTHER (For example, guilty of a lesser included offense. Explain in Remarks.)

14. RESULTANT SENTENCES, PUNISHMENTS, OR ADMINISTRATIVE ACTION

- a. REPRIMAND b. ADMONITION (1) ORAL (2) IN WRITING
 - c. DETENTION d. FORFEITURE e. FINED \$ _____ / _____ MONTHS
 - f. REDUCED FROM _____ TO _____ g. EXTRA DUTY FOR _____ DAYS h. RESTRICTED FOR _____ DAYS
 - i. CORRECTIONAL CUSTODY FOR _____ DAYS j. CONFINED _____ YEARS _____ MONTHS
 - k. SEPARATION: PUNITIVE DISCHARGE OTHER
- Type _____ Chapter: _____ Characterization: _____ Effective Date: _____
- l. OTHER (For example, suspension of driving privileges. Explain in Remarks.)

15. REMARKS

Coordination was affected with CPT [redacted] regarding the disposition pertaining to SGT [redacted] CPT [redacted] related no action was taken against SGT [redacted] as a result of the aforementioned investigation.

b6-3, b7c-3

b6-5, b7c-5

b6-3, b7c-3

b6-5, b7c-5

b6-1, b7c-1

16a. TYPED NAME AND GRADE OF COMMANDING OFFICER

recorded by [redacted] CW5, Chief, Investigative Operations

16b. SIGNATURE

[redacted signature]

b6-1, b7c-1

16c. DATE OF REPORT (YYYYMMDD)

20050714

16d. ARS ACCOUNT NUMBER ADDRESS

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

CIRF-CHD

5 Oct 2004

MEMORANDUM FOR SEE DISTRIBUTION

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

DATES/TIMES/LOCATIONS OF OCCURRENCES:

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

DATE/TIME REPORTED: 13 Jan 2004, 1011

INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED]

*6-5
7-5*
SUBJECT: 1. [REDACTED] 1LT; [REDACTED]
[REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT]
[CONSPIRACY][OBSTRUCTION OF JUSTICE]

6-5, 67C-5
2. [REDACTED] SGT; [REDACTED]
M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT]
[CONSPIRACY]

6-5, 67C-5
3. [REDACTED] SPC; [REDACTED]
[REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY
MANSLAUGHTER][AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT]
[CONSPIRACY]

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4. [REDACTED] SPC; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT] [CONSPIRACY]

5. [REDACTED] CPT; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

6. [REDACTED] SFC; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][CONSPIRACY][OBSTRUCTION OF JUSTICE]

7. [REDACTED] MAJ; [REDACTED] M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [OBSTRUCTION OF JUSTICE] [CONSPIRACY][ACCESSORY AFTER THE FACT]

8. [REDACTED] LTC; [REDACTED] M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

9. [REDACTED] SGT; [REDACTED] M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

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

VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 84; IRAQ; M; OTHER; IZ; NFI; [INVOLUNTARY MANSLAUGHTER][CONSPIRACY]

2. [REDACTED] CIV; [REDACTED] M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI); [CONSPIRACY] [AGGRAVATED ASSAULT]

3. US GOVERNMENT (1/8TH INFANTRY, 4ID); [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT]

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

INVESTIGATIVE SUMMARY:

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

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Investigation established probable cause to believe 1LT [REDACTED] ^{b6-5, b7C-5} the platoon leader, committed the offenses of Involuntary Manslaughter and Aggravated Assault when he gave an unlawful order to his subordinates to have Mr. FADHIL and Mr. [REDACTED] forced into a river, which resulted in the death of Mr. FADHIL. Further, 1LT [REDACTED] committed the offenses of False Official ^{b7C-5, b6-5} Statement, Conspiracy and Obstruction of Justice when he provided a statement he knew to be false and further conspired to hinder the investigation by manufacturing a cover up story.

Investigation established probable cause to believe SGT [REDACTED] ^{b7C-5, b6-5} and SPC [REDACTED] ^{b7C-5, b6-5} committed the offenses of Involuntary Manslaughter and Aggravated Assault when they forced Mr. [REDACTED] and Mr. FADHIL into the river, which resulted in the death of Mr. FADHIL.

Further, SGT [REDACTED] ^{b7C-5, b6-5}, SPC [REDACTED] ^{b7C-5, b6-5}, SPC [REDACTED] ^{b7C-5, b6-5} and SGT [REDACTED] ^{b7C-5, b6-5} committed the offenses of False Official Statement and Conspiracy when they provided a statement they knew to be false and conspired to hinder the investigation by going along with the cover up story.

Investigation established probable cause to believe CPT [REDACTED] ^{b7C-5, b6-5} committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when he conspired to hinder the investigation by going along with the cover up story after having knowledge of the incident.

Investigation established probable cause to believe SFC [REDACTED] ^{b7C-5, b6-5} the platoon sergeant, committed the offenses of Involuntary Manslaughter and Conspiracy when he supported the unlawful order given to his subordinates by 1LT [REDACTED] to have Mr. FADHIL and Mr. [REDACTED] ^{b7C-7, b6-4} forced into a river, which resulted in the death of Mr. FADHIL. Further, SFC [REDACTED] ^{b7C-5, b6-5} committed the offense of Obstruction of Justice when he failed to report the incident after having knowledge of what occurred.

Investigation established probable cause to believe MA [REDACTED] ^{b7C-5, b6-5} and LTC [REDACTED] ^{b7C-5, b6-5} committed the offenses of Conspiracy, Obstruction of Justice and Accessory after the Fact when they had knowledge of the incident and failed to report the incident to law enforcement.

Investigation established probable cause to believe SGT [REDACTED] ^{b7C-5, b6-5} committed the offense of Aggravated Assault and Conspiracy when he conspired with SGT [REDACTED] ^{b7C-5, b6-5} and forced an unknown Iraqi male into a body of water in Balad, which was directed by SFC [REDACTED] ^{b7C-5, b6-5} during a previous incident. Further, SGT [REDACTED] committed the offense of False Official Statement when he denied having any knowledge of the incident in Balad, which he knew to be false.

Further investigation revealed from 3 Jan 04 – 15 Jan 04, several attempts were made by Mr. [REDACTED] ^{b7C-5, b6-5}, Site Director, to retrieve the remains of Mr. FADHIL by closing the dam in the river. On 15 Jan 04, when the remains of Mr. FADHIL were found, he was positively identified by family members and by his identification card, which was found on Mr. FADHIL's remains.

STATUTES:

Article 78, UCMJ: Accessory after the Fact

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Article 81, UCMJ: Conspiracy
 Article 107, UCMJ: False Official Statement
 Article 119, UCMJ: Involuntary Manslaughter
 Article 128, UCMJ: Aggravated Assault
 Article 134, UCMJ: Obstruction of Justice

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

71. Agent's Investigation Report of SA [REDACTED] 29 Sep 04, detailing coordination with Mr. [REDACTED] collection of evidence, and the transcription of Arabic statements. ^{b7C-1, b6-1}
_{b6-3, b7C-3}
72. Arabic language statement of Mr. [REDACTED] 17 Jan 04, detailing how the dam in Samarra, Iraq, was closed several times in order to assist Mr. FADHIL's family in searching for his remains. (USACRC and file copy only) ^{b7C-3, b6-3}
73. English language translation of Mr. [REDACTED]'s statement, Exhibit 72, translated by Mrs. [REDACTED] ^{b7C-3, b6-3}
_{b7C-3, b6-3}
74. Arabic language statement of Mr. [REDACTED] 13 Sep 04, in which he stated he identified Mr. FADHIL's remains to be the remains of his son. (USACRC and file copy only) ^{b7C-3, b6-3}
75. English language translation of Mr. [REDACTED]'s statement, Exhibit 74, translated by Mrs. [REDACTED] ^{b7C-3, b6-3}
_{b7C-3, b6-3}
76. Arabic language statement of Mr. [REDACTED] 13 Sep 04, in which he stated he viewed and identified Mr. FADHIL's remains on 15 Jan 04. (USACRC and file copy only) ^{b7C-3, b6-3}
77. English language translation of Mr. [REDACTED]'s statement, Exhibit 76, translated by Mrs. [REDACTED] ^{b7C-3, b6-3}
_{b7C-3, b6-3}
78. Arabic language statement of Mrs. [REDACTED] 13 Sep 04, in which she stated she identified Mr. FADHIL's remains on 15 Jan 04, and that he was her son. (USACRC and file copy only) ^{b7C-3, b6-3}
79. English language translation of Mrs. [REDACTED]'s statement, Exhibit 78, translated by Mrs. [REDACTED] ^{b7C-3, b6-3}
_{b7C-3, b6-3}
80. Arabic language identification card pertaining to Mr. FADHIL. (USACRC and file copy only)
81. English language translation of Mr. FADHIL's identification card, Exhibit 80, translated by Mrs. [REDACTED] ^{b7C-3, b6-3}

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

ADDED NOT ATTACHED:

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

83. Ring (Mr. FADHIL), VO 770-04.

84. Photograph (Mr. FADHIL), VO 770-04.

85. Identification card (Mr. FADHIL), VO 770-04.

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

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

Report Prepared By:

Report Approved By:

Special Agent,

Special Agent in Charge

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- 1 - CDR, 1/8th Infantry Bn, Fort Carson, CO
- 1 - CDR, 286th MP DET (CID), (ATTN: Mr. [REDACTED]) (email only)
- 1 - HQ, 4th Infantry Division, Office of the Chief of Staff, Attn: COL [REDACTED] (email only)
- 1 - SJA, (ATTN: CPT [REDACTED]) Fort Hood, TX
- 1 - PMO, Fort Carson, CO (e-mail only)
- 1 - SJA, Fort Carson, CO
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27-2

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

CIRF-CHD

7 Jun 04

MEMORANDUM FOR SEE DISTRIBUTION

Final

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

DATES/TIMES/LOCATIONS OF OCCURRENCES:

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

DATE/TIME REPORTED: 13 Jan 2004, 1011

INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED]

SUBJECT: 1. [REDACTED] ILT; [REDACTED]

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

2. [REDACTED] SGT; [REDACTED]

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

3. [REDACTED] SPC; [REDACTED]

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

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b6-5, b7c-5

b6-5, b7c-5

4. [REDACTED] SPC; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT] [CONSPIRACY]

b6-5, b7c-5

b6-5, b7c-5

5. [REDACTED] CPT; [REDACTED] WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

b6-5, b7c-5

b6-5, b7c-5

6. [REDACTED] SFC; [REDACTED] M; WHITE; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [INVOLUNTARY MANSLAUGHTER][CONSPIRACY][OBSTRUCTION OF JUSTICE]

b6-5, b7c-5

b6-5, b7c-5

7. [REDACTED] MAJ; [REDACTED] M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [OBSTRUCTION OF JUSTICE] [CONSPIRACY][ACCESSORY AFTER THE FACT]

b6-5, b7c-5

b6-5, b7c-5

8. [REDACTED] LTC; [REDACTED] M; WHITE; HHC, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [ACCESSORY AFTER THE FACT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

b6-5, b7c-5

b6-5, b7c-5

9. [REDACTED] SGT; [REDACTED] M; OTHER; A CO, 1/8TH INFANTRY, 4ID, FORT CARSON, CO 80913; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

b6-5, b7c-5

b6-5, b7c-5

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

VICTIM: 1. FADHIL, ZAYDUN MA'MUN (DECEASED); CIV; 1 JUN 84; IRAQ; M; OTHER; IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][CONSPIRACY]

b6-4, b7c-4

b6-4, b7c-4

2. [REDACTED] CIV; [REDACTED] M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI); [CONSPIRACY] [AGGRAVATED ASSAULT]

3. US GOVERNMENT (1/8TH INFANTRY, 4ID); [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT]

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

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom" investigation.

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

b7C-3, b6-3

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

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

Investigation established probable cause to believe SGT [redacted] and SPC [redacted] committed the offenses of Involuntary Manslaughter and Aggravated Assault when they forced Mr. [redacted] and Mr. FADHIL into the river, which resulted in the death of Mr. FADHIL.

b7C-5, b6-5

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

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

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

b7C-5, b6-5

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

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

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

b7C-5, b6-5

b7C-5, b6-5

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

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

STATUTES:

b7C-5, b6-5

- Article 78, UCMJ: Accessory after the Fact
- Article 81, UCMJ: Conspiracy
- Article 107, UCMJ: False Official Statement
- Article 119, UCMJ: Involuntary Manslaughter

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Article 128, UCMJ: Aggravated Assault
Article 134, UCMJ: Obstruction of Justice

EXHIBITS/SUBSTANTIATION:

Attached:

7C-3,bb3
7C-3,bb3
7C-5
76-5

1. Agent's Investigation Report (AIR) of SA ^{b7C-1,bb-1} [redacted], 27 Feb 04, detailing basis for investigation; coordination with CPT [redacted] victim interview of Mr. [redacted]; witness ^{b7C-4,bb-4} interviews of PFC [redacted], CPL [redacted] and PFC [redacted] suspect/subject interviews of CPT [redacted], SPC [redacted], SSG [redacted], SGT [redacted], SPC [redacted], SPC [redacted], SGT [redacted], SFC [redacted], ILT [redacted], SGT [redacted], PFC [redacted], SPC [redacted], COL [redacted] and SGT [redacted] coordination with Staff Judge Advocate (SJA); crime scene examination; and receipt of statements pertaining to the commander's inquiry.

2. Memorandum for Record, 11 Jan 04, prepared by CPT ^{b7C-3,bb-3} [redacted]
3. Sworn Statement of Mr. ^{b7C-4,bb-4} [redacted], 16 Jan 04, detailing his knowledge of the incident.
4. Four photographs depicting Mr. ^{b7C-4,bb-4} [redacted]'s vehicle and the damage the vehicle sustained.
5. Sworn Statement of SPC ^{b7C-5,bb-5} [redacted], 16 Jan 04, detailing his knowledge of the incident.
6. Sworn Statement of SSG ^{b7C-5,bb-5} [redacted], 16 Jan 04, detailing his knowledge of the incident.
7. Sworn Statement of SGT ^{b7C-5,bb-5} [redacted], 16 Jan 04, detailing his knowledge of the incident.
8. Waiver Certificate and Sworn Statement of SPC ^{b7C-5,bb-5} [redacted], 16 Jan 04, denying any involvement with forcing Mr. [redacted] and Mr. FADHIL into the river.
9. Waiver Certificate and Sworn Statement of SPC ^{b7C-5,bb-5} [redacted], 16 Jan 04, denying any involvement with forcing Mr. [redacted] and Mr. FADHIL into the river.
10. Waiver Certificate and Sworn Statement of SGT ^{b7C-5,bb-5} [redacted], 16 Jan 04, denying any involvement with forcing Mr. [redacted] and Mr. FADHIL into the river.
11. Sworn Statement of SFC ^{b7C-4,bb-4} [redacted], 16 Jan 04, detailing his knowledge of the incident.
12. Sworn Statement of ILT ^{b7C-5,bb-5} [redacted], 16 Jan 04, detailing his knowledge of the incident.
13. Crime Scene Sketch, 16 Jan 04, prepared by SA ^{b7C-1,bb-1} [redacted]
14. Photographic Packet comprised of nine photographs (crime scene).
15. Sworn Statement of CPT ^{b7C-5,bb-5} [redacted], 18 Jan 04, detailing his review of the DVD

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containing video of Mr. [REDACTED]'s damaged vehicle and video of Mr. FADHIL's remains.

16. Sworn Statement of ILT [REDACTED] 17 Jan 04, detailing his knowledge of Mr. [REDACTED]'s vehicle being moved with SFC [REDACTED] Bradley Fighting Vehicle (BFV), Bumper Number A14.

17. Sworn Statement of SFC [REDACTED] 17 Jan 04, detailing how his Bradley moved Mr. [REDACTED]'s vehicle out of the road on the night of the incident.

18. Waiver Certificate of SGT [REDACTED], 20 Jan 04.

19. Waiver Certificate of SPC [REDACTED] 20 Jan 04.

20. Waiver Certificate and Sworn Statement of SPC [REDACTED] 21 Jan 04, in which he admitted to having knowledge of the incident.

21. Hand written statement of SPC [REDACTED] 21 Jan 04, detailing his knowledge of the incident.

22. Photographic diagram of the incident site, 22 Jan 04, prepared by SPC [REDACTED] depicting the location of the platoon during the incident.

23. Polygraph report of SPC [REDACTED], 21 Jan 04.

24. Waiver Certificate and Sworn Statement of ILT [REDACTED] 22 Jan 04, in which he refused to answer questions pertinent to the investigation.

25. Waiver Certificate and Sworn Statement of SPC [REDACTED] 22 Jan 04, in which he admitted involvement in forcing Mr. [REDACTED] and Mr. FADHIL into the river.

26. Hand written statement of SPC [REDACTED] 22 Jan 04, detailing his knowledge of the incident.

27. Polygraph Report of SPC [REDACTED] 23 Jan 04.

28. Waiver Certificate and Sworn Statement of SGT [REDACTED] 23 Jan 04, in which he admitted involvement in forcing Mr. [REDACTED] and Mr. FADHIL into the river.

29. Handwritten statement of SGT [REDACTED], 23 Jan 04, detailing his knowledge of the incident.

30. Polygraph Report of SGT [REDACTED] 23 Jan 04.

31. Waiver Certificate and Sworn Statement of SPC [REDACTED] 24 Jan 04, wherein he admitted SPC [REDACTED] and SGT [REDACTED] were involved in forcing the two Iraqis into the river.

32. Non-Waiver Certificate of CPT [REDACTED] 25 Jan 04.

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33. Waiver Certificate and Sworn Statement of PFC [REDACTED] 27 Jan 04, in which he denied causing significant damage to the truck. *b7C-5,bb-5*
34. Non-Waiver Certificate of SPO [REDACTED] 27 Jan 04. *b7C-5,bb-5*
35. Non-Waiver Certificate of SGT [REDACTED] 27 Jan 04. *b7C-5,bb-5*
36. Waiver Certificate and Sworn Statement of COL [REDACTED], 27 Jan 04, detailing his knowledge of the incident. *b7C-5,bb-5*
37. Map imagery, no date, depicting the location where the detainees were detained, the location where the incident occurred and the location where Mr. FADHIL's remains were recovered from the river (File copy only).
38. Waiver Certificate of COL [REDACTED] 30 Jan 04. *b7C-5,bb-5*
39. Polygraph Report of COL [REDACTED] 30 Jan 04. *b7C-5,bb-5*
40. Photographic packet comprised of six photographs (crime scene).
41. Arabic language statement of Dr [REDACTED] no date, granting permission to exhume the remains of Mr. FADHIL (USACRC and file copy only). *b7C-3,bb-3*
42. Memorandum for Record, 9 Feb 04, reflecting the English translation of Exhibit 41.
43. Waiver Certificate and Sworn Statement of CPT [REDACTED] 20 Feb 04, in which he admitted he had knowledge of the incident. *b7C-5,bb-5*
44. Waiver Certificate and Sworn Statement of MAJ [REDACTED] 20 Feb 04, in which he related his knowledge of the incident. *b7C-5,bb-5*
45. Waiver Certificate of LTC [REDACTED] 20 Feb 04. *b7C-5,bb-5*
46. AIR of SA [REDACTED] 27 Jan 04, detailing receipt of the Request for Assistance (RFA), and suspect interviews of SFC [REDACTED] MAJ [REDACTED] and LTC [REDACTED] *b7C-1,bb-1* *b7C-5,bb-5*
47. Waiver Certificate and Statement of SFC [REDACTED] 25 Jan 04, in which he began to provide details of the incident; however, SFC [REDACTED] terminated the interview requesting legal counsel. *b7C-5,bb-5*
48. Hand written crime scene sketch, 25 Jan 04, prepared by SFC [REDACTED]. *b7C-5,bb-5*
49. Waiver Certificate and Sworn Statement of MAJ [REDACTED] 25 Jan 04, in which he denied having prior knowledge of what really took place on the night of the incident. *b7C-5,bb-5*

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7C-5, 66-5

50. Waiver Certificate and Sworn Statement of [REDACTED] 27 Jan 04, in which he stated he instructed CPT [REDACTED] and 1LT [REDACTED] to lie about the two Iraqi's being physically forced into the river during the night of incident. b7C-5, 66-5

51. AIR of SA [REDACTED] 29 Jan 04, detailing the canvass interviews of 22 soldiers assigned to 1/8th Inf Bn, and interview of 1SG [REDACTED]. b7C-1, 66-1 b7C-3, 66-3

52. Sworn Statement of 1SG [REDACTED] 29 Jan 04, in which he denied any knowledge of the incident. b7C-3, 66-3

53. AIR of SA [REDACTED] 30 Jan 04, documenting the interview of SGT [REDACTED]. b7C-1, 66-1 b7C-5, 66-5

54. Non-Waiver Certificate of SGT [REDACTED] 30 Jan 04. b7C-5, 66-5

55. AIR of SA [REDACTED] 23 Apr 04, detailing coordination with SJA and interview of SPC HARDIN. b7C-1, 66-1 b7C-5, 66-5

56. Non-Waiver Certificate of SPC [REDACTED] 9 Mar 04. b7C-5, 66-5

57. Compact disc containing video clips of the damage sustained to Mr. [REDACTED]'s vehicle and of Mr. FADHIL's remains prior to burial (USACRC copy only). b7C-4, 66-4

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

Not Attached:

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

59. Polygraph Authorization (SPC [REDACTED]) 21 Jan 04.

60. Polygraph Examination Statement of Consent (SPC [REDACTED]), 21 Jan 04.

61. Ten polygrams (SPC [REDACTED]) 21 Jan 04.

62. Polygraph Authorization (SPC [REDACTED]), 20 Jan 04.

63. Polygraph Examination Statement of Consent (SPC [REDACTED]), 20 Jan 04.

64. Five polygrams (SPC [REDACTED]) 20 Jan 04.

65. Polygraph Authorization (SGT [REDACTED]), 19 Jan 04.

66. Polygraph Examination Statement of Consent (SGT [REDACTED]), 20 Jan 04.

67. Five polygrams (SGT [REDACTED]), 20 Jan 04.

b7C-5, 66-5

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68. Polygraph Authorization (COL [REDACTED]), 29 Jan 04. b7C-3, b6-3

69. Polygraph Examination Statement of Consent (COL [REDACTED]), 30 Jan 04. b7C-3, b6-3

70. Four polygrams (COL [REDACTED]), 30 Jan 04. b7C-3, b6-3

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

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

b7C-3, b6-3

Report Prepared By:

Report Approved By:

[REDACTED] b7C-1, b6-1
Special Agent, [REDACTED] b2-1

[REDACTED] b7C-1, b6-1
Special Agent in Charge

DISTRIBUTION:

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b7C-3, b6-3

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AGENT'S INVESTIGATION REPORT

ROI NUMBER

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DETAILS

b7C-3
b6-3

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

About 2200, 13 Jan 04, SA [REDACTED] b7C-1, b6-1 received information from SA [REDACTED] b7C-1, b6-1 CID Battalion Operations Officer, Baghdad, Iraq, which was obtained from a letter written by the alleged victim's mother to the President of the United States. The letter indicated two local nationals were detained by an unknown U.S. Army unit in Samarra, Iraq, and then released on a bridge in Samarra. According to the letter, the soldiers then forced the two detainees to jump into the river in Samarra, which resulted in the alleged death of Mr. Zaydun Ma'mun FADHIL, as he reportedly could not swim. The second Iraqi survived and reported the incident to Iraqi Civil Defense Corp (ICDC) personnel at a checkpoint in Samarra after the incident occurred.

b7C-3
b6-3

About 0830, 14 Jan 04, SA [REDACTED] b7C-1, b6-1 and SA [REDACTED] b7C-1, b6-1 b2-1 coordinated with CPT [REDACTED] HHC, 1/66 Armor Bn, Samarra, Iraq, APO AE 09323, who stated he was initially notified about the alleged drowning. He stated on 3 Jan 04, 1st Platoon, Alpha Company, 1/8th Infantry Bn, 3rd Brigade, 4ID, Balad, Iraq, were on patrol in Samarra, Iraq. He stated he spoke with the commander, CPT [REDACTED] A Co, 1/8th Inf Bn, 3rd Bde, Balad, Iraq, and he confirmed that 1st Platoon did indeed detain two Iraqi's that evening but he denied they were ever forced into a river. CPT [REDACTED] b7C-5, b6-5 stated he conducted a preliminary inquiry into the allegation prior to CID's notification. CPT [REDACTED] b7C-3, b6-3 provided SA [REDACTED] a copy of his preliminary report. (See Memorandum for Record (MFR) created by CPT [REDACTED] for details)

b7C-5
b6-5

b7C-3
b6-3

AGENT'S COMMENT: The date on CPT [REDACTED] b7C-1, b6-1's MFR is incorrect and should reflect 11 Jan 04 instead of 11 Jan 03.

About 0930, 16 Jan 04, SA [REDACTED] b7C-1, b6-1 interviewed CPT [REDACTED] b7C-5, b6-5 who provided a verbal statement in which he stated he was not with 1st Platoon during the night of the alleged incident; however, he was briefed by the platoon leader of the events which occurred. He stated he did not believe any of his soldiers were involved in the alleged allegation. CPT [REDACTED] b7C-5, b6-5

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b2-1		ORGANIZATION 43 rd Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323	
SIGNATURE [REDACTED] b7C-1, b6-1		DATE 27 Feb 04	EXHIBIT 015275

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stated the letter written by the alleged victim's mother was a smear campaign in attempts to destroy the soldiers' moral. He further stated Mr. FADHIL must have been lying about what took place that evening.

Between 0940-1321, 16 Jan 04, SA [redacted] interviewed Mr. [redacted] surviving victim, who provided a sworn statement detailing the events which took place on the evening of 3 Jan 04. He stated Mr. FADHIL's remains had been located in Samarra on 15 Jan 04 and were buried in a Cemetary in Samarra on that same day. He further stated the vehicle they were in during the night of the incident was destroyed when he returned to retrieve the vehicle on 4 Jan 04. He provided SA [redacted] photographs his family took of the vehicle on 4 Jan 04, which depicts the vehicle, a white Kia truck, completely destroyed. Further, he stated Mr. FADHIL's remains were video taped by his family prior to the burial on 15 Jan 04. (See Sworn Statement of Mr. [redacted] and Photographs for details)

AGENT'S COMMENT: The above mentioned interview was interpreted by Mr. [redacted] Titan Corporation, 4ID, Forward Operating Base (FOB) Brassfield/Mora, Samarra, Iraq, APO AE 09323. Mr. [redacted] victim's family attorney, was also present during the interview to represent Mr. FADHIL. Mr. [redacted] agreed to provide SA [redacted] a copy of the videotape, which depicts the remains of Mr. FADHIL; however, it would be provided at a later date as he did not bring the videotape with him to this interview.

About 0945, 16 Jan 04, SA [redacted] and Mr. [redacted] Interpreter, Titan Corporation, 4th Military Police Company, Camp Ironhorse, Tikrit, Iraq, interviewed PFC [redacted] ICDC, Samarra, Iraq, who provided a verbal statement in which he stated he was working in the guard tower near a bridge in Samarra, when he observed a American military convoy pass his location and stop approximately 500 meters away. PFC [redacted] stated the convoy stopped near a bridge and remained in this location for approximately five minutes and then drove away in the direction of Tikrit, Iraq. PFC [redacted] stated five minutes after the convoy left this location he observed an Iraqi male walking towards the ICDC checkpoint, which was near the guard tower. PFC [redacted] stated he could not observe any American Soldiers dismounting

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted]

ORGANIZATION
43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE
[redacted]

DATE
27 Feb 04

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their vehicles due to it being dark. PFC [redacted] further stated he observed the Iraqi when he passed under a streetlight.

About 1030, 16 Jan 04, SA [redacted] and Mr. [redacted] interviewed CPL [redacted] ICDC, Samarra, Iraq, who provided a verbal statement in which he stated he was working in the guard tower with PFC [redacted] when he observed a American military convoy pass his location around 0010, 4 Jan 04, and stop approximately 500 meters away. CPL [redacted] stated the convoy stopped near a bridge and remained in this location for approximately five minutes and then drove away in the direction of Tikrit, Iraq. CPL [redacted] stated there was an embankment to the river at the location the vehicles stopped. CPL [redacted] stated five minutes after the convoy left this location he observed an Iraqi male walking towards the ICDC checkpoint, which was near the guard tower. CPL [redacted] stated he could not observe any American Soldiers dismounting their vehicles due to it being dark. CPL [redacted] further stated he could hear people talking but could not identify what they were saying because the water from the river was muffling the sound.

About 1100, 16 Jan 04, SA [redacted] and Mr. [redacted] interviewed PFC [redacted] ICDC, Samarra, Iraq who provided a verbal statement in which he stated he was working at a traffic control point near the guard tower when he observed a Iraqi male walking towards his position. When the Iraqi male arrived at his location the Iraqi stated the American soldiers threw his cousin into the water. PFC [redacted] stated the Iraqi's clothing was soaking wet and dirty and when he arrived he did not appear to be angry and made no mention the American soldiers threw him into the water. PFC [redacted] stated when the Iraqi arrived he took him to his boss Mr. [redacted]. PFC [redacted] stated within five minutes of the arrival of the Iraqi, the ICDC sent individuals out to the location to search for the second individual thrown into the water. PFC [redacted] stated only fifteen minutes elapsed from the time the convoy arrived and the search party was dispatched. PFC [redacted] stated earlier in the night this same individual came through his checkpoint with another unidentified male with construction equipment in the back of their truck. PFC [redacted] stated the individuals stated they purchased the equipment in Baghdad, Iraq and were enroute to their residence. PFC [redacted] stated he inspected the vehicle and verified the purchase of the equipment

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[redacted] b6-1, b7c-1, b2-1

DATE

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from documentation provided by the Iraqi's. PFC [REDACTED] did not recall if United States Forces were dispatched to this location in search of the missing Iraqi. PFC [REDACTED] further stated he could not see where the convoy stopped due to the obstructed view he had from his checkpoint. *b6-3, b7c-3*

Agent's Comment: PFC [REDACTED] could not provide a physical description of the alleged drowned Iraqi; however, he stated he did see Mr. [REDACTED] being interviewed today and was certain he was the individual who approached his checkpoint on the night of the incident. *b6-4, b7c-4*

About 1202, 16 Jan 04, SA [REDACTED] interviewed SPC [REDACTED] A Company, 1/8th Inf Bn, Balad, Iraq who provided a sworn statement in which he related he was the driver of A-11, which was the vehicle the detainees were placed in. SPC [REDACTED] further stated he did not observe any type of abuse directed towards the detainees. (See Sworn Statement for details) *b6-1, b7c-1, b6-3, b7c-3*

About 1231, 16 Jan 04, SA [REDACTED] interviewed SSG [REDACTED] A Co, 1/8th Inf Bn, Balad, Iraq, who provided a sworn statement in which he stated he was out on patrol with 1st Platoon on 3 Jan 04, but denied having any knowledge of Iraqi detainees being forced to jump into a river in Samarra. (See Sworn Statement of SSG [REDACTED] for details) *b6-1, b7c-1, b2, b6-3, b7c-3*

About 1303, 16 Jan 04, SA [REDACTED] interviewed SGT [REDACTED] A Company, 1/8th Inf Bn, Balad, Iraq, who provided a sworn statement in which he stated he did not observe any type of abuse directed against the detainees. SGT [REDACTED] further stated when the military convoy left the area after the detainees were released he observed the two detainees standing on the side of the road. (See Sworn Statement for details) *b6-1, b7c-1, b6-3, b7c-3*

About 1311, 16 Jan 04, SA [REDACTED] advised SPC [REDACTED] A Co, 1/8th Inf Bn, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement denying any involvement with forcing two detainees to jump into a river. (See Waiver Certificate and Sworn Statement of SPC [REDACTED] for details) *b6-1, b7c-1, b6-5, b7c-5*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] *b6-1, b7c-1, b2-1*

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[REDACTED]

DATE

27 Feb 04

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b6-1, b7c-1
 About 1328, 16 Jan 04, SA [REDACTED] advised SPC [REDACTED] A Company, 1/8th Inf, Camp Anaconda, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement in which he denied pushing the detainees into the water. (See Waiver Certificate and Sworn Statement for details) *b6-5, b7c-5*

b6-1, b7c-1
 About 1359, 16 Jan 04, SA [REDACTED] advised SGT [REDACTED] A Co, 1/8th Inf Bn, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement in which he denied any involvement with forcing the two detainees into the river. (See Waiver Certificate and Sworn Statement of SGT [REDACTED] for details) *b6-5, b7c-5*

b6-1, b7c-1
 About 1437, 16 Jan 04, SA [REDACTED] interviewed SFC [REDACTED] A Co, 1/8th Inf Bn, Balad, Iraq, Platoon Sergeant, who provided a sworn statement in which he stated his platoon detained two Iraqi males, which were released near a river; however, he stated the two Iraqi males were standing on the side of the road after they were released and he denied his platoon mistreated the two detainees in any way. (See Sworn Statement of SFC [REDACTED] for details) *b6-5, b7c-5*

b6-1, b7c-1
 About 1450, 16 Jan 04, SA [REDACTED] interviewed SGT [REDACTED] Medic, Headquarters and Headquarters Company (HHC) 1/8th Inf, Camp Anaconda, Balad, Iraq, who provided a verbal statement in which he stated he was in the back of the vehicle the detainees were in and he did not observe any type of abuse directed towards them. SGT [REDACTED] further stated when the detainees were released he did not dismount the vehicle so he could not see what was occurring. *b6-5, b7c-5*

b6-1, b7c-1
 About 1513, 16 Jan 04, SA [REDACTED] interviewed 1LT [REDACTED] A Co, 1/8th Inf Bn, Balad, Iraq, Platoon Leader, who provided a sworn statement in which he stated his platoon detained two Iraqi males for being out passed curfew. He stated the detention center was not able to process the two detainees after they were detained and the detainees were instead released by a river in Samarra. He denied his platoon had involvement with forcing the two Iraqi males to jump into a river. (See Sworn Statement of 1LT [REDACTED] for details) *b6-5, b7c-5*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

b6-1, b7c-1, b2-1
[REDACTED]

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About 1530, 16 Jan 04, SA **[REDACTED]** ^{b6-1, b7c-1} coordinated with CPT **[REDACTED]** ^{b6-3, b7c-3} who stated he was aware that the remains of Mr. FADHIL had been located in Samarra; however, he stated the family buried the remains before any U.S. Personnel could positively ID the remains.

Between 1615-1630, 16 Jan 04, SA **[REDACTED]** ^{b6-1, b7c-1} and SA **[REDACTED]** ^{b6-1, b7c-1} conducted a crime scene examination at Grid Coordinate 38S LC 9386 8451 adjacent to a bridge in Samarra, Iraq:

Characteristics of the Scene: Upon arrival at the scene, there was a bridge approximately 200 meters in length located on the main access road. Below the bridge on the north end was a dam made of metal type construction containing a floodgate that met the river. The river was later identified to be the Tigris River. There was a pump house adjacent to the northwest end of the bridge with one side meeting the river. The pump house was partially enclosed within several large man-made concrete slabs that stood approximately 15 feet tall. The slabs were approximately four feet from the sidewalls of the pump house, which created a walkway that allowed access to the river. The path way was constructed of three feet by three feet concrete blocks. The end of this pathway had an approximately eight feet drop to the river. Along side the pump house was a rocky area with some vegetation, which met the river. The north side of the pump house was covered with vegetation and trees, which obscured the view to the ICDC checkpoint buildings. The main access road from which crossed the bridge led to an ICDC Guard Tower that was located approximately 800 meters north from the north end of the bridge. There was a traffic circle adjacent the guard tower. The area to the northeast of the river was mainly of dirt, which was used as a parking lot.

Condition of the Scene: There were no pedestrians in the area surrounding the pump house. The bridge was being used for local traffic. The floodgate/dam was in the lowered position and the ICDC guard tower was not occupied. There were no visible personnel at the ICDC checkpoint.

Environmental Conditions: The skies were clear with no precipitation within the past 24 hours. The temperature was approximately 60 degrees Fahrenheit and the ground near the bridge was dry. No unusual odors were detected.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA **[REDACTED]**

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[REDACTED]

DATE

27 Feb 04

EXHIBIT

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Factors Pertinent to Entry/Exit: Access to the pump house could be gained by the man-made walk way created by the concrete slabs surrounding the pump house.

Scene Documentation: SA [redacted] ^{b7C-1, b6-1} prepared a crime scene sketch and recorded photographic images of the scene utilizing a Nikon Coolpix 995 Digital Camera. (See Crime Scene Sketch and Photographic Packet for details)

Collection of Crime Scene Evidence: A search of the crime scene revealed no items of evidentiary value.

Search Beyond the Scene: A search beyond the scene was conducted in efforts to locate the flexi cuffs, which were removed from Mr. FADHIL and Mr. [redacted] before being forced into the river on 3 Jan 04. The search met with negative results.

About 1600, 19 Jan 04, SA [redacted] ^{b7C-4, b6-4} coordinated with MAJ [redacted] ^{b7C-1, b6-1} Trial Counsel, 4ID, Camp Ironhorse, Tikrit, Iraq, who provided SA [redacted] ^{b7C-3, b6-3} with original sworn statements written by CPT [redacted] ^{b7C-5, b6-5} LT [redacted] ^{b7C-5, b6-5} and SFC [redacted] ^{b7C-3, b6-3}. The statements were obtained during a commander's inquiry into this allegation. MAJ [redacted] provided SA [redacted] a copy of the videotape on a DVD, which depicts the remains of Mr. FADHIL and the condition of the vehicle when it was discovered and recorded by the family. (See Sworn Statements of CPT [redacted] ^{b7C-5, b6-5} 1LT [redacted] ^{b7C-5, b6-5}, SFC [redacted] ^{b7C-5, b6-5} and DVD for details)

About 1400, 20 Jan 04, SA [redacted] ^{b7C-4, b6-1} 10th Military Police Battalion, CID, Baghdad, Iraq, advised SGT [redacted] ^{b7C-5, b6-5} of his legal rights, which he waived and continued to deny any involvement in forcing two Iraqi detainees to jump into a river. (See Waiver Certificate for details)

About 2020, 20 Jan 04, SA [redacted] ^{b7C-1, b6-1} advised SPC [redacted] ^{b7C-5, b6-5} of his legal rights, which he waived and continued to deny any involvement in forcing two Iraqi detainees to jump into a river. (See Waiver Certificate for details)

About 1912, 21 Jan 04, SA [redacted] ^{b7C-1, b6-1} advised SPC [redacted] ^{b7C-5, b6-5} of his legal rights, which he waived and subsequently admitted knowing that the two Iraqi males

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] ^{b7C-1, b6-1, b2-1}

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[redacted] ^{b7C-1, b6-1}

DATE

27 Feb 04

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b6,5, b7c-5

were, in fact, forced to jump into a river in Samarra on the night of 3 Jan 04. SPC [redacted] stated he refused to participate when the order was given by 1LT [redacted] to push the two Iraqi's into the river; however, he heard a splash when the detainees were forced into the river by SGT [redacted] and SPC [redacted]. Further, SPC [redacted] stated they were told to lie to the CID agents by their chain of command about what really took place on the river that night. SPC [redacted] also stated this was not the first time his platoon had forced an Iraqi into a river. He stated he heard about another incident where SGT [redacted] and SGT [redacted] had forced another Iraqi man to jump into a river in Balad a few months before this present incident. SPC [redacted] stated he was not present during that incident and did not have first hand knowledge of what took place. SPC [redacted] hand wrote a statement in addition to the sworn statement taken.

Further, SPC [redacted] sketched his position in the platoon during the incident on a photograph obtained of the crime scene. (See Waiver Certificate, Hand Written Statement, Sworn Statement, Sketch, and Polygraph Report of SPC [redacted] for details)

About 2000, 21 Jan 04, SA [redacted] received the name check results pertaining to SGT [redacted], 1LT [redacted], SPC [redacted] and SPC [redacted]. The name check results revealed SGT [redacted] was a subject in Military Police Report (MPR) 99-MPR056-8227K-5Q4B, for an Accident Involving Damage during a Fatal Traffic Accident (FTA), which occurred in Colorado Springs, CO, on 9 Sep 99. Disposition: SGT [redacted] received an oral reprimand for his involvement. Further, SGT [redacted] was a subject of MPR 01-MPR056-8524K-5C2B, for an Assault, which occurred on Fort Carson, CO, on 4 Aug 01. Disposition: Not Reported. The name checks pertaining to 1LT [redacted] or SPC [redacted] revealed no derogatory information.

About 1049, 22 Jan 04, SA [redacted] advised 1LT [redacted] of his legal rights, which he waived and provided a sworn statement. 1LT [redacted] refused to answer any of the pertinent questions pertaining to this investigation. (See Waiver Certificate and Sworn Statement of 1LT [redacted])

About 1800, 22 Jan 04, SA [redacted] coordinated with COL [redacted], 3rd Brigade Commander, 4ID, LSA Anaconda, Balad, Iraq, APO AE 09323, who stated 1LT [redacted] was given a no contact order

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

b6-1, b7c-1, b2-1

DATE

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with anyone pertaining to this investigation. 1LT [redacted] was not to discuss any aspect of this investigation with any members of his unit.

b6-5, b7c-5

About 1936, 22 Jan 04, SA [redacted] and SA [redacted] advised SPC [redacted] of his legal rights, which he waived and subsequently admitted being involved when the two Iraqi males were forced to jump into the river in Samarra. SPC [redacted] also stated he was influenced to lie about what really took place by his chain of command. SPC [redacted] was also aware of a previous incident, which involved forcing an Iraqi male into a river in Balad. SPC [redacted] hand wrote a statement in addition to the sworn statement obtained from him. (See Waiver Certificate, Hand Written Statement, Sworn Statement and Polygraph Report of SPC [redacted] for details)

b6-1, b7c-1

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

About 1043, 23 Jan 04, SA [redacted] and SA [redacted] advised SGT [redacted] of his legal rights, which he waived and subsequently admitted being involved when the two Iraqi males were forced to jump into the river in Samarra. SGT [redacted] implicated SGT [redacted] and SPC [redacted] as also being involved when the detainees were forced into the river on 3 Jan 04. SGT [redacted] also admitted being influenced to lie about what really took place by his chain of command. SGT [redacted] further admitted being involved in a previous incident where an Iraqi was also forced to jump into a river in Balad. He stated after SFC [redacted] gave the order to push the Iraqi into the river, SGT [redacted] pushed the Iraqi male into the river. SGT [redacted] hand wrote a statement in addition to his sworn statement. (See Waiver Certificate, Hand Written Statement, Sworn Statement and Polygraph Report of SGT [redacted] for details)

b6-1, b7c-1

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

About 1348, 24 Jan 04, SA [redacted] advised SPC [redacted] of his legal rights, which he waived and provided a sworn statement further admitting SPC [redacted] and SGT [redacted] were also involved in forcing the detainees to jump into the river. (See Waiver Certificate and Sworn Statement of SPC [redacted] for details)

b6-1, b7c-1

b6-5, b7c-5

b6-5, b7c-5

About 0923, 25 Jan 04, SA [redacted] advised CPT [redacted] of his legal rights, which invoked requesting to remain silent. (See Non-Waiver Certificate of CPT [redacted] for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

b6-1, b7c-1, b2-1

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)

Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[redacted]

DATE

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DETAILS

6-3
K-3
About 0925, 27 Jan 04, SA [redacted] ^{b6-1, b7c-1} advised PFC [redacted] ^{b6-3, b7c-3} A Co, 1/8th Inf Bn, Balad, Iraq, of his legal rights, which he waived and provided a sworn statement in which he stated he was the driver for the Bradley Fighting Vehicle (BFV), bumper number A14, during the night of 3 Jan 04. PFC [redacted] stated he was instructed by SFC [redacted] to move the two Iraqi's vehicle, a white Kia pick-up truck, out from the middle of the road on the night of the incident. He stated he might have caused a dent to the left front side of the vehicle when moving the vehicle with the Bradley; however, he denied causing any significant damage. Further, PFC [redacted] stated he was taken to Trial Defense Service (TDS) on 26 Jan 04 by 1LT [redacted]. He stated 1LT [redacted] wanted him to know his legal rights before being questioned by CID. (See Waiver Certificate and Sworn Statement of PFC [redacted] for details) ^{b6-5, b7c-5} ^{b6-3, b7c-3}

6-3
K-3
About 1131, 27 Jan 04, SA [redacted] ^{b6-1, b7c-1} advised SPC [redacted] ^{b6-3, b7c-3} A Co, 1/8th Inf Bn, Balad, Iraq, of his legal rights, which he invoked requesting to remain silent. Further, SPC [redacted] stated he had been taken to TDS by LT [redacted] on 26 Jan 04. (See Non-Waiver Certificate of SPC [redacted] for details) ^{b6-5, b7c-5} ^{b6-3, b7c-3}

6-5
K-5
About 1416, 27 Jan 04, SA [redacted] ^{b6-1, b7c-1} advised SGT [redacted] ^{b6-5, b7c-5} of his legal rights, which he invoked requesting to remain silent; however, before SGT [redacted] signed the DA Form 3881, Rights Warning Procedure/Waiver Certificate, he confirmed that he was at the rivers edge when the two detainees were forced into the river. He stated he was one of the last soldiers to see the two detainees forced into the river and he stated one detainee was swimming toward shore and the other was treading water when he departed the area. SGT [redacted] did not want to be asked any questions and subsequently invoked his rights. SGT [redacted] also stated he had been taken to TDS by 1LT [redacted] on 26 Jan 04. (See Non-Waiver Certificate for details) ^{b6-5, b7c-5} ^{b6-5, b7c-5}

About 1534, 27 Jan 04, SA [redacted] ^{b6-1, b7c-1} advised COL [redacted] ^{b6-3, b7c-3} of his legal rights, which he waived and provided a sworn statement in which he denied knowing the two detainees had actually been forced into the river by members of his unit until it was revealed through this investigation. (See Waiver Certificate and Sworn Statement of COL [redacted] for details) ^{b6-3, b7c-3}

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

^{b6-1, b7c-1, b2-1}
[redacted]

DATE

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About 1120, 29 Jan 04, SA [redacted] coordinated with CPT [redacted] and determined the remains of Mr. FADHIL were buried in a cemetery in Samarra near Grid Coordinate LC 98562 82510. CPT [redacted] provided SA [redacted] an image which depicted the location where the detainees were detained, the location they were released from and the location where Mr. FADHIL's remains were located. (See Map Imagery for details)

b7C-1, bb-1

b7C-3, bb-3

b7C-1, bb-1

b7C-1, bb-1

b7C-3, bb-3

b7C-4, bb-4

About 1145, 29 Jan 04, SA [redacted] and CPT [redacted] Trial Counsel, 3rd Brigade, 4ID, LSA Anaconda, Balad, Iraq, met with Mr. FADEL, surviving victim, Mr. [redacted] deceased victim's [redacted] and Mr. [redacted] victim's family attorney. The conversation was interpreted through Mr. [redacted]. Mr. [redacted] was shown a picture of Mr. FADHIL and he recognized the Iraqi male in the photograph to be his son, Mr. FADHIL. He stated soldiers killed his son on the night 3 Jan 04 from what he was told by Mr. [redacted]. He stated his son's body was found in Samarra on 15 Jan 04 and his family quickly buried the remains on that same day due to religious requirements. Mr. [redacted] stated his brother, Mr. [redacted] was the first family member to ID the body. He stated Mr. FADHIL did not have any existing medical or dental records. SA [redacted] and CPT [redacted] explained the need to exhume the body to make a positive ID and determine the cause and manner of death, but Mr. [redacted] stated it was against his religion to tamper with the remains after it has been buried. He stated he would contact his religious leaders for permission to exhume the body. Mr. [redacted] stated his family would just like compensation for the truck, which was destroyed on the night of the incident to include all the supplies that were in the truck. He stated the truck was currently located at Aseinaieh, Samarra but could not give a more specific location. Mr. [redacted] confirmed his wife had written a letter to the president of the United States but denied knowing it was being distributed through the internet.

b7C-3, bb-3

b7C-3, bb-3

b7C-1, bb-1

b7C-3, bb-3

b7C-3, bb-3

b7C-3, bb-3

b7C-1, bb-1

b7C-3, bb-3

About 0742, 30 Jan 04, SA [redacted] advised COL [redacted] of his legal rights, which he waived and continued to deny he had knowledge of what really took place on the river the night of 3 Jan 04. (See Waiver Certificate and Polygraph Report of COL [redacted] for details)

b7C-1, bb-1

b7C-3, bb-3

About 1500, 3 Feb 04, SA [redacted] received the name check results pertaining to CPT [redacted], SFC [redacted] MAJ [redacted] LTC [redacted] and [redacted]

b7C-5, bb-5

b7C-5, bb-5

b7C-5, bb-5

b7C-5, bb-5

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted] b7C-1, bb-1, b2-1

ORGANIZATION
43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE [redacted] b7C-1, bb-1

DATE
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DETAILS b7C-5, b6-5

SGT [redacted]. The name check results revealed SFC [redacted] was a subject of MPR 01-MPR056-8553K-7C2X, for Housebreaking and Larceny of Private Property, which occurred in Colorado Springs, CO, on 1 Sep 01. Disposition: SFC [redacted] was found guilty in civil court; fined \$1,784.00; given one year unsupervised probation; and 50 hours community service. The name checks results pertaining to CPT [redacted], MAJ [redacted], LTC [redacted] and SGT [redacted] did not reveal any derogatory information.

About 1125, 5 Feb 04, SA [redacted] and CPT [redacted] coordinated with Mr. [redacted] and Mr. [redacted] and the conversation was interpreted through Mr. [redacted]. Mr. [redacted] was given \$9,000 US Currency from CPT [redacted] for compensation of his truck and supplies, which were destroyed on the night of 3 Jan 04. Mr. [redacted] representing Mr. [redacted] accepted \$2,500 given by CPT [redacted] for the funeral expenses of Mr. FADHIL. Mr. [redacted] stated he and Mr. FADHIL had spoken with their religious leaders concerning the exhumation of Mr. FADHIL's remains and they were in the process of getting approval from the highest religious leader. Mr. [redacted] requested additional time to obtain permission from the religious leaders.

Between 1230-1245, 5 Feb 04, SA [redacted] SA [redacted] and CPT [redacted] escorted Mr. [redacted] Mr. [redacted] and Mr. [redacted] to the scene of the incident in Samarra, Iraq. Mr. [redacted] pointed out the exact location where they were released by U.S. Soldiers and forced to get into the river on the night of 3 Jan 04. SA [redacted] recorded additional photographic images of the crime scene utilizing a Nikon Coolpix 995 Digital Camera. (See Photographic Packet for details)

About 1500, 6 Feb 04, SA [redacted] received the name check results pertaining to SGT [redacted] which revealed no derogatory information.

Between 1220-1245, 8 Feb 04, SA [redacted] and SA [redacted] met with Mr. [redacted] Mr. [redacted] and Mr. [redacted] and the meeting was translated through Mr. [redacted]. Mr. [redacted] verbally stated he granted his permission to exhume the remains of his son, Mr. FADHIL. Further, Mr. [redacted] stated the highest religious leader, Dr. [redacted], Director and Head of Religious Counsel in Salah Aldeen, had

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted]

ORGANIZATION
43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE [redacted]

DATE
27 Feb 04

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b7C-1, b6-1

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b7C-3, b6-3

given written permission to exhume the remains of Mr. FADHIL for examination. Mr. [REDACTED] provided SA [REDACTED] with the original Arabic letter signed by Mr. [REDACTED]. (See Arabic letter for details)

(b7C-3, b6-3)

About 1330, 9 Feb 04, Mr. [REDACTED], Titan Corporation Interpreter, Detainee Central Collection Point (DCCP), FOB Ironhorse, Tikrit, Iraq, APO AE 09323, translated the Arabic letter signed by Mr. [REDACTED]. (See English translation of Arabic letter for details)

b7C-3, b6-3

b7C-1, b6-1

b7C-3, b6-3

About 1600, 27 Feb 04, SA [REDACTED] received copies of waiver certificates and statements obtained by Brigadier General (BG) Michael D. BARBERO, Commander's Inquiry Officer, 4ID, from MAJ [REDACTED] SJA. BG BARBERO interviewed CPT [REDACTED], MAJ [REDACTED] and LTC [REDACTED] as part of a commander's inquiry pertaining this investigation. LTC [REDACTED] did not provide a sworn statement as he reiterated his previous statements to CID. (See Waiver Certificates and Sworn Statements of CPT [REDACTED] and MAJ [REDACTED] and Waiver Certificate of LTC [REDACTED] for details)

*b7C-5
b6-5*

///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] *b7C-1, b6-1, b2-1*

ORGANIZATION

43rd Military Police Detachment (CID) (FWD)
Camp Ironhorse, Tikrit, Iraq, APO AE 09323

SIGNATURE

[REDACTED] *b7C-1, b6-1*

DATE

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Referred to:

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

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil

(813) 827-5341/2830

015288

SWORN STATEMENT

File Number : 0011-04-CID469
 Location : Samarra, Iraq APO AE 09323
 Date : 16 Jan 2004 [redacted] b6-4, b7C-4 Time: 13:21 [redacted]
 Statement Of: [redacted] b7C-4, b6-4
 SSN : Iraqi Grade/Status: Civilian
 Org/Address : Next to Medicine Factory in Samarra (Almoushya), Samarra, Iraq

b7C-4, b6-4

b7C-4, b6-4

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

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b7C-4, b6-4

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EXHIBIT 3
000049

SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

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

Q: SA [REDACTED] b6-1, b7c-1
A: Mr. [REDACTED] b6-4, b7c-4

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

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

Q: What was your relationship with your cousin?

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

Q: Where was your cousin's body found?

A: It was found by about 1 kilometer from the bridge that takes you to Tikrit, family and locals have been searching for the body since 3 Jan 04.

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

A: Yes

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SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED b7C-4, b6-4

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

A: Yes.

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

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

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

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

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

A: Yes, that is him.

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

A: Yes.

Q: What injuries did the body have?

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

Q: Where was the body buried?

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

Q: When was the body buried?

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

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

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

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

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

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

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

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

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

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

A: No.

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

A: Five soldiers.

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

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

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

A: No.

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INITIALS: [REDACTED] PAGE 3 OF 45 PAGES

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EXHIBIT 3

SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT
Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

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

A: No.

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

A: No.

Q: What happened to your vehicle?

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

Q: Who is the owner of the vehicle?

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

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

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

//////////////////////////////////////END OF STATEMENT//////////////////////////////////////

EXHIBIT _____

INITIALS: [REDACTED]

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SWORN STATEMENT OF Mr. [REDACTED] TAKEN AT Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

b6-4, b7c-4 AFFIDAVIT

I, Mr. [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. 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.

b6-4, b7c-4



[REDACTED]

b6-4, b7c-4

(Signature of Person Making Statement)

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

b6-1, b7c-1

[REDACTED]

(Signature of Person Administering Oath)

SA [REDACTED] b6-1, b7c-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS: b6-3, b7c-3

[REDACTED] (Translator)

b6-3, b7c-3

[REDACTED] (Attorney)

EXHIBIT _____ INITIALS: [REDACTED] PAGE 5 OF 45 PAGES

b6-4, b7c-4

FOR OFFICIAL USE ONLY

015293

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

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 Cross field More, Iraq	DATE 16 Jan 04	TIME 1202	FILE NUMBER 0011-04-CID469-79630
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-41 RA

ORGANIZATION OR ADDRESS
A Company, 1/4 IN, b6-3, b7C-3

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Around 2 Jan 04 my platoon (1st) were on patrol when we encountered a vehicle driving in the town of Samarra. Since it was after 2300 we stopped the vehicle because it was in violation of the curfew set at 2300. We stopped the vehicle at approx. 2330. When the vehicle was stopped we set up security and conducted a search of the individuals and the vehicle. Since I am the driver I stayed in my vehicle. I was the lead vehicle so I could see the search being conducted. I observed someone looking at the identification cards of the two Iraqis. I also overheard on the radio someone asking for the black list to check the names of these two Iraqis on it. I don't know the names of the Iraqis. The Iraqis were in front of my vehicle for about 5 minutes then they were escorted to the side of my vehicle. I did not see any type of hand cuffs on these Iraqis while they were in front of my vehicle. A few minutes later LT [REDACTED] radioed me to drop the ramp on my vehicle. I also heard on the radio that these Iraqis were going to be detained for curfew violation. The Iraqis were placed in the back of my vehicle and once they were in I closed the ramp and we headed for the detainment facility. About half-way towards the detainment facility we stopped the vehicles, and I was told to lower the ramp. About two minutes later I was told to raise the ramp and we drove off. We drove to our base camp Crossfield More and conducted after action checks on the vehicles. We arrived back at the camp around 2400.

b6-3
b7C-3

b6-5
b7C-5

b6-3
b7C-3

Q: SA [REDACTED] b6-1, b7C-1
 A: SPC [REDACTED] b6-3, b7C-3

Q: Do you know who searched the Iraqis and the vehicle?
 A: 1st Squad - 9FT [REDACTED] I am not sure of the others because I was wearing night vision goggles so it was hard to make

EXHIBIT b6-5, b7C-5	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-3, b7C-3	PAGE 1 OF 7 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.

015296 000056

b6-3, b7c-3

STATEMENT OF SPC [REDACTED]

TAKEN AT Bradford More DATED 16 Jan 04 CONTINUED

out people.

Q: Did you see the detained Iraqis in your vehicle?

A: No because we had water and equipment stacked up so I could not see in the back, plus I was wearing NVGs.

Q: When you stopped half-way to drop off the Iraqis was it on a bridge?

A: It was before the bridge with the railroad tracks on it.

Q: Could you see water anywhere?

A: Only in the distance.

Q: Do you know why the Iraqis were dropped in this location?

A: No

Q: Did you see any type of abuse directed towards the Iraqis?

A: No

Q: What type of vehicle do you drive?

A: Bradley fighting vehicle, vehicle number A11.

Q: Do you know who released the Iraqis?

A: No

Q: How many vehicles were in your patrol?

A: 4 total vehicles

Q: How far was the ICDL checkpoint from where you stopped to release the Iraqis?

A: about 1/2 mile.

Q: Where did the Iraqis go after they were released?

A: I don't know.

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

A: No // End of statement // [REDACTED] b6-3, b7c-3

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

SWORN STATEMENT

For use of this form, AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION Brassfield-mora Bredville Samarra	DATE 16 Jan 04	TIME 1231	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E6/AD	
ORGANIZATION A Co, 18 Inf, Camp Anacanda, Baled, Jag APO AE 09323-2598			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AROUND THE FIRST WEEK OR SO OF JANUARY 2004 AT APPROX. 2315 WHILE ON PATROL IN SAMARRA WE BEGAN STOPPING CURFEW VIOLATORS. I CAR WAS A CITY COUNCIL MEMBER, WE REMINDED HIM OF THE CURFEW AND TOLD HIM TO GO HOME, I CAR WAS A GUY WITH A NEW BABY COMING HOME FROM THE HOSPITAL WITH HIS WIFE, WE ALSO TOLD HIM TO GO HOME. MY VEHICLE AND THE LT'S VEHICLE WENT TO PICK UP OUR INFANTRY SQUADS. AT AROUND 2330 WE STOPPED A WHITE BONGO TRUCK BY THE PHARMACUDICAL FACTORY. THE [REDACTED] INFANTRY SQUAD IN A11 & A12 DISMOUNTED TO SEARCH THE VEHICLE. THEY FOUND FAKE ID'S OR PASSPORTS ON THE GUYS SO THEY WERE DETAINED. I CALLED RED 1 AND ASKED IF I COULD RUN OVER THE TRUCK HE TOLD ME NO. [REDACTED] LEAVE THE TRUCK ALONE. WE LOADED UP THE INFANTRY AND THE TWO DETAINEES AND HEADED TOWARDS THE CMOC. FOR SOME REASON THE CMOC WAS NOT THERE OR SOMETHING SO WE STOPPED BEFORE THE BRIDGE TO LET THE TWO GUYS HAVE A [REDACTED] WALK BACK TO THEIR TRUCK. A11 STOPPED, DROPPED RAMP, THE TEAM GOT OUT CUT THE TWO GUYS [REDACTED] AND LOADED BACK UP. WE THEN DROVE BACK TO BRASSFIELD-MORA.

Q: SA [REDACTED] b6-1, b7c-1

A: SSG [REDACTED] b6-3, b7c-3

Q: What time is curfew?

A: 2300 to 0400

Q: What is back policy on curfew?

A: NO ONE OUT EXCEPT IP'S OR ICDC.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-3, b7c-3	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

b6-3, b7c-3

FILE NUMBER:

STATEMENT OF SSG [REDACTED] TAKEN AT Brasserie, DATED 16 Jan 01 CONTINUED

Q: What was the result of the search conducted on the white truck?

A: ALL I HEARD ON THE RADIO WAS FAKE IDs AND PASSPORTS WERE FOUND THERE WERE SMALL BOXES IN THE BACK OF THE TRUCK

Q: Where were the 2 Iraqis located at the time of the search?

A: THEY WERE ON ONE SIDE OF THE TRUCK.

Q: What did you observe of the US personnel while the search was conducted?

A: THE SQUAD GOT OUT APPROX 9 GUYS THEY SET UP SECURITY ON THE OCCUPANTS OF THE VEHICLE WHILE 1 GUY SEARCHED THE TRUCK THE GUYS WERE STANDING UP, THE ONLY TIME THEY WOULD BE PUT FACE DOWN WOULD BE IF WE WOULD HAVE FOUND WEAPONS OR EXPLOSIVES OR IF THEY WERE UN COOPERATIVE AND RESISTED.

Q: Who were the guys that were in the back of A-11?

A: SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] & 1 OTHER PERSON PERIS SGT [REDACTED] b6-5, b7c-5

Q: What vehicle were the 2 Iraqis in?

A: A-11

Q: Why were the 2 Iraqis detained and then let go?

A: THEY LEARN A HARD LESSON WITHOUT GOING TO JAIL BY HAVING TO WALK BACK TO THEIR VEHICLE

Q: Where were they dropped off?

A: [REDACTED] AT THE BEGINNING OF THE BRIDGE

Q: Who got out with them as far as US personnel?

A: SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] & 1 OTHER b6-5, b7c-5

Q: What did you see when they got out?

A: THEY CUT THE ZIPSTRIPS OFF THE GUYS

Q: Did you observe any type of roughness in the handling of the 2 Iraqis?

A: NO

Q: Did you hear any orders that were given beyond that of letting the Iraqis loose?

A: NO

Q: Did the Iraqis resist being detained in any way?

A: NO

Q: Did you hear any one tell the Iraqis to jump off the bridge?

A: NO YOU CANT HEAR WITH THE CUC ON AND THE BRADLEY RUNNING

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 4 PAGES

015300 000060

STATEMENT OF SSG [REDACTED] b6-3, b7C-3

TAKEN AT Brassfield

DATED 16 Jan 04 CONTINUED

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

A: NO // End of Statement //

[REDACTED] b6-3, b7C-3

NOT USED

b6-3, b7C-3

b6-3, b7C-3

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

SWORN STATEMENT

For use of this form, AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION Brax Field More, Iraq	DATE 16 Jan 04	TIME 1303	FILE NUMBER 011-04-CF/469-79630
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-5/RA

ORGANIZATION OR ADDRESS
A Company, 118 FA
[REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

b6-3, b7c-3

During the month of Jan we detained two personnel @ 2330 who violated curfew. We searched the individuals and detained them. We took the personnel up by the ICWC checkpoint. One team got off the Bradley and released the individuals around the traffic circle area @ 2340. We then picked up the dismount team and made our movement back to FOB Brassfield Morra. At no time did I personally see any harm come to the two individuals. b6-3, b7c-3

Q: SA [REDACTED] b6-1, b7c-1

A: SGT [REDACTED] b6-3, b7c-3

Q: Do you know the date these individuals were detained?

A: No

Q: Where did you stop the vehicle for the curfew violation?

A: In Samarra on Alhina Rd.

Q: Why did you release the individuals after you had detained them?

A: I Don't know, but individuals had no weapons

Q: Do you know the SOP in regards to once a detainee is apprehended?

A: It is the judgement of higher or what the detainee has

Dove

Q: Do you know if your higher command instructed your platoon to release the detainees?

A: I only have the pl. freq. so I don't know if it came over the command radio to release them

Q: What team dismounted to release the detainees?

A: They were in vehicle All, 3^{total} people released the detainees

b6-3, b7c-3

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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.

015303

000063

b6-3, b7c-3

FILE NUMBER: 0011-04-1-0469-79630

STATEMENT OF SGT [REDACTED]

TAKEN AT Brassfield Morra

DATED 16 Jan 04

CONTINUED

Q: What were the names of the people who dismounted to release the detainees?

A: All I know was it was SGT [REDACTED] TEAM b6-3, b7c-3

Q: When the detainees were released was there water near them?

A: There was no water right around them but up 100 to 150 meters there was the River

Q: After the detainees were released and everyone mounted up did you observe the two Iraqis standing on the side of the road when you drove by them?

A: I glanced over and seen the Iraqis on the side of the Road when we left.

Q: Could you tell what they were doing on the side of the road?

A: I don't Really know what they were doing at that point because I just glanced at them.

Q: Did you observe the dismounted team cut the handcuffs off the detainees?

A: I Really couldn't tell because I just glanced at them with my NUG's on

Q: What was the weather outside when the detainees were released?

A: Dark, cold

Q: Did you see if the detainees were in the river at any time?

A: No

Q: How long did you stop when you released the detainees?

A: 45 sec to just over a minute

Q: What time did you return to FOB Brassfield Morra?

A: 0001

Q: What sector were you scanning when you stopped to release the detainees?

A: I was scanning left so I couldn't really see abt that was going on.

Q: What side were the detainees being released on?

A: Right Side

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

A: No // End of Statement // [REDACTED] b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

b6-3,
b7c-3

PAGE 2 OF 3 PAGES

015304 000064

STATEMENT (Continued)

[Lined area for statement content]

b6-3, b7c-3

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED SIGNATURE]

b6-3, b7c-3

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of Jan, 20 04 at Braesfield Mure, Iraq

[REDACTED SIGNATURE]

b6-1, b7c-1

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED]

b6-1, b7c-1

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136, UCMJ

(Authority To Administer Oaths)

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT

[REDACTED INITIALS]

PAGE 3 OF 3 PAGES

015305

000065

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. b6-5, b7c-5

1. LOCATION: Brassfield Mora, Samarra, Iraq
2. DATE: 16 Jan 01
3. TIME: 13 11
4. FILE NO.
5. NAME (Last, First, MI): [Redacted] b6-5, b7c-5
6. SSN: [Redacted]
7. GRADE/STATUS: E4/AD
8. ORGANIZATION OR ADDRESS: A Co. 1-8 Inf. Camp Anawada, Iraq APO AE 29323-2598

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected: Murder

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

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. For personnel subject of 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.

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: [Redacted] b6-5, b7c-5
4. SIGNATURE OF WITNESS: [Redacted] b6-1, b7c-1
5. TYPED NAME OF INVESTIGATOR: [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 43rd MP Det (CIC)

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

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 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: Brassfield-mora, Samarra, Iraq
2. DATE: 2004 01 14
3. TIME: 1405
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: E4/AD
8. ORGANIZATION OR ADDRESS: BCo, 1st Inf, Cp Anacanda, APO RE 09323-2598

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE NIGHT IN QUESTION MY PLT WAS HEADING BACK TO FOB BRASSFIELD AFTER CERFEW. THE BFU'S INCOUNTED A BONGO TRUCK WITH TWO PER. INSIDE. WE STOPPED, AND DISMOUNTED TO SEARCH VEH AND QUESTION PERSONEL. THE SEARCH CAME UP EMPTY FOR CONTRABAND. DURING QUESTIONING ONE OF THE GUYS TRIED TO PASS OFF A CHILD'S ID. AS HIS OWN. THEY SAID THEY HAD BEEN TO BAGHDAD AND ON THE RETURN TRIP HAD RAN OUT OF GAS. WE DECIEDED TO DETAIN THE GUYS, SO WE SIP STRIPED THIER HANDS AND PUT THEM ON ALL B.F.U.. WE REMOUNTED AND CONTINOUED ON.

THE BFU'S STOPPED AGAIN, WE GOT OUT, MYSELF AND SPC [REDACTED] GOT THE EPW'S OUT, [REDACTED] LED THEM TO THE RIGHT SIDE OF THE ROAD BESIDE A BRIDGE. SGT. [REDACTED] TOLD US TO CUT THEM LOOSE. SPC [REDACTED] DID THIS WHILE I PULCED SECURITY. SGT [REDACTED] TOLD THEM TO GO. WE REMOUNTED THE BFU. THE TWO GUY'S WERE STAND ING ON THE SIDE OF THE ROAD- THE BFU'S [REDACTED] STARTED AGAIN FOR FOB BRASSFIELD.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED 015307

WHILE THE DECISION TO DETAIN WAS BEING MADE WE LET BOTH PEOPLE

GET BACK INTO THE VEHICLE.

Q: SA [REDACTED] b6-1, b7C-1

A: SPC [REDACTED] b6-5, b7C-5

Q: Do you recall what time of day it was?

A: NIGHT TIME AFTER CERFEW.

Q: What time is curfew?

A: NOT SURE WAS TOLD THAT CERFEW WAS SET.

Q: When you detained the Iraqis, how was their demeanor?

A: SUBDUED.

Q: Where did you let them out?

A: NORTH SIDE OF ROAD BEFORE THE BRIDGE, THE HEADLAND OF A SMALL PENINSULA.
b6-5, b7C-5

Q: What did [REDACTED] use to cut the zip-ties?

A: A KNIFE

Q: Did you observe him cutting them loose?

A: YES

Q: What did you observe?

A: HE CUT THEM LOOSE WITH A KNIFE. THERE WAS NOT ANY EXCESSIVE FORCE USED.

Q: Did you in any way strike or physically assault the Iraqis?

A: NO

Q: Did you observe any else physically assault the Iraqis?

A: NO

Q: Did anyone tell them to jump off the bridge?

A: NO

Q: Did you tell the Iraqis to jump off the bridge?

A: NO

Q: Where the Iraqis on the side the road when you remounted your vehicle and departed?

A: YES b6-5, b7C-5

Q: Where were they alive?

A: YES

Q: Do you know providing a knowingly false statement is a violation of the UCMJ?

A: YES

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

A: NO // End of Statement ///

[REDACTED] b6-5
b7C-5

015308 000068

9. STATEMENT (Continued)

[Large diagonal redaction line across the statement area]

NOT USED
[REDACTED] b6-5
[REDACTED] b7c-5

AFFIDAVIT

I, [REDACTED] b6-5 b7c-5, 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.

[REDACTED] b6-5 b7c-5
(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2001 at Bradfield, Samarra, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b6-1 b7c-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] b6-1, b7c-1
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 15c, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 3 PAGES

b6-5, b7c-5

015309

000069

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>Massfield Barracks, Iraq</i>	<i>b6-5, b7c-5</i>	2. DATE <i>16 Jan 04</i>	3. TIME <i>1328</i>	4. FILE NO. <i>001-01-CX-9069-70630</i>
5. NAME (Last, First, MI) [REDACTED]		8. ORGANIZATION OR ADDRESS <i>A Company, 118 FA Attack FOB Balad, Iraq</i>		
6. SSN [REDACTED]	7. GRADE/STATUS <i>E-4/RA</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 *Criminal Investigation Division* and wanted to question me about the following offense(s) of which I am suspected/accused *Murder, conspiracy*
as a special agent

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 questions 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. *b6-5, b7c-5*

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE <i>b6-5, b7c-5</i>
1a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INVESTIGATOR <i>b6-1, b7c-1</i>
2a. NAME (Type or Print)	<i>SA [REDACTED]</i>	5. TYPED NAME OF INVESTIGATOR <i>b6-1, b7c-1</i>
b. ORGANIZATION OR ADDRESS AND PHONE	<i>47th MP DET CTO, Tikrit, Iraq</i>	6. ORGANIZATION OF INVESTIGATOR

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.

SWORN STATEMENT

For use of this form, AR 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION Grassfield Morra, Iraq	DATE 16 Jan 04	TIME 1746	FILE NUMBER OAU-04-CT/409-79630
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E41 RA	
ORGANIZATION OR ADDRESS A Company, 115 FI			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In January we were on a patrol and we just completed our patrol we were driving the Bradley's stopped a truck that was out after curfew w/ 2 males in it I was pulling security while they detained the individuals we loaded up in the Bradley w/ the 2 detainees. We drove a ways dropped ramp by the bridge got out I uncuffed the detainees My team leader I think told them to go then we loaded up and left the whole thing took a minute at the most [REDACTED] b6-5, b7c-5

Q: SA [REDACTED] b6-1, b7c-1

A: SPC [REDACTED] b6-5, b7c-5

Q: Do you know the date in January when this incident occurred?

A: No

Q: Where did you stop the vehicle?

A: I don't know because I was in the back of the Bradley I believe in Samarra

Q: What time did you stop the vehicle?

A: It was after the 2300 curfew

Q: What did the vehicle look like?

A: Blue truck I believe Blue Flashed truck

Q: Did you have an interceptor with you?

A: No

Q: Did the Iraqis put up a fight when you detained them?

A: I don't know I didn't detain them I was pulling security

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b6-5, b7c-5

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.

015311 000071

b6-5, b7c-5

FILE NUMBER: 0011-04-CJ-0404-79670

STATEMENT OF SPC [REDACTED]

TAKEN AT Newfield Florida

DATED 16 Jan 04

CONTINUED

Q: Do you know who detained the Iraqis?

A: I believe SPC [REDACTED] b6-5, b7c-5

Q: How long did it take to detain the Iraqis?

A: Just long enough to search the vehicle the Iraqis and detain them.

Q: Where were you pulling security at?

A: Down the street

Q: Where was the vehicle + Iraqis in relation to you when you were pulling security?

A: Behind me

Q: Which vehicle did they place the detainees in?

A: A-11

Q: Which vehicle were you riding in?

A: A-11

Q: Where did the detainees sit in A-11?

A: On the floor

Q: Where did you sit in A-11?

A: Gunners side closest to the front left hand side

Q: Do you know the names of the Iraqis detained?

A: NO

Q: Describe the Iraqis detained?

A: I think one was kind of fat the other was smaller.

Q: What were they wearing?

A: I can't remember

Q: What color hair and eyes did they have?

A: I don't know

Q: Did they have any facial hair?

A: I'm not sure

Q: Were the detainees talking when they were in the vehicle?

A: I don't know the Bradley is too loud

Q: After you detained the Iraqis how far did you drive before you stopped to release them?

b6-5, b7c-5

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 5 PAGES

015312 000072

A: I don't know

Q: Where is the bridge located where you released the detainees?

A: I don't know where the bridge is located I'm not familiar with the area because we were out of Balad.

Q: What were you doing in Samarra?

A: We were ^{tasked} ~~attached~~ to come up here and eliminate anti-coalition resistance

Q: When did you arrive in Samarra?

A: Middle of December

Q: When are you going back to Balad?

A: I believe in 3 or 4 days

Q: When you stopped to release the detainees who dismounted the vehicles?

A: Sgt [REDACTED], SPC [REDACTED] and myself 66-5,67C-5

Q: Did anyone remain in your vehicle?

66-3,67C-3

A: Sgt [REDACTED] (medic) Lt [REDACTED] (BC-) Driver - SPC [REDACTED] I'm not sure ^{66-5,67C-5} who was gunning ^{66-5,67C-5}

Q: When everyone dismounted what did Sgt [REDACTED] do?

A: Supervised the release of the detainees

Q: What did SPC [REDACTED] do when he dismounted the vehicle? 66-5,67C-5

A: Gave me a knife and pulled security

Q: What did you do when you dismounted the vehicle?

A: Came out behind the vehicle and I cut the zip strips on the detainees

Q: What did you do with the cut zip strips?

A: I believe we left them on the ground

Q: Did anyone say anything to the detainees when you dismounted the vehicle?

A: After I cut the zip strips Sgt [REDACTED] told them to go. ^{66-5,67C-5}

Q: Did the Iraqis leave when Sgt [REDACTED] told them to go?

A: Last I seen they were walking towards the right side of the road.

Q: Did you push the Iraqis in the water?

A: No

b6-5, b7c-5

FILE NUMBER: 0011-04-CI-464-79030

STATEMENT OF SFC [REDACTED] TAKEN AT Bressfield Station DATED 16 Jan 04 CONTINUED

Q: Did you know one of the Iraqis couldn't swim?

A: No

Q: Was it your intention to kill the Iraqis?

A: No we had no intention we didn't do anything to harm them they were swim there when the ramp came up

Q: How long were you at this location when you released the Iraqis?

A: 1 minute at the most

Q: Did you witness any US soldiers push the Iraqis into the water?

A: No because it didn't happen

Q: Did you ever discuss with anyone about killing the Iraqis you just detained?

A: No

Q: Why did you release the Iraqis?

A: I was ordered to by Sgt [REDACTED] b6-5, b7c-5

Q: Do you know your SOP in regards to releasing individuals you just detained?

A: Yes

Q: What is the SOP?

A: One person cut the cables while the others pull security

Q: Why would you detain an individual and release them a few minutes later at a different location?

A: I don't know that's not my decision

Q: Have you seen this happen before in regards to releasing detainees at a different location?

A: No

Q: Once you released the detainees where did you go?

A: Back on the truck and then back to Bressfield

Q: Did anyone report back to higher that those individuals were released at this location?

A: I don't know that's above me

Q: How close was the water when you cut the zip straps off the detainees?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

b6-5, b7c-5

PAGE 4 OF 5 PAGES

015314 000074

STATEMENT (Continued)

A: It was at night I couldn't see any
water.

Q: What side of the road did you release the detainees on?

A: We were behind the Bunker.

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

A: No. End of statement. [redacted] b6-5, b7c-5

b6-5, b7c-5

AFFIDAVIT

I, [redacted], 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.

WITNESSES:

[redacted] b6-5
[redacted] b7c-5
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of Jan, 20 04 at [redacted] [redacted]

ORGANIZATION OR ADDRESS

[redacted] b6-1, b7c-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

GA [redacted] b6-1 b7c-1
(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

b6-5, b7c-5

Ant. B. UCMJ
(Authority To Administer Oaths)

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 - Taken at Samarra, Iraq APO 43rd military Police (Det) (CID) 09323	2. DATE 16 Jan 09	3. TIME 1359	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Co, 1/8th Inf Co, 3rd Bde FOB Brassfield/Mora, Samarra, Iraq APO AE 09323		
6. SSN [REDACTED]	7. GRADE/STATUS SGT 1 AD		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: murder

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

- 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.
- 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 to 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 [REDACTED]
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>b6-1, b7c-1</u> [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR <u>b6-1, b7c-1</u> SA [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>43rd MP Co (Det) (FWD) (CID)</u> <u>Tikrit, Iraq, APO AE 09323</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

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

SWORN STATEMENT

File Number : 0011-04-CID469
Location : Samarra, Iraq APO AE 09323
Date : 16 Jan 2004
Statement Of: SGT
SSN
Org/Address : A Co, 1/8th Inf Co, 3rd Bde, FOB Brassfield/Mora, Samarra, Iraq, APO AE 09323

Time: 1457

b6-5, b7c-5

Grade/Status: SGT/E-5

b6-5, b7c-5

I, SGT [redacted] want to make the following statement under oath: I don't remember the date exactly but it was sometime in the beginning of Jan 04, my platoon, which is 1st Platoon, began patrolling the city of Samarra. Our shift started, I believe, at 1800 and it ended at 2400 that night. I'm not sure how many vehicles were in the convoy. But I know it was at least four vehicles and they were all Bradleys. I don't remember who was all in each Bradley and I don't remember where my vehicle was in the convoy because I was in the back of the Bradley and I really wasn't looking. I know SGT [redacted] SPC [redacted] and SPC [redacted] were in the back of my Bradley, which is A11. The platoon leader, LT [redacted] his driver, I'm not sure what his name was and the gunner, SPC [redacted] were also on the Bradley. About 2300 that night, after we had been doing walking patrol in Samarra, we were picked up by our vehicle again and we were enroute back to FOB Brassfield/Mora. On the way back, we stopped, we all got out of the vehicle and I saw a white truck on the road. There were two guys in the truck. The truck was already stopped when I saw it. I walked up to the truck and I don't remember who walked to the truck with me, but we searched the two guys and asked them for Identification and we searched their vehicle. They both had identification but one guys ID did not match him. I can't remember which guys didn't match. Myself and SPC [redacted] went up to the LT and I told him that one of the guys ID didn't match and he told me to detain them and put them in the back of the Bradley. And that's what we did. We put the flexy cuffs on them and placed them into the Bradley, A11. They did not return to their truck and drive for 20 meters like they are reporting. Once we removed them from the truck they did not get back into the truck. After we got them in the Bradley I was assuming we were going to take them to the EPW camp or the CMOC but we didn't. We had them for about 10-15 minutes and the convoy was still moving. But we stopped and the LT, LT [redacted] yelled out to let the detainees go. He didn't say why he wanted to let them go. The ramp opened to the Bradley, I got our first, then SPC [redacted] got out, and I looked up at the LT to see what was going on. He told me we were going to let them go. That's when I told SPC [redacted] and SPC [redacted] let's get them out of the Bradley. We got them out and they were still handcuffed. We never covered their faces. I asked if anyone had a knife to cut the Flexy Cuffs and SPC [redacted] said he had one or something and I told him to cut the cuffs. I think SPC [redacted] cut the cuffs on both the guys. SPC [redacted] was pulling security. We were on a road and it was dark and I never saw the stream of water or anything. I don't know what these guys are talking about. WE cut the cuffs off and left them there on the side of the road.

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

b6-3, b7c-3

b6-5, b7c-5

EXHIBIT _____

INITIALS: [redacted]

PAGE 1 OF 3 PAGES

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015317

EXHIBIT 10

000077

b6-5, b7c-5

SWORN STATEMENT OF SGT [REDACTED] TAKEN AT Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

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

Q: SA [REDACTED] b6-1, b7c-1.

A: SGT [REDACTED] b6-5, b7c-5

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

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

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

A: I don't know

Q: Can you describe the two individuals?

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

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

A: No.

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

A: No.

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

A: No.

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

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

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

A: I don't know.

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

A: Yes.

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

A: No.

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

A: No.

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

A: No. //END OF STATEMENT//

b6-5, b7c-5

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 2 OF 3 PAGES

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015318

EXHIBIT 10
000078

b6-5, b7c-5

10409-79630

SWORN STATEMENT OF SGT [REDACTED] TAKEN AT Samarra, IRAQ, APO AE 09323, 16 Jan 04. CONTINUED

b6-5, b7c-5

AFFIDAVIT

I, SGT [REDACTED] 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.

b6-5, b7c-5

[REDACTED]

(Signature of Person Making Statement)

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

[REDACTED]

b6-1, b7c-1

(Signature of Person Administering Oath)

SA [REDACTED]

b6-1, b7c-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

b6-5, b7c-5

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 3 OF 3 PAGES

FOR OFFICIAL USE ONLY

015319 EXHIBIT 10
000079

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 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>Brassfield, Samarra Iraq</i>	2. DATE (YYYYMMDD) <i>16 JAN 04</i>	3. TIME <i>1437</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>[REDACTED]</i>	6. SSN <i>b6-5, b7C-5</i>	7. GRADE/STATUS <i>E7/AD</i>	
8. ORGANIZATION OR ADDRESS <i>A Co, 1st Inf., Cp Khamdun, Balad, Iraq APO AE 09323-2598</i>			

9. *[REDACTED]* WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
b6-5, b7C-5

ON 3 JAN 04 at approximately 2310, 1LT *[REDACTED]* called on the RADIO said he was at the vicinity of the link-up point and they had stopped a white Bongo truck and was searching it. Maybe 3-5 minutes later my section linked-up with them at the same location. We were there a few minutes when he said we were going to take them. Their Section led out ahead of me, I was on trail notice the truck was still in the middle of the road, I pushed the truck to the south side of the road on continued movement. Sometime between the area where we detained the two men and the area *b6-5, b7C-5* drop them off on the outside of town. The lead vehicle *[REDACTED]* stopped somewhere at the beginning of the bridge, I stopped just on the west side of the traffic circle (K2). I instructed my runner to scan to the south. I didn't dismount my Infantry because we were only dropping them off. We were there maybe 1-2 minutes before we began moving. As I passed the two men they were standing talking to each other on the North side of the road on the EAST side of the Bridge talking to each other. We continued movement and ARRIVED at FOB BRASSFIELD at approximately 2350 or 2400.

Q: SA *[REDACTED]* *b6-1, b7C-1*
 A: SFC *[REDACTED]* *b6-5, b7C-5*

Q: At the time the men were dropped off, did you hear or see anything?

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>[REDACTED]</i> <i>b6-5, b7C-5</i>	PAGE 1 OF <u>3</u> 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.

015320
000080

Statement of SFC [REDACTED] ^{b6-5, b7c-5} Taken at Samarra, Iraq Dated 16 Jan 01 Continued

A: No, I was looking South, I can't hear much on top of the BFV when it's running and
Navy a CVE on.

Q: When everyone and all vehicles departed for FOB Brassfield, both men were on the side of the
road alive?

A: YES

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

A: NO // End of Statement ///
[REDACTED] b6-5, b7c-5

NOT USED
[REDACTED] b6-5,
b7c-5

015321

000081

EXHIBIT 11

FOR OFFICIAL USE ONLY

9. STATEMENT (Continued)

b6-5, b7c-5

NOT USED
[REDACTED]
b6-5,
b7c-5

b6-5, b7c-5

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED] b6-5, b7c-5
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2004 at Samana, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b6-1, b7c-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] b6-1, b7c-1
(Typed Name of Person Administering Oath)
Art 136, UCMS
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

b6-5, b7c-5

015322

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 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: Brassfield, Samarra, Iraq
2. DATE (YYYYMMDD): 10 Jan 04
3. TIME: 1513
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: O2/AD
8. ORGANIZATION OR ADDRESS: A Co, 1-8 Inf, 1st Airborne Div, Baghdad, Iraq APO AE 09323-2598

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 3 JAN 04 around 2320, 1st Platoon/Alpha section identified a white truck on Albino St. south of the SDI complex. We pulled in front of the vehicle and dismounted the infantry squad. They detained the two individuals inside and began searching the vehicle. SBT inspected the two ID cards of both individuals and reported that one was fake (not the same picture as the individual carrying). We placed the two individuals in the back of my BFV (A11). Realizing that the CMOC was closed (1-8 mortars left CMOC at an unknown previous date), I led my platoon's BFVs to the outskirts of Samarra, vic K2. Upon arriving at K2, my BFV stopped, dropped ramp, and the team dismounted the BFV. I instructed SBT to uncut the cuffs and remount the BFV. As the BFV began pulling off, I looked to my rear to see if the other vehicles were moving. At that time, I noticed the two individuals standing on the north side of the road in a small clearing.

Q: SA [Redacted] b6-1, b7C-1

A: 1LT [Redacted] b6-5, b7C-5

Q: So were you in a position to see everything that transpired?

A: Yes

Q: Did you observe the search of the vehicle?

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted] b6-5, b7C-5
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED 015323

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED. USAPA V1.00

Statement of 1LT [REDACTED] Taken at Samarra Iraq dated 16 Jan 04 Continued
b6-5, b7c-5

A: Yes. Although I was scanning [REDACTED] to the SW and W, I observed the squad searching the vehicle.

Q: Did you ever observe and rough handling of the Iraqis?

A: No.

Q: Were you wearing CVC?

A: Yes.

Q: Did you observe the release of the Iraqis?

A: Yes.

Q: Did you observe any rough handling of the Iraqis at any time during their encounter w/ US Personnel?

A: No.

Q: Did you hear any threats that were made to the Iraqis or anyone telling them to jump off the bridge?

A: No.

Q: As all vehicles departed, where were the 2 Iraqis?

A: Standing in a small, gravel open area on the N side of the road. They were approximately 10-15 m from a pump house.

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

A: No. // End of Statement //

[REDACTED]
b6-5, b7c-5

NOT USED

[REDACTED]
b6-5,
b7c-5

015324

000084

STATEMENT OF 1LT [REDACTED] TAKEN AT Samarra Iraq DATED 16 Jan 04

9. STATEMENT (Continued) b6-5, b7c-5

NOT USED [REDACTED] b6-5, b7c-5

b6-5, b7c-5

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED] b6-5, b7c-5
(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of January, 2004 at Cp Bunkerfield Samarra Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b6-1, b7c-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

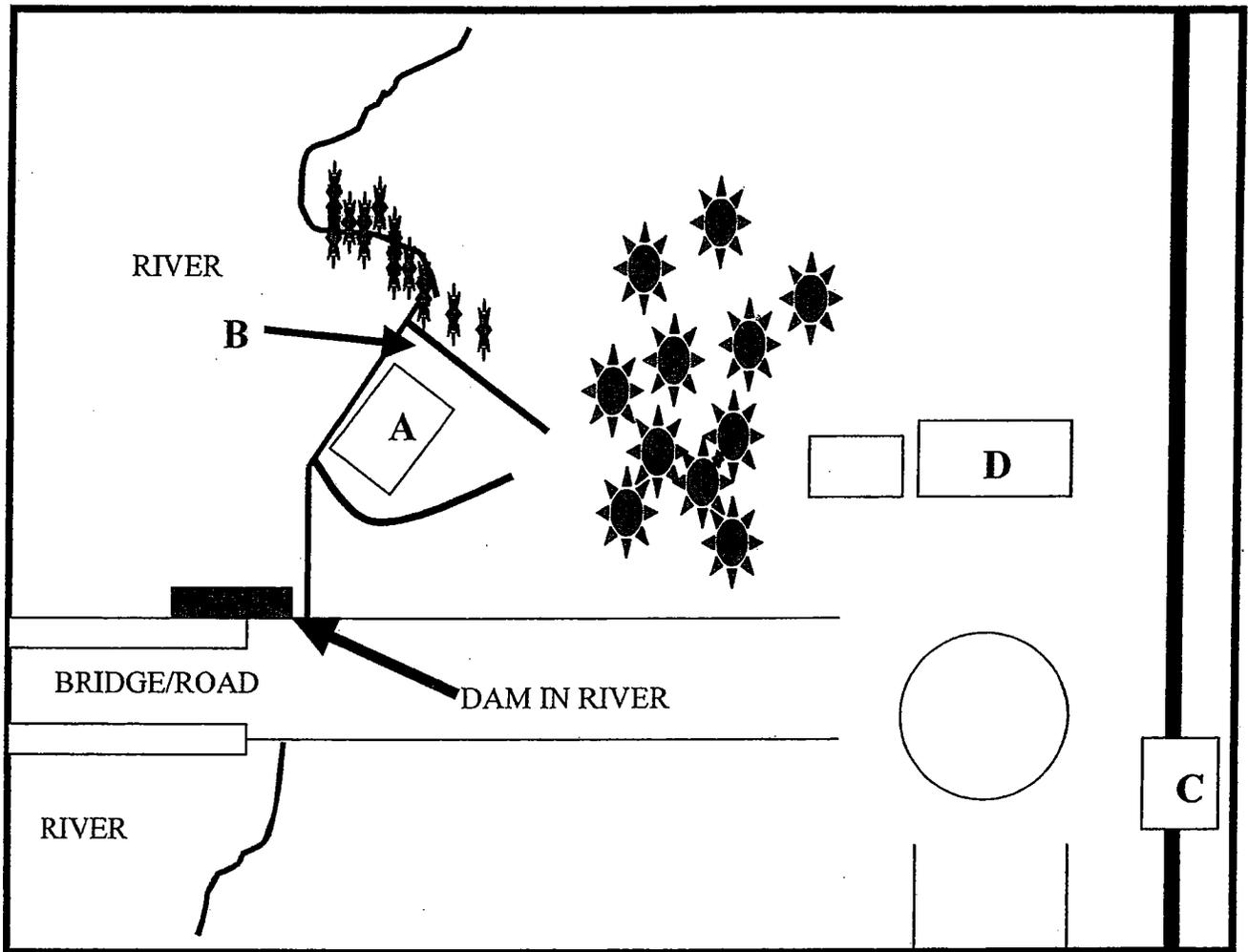
SA [REDACTED] b6-1, b7c-1
(Typed Name of Person Administering Oath)
Art Bg, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5, b7c-5

015325 000085

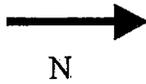
**BATES PAGES 15328-15336 ARE PHOTOS
REVIEWED IN ACCORDANCE WITH CRITERIA
PROVIDED IN PRIOR IN CAMERA SESSIONS AND
HAVE BEEN DETERMINED TO BE
NONRESPONSIVE**

Rough Sketch Depicting Crime Scene



LEGEND

-  Vegetation
-  Trees and Bushes
- A** Pump House
- B** Where victims were forced into the river
- C** ICDC Guard Tower
- D** ICDC Checkpoint



NOT TO SCALE

TITLE BLOCK

CASE #: 0011-043-CID469-79630

OFFENSE: Involuntary Manslaughter and Aggravated Assault

TIME/DATE PREPARED: 1630/ 16 Jan 04

SCENE PORTRAYED: Overview of bridge area, Samarra, Iraq

LOCATION: 38S LC 9386 8451

VICTIM: Mr. FADHIL and Mr.

 b7C-4, b6-4

SKETCHED BY: SA  b7C-1, b6-1

VERIFIED BY: SA  b7C-1, b6-1

FOR OFFICIAL USE ONLY

Exhibit 13

015326

000086

Photographic Packet

Case Number 0011-04-CID469-79630

<u>Number</u>	<u>Description</u>
1	Photograph depicting the north end of the bridge where the alleged incident occurred.
2	Photograph depicting the access road above the bridge where the convoy continued to travel south after Mr. FADHIL and Mr. [REDACTED] were allegedly pushed into the river. b7c-4 b6-4
3	Photograph depicting the area at the northwest end of the bridge where the alleged incident may have occurred.
4	Photograph depicting the river from the north end of the bridge.
5	Photograph depicting a dam, which was located at the north end of the bridge and reflected the whirlpool/suction created by the dam gate in the lowered position in the water.
6	Photograph depicting the opposing side of the dam which was located on the north side of the Bridge.
7	Photograph depicting a close-up view of the dam in the lowered position.
8	Photograph depicting the Iraqi Civil Defense Corp (ICDC) checkpoint tower, which is located adjacent to the access road further north from the north end of the bridge.
9	Photograph depicting the ICDC checkpoint, which is located west of the ICDC checkpoint tower.

FOR OFFICIAL USE ONLY

Exhibit 14

015327

000087

Page(s)

97-102

Referred to:

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

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil

(813) 827-5341/2830

015337

RIGHTS WAIVING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Tikrit, Iraq **DATE:** 20 Jan 04 **TIME:** 1400 [redacted] b6-5, b7c-5
FILE NUMBER: 0011-04-CID469-79630-5H1-5H7
NAME (Last, First MI): [redacted] **SSAN:** [redacted] **GRADE / STATUS:** SGT
ORGANIZATION OR ADDRESS: A Company, 1/8th Infantry, Ft. Carson, CO. b6-5, b7c-5

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Murder/Attempted Murder

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

[redacted] do not have to answer questions or say anything.

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

[redacted] (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 -

[redacted] (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.

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

COMMENTS:

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. b6-5, b7c-5

Witness# 1 [redacted] b6-1, b7c-1
 Signature of Witness SA [redacted]

[redacted] Signature of Interviewee

Witness# 2
 Signature of Witness

[redacted] b6-1, b7c-1
 Signature of Investigator/Special Agent
 10TH MP BN (CID)
 BAGHDAD, IRAQ

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Tikrit, Iraq **DATE:** 20 Jan 04 **TIME:** 2020 [REDACTED]
FILE NUMBER: 0011-04-CID469-79630-5H1-5H7 **LSSAN:** [REDACTED] **GRADE / STATUS:** SPC
NAME (Last, First MI): [REDACTED]
ORGANIZATION OR ADDRESS: A Company, 1/8th Infantry, Ft. Carson, CO.

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Murder/Attempted Murder b6-5, b7c-5

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

- 1. I do not have to answer questions or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
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4. If I am now willing to discuss the offense(s) under investigation, with, or without a lawyer present, I have the right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS:

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. [REDACTED] b6-5, b7c-5

Witness# 1 [REDACTED] b6-1, b7c-1
Signature of witness SA [REDACTED]

Signature of interviewee [REDACTED]

Witness# 2 _____
Signature of Witness _____

Signature of Investigator/Special Agent [REDACTED] b6-1, b7c-1
10TH MP BN (CID)
BAGHDAD, IRAQ

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Tikrit, Iraq **DATE:** 21 Jan 04 **TIME:** 1912
FILE NUMBER: 0011-04-CID469-79630-5H1-5H7
NAME (Last, First MI): [REDACTED] **SSAN:** [REDACTED] **GRADE / STATUS:** SPC
ORGANIZATION OR ADDRESS: A Company, 1/8th Infantry, Ft. Carson, CO.

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Murder/Attempted Murder

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

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

- or -

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

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

5. **COMMENTS:**

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

Witness# 1 [REDACTED] b6-1, b7c-1
Signature of Witness SA [REDACTED]

[REDACTED] b6-5, b7c-5
[REDACTED] b6-5, b7c-5
[REDACTED] b6-1, b7c-1

Witness# 2
Signature of Witness

[REDACTED] b6-1, b7c-1
[REDACTED] b6-1, b7c-1
Signature of Investigator/Special Agent [REDACTED]
10TH MP BN (CID)
BAGHDAD, IRAQ

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

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

Tikrit, Iraq

DATE:

21 Jan 04

TIME:

0114

FILE NUMBER:

0011-04-CID469-79630-5H1

NAME:

[Redacted]

SOCIAL SECURITY NUMBER:

66-5, 67c-5

GRADE/STATUS:

E-4/RA

ORGANIZATION: A Company, 1/8th Infantry, Ft. Carson, CO

66-5, 67c-5

I want to make the following statement under oath:

I would like to correct some of the fallacies in my statement.

1) When we stopped [Redacted] & SGT [Redacted] & myself got out of the Bradley. [Redacted] and I watched the EPW'S while SGT [Redacted] went to see what was going on. He came back and told us to bring the EPW'S to the edge of the water. I refused to be apart of it, so I stayed by the Brads. See at the beginning of the patrol SFC [Redacted] had said over the radio that any curfew breakers we get would be put in the river. SGT [Redacted] & [Redacted] went behind some concrete dividers. I heard a splash. They came back a few seconds later. As we were mounting the Brads, I thought I saw 2 people on the peninsula.

Q: When you say EPW'S, what are you referring to?

A: Enemy Prisoner of War.

Q: What do you mean by curfew beakers?

A: Iraqi's out after curfew.

Q: What time is curfew?

A: I am not sure.

Q: Can you further identify SFC [Redacted]

A: He is my Platoon Sergeant. I believe his first name is [Redacted]

Q: Can you tell me who was on patrol that night from your platoon?

A: My entire platoon.

Q: How many soldiers are in your platoon?

A: About 32.

Q: How many Bradley's were in the convoy?

A: At least four.

Q: What time did your patrol detain the EPW 'S?

A: I do not know, I was just told they violated the curfew.

Q: Why were they detained?

A: I was told because of the curfew.

Q: What happened when they were detained?

A: Initially they were searched and their vehicle was searched. They were initially detained because one of them showed us what we believed was a fake ID card. Soon after, he presented us with what we believed to be his correct ID card, so we were told to release them. They got back into their truck for about a minute, but before we left we were told to detain them again, cuff them and put them into the Bradley. Then the convoy departs.

Q: Why were they detained the second time?

A: Ordered to.

Q: Who gave the order?

66-5, 67c-5

EXHIBIT: _____
DA FORM 2823E

INITIALS: [Redacted]

PAGE 1 OF 5 PAGES

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015341

EXHIBIT 008106

SWORN STATEMENT

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

b6-5, b7c-5

SWORN STATEMENT OF SPC [redacted] 21 JAN 04, CONTINUED:

b6-3,
b7c-3

A: SSG [redacted] gave the order to us, I am not sure who told him. He had to have been told by the LT or the PLT SGT, as they are the only two that out rank him.

Q: How far did the convoy drive before they were removed from the Bradley?

A: Not a clue.

Q: How long were you in the back while the convoy was moving?

A: I am not sure, maybe less than 30 minutes.

Q: When they were detained did you hear any communication about throwing them into the river?

A: No, only the talk earlier in the night.

Q: Why were the detainees not brought to a detention facility?

A: I am not sure, it is above my level.

Q: What is the SOP for your unit pertaining to detainees?

A: It depends what they were detained for. Some we have released and others we have transported to the detention facility.

Q: Who actually threw the 2 men into the river?

A: SGT [redacted] and SPC [redacted] are the two that escorted them to the rivers edge. I could not see if either of them threw them in from my vantage point. But I did hear a splash.

Q: Who actually gave the order to throw the EPW'S into the river?

A: I am not sure if that was the actual order given. The order could have been to release them or to specifically throw them in the river, I just don't know.

Q: How far were you away from the detainees when they were pushed into the river?

A: 40 meters maybe.

Q: How many people had eyes on the spot where they were pushed into the river?

A: I would say two, [redacted] and [redacted]

Q: Did [redacted] and/or [redacted] say anything when they returned to your location?

A: SGT [redacted] said that they were crawling out.

Q: You initially put into your statement tonight, that you saw two people on the bank when you were leaving, then added "I thought I saw", can you explain?

A: Because of my location, the distance away from the area in question, wearing night vision goggles and other factors, I cannot say that I saw two people standing there with 100 % certainty.

Q: Did anyone speak with you or members of your platoon after the fact, about not cooperating with the investigation?

A: We discussed what we were going to say. We agreed on a version of the truth. The LT and SFC [redacted] gathered the three of us [redacted] and I) to make sure we were all firing on the same page. b6-5, b7c-5

Q: Did the LT or SFC [redacted] threaten any of you if you told the truth?

A: No.

Q: What was the agreement or the story to be told by all of you at the conclusion of that meeting?

A: We agreed to say that we detained the two Iraqi's, released them, last seeing them standing on the side of the road.

~~Q: Have you or any members of your unit been physically in that river?~~

A: Yes.

Q: Who?

b6-5, b7c-5

EXHIBIT: _____
DA FORM 2823E

INITIALS: [redacted]

PAGE 2 OF 5 PAGES

015342 000107

EXHIBIT 20

SWORN STATEMENT

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

SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

A: LT [REDACTED] ← b6-5, b7c-5 ↑

Q: When did he go into the river?

A: A few days later, maybe a week after the incident. It was after he sat us down to talk to us.

Q: Why did he go into the river?

A: I think to prove to himself that we didn't kill anybody.

Q: Did he go in alone?

A: Yes.

Q: What did your patrol do to their vehicle after they were detained?

A: As far as I know we left it on the side of the road. I do not remember anyone touching the vehicle after we detained them.

Q: Have any members of your unit conducted such acts in the past?

A: Yes, they threw another Iraqi off of a bridge before. I was told he survived.

Q: When did this take place?

A: A couple of months ago.

Q: Who actually threw him in the river? b6-5, b7c-5 ↓

A: I was told it was SGT [REDACTED] and SGT [REDACTED]

Q: What bridge was used?

A: I am not sure.

Q: What city did it take place in?

A: In Balad. They said it was a floating bridge.

Q: Who was there that night?

A: I was not there that night, so I am not sure. But it was common knowledge within the platoon. I think that is where they got the idea from for this incident.

Q: Do you know why they stopped this individual and why they threw him into the river?

A: I do not know.

Q: How did members of your platoon initially hear about the man dying?

A: We were told that there was an e-mail going up the chain of command.

Q: Who told you? ← b6-5, b7c-5 ↓

A: LT [REDACTED] or SFC [REDACTED] ↓

Q: I provided you with a photograph of the area near the bridge which is marked. Are the markings on the photograph made by you?

A: Yes.

Q: What do the markings represent?

A: The location where they stood near the river, my location and the location of the Bradley's. And the location where I thought I saw the two Iraqi's as we were leaving the area.

Q: Other than who is mentioned in this statement, is anyone else aware of the truth about what occurred that night?

A: Yes, my company commander, CPT [REDACTED] b6-5, b7c-5 is aware of the truth because he talked with us about the version of the story we agreed upon.

Q: Is CPT [REDACTED] aware of the fact that members of his unit pushed those two men into the river? b6-5, b7c-5

A: I'm not sure if anybody was pushed for sure into the river but I know CPT [REDACTED] b6-5, b7c-5 knows the guys were in the water.

Q: How were you treated during this interview?

EXHIBIT: _____ INITIALS: [REDACTED] PAGE 3 OF 5 PAGES
DA FORM 2823E b6-5, b7c-5

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015343

000108

EXHIBIT 20

SWORN STATEMENT

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

SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

A: Very well.

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

A: Yes.

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

A: Yes.

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

A: YES [REDACTED] ← b6-5, b7c-5

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

A: YES [REDACTED] ←

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

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

Q: Anything else?

A: No.///END OF STATEMENT/// [REDACTED] b6-5, b7c-5

b6-5, b7c-5

SWORN STATEMENT

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

b6-5, b7c-5

SWORN STATEMENT OF SPC [REDACTED] 21 JAN 04, CONTINUED:

Not USED [REDACTED] *b6-5, b7c-5*

b6-5, b7c-5

I [REDACTED] 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.

[REDACTED] *b6-5, b7c-5*

SIGNATURE OF PERSON MAKING STATEMENT

WITNESS:

[REDACTED] *b6-1, b7c-1*
SA [REDACTED]

SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 21ST DAY OF JANUARY 2004, AT TIKRIT, IRAQ

b6-1, b7c-1
[REDACTED]

SIGNATURE OF PERSON ADMINISTERING OATH

SA [REDACTED] *b6-1, b7c-1*

TYPED NAME OF PERSON ADMINISTERING OATH

b6-5, b7c-5

ARTICLE 136 UCMJ
AUTHORITY TO ADMINISTER OATH

EXHIBIT: _____
DA FORM 2823E

INITIALS: [REDACTED]

PAGE 5 OF 5 PAGES

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015345 EXHIBIT 20 000110

I would like to correct some of the falacies in my statement.

1) when we stopped [redacted] SGT [redacted] & myself got out of the Bradley. [redacted] & I watched the Epw's while SGT [redacted] went to see what [redacted] was going on. He came back & told us to bring the Epw's to the edge of the water. I refused to be apart of it, so I stayed by the Brads. See at the

b6-5, 10-5

b6-5, b7c-5

b6-5, b7c-5

beginning of the patrol SFC [redacted] had said over the radio that any cerfaw breakers we get would be put in the river. SGT [redacted] & [redacted] went behind some concrete dividers. I heard a splash

They came back a few seconds later. as we were mounting the

Bradley, I saw 2 people one the peninsula.

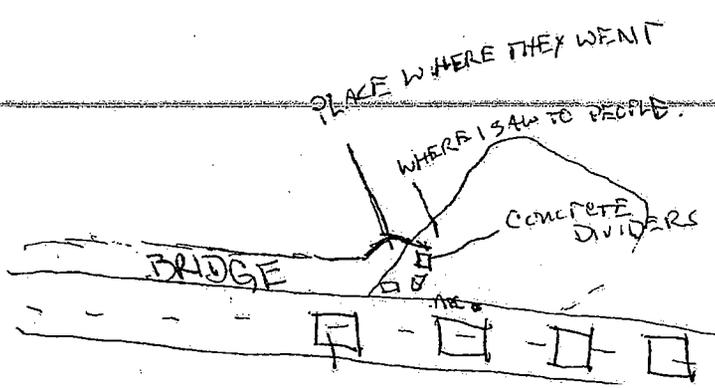
b6-5, b7c-5

b6-5, b7c-5

[redacted]

2234 21 JAN 04

N
1



015346

000111

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



DEPARTMENT OF THE ARMY
10th MILITARY POLICE BATTALION (CID)
THIRD MILITARY POLICE GROUP, USACIDC
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

21 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,
6010 6th Street, Ft. Belvoir, VA 22060-5585
Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police
Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

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

AUTHORIZATION NUMBER: 04-0076, 21 Jan 04

DATE OF EXAMINATION: 21 Jan 04

LOCATION OF EXAMINATION: Tikrit, Iraq

SUBJECT EXAMINED: [REDACTED] SPC; [REDACTED] A Company, 1/8th Infantry,
Ft. Carson, CO 80913; [REDACTED]

OFFENSE: Murder.

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04,
when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an
alleged murder of an Iraqi national by American forces. Preliminary investigation revealed
Mr. [REDACTED] Samarra, Iraq (NFI), reported to the Iraqi Civil Defense
Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq
(NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in
Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he
and Mr. FADHIL were stopped, searched and later detained by the American Forces. He
reported that after they were detained they were both pushed off of a bridge into a river and
Mr. FADHIL apparently drowned.

FOR OFFICIAL USE ONLY

Attached as Exhibit [] is Polygraph Examination Report (DA Form 2802). This exhibit will be
destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR
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153487A

EXHIBIT 23
000113

On 16 Jan 04, Mr. ██████ was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC check point. Mr. ██████ stated at the check point their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences as the curfew was nearing (2300). Mr. ██████ said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. ██████ their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. ██████ stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. ██████ indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights form the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. ██████ stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR. FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. ██████ said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. ██████ stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. ██████ described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if was the same person or another soldier standing near by. Mr. ██████ stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depicts enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

011-06-4/67C-4

On 15 Jan 04, the remains of Mr. FADHIL were apparently discovered by the local nationals and he was soon thereafter buried in a local cemetery. Photographs were also exposed of the human remains. According to Mr. ██████ Mr. FADHIL had injuries to his head and facial area caused by unknown means. Photographs of the human remains have not yet been collected by USACIDC to confirm the identity of the human remains in relation to Mr. FADHIL.

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153488 EXHIBIT 23
000114

On 16 Jan 04, three members of the ICDC on duty the night of the incident were interviewed. They were, PFC [redacted] (NFI); PFC [redacted] (NFI); and CPL [redacted] (NFI). Each of them stated they recalled the two Iraqi's coming through their check point and being cleared by themselves. They stated that about 15 minutes after releasing the vehicle they observed an American convoy stop near the bridge and remain there for about 5 minutes. They were unable to see any specific acts or movements and were unable to hear what was being said, although they said they could hear some talking. They stated that about 5 minutes after the convoy departed they observed an individual approaching their check point, later identified as Mr. [redacted]. They said he was soaking wet and informed them that the Americans had thrown he and Mr. FADHIL from the bridge into the water. Members of the ICDC assisted in a search for Mr. FADHIL, but were unable to locate the body.

Additional investigative activities resulted in the identification of the soldiers involved in this incident. This was accomplished by obtaining historical data of particular units and their mission for that particular date and location. As a result of this investigative activity, the particular soldiers involved were interviewed and all denied any wrongdoing pertaining to this investigation.

Eight soldiers were identified as being at the scene and interviewed, three under rights advisement. One of the soldiers interviewed, SSG [redacted] A Company, 1/8th Infantry, stated they stopped the vehicle because of a curfew violation and the Iraqi's were detained. He stated he did not exit his vehicle but heard what was transpiring over the radio and that he called the 1LT to request permission to run over the detainee's vehicle with his BFV. According to SSG [redacted], he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG [redacted] related that a few minutes later the convoy stopped and he heard the detainees were being released because of a shortage at the detention facility. SSG [redacted] said as the convoy drove away he observed the two detainees standing near the bridge. SSG [redacted] denied he witnessed, assisted, or conspired with anyone to throw the two detainees into the river. He also denied he or anyone else in the convoy drove over the detainee's vehicle with their BFV.

On 16 Jan 04, 1LT [redacted] A Company, 1/8th Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT [redacted] stated his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraqi's for a curfew violation. He stated SGT [redacted] reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. 1LT [redacted] ordered that the two Iraqi's be detained and placed in the rear of their BFV. He said that once they were moving again, with the two detainees, he realized the detention facility was closed so he stopped and ordered SGT [redacted] to remove the flexi-cuffs and release the detainees. 1LT [redacted] said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainees standing on the north

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side of the road as the convoy drove away. 1LT [redacted] denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river.

On 16 Jan 04, SPC [redacted], A Company, 1/8th Infantry ([redacted]), was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC [redacted] stated they were directed to release the two detainees, so he, SGT [redacted] and SPC [redacted] exited the BFV with the two detainees. He stated SGT [redacted] supervised, SPC [redacted] provided him with the knife and then pulled security, while he [redacted] removed the cuffs from the two detainees. SPC [redacted] stated that after the cuffs were removed, SGT [redacted] told the two detainees to leave, and the three of them got back inside the BFV and departed. He said the last time he saw the two detainees, they were walking along the side of the road.

On 16 Jan 04, SGT [redacted], A Company, 1/8th Infantry, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT [redacted] stated they stopped the vehicle for a curfew violation and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SGT [redacted] stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and 1LT [redacted] told him to release the detainees; so he, SPC [redacted] and SPC [redacted] exited the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT [redacted] stated that when he got back into the BFV, the two Iraqi's were still standing on the side of the road. He also stated he did not know they were located near a river or bridge, because it was dark and he couldn't see. It should be noted that there was a light near the bridge and the ICDC checkpoint had numerous lights illuminating the immediate area, and others interviewed were aware of the bridge being there. SGT [redacted] matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT [redacted] continued to deny he pushed either of the two Iraqi's into the river, denied he observed either of the two Iraqi's being pushed into the river, and denied he planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river.

all 66-51076-5

The other three soldiers (SGT [redacted], SGT [redacted], and SPC [redacted]) all of A company, 1/8th Infantry, were interviewed and denied having any knowledge of wrongdoing pertaining to this investigation. Each of them were in the back of another BFV and apparently never dismounted their vehicle.

On 16 Jan 04, SPC [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after they had detained the two Iraqi's, the convoy stopped and they were instructed to release the two detainees. He said himself, SPC [redacted] and SGT [redacted] exited the BFV and he pulled security, SPC [redacted] removed the cuffs, and SGT [redacted] supervised. He stated they escorted the

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b6-5
b7C-5

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

[REDACTED]

[REDACTED]

[REDACTED]

-b6-5/b7C-5

[REDACTED]

b6-5
b7C-5

[REDACTED]

-b6-5/b7C-5

[REDACTED]

all b7E

RELEVANT QUESTIONS USED:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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EXHIBIT 23
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0011-03-CID469-79630-5H1

all b7E

[REDACTED]

///Original Signed///

Polygraph Examiner [REDACTED]

b6-1
b7C-1
b2-1

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15348 **F** EXHIBIT 23
000118

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 Building 214, Camp Ironhorse, Tikrit, Iraq	2. DATE 22 Jan 04	3. TIME 1049	4. FILE NO. b6-5, b7c-5
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Company, 1/8th Infantry BN, 3 BCT Balad, Iraq APO AE 09323-2598		
6. SSN [REDACTED]	7. GRADE/STATUS O2 / AD	b65, b7c-5	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Conspiracy, Conduct Unbecoming, False Official Statement

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.

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 [REDACTED] b6-5, b7c-5
1a. NAME (Type or Print) SA [REDACTED] b6-1, b7c-1		4. SIGNATURE OF INVESTIGATOR [REDACTED] b6-1, b7c-1
b. ORGANIZATION OR ADDRESS AND PHONE 43rd MP DET (CID)		5. PRINTED NAME OF INVESTIGATOR SA [REDACTED] b6-1, b7c-1
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 43rd Military Police (Det) (FWD) (CID) Camp Ironhorse, Tikrit, Iraq APOAE 09323
b. ORGANIZATION OR ADDRESS AND PHONE		

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

SWORN STATEMENT

File Number : 0011-04-CID469-79630
 Location : Tikrit, Iraq APO AE 09323
 Date : 22 Jan 2004
 Statement Of: [REDACTED] b6-5, b7c-5
 SSN : [REDACTED]
 Org/Address : A Company, 1/8th Infantry Bn, Balad, Iraq APO AE 09323-2598
 Time: 1404 [REDACTED] b6-5, b7c-5
 Grade/Status: O-2/AD

b6-5
 b7c-5
 I, 1LT [REDACTED] want to make the following statement under oath: I would prefer to just answer questions and not give a narrative of what happened.

Q: SA [REDACTED] b6-1, b7c-1

A: 1LT [REDACTED] b6-5, b7c-5

Q: While you are wearing your CVC helmet, are you listening to company or platoon frequency?

A: Both.

Q: When you stopped to release the detainees, where you on the platoon frequency?

A: I was on both.

Q: Did you radio into higher chain of command that these detainees were apprehended and released?

A: No. My chain of command wasn't informed about the detainees being detained and released until the next day.

Q: Are you supposed to call into the higher chain of command that these detainees were detained and released?

A: No.

Q: When you stopped to release the detainees, which direction were you scanning?

A: To the west and southwest.

Q: Did you instruct SGT [REDACTED] to uncut the cuffs on the detainees when they were released? b6-5, b7c-5

A: No.

Q: Then why does your previous statement state you told SGT [REDACTED] to uncut the cuff on the detainees.

A: I didn't remember telling you that before and that's not something that I would normally tell my soldiers to do.

Q: Did you observe the release of the two Iraqi detainees?

A: I observed them (soldiers and detainees) dismount the BFV and move to the North into a gravel clearing area and then I saw the soldiers return to the BFV.

Q: Have you been back to the incident location since that night?

A: Yes.

Q: How many times did you physically stop at that location after this incident?

A: Twice.

Q: Why did you stop?

A: After the alleged allegation came out I went back there to determine if maybe there could have been a third individual there. I thought if I saw the two

EXHIBIT _____

INITIALS: [REDACTED] PAGE 1 OF 6 PAGES
 ← b6-5, b7c-5 → [REDACTED]

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 EXHIBIT 24

b6-5, b7c-5

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

detainees standing when I left but yet one died then maybe there could have been a third individual somewhere.

Q: What about the second time, why did you stop?

A: Same reason, trying to determine what happened and how one detainee may have been killed.

Q: At anytime since the incident, did you personally go into the river for any reason?

A: I prefer not to answer that question.

Q: At anytime since the incident, did any member of your unit physically get into the river or water?

A: I prefer not to answer that question.

Q: Were you aware that the detainee who initially showed what was believed to be a fake ID, produced an alleged valid ID during the search of the detainees?

A: No.

Q: Was there talk among members of your unit about throwing Iraqi's into a river that night?

A: I prefer not to answer that question.

Q: Did you know your soldiers were going to do anything to the detainees, other than release them when they were released?

A: I prefer not to answer that question.

Q: Before anyone was detained, did you discuss with your soldiers how they were going to be released into the river?

A: I prefer not to answer that question.

Q: After the detainees were released, did you have knowledge that the two detainees were pushed or forced to jump into the river?

A: I prefer not to answer that question.

Q: Before anyone was detained that evening, were you aware that it was discussed to have a detainee thrown or forced to jump into the river?

A: No.

Q: Did you and SFC [REDACTED] gather SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] to discuss what had happened with the two detainees days after the detainees were released?

b6-5, b7c-5

A: Yes. We spoke about it numerous times.

Q: During these discussions did everyone agree on what to say if questioned about what happened to the detainees?

A: I prefer not to answer that question.

Q: Did you encourage SPC [REDACTED] SGT [REDACTED] and SPC [REDACTED] to clean up the story about what really happened to the detainees?

b6-5, b7c-5

A: No. On the wording of the question, I prefer not to answer.

b6-5, b7c-5

Q: Did you agree with SFC [REDACTED] SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] that you would all say that the last time you saw the detainees was standing on the side of the road?

b6-5, b7c-5

A: No.

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

EXHIBIT _____

INITIALS: [REDACTED]

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b6-5, b7c-5

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

A: Yes. As I pulled away from the site of detaining the individuals, the vehicle was not in the condition or location that I have seen on the video. After talking to my platoon sergeant that night, the vehicle was pushed to the south side of Albino St. I was not aware of any significant damage that could be caused by pushing the vehicle with a BFV.

b6-5, b7c-5

Q: Was there any other units patrolling the area that night?

A: Not that I know of.

Q: Did any member of your platoon destroy the detainees vehicle the night they were detained?

A: I know it was pushed but I don't know the extent of damage the vehicle sustained.

Q: Do you know which soldier pushed the vehicle out of the road with a BFV?

b6-5, b7c-5

A: SFC [REDACTED] BFV. The driver was I believe PFC [REDACTED] b6-3, b7c-3

Q: Prior to this alleged incident, do you have any knowledge of members of your platoon throwing or forcing a detainee to jump or get into a river after being released in the past?

A: Yes, I have seen at least one detainee in a body of water in Balad somewhere. My platoon was conducting a mission with Special Forces and the detainee was an informant and I didn't see him being pushed or forced in the water, but I know he wasn't providing the information SF needed and he was put into the water. I don't know if members of my unit got him in the water or if it was SF. He then provided the information and he took us to where we needed to go for a raid. That happened months ago.

Q: Was there a bridge or floating bridge in that area where this occurred?

A: No.

Q: Is that the only knowledge you have about members of your unit placing anyone into a body of water?

b6-5, b7c-5

A: No, there was another time where we had taken a detainee and then we released him on a floating bridge in BALAD, IRAQ. This detainee was detained because a kid he was with was flicking us off or had a toy gun or something and we took the guy just to teach them a lesson and he was released.

Q: When did this occur?

A: Probably Sep or Oct 03.

Q: Was that detainee in BALAD pushed or forced to get into a body of water by members of your unit?

A: I didn't see anyone pushing him into the water. I don't know.

Q: Do you have any knowledge that the detainee in BALAD was in fact either pushed or forced into the water by members of your unit?

A: No.

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

A: I prefer not to answer that question.

Q: Do you know for sure if your soldiers did anything to those two detainees other than release them on the road?

A: I prefer not to answer that question.

b6-5, b7c-5

EXHIBIT _____

INITIALS: [REDACTED]

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b6-5, b7c-5 015352 000122

EXHIBIT 24

b6-5, b7c-5

SWORN STATEMENT OF ILT [REDACTED] TAKEN AT Tikrit, IRAQ, APO AE 09323, 22 Jan 04. CONTINUED

Q: Is it true that you spoke with your soldiers about the truth of what happened to those two detainees that night?

A: I'd rather not answer that question.

b6-5, b7c-5

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

A: I didn't see where he was. I just saw him get out of the Bradley and get back in.

Q: Who escorted the two detainees and actually released them?

b6-5, b7c-5

A: I don't know for sure who released the detainees but it was members of SGT [REDACTED] team to include SGT [REDACTED] ← b6-5, b7c-5

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

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

Q: Did you tell SGT [REDACTED] to take the detainees into the water and release them? b6-5, b7c-5

A: I'd rather not answer that question.

Q: Have you threatened any soldiers with bodily harm if they spoke the truth about this incident?

A: No.

thrown [REDACTED] b6-5, b7c-5

Q: Did you see the two detainees being pushed or thrown into the river that night?

A: No.

Q: Why didn't you release the detainees at the ICDC checkpoint located a few hundred meters away from where they were released?

A: Because it didn't occur to me and plus I don't trust ICDC personnel and that's not something we normally do.

Q: If the CMOC was unable to process the two detainees, why weren't they taken to another holding facility?

A: There isn't one other than FOB Brassfield/Mora and I didn't think these detainees belonged there. The detention facility there is for people detained in raids, not really for a curfew violation.

Q: Did you ever acknowledge to your commander that members of your platoon did in fact throw or cause an Iraqi detainee to go into any body of water?

A: I'd rather not answer that question. b6-5, b7c-5

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

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

Q: Did you demonstrate for MAJ [REDACTED] what happened? b6-5, b7c-5

A: No. He just wanted to go to see the location where the alleged incident occurred. b6-5, b7c-5

Q: Did you verbally state to MAJ [REDACTED] the events that occurred when the two detainees were released?

A: I'd rather not answer that question.

Q: Did you conspire to have these two detainees released into the water/river that night?

A: I'd rather not answer that question. 'Conspire' presumes guilt. [REDACTED] b6-5, b7c-5

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

EXHIBIT _____

INITIALS: [REDACTED] b6-5, b7c-5

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EXHIBIT 24

b6-5, b7c-5

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

A: I was initially told 4 Jan 04, then I was told it was 3 Jan 04 but I don't really remember. I know it was in the beginning of Jan 04 sometime.

Q: Did you enter into an agreement with anyone in your platoon to have the detainees pushed or throw into the river or water after they were released?

A: No.

Q: Were you told by any members of your unit that those two detainees had actually been in the water or river?

A: I'd rather not answer that.

Q: Do you have knowledge that those two detainees were put into the water by any means, while in custody of your unit's personnel?

A: I'd rather not answer that question.

Q: Did you witness the cuffs being removed from the two detainees prior to their release?

A: No.

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

A: Yes, when I was driving away that night I saw two individuals standing there, neither which led me to believe that they were in a life threatening situation.

Q: Are the two individuals you saw standing there, the same two individuals your platoon detained?

A: To the best of my knowledge.

Q: Can you describe the two individuals you saw standing there when you were departing the area?

A: They were just two Iraqi males. I couldn't ell what they were wearing or anything.

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

A: We had stopped two vehicles earlier that night prior to picking up the two detainees. Both the vehicles were stopped for violating curfew. The one vehicle was returning from the hospital because I think they just had a baby and we let them go. And the second vehicle was stopped for curfew as well but the guy seemed trustworthy and stated he was city counsel and had a valid ID, and he was also released. The reason I'm saying this is because the victim is saying we stopped them prior to 2300 but that was not the case.

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

A: No.

////////////////////END OF STATEMENT////////////////////////////////////

EXHIBIT _____

INITIALS: [REDACTED] PAGE 5 OF 4 PAGES

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b6-5, b7c-5

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

AFFIDAVIT

b6-5, b7c-5

I, 1LT [REDACTED] 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. [REDACTED]

b6-5,
b7c-5

[REDACTED]
(Signature of Person Making Statement)

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

[REDACTED]
(Signature of Person Administering Oath)

SA [REDACTED]

b6-1, b7c-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS: b6-1, b7c-1

SA [REDACTED]

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 6 OF 4 PAGES

FOR OFFICIAL USE ONLY b6-5,

[REDACTED]

b7c-5

015355 000125

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: Building 215 Camp Ironhorse, Tikrit, Iraq
2. DATE: 22 Jan 04
3. TIME: 1936
4. FILE NO.
5. NAME (Last, First, MI): [Redacted]
6. SSN: [Redacted]
7. GRADE/STATUS: SPC 1 AD
8. ORGANIZATION OR ADDRESS: A Co, 18th Inf BN, 3rd BCT, Balad, Iraq APO AE 09323

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army. Criminal Investigation Command as a special agent and wanted to question me about the following offense(s) of which I am suspected: Murder, Conspiracy, False Official Statement

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.
(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.

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.

1a. WITNESSES (If available)
1b. ORGANIZATION OR ADDRESS AND PHONE: 10th MP BN (CID) APO AE, Camp Victory, Baghdad, Iraq
2a. NAME (Type or Print): SA [Redacted]
2b. ORGANIZATION OR ADDRESS AND PHONE: 43rd Military Police (Det) (Fwd) (CID), Camp Ironhorse, Tikrit, Iraq APO AE 09323
3. SIGNATURE OF INTERVIEWEE: [Redacted]
4. SIGNATURE OF INVESTIGATOR: [Redacted]
5. TYPED NAME OF INVESTIGATOR: SA [Redacted]
6. ORGANIZATION OF INVESTIGATOR: 43rd Military Police (Det) (Fwd) (CID), Camp Ironhorse, Tikrit, Iraq APO AE 09323

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

SWORN STATEMENT

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

LOCATION: Tikrit, Iraq DATE: 22 Jan 04 TIME: 2310 FILE NUMBER: 0011-04-CID469-79630-5H1

NAME: *b6-5, b7c-5* [REDACTED] SOCIAL SECURITY NUMBER: [REDACTED] GRADE/STATUS: E-4/RA

ORGANIZATION: A Company, 1/8th Infantry, Ft. Carson, CO

I, [REDACTED] want to make the following statement under oath:

b6-5, b7c-5
b6-5, b7c-5
I would like to correct my initial sworn statement to clarify what happened that night. We dismounted out of the Bradley's to detain 2 individuals that were out after curfew. I was pulling security while SPC [REDACTED] and SGT [REDACTED] searched the vehicle and detained the 2 individuals. We loaded up in the Bradley drove a ways, dropped ramp, got out and loaded back up. Drove a little bit farther, got out, the LT told us to throw them into the river. SGT [REDACTED] told the 1st guy to jump he said "No mister" in English. I'm not sure if he got pushed or jumped into the river. I told my guy to jump and he jumped, after that we loaded back up and left. Before this investigation started we went back out to the site and our LT jumped into the water to see how deep it was. He could stand up in the water. Our LT sat down with us and told us what to say in the investigation. Our CO also helped coached us along.

Q: What time did you detain the two Iraqi's?

A: My best guess would be about 2320.

Q: Can you provide me with a location or grid coordinate where you detained the two Iraqi's?

A: I don't know for sure where we were when we stopped them, I was in the back of a Bradley.

Q: Once they were detained, how long did you drive before the convoy stopped and they were forced into water?

A: About 10 minutes.

Q: Did you hear anyone say anything about throwing any curfew violators into the water earlier in the night?

A: Yes.

Q: Who?

A: SFC [REDACTED] *b6-5, b7c-5*

Q: Who is he?

A: My Platoon Sergeant.

Q: What did he say?

A: Somebody is getting wet tonight.

Q: What did he mean by that?

A: If anybody violated curfew tonight we would throw them into the water.

Q: Where were you when he said that and what time was it?

A: I was in the back of the Bradley at the FOB Brassfield/Mora. It was either at 1545 or 1745, I am not sure. We had changed the time we began patrols around that date. It was 15 minutes before we left for patrol.

Q: Did anyone else hear this?

A: Everyone that was listening to the radio in my platoon, he said it over the platoon frequency.

Q: Explain to me exactly what was said and by whom when the convoy stopped and the detainees were off loaded?

EXHIBIT: _____ INITIALS: [REDACTED] PAGE 1 OF 6 PAGES
DA FORM 2823E *b6-5, b7c-5*

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EXHIBIT 25

SWORN STATEMENT

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

b6-5, b7c-5

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED:

b6-5, b7c-5

A: When we stopped, the ramp went down and everyone in my vehicle off-loaded to include the detainees, except for our doctor (SGT [REDACTED]). Then the LT said to take them over and throw them off by the pump house. We then walked them over and that is when they went into river.

Q: Who heard the LT order you guys to throw them into the water?

A: Just the three of us; Myself, SGT [REDACTED] and SPC [REDACTED]. He did not say it over the radio.

← b6-5, b7c-5

Q: Explain to me how many people were in your vehicle and who got out? *b6-5, b7c-5*

A: There were a total of nine people in our Bradley. Myself, SGT [REDACTED], SPC [REDACTED], the LT, the doctor, the gunner, the driver and the two detainees. Five of us exited the vehicle, my self, SGT [REDACTED], SPC [REDACTED] and the two detainees. The remainder stayed in.

b6-5, b7c-5

Q: When you walked to the river where was SPC [REDACTED] *b6-5, b7c-5*

A: He stayed by the Bradley.

Q: Do you know why he stayed there instead of going to the river with you?

A: To pull security and he did not want anything to do with it.

Q: Did he say anything or just stay behind?

A: He told SGT [REDACTED] he did not want to have anything to do with it.

b6-5, b7c-5

Q: Did anybody say anything to him for not participating in the incident?

b6-5, b7c-5

A: Yes, SGT [REDACTED] chewed him out when we returned to the Bradley.

Q: Where was the LT positioned when this was taken place?

A: On top of the Bradley.

Q: Could he observe what was going on from his vantage point?

A: Yes, he saw the two detainees go into the river.

Q: Other than you, SGT [REDACTED] and the LT, did anyone else observe the two detainees go into the water? *← b6-5, b7c-5*

A: Yes, SFC [REDACTED] could also see it take place.

Q: Who gave the order to have the detainees pushed into the river?

A: LT [REDACTED] *b6-5, b7c-5*

Q: Did you personally hear the LT give the order to push the detainees into the river?

A: Yes.

Q: Who told the detainees to jump into the river first?

A: SGT [REDACTED] *b6-5, b7c-5*

Q: Did you witness both detainees go into the river?

A: Yes.

Q: Did you witness either of the two detainees exit the river?

A: No.

Q: Explain to me in detail what took place once the four of you arrived by the water? *b6-5, b7c-5*

A: We were in a single file. Up front was one of the detainees, then SGT [REDACTED] then about five feet behind him was the second detainee and then I was directly behind him. My guy was not struggling as we were walking, I am not sure about the guy in the front. We stopped walking at one point near a concrete barrier and I got the cuffs from the guy I had (the heavy one). I then gave the knife to SGT [REDACTED] and he cut the cuffs away from his guy (The thin one). The bigger of the two detainees was with me and the smaller one was the guy in the

b6-5, b7c-5

b6-5, b7c-5 front with SGT [REDACTED]. We again started walking and went through the barriers towards the water. When we arrived at the waters edge, SGT [REDACTED] told his guy to jump. This is

b6-5, b7c-5

EXHIBIT: _____ INITIALS: [REDACTED] PAGE 2 OF 6 PAGES

DA FORM 2823E

b6-5, b7c-5

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SWORN STATEMENT

FOR USE OF THIS FORM, SEE PAR 190-45; THE PROPONENT AGENCY IS OFFICER [REDACTED] THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED:

when he said "No mister." He does not jump. Then SGT [REDACTED] says "You better fucking jump". I could not tell for sure if he was pushed or if he jumped into the water, because of my guy standing in front of me. At this time I said "jump" and my guy jumped into the water. SGT [REDACTED] and I were then standing there by the pump house by ourselves. We then turned around and walked back to the Bradley. When we returned to the Bradley, I could see the LT smiling and saying something over the radio but I was unable to hear what he was saying. SGT [REDACTED] just told me to load up and we departed.

Q: How far was the drop from the edge to the top of the water?

A: About 10 feet.

Q: When they fell into the water did you hear anything else from either of the two detainees?

A: No.

Q: Did you ever see them again?

A: No.

Q: Who had the knife?

A: SPC [REDACTED] gave it to me before we started to walk. When we cut the cuffs we just left them laying on the ground.

Q: Did your platoon return to the scene of the incident a few days later, and why?

A: Not the entire platoon it was just our team and (myself, [REDACTED] and [REDACTED], the LT, SFC [REDACTED] the Commanding Officer (CPT [REDACTED] and Major [REDACTED] (BN XO). This took place the day before CID was due to come in a talk to us. The XO wanted us to go there and that is when the LT jumped in to see how deep it was. I am not sure what the officers discussed before we went there. The LT had another change of clothes in the Bradley and went to change. This all took place (us going there) after they talked to us about what to say.

Q: Who talked to you?

A: LT [REDACTED] SFC [REDACTED] and the CO.

Q: Who did they speak with?

A: The three of us, my team.

Q: When did they speak with you?

A: Several times. They talked to us a bunch of times before we spoke with you guys. The morning you guys were there at the unit we rehearsed a lot what we were suppose to say to you guys. The LT would drill me and ask me where I was at that night, where I was sitting in the Bradley, what I did, what happened, etc. I would have to respond with the answers they gave me. The Commander would sit there and listen to everything the LT would tell us. He, the CO was telling us what to expect from CID and that if we stuck to the story it would go away soon. The Commander told the three of us that if we took the polygraph test it would get over with faster. The LT and SFC [REDACTED] said they would also take the polygraph but they wanted us to go first. They told us the results of the test did not matter and they could not use them against us. They would talk to us on a daily basis and when it got close to CID coming (about two or three days) they were talking to us about two or three times a day. We discussed the polygraph test the day before and the day of CID's arrival. I really wanted to tell the truth but I felt a lot of pressure from my chain of command to go with the lies. If we don't follow orders we get in a lot of trouble.

Q: What did the XO have to do with any of this?

EXHIBIT: _____ INITIALS: [REDACTED] PAGE 3 OF 6 PAGES
DA FORM 2823E

SWORN STATEMENT

FOR USE OF THIS FORM, SEE DA FORM 190-45: THE PROponent AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

b6-5, b7c-5

SWORN STATEMENT OF SPC [REDACTED] 22 JAN 04, CONTINUED:

A: He was just there the day we went out to the bridge.

Q: Did the XO know that you guys threw the detainees into the water?

A: Yes, we were discussing it with him that day at the bridge.

Q: Did he say anything to you about the story you were told to tell?

A: No, he didn't say anything but he was aware of the truth and the lies we were told to say. The XO was there at the bridge that day when the LT jumped in. The LT told us that battalion knew everything. That included not only the XO but my Battalion Commander, LTC

[REDACTED] b6-5, b7c-5

Q: Who in your chain of command knows that these two detainees were forced into the water that night?

A: My LT, my platoon SGT, the CO, the BN XO, the BN Commander. I am not sure but I would say the Brigade Commander knows also. I know he tried to keep us from coming here and talking to you guys. The CO told us that the Brigade Commander was trying to get us from coming here but he wasn't having much luck.

Q: How do you know for sure that they knew what happened?

A: The Company Commander and BN XO were at the bridge that day when we discussed it. The Battalion Commander and the Brigade Commander was not there that day but I have been told by my chain of command that they know everything.

Q: Have you or any members of your team talked to the Brigade Commander about this?

A: No.

Q: What is his name?

A: COL [REDACTED] b6-3, b7c-3

Q: Can you describe what happened to the detainee's vehicle after they were detained?

A: I do not know anything about the vehicle.

Q: Do you know of any other incidents where you unit threw Iraqi's into the river?

A: Yes, I know of one other incident. On Dec 4th or 5th, I had just returned from leave and they went to Anaconda to pick me up. When we were returning back to Balad, we stopped at what I thought was an auto shop. I heard SFC [REDACTED] say over the radio to go in and find the biggest guy you can find. I was the driver so I stayed in the vehicle. Four other guys went inside and returned with a detainee. We started driving and stopped by a pontoon bridge. I was in the rear of the convoy and had to turn my Bradley around for security, so I could not see what happened. When we returned to our base camp they were talking about throwing the guy off of the bridge.

b6-5, b7c-5

Q: Why did they do this?

A: There was a competition between platoons to see who would get do it first. The guy had done nothing wrong that I am aware of, SFC [REDACTED] just wanted to be the first one to do it.

Q: Do you know of any other incidents? b6-5, b7c-5

A: No.

Q: Do you know of any other platoons that have thrown people into the river?

A: No.

Q: Do you know anything else about this incident that we have not discussed?

A: No.

Q: Why did you not come forward and report this earlier?

A: I was scared.

EXHIBIT: _____ INITIALS: [REDACTED] PAGE 4 OF 6 PAGES
DA FORM 2823E b6-5, b7c-5

SWORN STATEMENT

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

b6-5, b7c-5

SWORN STATEMENT OF SPO [REDACTED] 22 JAN 04, CONTINUED:

Q: Did you throw anyone into the river?

A: I didn't actually throw the guy but I made him jump?

Q: Why?

A: Because I was following a direct order from the LT. I felt I had to follow the orders, SFC [REDACTED] would not have any problems putting his hands on me.

Q: Did you voluntarily waive your legal rights and agree to speak with us today?

A: Yes.

Q: How were you treated today during this interview?

A: Good.

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

A: Yes.

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

A: Yes.

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

A: Yes [REDACTED] b6-5, b7c-5

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

A: Yes [REDACTED] b6-5, b7c-5

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

A: Yes, I fear going back to my unit, any unit in my brigade. I am afraid of personal injury and physical harm if I return after telling the truth here tonight.

Q: Anything else?

A: No.///END OF STATEMENT/// [REDACTED] b6-5, b7c-5

b6-5,
b7c-5

b6-5, b7c-5

EXHIBIT: _____ INITIALS: [REDACTED] PAGE 5 OF 6 PAGES
DA FORM 2823E

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EXHIBIT 25

SWORN STATEMENT

FOR USE OF THIS FORM, SEE PAR 190-45: THE PROONENT AGENCY IS OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL

b6-5, b7c-5

SWORN STATEMENT OF SPO [REDACTED] 22 JAN 04, CONTINUED:

No + Used [REDACTED] b6-5, b7c-5

b6-5, b7c-5

I [REDACTED] 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.

[REDACTED] *b6-5, b7c-5*

SIGNATURE OF PERSON MAKING STATEMENT

SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 22d DAY OF JANUARY 2004, AT TIKRIT, IRAQ

b6-1, b7c-1

[REDACTED]

WITNESS:

b6-1, b7c-1
SA [REDACTED]

SIGNATURE OF PERSON ADMINISTERING OATH

SA [REDACTED] *b6-1, b7c-1*

TYPED NAME OF PERSON ADMINISTERING OATH

ARTICLE 136 UCMJ AUTHORITY TO ADMINISTER OATH

b6-5, b7c-5

EXHIBIT: _____
DA FORM 2823E

INITIALS: [REDACTED]

PAGE 6 OF 6 PAGES

015362 000132

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22 JAN 04 2040

I would like to correct my initial sworn statement to clarify what happened that night.

We dismantled out of the Bradleys to detain 2 individuals that were out after curfew. I ^{was} pulling security while SPC [REDACTED] and Sgt [REDACTED] ^{b6-5, b7c-5} searched the vehicle and detained the 2 individuals. We loaded up in the Bradley drove a ways dropped ramp got out and loaded back up. Drove ~~for~~ a little bit farther got out the LT told us to ^{b6-5, b7c-5} throw them into the river. Sgt [REDACTED] told the 1st guy to jump he said No mister in english I'm not sure if he got pushed or jumped into the river. I told my guy to jump and he jumped after that we loaded back up and left.

Before this investigation started we went back out to the site and our LT jumped into the water to see how deep it was. He could stand up in the water. Our LT sat down w/us and told us what to say in the investigation. Our CO also helped coach us along. SPC [REDACTED] [REDACTED]

000133



DEPARTMENT OF THE ARMY
 10th MILITARY POLICE BATTALION (CID)
 THIRD MILITARY POLICE GROUP, USACIDC
 UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
 CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

23 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,
 6010 6th Street, Ft. Belvoir, VA 22060-5585
 Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police
 Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

INVESTIGATIVE CASE REFERENCE: 0011-03-CID469-79630-5H1AUTHORIZATION NUMBER: 04-0075, 20 Jan 04DATE OF EXAMINATION: 20 Jan 04, 22 Jan 04LOCATION OF EXAMINATION: Tikrit, Iraq

SUBJECT EXAMINED: [REDACTED] A Company, 1/8th Infantry,
 Ft. Carson, CO 80913; [REDACTED]

OFFENSE: Murder.PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04,
 when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an
 alleged murder of an Iraqi national by American forces. Preliminary investigation revealed
 Mr. [REDACTED], Samarra, Iraq (NFI), reported to the Iraqi Civil Defense
 Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq
 (NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in
 Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he
 and Mr. FADHIL were stopped, searched and later detained by the American Forces. He
 reported that after they were detained they were both pushed off of a bridge into a river and
 Mr. FADHIL apparently drowned.

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Attached as Exhibit _____ is Polygraph Examination Report (DA Form 2802). This exhibit will be
 destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR
 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records
 Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its
 contents is prohibited.

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EXHIBIT 27

On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC check point. Mr. [REDACTED] stated at the check point their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences as the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED] their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR.FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if it was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depicts enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

011 66-4 / 67-4
h-729 / h-99 112

On 15 Jan 04, the remains of Mr. FADHIL were apparently discovered by the local nationals and he was soon thereafter buried in a local cemetery. Photographs were also exposed of the human remains. According to Mr. [REDACTED], Mr. FADHIL had injuries to his head and facial area caused by unknown means. Photographs of the human remains have not yet been collected by USACIDC to confirm the identity of the human remains in relation to Mr. FADHIL.

On 16 Jan 04, three members of the ICDC on duty the night of the incident were interviewed. They were PFC [REDACTED] (NEI), PFC [REDACTED]

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

(NFI); and CPL [redacted] Each of them stated they recalled the two Iraqi's coming through their check point and being cleared by themselves. They stated that about 15 minutes after releasing the vehicle they observed an American convoy stop near the bridge and remain there for about 5 minutes. They were unable to see any specific acts or movements and were unable to hear what was being said, although they said they could hear some talking. They stated that about 5 minutes after the convoy departed they observed an individual approaching their check point, later identified as Mr. [redacted]. They said he was soaking wet and informed them that the Americans had thrown Mr. FADHIL from the bridge into the water. Members of the ICDC assisted in a search for Mr. FADHIL, but were unable to locate the body.

b6-4
b7c-4

Additional investigative activities resulted in the identification of the soldiers involved in this incident. This was accomplished by obtaining historical data of particular units and their mission for that particular date and location. As a result of this investigative activity, the particular soldiers involved were interviewed and all denied any wrongdoing pertaining to this investigation.

Eight soldiers were identified as being at the scene and interviewed, three under rights advisement. One of the soldiers interviewed, SSG [redacted] A Company, 1/8th Infantry, stated they stopped the vehicle because of a curfew violation and the Iraqi's were detained. He stated he did not exit his vehicle but heard what was transpiring over the radio and that he called the 1LT to request permission to run over the detainee's vehicle with his BFV. According to SSG [redacted] he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG [redacted] related that a few minutes later the convoy stopped and he heard the detainees were being released because of a shortage at the detention facility. SSG [redacted] said as the convoy drove away he observed the two detainees standing near the bridge. SSG [redacted] denied he witnessed, assisted, or conspired with anyone to throw the two detainees into the river. He also denied he or anyone else in the convoy drove over the detainee's vehicle with their BFV.

On 16 Jan 04, 1LT [redacted] A Company, 1/8th Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT [redacted] stated his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraqi's for a curfew violation. He stated SGT [redacted] reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. 1LT [redacted] ordered that the two Iraqi's be detained and placed in the rear of their BFV. He said that once they were moving again, with the two detainees, he realized the detention facility was closed so he stopped and ordered SGT [redacted] to remove the flexi-cuffs and release the detainees. 1LT [redacted] said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainees standing on the north side of the road as the convoy drove away. 1LT [redacted] denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river.

S-769 | S-94

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Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 27
35

The other three soldiers (SGT [redacted], SGT [redacted], and SPC [redacted]) all of A company, 1/8th Infantry, were interviewed and denied having any knowledge of wrongdoing pertaining to this investigation. Each of them were in the back of another BFV and apparently never dismounted their vehicle. On 16 Jan 04, SGT [redacted] A Company, 1/8th Infantry, Ft. Carson, CO, was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT [redacted] stated they stopped the vehicle for a curfew violation and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SGT [redacted] stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and ILT [redacted] told him to release the detainees; so he, SPC [redacted] and SPC [redacted] exited the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT [redacted] stated that when he got back into the BFV, the two Iraqi's were still standing on the side of the road. He also stated he did not know they were located near a river or bridge, because it was dark and he couldn't see. It should be noted that there was a light near the bridge and the ICDC checkpoint had numerous lights illuminating the immediate area, and others interviewed were aware of the bridge being there. SGT [redacted] matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT [redacted] continued to deny he pushed either of the two Iraqi's into the river, denied he observed either of the two Iraqi's being pushed into the river, and denied he planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river.

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

On 16 Jan 04, SPC [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [redacted] stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC [redacted] stated they were directed to release the two detainees, so he, SGT [redacted] and SPC [redacted] exited the BFV with the two detainees. He stated SGT [redacted] supervised, SPC [redacted] provided him with the knife and then pulled security, while he [redacted] removed the cuffs from the two detainees. SPC [redacted] stated that after the cuffs were removed, SGT [redacted] told the two detainees to leave, and the three of them got back inside the BFV and departed. He said the last time he saw the two detainees, they were walking along the side of the road. SPC [redacted] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

S-779 | S-99 110

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Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6b, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIRC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

153640

EXHIBIT 27

[REDACTED]

[REDACTED]

[REDACTED] b6-5/b7c-5

[REDACTED] b6-5/b7c-5

[REDACTED]

On 22 Jan 04, [REDACTED] b6-5/b7c-5 was re-interviewed under rights advisement and rendered a sworn statement wherein he detailed his involvement and knowledge regarding this incident.

RELEVANT QUESTIONS USED:

[REDACTED]

all b7-E

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED] b6-1/b7c-1

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

[REDACTED]

///Original Signed///
[REDACTED] b6-1/b7c-1
Polygraph Examiner [REDACTED] b2-1

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

15364 E

EXHIBIT 27
000129

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION: APO AE 09323
2. DATE: 23 Jan 04
3. TIME: 1043
4. FILE NO.:
5. NAME (Last, First, MI):
6. SSN:
GRADE/STATUS: SGT LAD
8. ORGANIZATION OR ADDRESS: A Company, 48th Inf BN, 3rd BCT
Balad, Iraq APO AE

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Murder, Conspiracy, False official statement///

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

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

(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.

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. SIGNATURE OF INTERVIEWEE
1b. ORGANIZATION OR ADDRESS AND PHONE: 674 MP BN (CID) Camp Victory, Baghdad, IRAQ
2a. NAME (Type or Print): SA
2b. ORGANIZATION OR ADDRESS AND PHONE: 43rd Military Police (Det)(FWD)(CID) Camp Ironhorse, Tikrit, Iraq APOAE 09323

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

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EXHIBIT 28

SWORN STATEMENT

File Number : 0011-04-CID469-79630-5H1

Location : Tikrit, Iraq APO AE 09323

Date : 23 Jan 2004 b6-5, b7c-5

Statement Of: [REDACTED]

SSN : [REDACTED]

Org/Address : A Company, 1/8th Infantry, Ft. Carson, CO 80913

Time: 1605 [REDACTED] b6-5, b7c-5

Grade/Status: SGT

b6-5,
b7c-5

I, [REDACTED] want to make the following statement under oath:
 I [REDACTED] about to tell you everything that I know about the two Iraqi's going in the river. It was on 3 Jan and that night we were going to do a patrol in Sammara which we did, we walked around the streets for about 1 hour-1 1/2 hour, but before we did the patrol I overheard somebody say "Yeah we are going to do a patrol and then pick somebody up for a swim". So we did the patrol and I assumed that we were going back to Brassfield so we get back in the Bradley's and took off when the Bradley's stopped. My team and myself ^{got} get out of the Bradley and there was a car right in front of it, so we told the guys in the car to get out. We searched them and the car. I thought that we stopped them for curfew violations at first, so we ask them for ID's. The skinny guy was legit and the chunky guy gave us a fake ID. We called it up to the LT and he said to detain him and place them in the back of the Bradley, so we did. So the Bradley starts moving and when it stopped we were by a ICDC checkpoint I believe. So the LT told us to get back in the Bradley's, so we did and when it stopped we were by the bridge and I believe the LT said if you don't feel good throwing them off of the bridge just throw him by the shore. So I walked by the shore and called the guys over. [REDACTED] had one and SPC [REDACTED] had one and [REDACTED] SGT [REDACTED] came walking with them. They asked if we were going to throw them in the water with their hands tied up and I said hell no, cut them loose. So I told one guy, the skinny guy to jump and he didn't so I kicked him in the butt and told him to jump and he still didn't. And somehow during all that commotion I believe that [REDACTED] pushed him off the bridge and right when I was about to look over the edge I got bum rushed from my left side so I turned around and grabbed a hold of [REDACTED] because I thought that he was going to fall too and that's when the chunky guy ~~was~~ ^{in the water} After that everybody went back to the Bradley's and me and [REDACTED] saw the chunky guy swim to the shore and the skinny guy was still on the water saying something and that's when me and [REDACTED] went back to the Bradley's. When we got back to Brassfield I heard that the white truck the guys were in was crushed by a Bradley and that was it for the night. A couple of days had gone by when the LT came to talk to me about that night. He said that it's gotten big, that the Iraqi's send an e-mail saying that we killed this man in the river and that we must not tell nobody about this, because the CO could lose his company and the LT could lose the platoon and who knows what else might happen. So the next day they told us that CID wanted to talk to us about it but we had to stick to the story that we dropped them off on the road. The LT, CO, plt SGT, and a Maj, took us back to the bridge during daylight hours to find out what really happened. So we told him and my LT jumps in the water to see how deep it is and they said it was impossible for those for those two guys to be saying the truth when the LT and SFC [REDACTED] saw them out of the water. So they told us again to stick to the story because CID is bad, they are out to get us and that everybody knew the truth but they are out to get us.

b6-5,
b7c-5

b6-3,
b7c-3

b6-5, b7c-5
b6-5, b7c-5

b6-3,
b7c-3

b6-5, b7c-5

b6-5, b7c-5

b6-5,
b7c-5

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 1 OF 2 PAGES

b6-5, b7c-5

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EXHIBIT 28

Q: Who did you hear say "someone was going for a swim"?
A: The LT.
Q: What time did he say that?
A: I heard it a couple of times during the night.
Q: What time did you detainee the two Iraqi's?
A: 2300.
Q: Can you provide me with a location or grid coordinate where you detained the two Iraqi's?
A: No.
Q: Why do you think the one guys ID was fake?
A: Because the photo did not look like him.
Q: Were the two men released and then re-detained prior to moving them?
A: No.
Q: When you say their car, what were they driving?
A: A white truck.
Q: Where was their vehicle parked when they were detained?
A: I am not sure, I think it was parked on the road near the side of the road. I do not know what direction it was facing.
Q: Did you see anyone move their vehicle?
A: No.
Q: What and from whom did you hear about running over their vehicle?
A: I don't remember who, I just know that someone ran over the vehicle. I think it was when we got back in the Bradley's and were leaving that area when one of our Bradley's ran it over. I didn't feel anything.
Q: Once they were detained, how long did you drive before the convoy stopped and they were forced into water?
A: About 15 minutes, maybe.
Q: Did you hear anyone say anything about throwing any curfew violators into the water earlier in the night?
A: Not just curfew violators, but he said we were going to pick someone up for a swim.
Q: Who?
A: The LT.
Q: Did anyone else hear this?
A: I don't know.
Q: Explain to me exactly what was said and by whom when the convoy stopped and the detainees were off loaded?
A: Before we got to the bridge, we stopped once and off loaded. But we were told to get back on and we drove again for a few minutes. This is when we had the detainees exited the vehicle. We were all standing outside the Bradley and looked up to the LT, who was standing in the turret. This is when he said if we were not comfortable with throwing them over the bridge we could throw them by the shore. Nothing else was said.
Q: Who heard the LT order you guys to throw them into he water? b6-5, b7c-5
A: I don't know who else heard it other than me, but [REDACTED] were standing there also. I think [REDACTED] was still in the Bradley.
Q: Explain to me how many people were in your vehicle and who got out?

b6-3,
b7c-3

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 2 OF 7 PAGES

b6-5, b7c-5
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EXHIBIT 28

b6-3
b7c-3
b6-3, b7c-3
A: There were a total of nine people in our Bradley. Myself, SPC [REDACTED] b6-5, b7c-5
the LT, the doctor, the gunner [REDACTED] the driver (unknown) and the two detainees. b6-5, b7c-5
six of us exited the vehicle initially, myself, SPC [REDACTED] SPC [REDACTED] the [REDACTED] b6-5, b7c-5
and the two detainees. [REDACTED] later got out himself. That left only the LT and the
driver in the vehicle.

Q: Where was SGT [REDACTED] during this time? b6-5, b7c-5

A: In another Bradley.

Q: Explain to me in detail what happened after you exited the vehicle until you re-
entered it and departed?

b6-3, b7c-3
A: After the LT made that statement I walked down to the barrier by myself and told the
guys to come over here. Everyone, except [REDACTED] walked to where I was standing. b6-5, b7c-5

This is the time when [REDACTED] jumped down and walked with the other guys. They
asked me if we were going to throw them with the cuffs on and I said no. Then

b6-5, b7c-5
[REDACTED] cut the cuffs from both detainees. We told them to jump, but they did not. I
told them again, and kicked one of them (skinny one) in the butt. I don't remember if
anyone else said anything or not. When I kicked the guy he did not go into the water.

b6-3, b7c-3
b6-5, b7c-5
This is when I believe [REDACTED] pushed him into the water and almost at the same time I
got hit by both [REDACTED] and his detainee. I grabbed [REDACTED] to prevent him from
falling into the water. When they were both in the water, everybody but myself and [REDACTED] b6-5, b7c-5

b6-5, b7c-5
we went back to the Bradley. [REDACTED] and I stood there and looked over the edge, this is when I
heard the skinny guy saying something, shouting and I saw the chunky guy swimming
towards the shore, he was near the shore. Then the two of us go back to the Bradley, got
loaded up and we left.

Q: Did you ever see either one of the detainees exit the water?

A: No.

Q: How far was the drop to the top of the water?

A: 10 to 12 feet.

Q: What was the one detainee saying in the water?

A: I do not know.

Q: When you say LT, whom are you referring to?

A: 1LT [REDACTED] he is my platoon leader. b6-5, b7c-5

Q: When you say CO, whom are you referring to?

A: Captain [REDACTED] my Company Commander. b6-5, b7c-5

Q: When you say MAJ, whom are you referring to?

A: Major [REDACTED] the Battalion Executive Officer (XO). b6-5, b7c-5

Q: When you walked to the river where was SPC [REDACTED] b6-5, b7c-5

A: He stayed by the Bradley.

Q: Do you know why he stayed there instead of going to the river with you?

A: He did not want to come.

Q: Did he say anything or just stay behind?

A: He did not say anything.

Q: Did anybody say anything to him for not participating in the incident?

A: Yes, I told him when I tell him to do something he has to do it.

Q: Where was the LT positioned when this was taken place?

A: On top of the Bradley.

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 3 OF 7 PAGES

b6-5, b7c-5
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EXHIBIT 28

Q: Could he observe what was going on from his vantage point?

A: I do not know.

Q: Other than the individuals you described as being at the water, did anyone else observe the two detainees go into the water?

A: I do not know.

Q: Who gave the order to have the detainees pushed into the river?

A: LT [REDACTED] b6-5, b7c-5

Q: Did you personally hear the LT give the order to push the detainees into the river?

A: Yes.

Q: Who told the detainees to jump into the river first?

A: I did.

Q: Did you witness both detainees go into the river?

A: Yes.

Q: Did you witness either of the two detainees exit the river?

A: No.

Q: Did you ever see the detainees again?

A: No.

Q: Did your platoon return to the scene of the incident a few days later, and why?

A: It was just part of the platoon. It was SGT [REDACTED] the CO, the LT, the BN XO, b6-5, b7c-5
[REDACTED] and [REDACTED] and myself. I am not sure if [REDACTED] was there this day or

not. The officers wanted to see how deep the water was. This is when the LT jumped into the water. The CO was going to jump in but the LT said No, I will do it. While we were standing there, we told Major [REDACTED] how we forced them into the river and b6-5, b7c-5

this is when he told us we would say we just dropped them off on the road side and not tell anyone (CID) about the water. Then he gave us a big speech about how CID is bad. Later the CO and the LT said the same thing about our story and about CID.

Q: Other than the LT, CO, and XO, did anyone else talk to you about what to say?

A: SFC [REDACTED] b6-5, b7c-5

Q: Who did they speak with?

A: They spoke with me initially then they spoke with my team and me.

Q: When did they speak with you?

A: Several times. Before we went back to the river, at the river and several times after that but before we spoke with CID. They would ask us individually, Okay what are you going to say and we would answer them. They even had us practice in the Bradley where we would sit and rehearse how and who got out. After we were initially interviewed by CID we were told not to talk about it again by the LT and SFC [REDACTED] b6-5, b7c-5

Q: Did the XO know that you guys threw the detainees into the water?

A: Yes, the BN XO did. I never spoke with the Company XO.

Q: Who in your chain of command knows that these two detainees were forced into the water that night?

A: My LT, my platoon SGT, the CO, the BN XO I know for sure because I spoke with them. I was told everyone in our chain of command knew the truth and that we were told to lie about it.

Q: How do you know for sure that they knew what happened?

A: The Company Commander and BN XO were at the bridge that day when we

EXHIBIT _____

INITIALS: [REDACTED]

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b6-5, b7c-5
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EXHIBIT 2

discussed it. The Battalion Commander and the Brigade Commander was not there that day but I have been told by my chain of command that they know everything.

Q: Have you or any members of your team talked to the Brigade Commander about this?

A: No.

Q: What is his name?

A: COL [REDACTED] b6-3, b7c-3

Q: Do you know of any other incidents where you unit threw Iraqi's into the river?

A: Yes, once. In Balad and SFC [REDACTED] made the plan to pick somebody up and throw them in to the river. We stopped near a store and SFC [REDACTED] said "Yes, this guy looks good". We (Myself, with another squad) took him, threw him in the Bradley and stopped by a bridge somewhere. The ramp came down and we exited the vehicle with the detainee. We uncuffed him and threw him off of the bridge. SGT [REDACTED] was the other guy that helped me. SFC [REDACTED] gave the order to do it and [REDACTED] pushed him over the edge. I don't remember if the LT was there that day or not. b6-5, b7c-5 b6-5, b7c-5

Q: Why did you guys detain this man and throw him into the water?

A: SFC [REDACTED] said so. He did not do anything, the Plt SGT said to pick him up.

Q: Did you see this guy exit the water?

A: No. SFC [REDACTED] started screaming at us and called us stupid fucks, because we did not do it the way he wanted us to. b6-5, b7c-5

Q: Can you describe the location where this took place?

A: In Balad.

Q: When?

A: I do not know.

Q: Do you know of any other incidents?

A: No.

Q: Do you know of any other platoons that have thrown people into the river?

A: No.

Q: Do you know anything else about either of these two incidents that we have not discussed?

A: No.

Q: Why did you not come forward and report this earlier?

A: I was scared.

Q: Did you voluntarily waive your legal rights and agree to speak with us today?

A: Yes.

Q: How were you treated today during this interview?

A: Good.

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

A: Yes.

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

A: Yes.

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

A: yes [REDACTED] b6-5, b7c-5

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

A: yes [REDACTED] b6-5, b7c-5 [REDACTED] b6-5, b7c-5

EXHIBIT

INITIALS: [REDACTED]

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000144

EXHIBIT 28

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

A: Yes, I did this because I was following orders. I felt that if my team saw me not obey orders from my chain of command then they would think that it is okay to not obey me. I do not want to go back to my unit. I need to PCS from Ft. Carson to get away from everybody and to protect my family.

Q: Anything else?

A: No.///END OF STATEMENT/// [REDACTED] b6-5, b7c-5

b6-5, b7c-5

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 6 OF 7 PAGES

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015371 000145

..... A

b6-5, b7c-5 AFFIDAVIT

I, SGT [REDACTED] 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.

[REDACTED] *b6-5, b7c-5*

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, 23 January 2004, at Tikrit, Iraq.

[REDACTED] *b6-1, b7c-1*

(Signature of Person Administering Oath)

SA [REDACTED] *b6-1, b7c-1*

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:
SA [REDACTED] *b6-1, b7c-1*

EXHIBIT _____ INITIALS: [REDACTED] *b6-5, b7c-5* PAGE 2 OF 2 PAGES

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000146

b6-5, b7c-5

~~I~~ [redacted] is about to tell you everything that I know about the two ~~trucks~~ trucks going in the River it was 3 Jan and that night we were going to do a patrol in Samriara wich we did we walked around the streets for about ~~1 hour to a hour 1/2~~ 1 hour - 1/2 but before we did the patrol I overheard somebody say "yeah we are going to do a patrol and then pick somebody up for a swim" so we did the patrol and I assumed that we were going back to brass field so we got back in the bradley's and took off when the bradley's stopped my team and myself got out of the bradley and there was a car right in front of it so we told the guys in the car to get out we searched them ~~in the~~ and the car I thought that ~~it was~~ ~~been~~ we stopped them for curfew violation's at first, so we asked them for I.D's the skinny guys was legit and the chunky guy gave us a fake I.D. we called it up to the Lt and he said to detain him and ~~to~~ place them in the back of the bradley so we did, so the bradley starts moving and when it stopped we were by a I.C.D.C checkpoint I believe so the Lt told us to get back in the Bradleys so we did and when it stopped we were by the bridge ~~and the Lt said~~ and I believe that the Lt said if you don't feel good about throwing them off the bridge just throw him by the shore.

015373

 Page 1 [redacted] 23 Jan 04
 b6-5, b7c-5 000147 EXHIBIT 29

So I walked by the Shore and called the ^{b6-3, b7c-3} [redacted] guys ~~of~~ over ^{b6-5} [redacted] had one and ^{b6-3} [redacted] had one and ^{b6-5} [redacted] came walking with them they had asked ^{b7c-5} it - we were going to throw them in the water with their hands tied up and I said hell No I cut them loose, so I told one guy the skinny guy to jump and he didn't ~~so~~ so punched him in the butt and told him to jump and he still didn't and somehow ^{b6-3, b7c-3} during all that commotion I believe that ^{b6-3, b7c-3} [redacted] pushed him off the ledge and right when I was about to look over the ledge I got bum pushed from my left side ^{b6-5, b7c-5} so I turned around and grabbed a hold of ^{b6-5, b7c-5} [redacted] because I thought that he was going to fall too and that's when the chunky guy when in after that everybody ^{b6-5, b7c-5} went back to the bradleys and me and ^{b6-5, b7c-5} [redacted] saw the chunky guy swim to the shore ~~and~~ and the skinny guy was still on the water saying something and that's when me and ^{b6-5, b7c-5} [redacted] went back to the bradleys then we got back to brassfield I heard that the white truck ^{b6-5, b7c-5} the guys were in was crushed by a bradley ^{b6-5, b7c-5} [redacted] and that was it for that night a couple day had gone by when the Lt came to talk to me about that night he said that it's gotten

3 page 2 ^{24 Jan} [redacted] 23 Jan 04 ^{b6-5, b7c-5} [redacted]

015374



DEPARTMENT OF THE ARMY
10th MILITARY POLICE BATTALION (CID)
THIRD MILITARY POLICE GROUP, USACIDG
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

23 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,
6010 6th Street, Ft. Belvoir, VA 22060-5585
Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police
Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

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

AUTHORIZATION NUMBER: 04-0073, 19 Jan 04

DATE OF EXAMINATION: 20 Jan 04, 23 Jan 04

LOCATION OF EXAMINATION: Tikrit, Iraq

b6-5/b7c-5

SUBJECT EXAMINED: [REDACTED], A Company, 1/8th
Infantry, Ft. Carson, CO 80913; [REDACTED]

OFFENSE: Murder.

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04,
when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an
alleged murder of an Iraqi national by American forces. Preliminary investigation revealed
Mr. [REDACTED] Samarra, Iraq (NFI), reported to the Iraqi Civil Defense
Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq
(NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

b6-4
b7c-4

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in
Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he
and Mr. FADHIL were stopped, searched and later detained by the American Forces. He
reported that after they were detained they were both pushed off of a bridge into a river and
Mr. FADHIL apparently drowned.

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destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR
195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records
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On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC check point. Mr. [REDACTED] stated at the check point their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences as the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED] their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR.FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depicts enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

On 15 Jan 04, the remains of Mr. FADHIL were apparently discovered by the local nationals and he was soon thereafter buried in a local cemetery. Photographs were also exposed of the human remains. According to Mr. [REDACTED], Mr. FADHIL had injuries to his head and facial area caused by unknown means. Photographs of the human remains have not yet been collected by USACIDC to confirm the identity of the human remains in relation to Mr. FADHIL.

Additional investigative activities resulted in the identification of the soldiers involved in this incident. This was accomplished by obtaining historical data of particular units and their

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mission for that particular date and location. As a result of this investigative activity, the particular soldiers involved were interviewed and all denied any wrongdoing pertaining to this investigation.

Eight soldiers were identified as being at the scene and interviewed, three under rights advisement. One of the soldiers interviewed, SSG [redacted] A Company, 1/8th Infantry, stated they stopped the vehicle because of a curfew violation and the Iraqi's were detained. He stated he did not exit his vehicle but heard what was transpiring over the radio and that he called the 1LT to request permission to run over the detainee's vehicle with his BFV. According to SSG [redacted] he was denied permission and the convoy proceeded with the detainees in the front BFV, and their vehicle left behind undamaged. SSG [redacted] related that a few minutes later the convoy stopped and he heard the detainees were being released because of a shortage at the detention facility. SSG [redacted] said as the convoy drove away he observed the two detainees standing near the bridge. SSG [redacted] denied he witnessed, assisted, or conspired with anyone to throw the two detainees into the river. He also denied he or anyone else in the convoy drove over the detainees's vehicle with their BFV.

On 16 Jan 04, 1LT [redacted] A Company, 1/8th Infantry, was interviewed and denied any wrongdoing pertaining to this investigation. 1LT [redacted] stated his unit was returning from their nightly patrols and stopped a vehicle that contained two Iraqi's for a curfew violation. He stated SGT [redacted] reported to him that one of the individuals had a false identification card as the photograph appeared to be that of a younger individual. 1LT [redacted] ordered that the two Iraqi's be detained and placed in the rear of their BFV. He said that once they were moving again, with the two detainees, he realized the detention facility was closed so he stopped and ordered SGT [redacted] to remove the flexi-cuffs and release the detainees. 1LT [redacted] said once that was accomplished they began rolling out and he looked in the mirror and observed the two detainees standing on the north side of the road as the convoy drove away. 1LT [redacted] denied he ordered, witnessed, or had any knowledge of the two detainees being thrown into the river.

16-5 | 67C-5

The other three soldiers (SGT [redacted] SGT [redacted] and SPC [redacted] all of A company, 1/8th Infantry, were interviewed and denied having any knowledge of wrongdoing pertaining to this investigation. Each of them were in the back of another BFV and apparently never dismounted their vehicle.

On 16 Jan 04, three members of the ICDC on duty the night of the incident were interviewed. They were, PFC [redacted] (NFI); PFC [redacted] (NFI); and CPL [redacted] (NFI). Each of them stated they recalled the two Iraqi's coming through their check point and being cleared by themselves. They stated that about 15 minutes after releasing the vehicle they observed an American convoy stop near the bridge and remain there for about 5 minutes. They were unable to see any specific acts or movements and were unable to hear what was being said, although they said they could hear some talking. They stated that about 5 minutes after the convoy departed they observed an

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153760 EXHIBIT 30 000152

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Wb-4/676-4

individual approaching their check point, later identified as Mr. [REDACTED]. They said he was soaking wet and informed them that the Americans had thrown himself and Mr. FADHIL from the bridge into the water. Members of the ICDC assisted in a search for Mr. FADHIL, but were unable to locate the body.

On 16 Jan 04, SPC [REDACTED], A Company, 1/8th Infantry [REDACTED], was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SPC [REDACTED] stated after the two Iraqi's were detained they drove a while and then the convoy stopped. SPC [REDACTED] stated they were directed to release the two detainees, so he, SGT [REDACTED] and SPC [REDACTED] A Company, 1/8th Infantry (27 Jul 79, Lima, OH), exited the BFV with the two detainees. He stated SGT [REDACTED] supervised, SPC [REDACTED] provided him with the knife and then pulled security, while he [REDACTED] removed the cuffs from the two detainees. SPC [REDACTED] stated that after the cuffs were removed, SGT [REDACTED] told the two detainees to leave, and the three of them got back inside the BFV and departed. He said the last time he saw the two detainees, they were walking along the side of the road.

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

On 16 Jan 04, SGT [REDACTED] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. SGT [REDACTED] stated they stopped the vehicle for a curfew violation and during a search they discovered one of them had a false identification card. It was then decided to detain the two Iraqi's. SGT [REDACTED] stated they loaded the two Iraqi's into the BFV and departed. He said about 15 minutes after leaving they stopped the vehicles and 1LT [REDACTED] told him to release the detainees; so he, SPC [REDACTED] and SPC [REDACTED] exited the vehicle, removed the cuffs, and left the two Iraqi's standing on the side of the road. SGT [REDACTED] stated that when he got back into the BFV, the two Iraqi's were still standing on the side of the road. He also stated he did not know they were located near a river or bridge, because it was dark and he couldn't see. It should be noted that there was a light near the bridge and the ICDC checkpoint had numerous lights illuminating the immediate area, and others interviewed were aware of the bridge being there. SGT [REDACTED] matches the description provided by the surviving victim of the individual that pushed Mr. FADHIL from the bridge. SGT [REDACTED] continued to deny he pushed either of the two Iraqi's into the river, denied he observed either of the two Iraqi's being pushed into the river, and denied he planned with any members of his unit to conceal the act of pushing the two Iraqi's into the river. SGT [REDACTED] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

S-769/S-9M

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5505. Reproduction of this exhibit or its contents is prohibited.

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[REDACTED]

[REDACTED]

[REDACTED] b6-5/b7C-5

[REDACTED] b6-5/b7C-5

[REDACTED]

On 23 Jan 04, [REDACTED] b6-5/b7C-5 was re-interviewed under rights advisement and rendered a sworn statement wherein he described his involvement pertaining to the two detainees being thrown into the water, and his knowledge of actions that occurred after the incident by members of his unit.

RELEVANT QUESTIONS USED:

[REDACTED]

[REDACTED]

[REDACTED]

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED] b6-1/b7C-1

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

[REDACTED]

///Original Signed///

[REDACTED] b6-1/b7C-1
Polygraph Examiner b2-1

379 11a

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15376 E

EXHIBIT 30
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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>FOB Iron Horse, Tikrit, Iraq</u>	2. DATE <u>24 Jan 04</u>	3. TIME <u>1348</u>	4. FILE NO. <u>0011-04-CX-489-7963</u>
5. NAME (Last, First, MI) <u>[REDACTED] 66-5, 67C-5</u>	8. ORGANIZATION OR ADDRESS <u>A Company 114th IN Balad, Iraq</u>		
6. SSN <u>[REDACTED]</u>	7. GRADE/STATUS <u>E-4/IA</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 Criminal Investigation
Command as a special agent and wanted to question me about the following offense(s) of which I am
suspected/accused: Murder, conspiracy, Fake Official Statement

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 <u>66-5, 67C-5</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR <u>[REDACTED] 66-1, 67C-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME <u>SA [REDACTED]</u>
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>43rd MP DET (FD) Tikrit, Iraq</u>

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

For use of this form, see R 190-45; the proponent agency is Office of The Deputy Chief of Staff for Personnel.

LOCATION FOB Iron Horse, Building 214, Tikrit, Iraq	DATE 24 Jan 2004	TIME 1500	FILE NUMBER 0011-04-CID469-79630
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4/RA
ORGANIZATION OR ADDRESS A Company, 1/8 th Infantry			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA [REDACTED] b6-5, b7c-5

A: SPC [REDACTED] b6-1, b7c-1

Q: Who else was with you when you exited the vehicle to release the Iraqi Detainees? b6-5, b7c-5

A: It was myself, SGT [REDACTED] SPC [REDACTED] SGT [REDACTED] b6-5, b7c-5

Q: Did SPC [REDACTED] exit the vehicle? b6-3, b7c-3

A: Yes, SPC [REDACTED] exited the vehicle a few seconds later because he was exiting from the top of the Bradley. b6-3, b7c-3

Q: Why was SPC [REDACTED] on top of the Bradley? b6-3, b7c-3

A: Because he is the gunner.

Q: Did someone order SPC [REDACTED] to help release the detainees? b6-3, b7c-3

A: I don't know, but the only person who could have ordered him was LT [REDACTED] Usually a gunner will not exit a vehicle unless instructed to.

Q: Who escorted the detainees towards the pump house?

A: Myself, SPC [REDACTED] and SGT [REDACTED] b6-5, b7c-5

Q: What was SGT [REDACTED] and SPC [REDACTED] doing while the detainees were being escorted to the pump house? b6-5, b7c-5

A: SPC [REDACTED] was pulling security by the Bradley and SGT [REDACTED] was standing by the barrier near the pump house.

Q: Could SGT [REDACTED] observe the release of the detainees? b6-5, b7c-5

A: The only thing SGT [REDACTED] could see were the detainees in the water.

Q: Did SGT [REDACTED] observe the detainees being pushed into the water?

A: No. b6-5, b7c-5

Q: Why would SGT [REDACTED] state to CID agents that he did not leave the vehicle when the detainees were being released?

A: Because LT [REDACTED] instructed SGT [REDACTED] to tell CID he was in the vehicle the entire time the detainees were released.

Q: Did SPC [REDACTED] push the detainee into the water? b6-3, b7c-3

A: I could not see if SPC [REDACTED] or SGT [REDACTED] pushed the detainee into the water. All I heard was "No Mister" and "You better fuckin jump". b6-3, b7c-3 b6-5, b7c-5

Q: Who stated "You better fuckin jump"?

A: SGT [REDACTED] b6-5, b7c-5

Q: Did you see the Iraqi in the water at any time?

A: No.

Q: What did you do with your Iraqi you had detained?

A: Once I exited the vehicle I led the Iraqi to the pump house. I then proceeded to cut his cuffs off. Then I walked him towards the edge of the bridge and then the Iraqi jumped into the water.

Q: Did you tell the Iraqi to Jump?

A: Yes I told him to jump while I was walking him to the bridge.

Q: Did anyone attempt to grab you?

A: Yes, SGT [REDACTED] grabbed the back of my IBAS because he thought I was going to fall into the river with the Iraqi.

Q: Did you push the Iraqi into the water?

A: No.

Q: Why did SGT [REDACTED] think you were going to fall into the water? b6-5, b7c-5

A: I think he thought that I was closer to the edge than I actually was.

Q: Did SGT [REDACTED] get hit by you and the detainee while you were walking him to the edge? b6-5, b7c-5

A: I don't think so. There is a possibility because the area is very narrow.

Q: Did SPC [REDACTED] say anything while he was outside of the vehicle? b6-3, b7c-3

A: I can't remember if he said anything.

Q: Did SGT [REDACTED] say anything while he was outside of the vehicle? b6-5, b7c-5

b6-3, b7c-3

b6-5, b7c-5

b6-5, b7c-5

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5, b7c-5	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE
 INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

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EXHIBIT 31

STATEMENT (Continued)

- A: Not that I know of because he was to far away for me to hear anything.
- Q: When you were escorting the detainee towards the edge were you walking or running?
- A: I was walking at a fast pace.
- Q: Where was the detainee located?
- A: In front of me. SGT [REDACTED] was off to the left side. b6-5, b7c-5
- Q: Did you have your hands on the detainee while you were escorting him to the edge?
- A: Yes, I was grabbing the clothing on the back of the Iraqi with my left hand.
- Q: When did you release your grip on the clothes?
- A: I don't think I let go until he jumped off the edge.
- Q: Why did you hold onto the Iraqi when he jumped off the edge?
- A: I could not see the edge because the Iraqi was in front of me.
- Q: Did the Iraqi understand when you told him to jump off the edge?
- A: Yes, because he saw his friend in the water.
- Q: Did the Iraqi you were escorting jump into the water without any assistance?
- A: Yes.
- Q: Did you assist the Iraqi when he jumped off the edge?
- A: No.
- Q: Was anyone else outside of the vehicle when you released the detainees?
- A: I think SPC [REDACTED] might have been there. b6-3, b7c-3
- Q: Why do you think he was there?
- A: Because he is on our team.
- Q: Did you physically see SPC [REDACTED] b6-3, b7c-3
- A: Yes, I saw him in the vehicle I was in.
- Q: Do you know if SPC [REDACTED] dismounted his vehicle when you stopped to release the detainees? b6-3, b7c-3
- A: I think so, but he did not walk over to the pump house.
- Q: Do you have anything else to add to this statement? b6-5, b7c-5
- A: The name of the person who pushed the Iraqi into the water in Balad was SGT [REDACTED] The order to push the Iraqi into the water was given by SFC [REDACTED] b6-5, b7c-5
- Q: Do you anything further to add to this statement?
- A: No.///End of Statement/// [REDACTED] b6-5, b7c-5

b6-5, b7c-5 AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 21 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. b6-5, b7c-5

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 24th day of January, 2004 at FOB Iron Horse, Tikrit, Iraq b6-1, b7c-1

[REDACTED]
(Signature of Person Administering Oath)

SA [REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Article 136, UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-5, b7c-5

PAGE 2 OF 2 PAGES

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EXHIBIT 31

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
 For use on this form, see AR 190-30: the proponent agency's 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.	2. DATE	3. TIME	4. FILE NO.
	25 Jan, 04	0723	0011-04-CID469-79630
1. LOCATION Building 4010, LSA Anaconda, Balad, Iraq, APO AE 09391	8. ORGANIZATION OR ADDRESS A Company, 1/8 th Infantry Battalion, 3 rd BCT		
5. NAME (Last, First, MI) [REDACTED]	7. GRADE/STATUS CPT/O-3		Balad, Iraq, APO AE 09391
6. SSN [REDACTED]	b6-5, b7c-5		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am as a Special Agent./// b6-5, b7c-5 suspected/accused Obstruction of Justice, Conspiracy, Accessory after the Fact.///

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 questions 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.

1a. NAME (Type or Print)	3. SIGNATURE OF INTERVIEWEE
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME (Type or Print)	4. SIGNATURE OF INVESTIGATOR <u>b6-1, b7c-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR SA [REDACTED] <u>b6-1, b7c-1</u>
	6. ORGANIZATION OF INVESTIGATOR 43 rd Military Police Detachment (CID) (FWD) Camp Ironhorse, Tikrit, Iraq, APO AE 09323-2647

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
 [REDACTED] b6-5, b7c-5

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

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:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

1. LOCATION PMO, LSA Anaconda, Balad, Iraq, APOAE 0391	2. DATE 27 Jan 04	3. TIME 0925	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Co, 1/8 Inf Bn, 3rd BCT FOB Attack, Balad, Iraq, APO AE		
6. SSN [REDACTED]	7. GRADE/STATUS SPEC-4PFC/E-3		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am as a Special Agent./// b6-3, b7c-3 suspected/accused Destruction to private property.///

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 questions or say anything. b6-3, b7c-3
- Anything I say or do can be used as evidence against me in a criminal trial. b6-3, b7c-3
- (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both. b6-3, b7c-3

- 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. b6-3, b7c-3

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 [REDACTED] <u>b6-3, b7c-3</u>
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED] <u>b6-1, b7c-1</u>
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR SA [REDACTED]
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (FWD) (CID) Camp Ironhorse, Tikrit, Iraq
b. ORGANIZATION OR ADDRESS AND PHONE		

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.

SWORN STATEMENT

File Number : 0011-04-CID469-79630

Location : Tikrit, Iraq APO AE 09323

Date : 27 Jan 2004

Time: 1740

Statement Of: [redacted] b6-3, b7c-3

Grade/Status: PFC/AD

SSN : [redacted]

Org/Address : A Company, 1/8th Infantry Bn, 3rd BCT, Balad, Iraq, APO AE 09323

b6-3, b7c-3

I, [redacted] want to make the following statement under oath: On 3 Jan 04, I was on patrol with my Platoon, 1st Platoon, Alpha Company, 1/8th Inf, in Samarra. About 2330-2400, 3 Jan 04, my platoon stopped two Iraqi's for violating curfew. They were driving a white Bongo truck and after they were detained their vehicle was left in the middle of the road. SFC [redacted]

b6-5, b7c-5

told me to move the vehicle to the side of the road. I was the last vehicle in the convoy and the three Bradley's in front of me passed the truck without moving it out of the way. At that time, the front of my Bradley, A14, was facing the front of the Bongo truck. I approached the truck with my Bradley and pushed it off to the side of the road. The left front side of my track made contact with the left front side of the Bongo truck. I felt my track make contact with Bongo truck and I could feel the Bongo Truck moving but I never climbed the Bongo truck with my Bradley to destroy it.

Q: SA [redacted] b6-1, b7c-1

A: PFC [redacted] b6-3, b7c-3

Q: I just showed you pictures of the Bongo truck and the damages the truck sustained, did you cause those damages when moving that truck on the night of 3 Jan 04?

A: No. The only damage I may have caused by moving the Bongo truck was maybe a dent to the front left side of that truck. I did not cause all those other damages.

Q: Did you feel your truck mount the Bongo truck when you moved the truck that night? TRACY [redacted] b6-3, b7c-3

A: No.

Q: At what point throughout the night did you move the truck from the middle of the road?

A: It was right after my platoon detained someone, as we were leaving that area.

Q: When you pushed the Bongo truck out of the road, did you know why the truck was there?

A: I assumed we had picked up someone for curfew violation, but I had not seen how many people were picked up or what happened during the search of their vehicle.

Q: Did your convoy return to the Bongo after you pushed the Bongo truck out from the middle of the road?

A: No.

Q: Who caused the damages to the Bongo truck that night?

A: I don't have a clue.

b6-5, b7c-5

Q: Did you hear SFC [redacted] say that someone is going to get wet tonight at anytime throughout the evening of 3 Jan 04? b6-3, b7c-3

EXHIBIT _____

INITIALS: [redacted]

PAGE 1 OF 4 PAGES

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EXHIBIT 33

b6-3
b7C-3

A: No, I didn't.

Q: Could you hear radio traffic from the platoon and company frequencies while mounted on your Bradley that evening?

A: No. I just heard internal radio conversations within the Bradley.

Q: What did you see when the two detainees were released?

A: I couldn't see anything. I still didn't know if there was one individual or three. I didn't even know that someone was being dropped off.

Q: At what point after that night did you become aware that two Iraqi detainees may have been forced into a river in Samarra?

A: Either the next day or the day after that.

Q: Who did you hear that from?

A: I don't remember anyone in particular, I just heard rumors from other platoon members.

Q: What was the rumors?

A: That some guys had got thrown in the river on the night of 3 Jan 04.

Q: Was their talk as to who threw the Iraqi's into the river?

A: No.

Q: Who in your chain of command had talked to you about this investigation?

b6-5, b7C-5

A: SFC [REDACTED] came up to me first and he told me that we were getting investigated because of the two Iraqi's that were forced into the river on 3 Jan 04. He told me that about 3 or 4 days before CID came to interview us in Samarra the first time.

Q: At anytime, did he influence you on what to tell CID about the two Iraqi's or the Bongo truck?

A: No.

b6-5, b7C-5

Q: Was it common knowledge when SFC [REDACTED] approached you that the two Iraqi's had been forced into the river on 3 Jan 04?

A: Yes.

Q: At what point did the rumors of the two Iraqi's being forced into the river become the truth about what happened?

A: Once the investigation started I knew the rumors could be true and then when SPC [REDACTED] SGT [REDACTED] and SPC [REDACTED] did not return to our platoon after being questioned by CID, SFC [REDACTED] told the whole platoon, "the cats out of the bag" and I knew that meant that the two Iraqi's had in fact been forced into the river that night.

b6-5, b7C-5
b6-5, b7C-5

Q: When SFC [REDACTED] say this comment about, "the cats out of the bag"?

A: He said that after he was questioned by CID, I think two nights ago.

Q: Were you aware of any type of cover-up from your chain of command to the soldiers involved in the actual incident?

A: No.

b6-5, b7C-5

Q: When was the last time LT [REDACTED] discussed this investigation with your platoon?

b6-5, b7C-5

b6-3, b7C-3

A: Yesterday, he approached myself, SGT [REDACTED] and SPC [REDACTED] and told us we were going to be questioned by CID, but he didn't really say anything else.

b6-3, b7C-3

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 2 OF 4 PAGES

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EXHIBIT 33

b6-3, b7c-3

SWORN STATEMENT OF PFC [REDACTED] TAKEN AT
Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3,
b7c-3

Q: Has LT [REDACTED] ever stated that he knew the two Iraqi's were in fact forced into the river on the night of 3 Jan 04?

A: No. Not to me.

Q: Has CPT [REDACTED] discussed this investigation with you?

A: No, not with me personally. He has talked to the whole platoon about the investigation but I really don't remember what he said.

Q: Do you know if MAJ [REDACTED] was aware of what actually happened at the river that night?

A: I don't know.

Q: Did you go back to the scene of the incident after 3 Jan 04?

A: Yes. I went back when MAJ [REDACTED] LT [REDACTED], SFC [REDACTED] and I think the commander was there too and a few other soldiers. I stayed in the Bradley the whole time we were there, so I did not see anything and I wasn't sure what was going on. I assumed it had to do with the investigation.

Q: Did you see LT [REDACTED] jump into the river when you all returned to the river?

A: No. I didn't see anything that happened.

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

A: No.

//////////////////////////////////END OF STATEMENT//////////////////////////////////

b6-3, b7c-3

EXHIBIT _____ INITIALS: [REDACTED] PAGE 3 OF 4 PAGES

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EXHIBIT 33

B6-3, b7c-3

SWORN STATEMENT OF PFC [REDACTED] TAKEN AT
Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3, b7c-3

AFFIDAVIT

[REDACTED] I, PFC [REDACTED] 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 [REDACTED] b6-3, b7c-3

b6-3, b7c-3

[REDACTED]

(Signature of Person Making Statement)

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

b6-1, b7c-1

[REDACTED]

(Signature of Person Administering Oath)

SA [REDACTED] b6-1, b7c-1

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

b6-3, b7c-3

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 4 OF 4 PAGES

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EXHIBIT 33

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.

← b6-3, b7c-3

1. LOCATION PMD, LSA Nonconda, Balad, Iraq, APO AE 09398	2. DATE 27 Jan 04	3. TIME 1131	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Co, 1/8th Inf Bn, 3rd BCT Balad, Iraq, APO AE		
6. SSN [REDACTED]	GRADE/STATUS SPC/E-4		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent./// and wanted to question me about the following offense(s) of which I am

suspected/accused Murder, Conspiracy. ///

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

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

- or -

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

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)		
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED] b6-1, b7c-1
2a. NAME (Type or Print)		5. FULL NAME OF INVESTIGATOR SA [REDACTED] b6-1, b7c-1
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (FWD) (CID) Camp Ironhorse, Tikrit, Iraq APO AE 09398

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

[REDACTED] b6-3, b7c-3

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
or use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

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

b6-5, b7c-5

1. LOCATION PMO, LSA Ananconda, Balad, Iraq, APO 09323	2. DATE 27 Jan 09	3. TIME 1416	FILE NO. 11-04-CID469
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS A Company, 1/8th Inf Bn, 3BCT FOB Attack, Balad, Iraq, APO AE 09323		
6. SSN [REDACTED]	7. GRADE/STATUS SGT 1E-5		

b6-5, b7c-5

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

Criminal Investigation

The investigator whose name appears below told me that he/she is with the United States Army Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Murder, Conspiracy-11

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. b6-5, b7c-5
- 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)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. FULL NAME OF INVESTIGATOR SA [REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 43rd Military Police Det (CID) Tikrit, Iraq, APO AE 09323

b6-1, b7c-1

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 [REDACTED] b6-5, b7c-5

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

EDITION OF NOV 84 IS OBSOLETE

DA FORM 3881, NOV 89

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015337
15327

USAPA 2.01
EXHIBIT 35
000165

RIGHTS WAIVING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is ODCSOP

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 LSA Anonconda, Balad, Iraq APO AE 09323	2. DATE 27 Jan 04	3. TIME 1534 HRS	4. FILE NUMBER 66-3, 67C-3
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS 3rd BCT		
6. SSN [REDACTED]	7. GRADE/STATUS 06/AC	Balad, Iraq, APO AE 09323	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Social Agent and wanted to question me about the following offense(s) of which I am suspected: imprison of a serious offense. / / /
Because 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 questions or say anything.
Anything I say or do can be used as evidence against me in a criminal trial.
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.

b6-3, b7c-3
-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.
I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

SECTION B. Waiver

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] ← b6-3, b7c-3
1a. NAME (Type or Print)	[REDACTED]	[REDACTED] ← b6-1, b7c-1
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	[REDACTED]
2a. NAME (Type or Print)	[REDACTED]	5. TYPE OF INVESTIGATOR SA [REDACTED] ←
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR 43rd military Police Det (CID) Tikrit, Iraq, APO AE 09323

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

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EXHIBIT 34
000166

SWORN STATEMENT

File Number : 0011-04-CID469-79630

Location : [redacted] Iraq APO AE 09323

Date : 27 Jan 2004 b6-3, b7c-3

Statement Of: [redacted]

SSN : [redacted]

Org/Address : 3rd BCT, Balad, Iraq, APO AE 09323

b6-3, b7c-3
Time: 1636 hrs

Grade/Status: O-6/COL

b6-3,
b7c-3

[redacted] 1, COL [redacted] want to make the following statement under oath: Around the 6-7 Jan 04, 1/66 Armor Commander [redacted] b6-3, b7c-3

contacted me and told me he was notified by the city counsel that US Forces had forced Iraqi's to jump into the Tigris river and one of them had drowned. The next day, I informed the commanding general when he visited that I was aware of this allegation and I didn't believe it was true but that I started a commander's inquiry. He directed me to get CID involved in the investigation. I then contacted CPT [redacted] and informed her of the allegation and that for her to contact CID and have an investigation started. I met with CPT [redacted] I believe on 8 b6-3, b7c-3

b6-3, b7c-3

Jan 04. The next city counsel meeting was a few days later and after that meeting, I met with the alleged survivor and the ICDC personnel that were at the checkpoint the night of the alleged incident. There was an interpreter available and through him I got the victim's verbal statement of what had occurred. The victim said he was picked up and rode around in a Bradley on the night in [redacted] b6-3, b7c-3

questioned. He said they were then taken to the river and him and his cousin were motioned by the soldiers to jump into the river. He stated he knew his cousin couldn't swim and that's why he didn't want to jump. He stated his cousin was pushed first into the river and then he was also pushed. He went into how he tried to help his cousin and he couldn't and he believed that his cousin drowned. He then went to the ICDC checkpoint and reported what happened. I then spoke to the ICDC personnel and then pretty much had the same story on what the Victim said. They did see the victim walk towards the checkpoint and he was wet and muddy and told them the same story he told me. A couple of days after that meeting, I was at FOB Braddfield/Mora and I requested to speak directly with the Platoon Sergeant, SFC [redacted] He came to speak with me with the Company Commander, CPT [redacted] I asked SFC [redacted] if he had been read his rights and he said yes and I asked him a question about the incident, I don't remember exactly what I asked him, but he said that he was the last vehicle in the convoy and he stated that when he was departing the incident scene, the two Iraqi's were standing on the side of the road facing each other. At no time did anyone tell me that an Iraqi had actually been pushed and then was seen on the side of the road. I only found out that an Iraqi had been pushed as a result of this investigation and the confessions CID has received.

b6-5, b7c-5
b6-5, b7c-5

Q: SA [redacted] b6-1, b7c-1
A: COL [redacted] b6-3, b7c-3

b6-5, b7c-5

Q: Did LTC [redacted] ever tell you that he knew that the two IRAQI's were in fact forced into the water on the night of the incident?
A: No. b6-3, b7c-3

EXHIBIT _____

INITIALS: [redacted]

PAGE 1 OF 3 PAGES

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EXHIBIT 36

b6-3, b7c-3

SWORN STATEMENT OF COL [REDACTED]
TAKEN AT Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3,
b7c-3

[REDACTED] At what point did you become aware that the two Iraqi's had actually been forced into the water?

A: Through CID's investigation and confessions the soldiers have given.

Q: Did anyone in the chain of command for A Co, 1/8th Inf, inform you that a cover story was in place to give to the CID investigators?

A: No.

Q: Were you aware of the instructions LTC [REDACTED] told CPT [REDACTED] and LT [REDACTED] about not saying that the Iraqi's were actually forced into the water? b6-5, b7c-5

b6-5 →
b7c-5

A: No.

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

A: No.

////////////////////END OF STATEMENT////////////////////

b6-3, b7c-3

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 2 OF 42 PAGES

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EXHIBIT 34

b6-3, b7c-3

SWORN STATEMENT OF COL [REDACTED]
TAKEN AT Tikrit, IRAQ, APO AE 09323, 27 Jan 04. CONTINUED

b6-3,
b7c-3

b6-3, b7c-3 AFFIDAVIT

[REDACTED] COL [REDACTED] 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.

[REDACTED] b6-3,
b7c-3
(Signature of Person Making Statement)

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

[REDACTED] b6-1, b7c-1
(Signature of Person Administering Oath)

SA [REDACTED] b6-1, b7c-1
(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ
(Authority To Administer Oaths)

WITNESS:

EXHIBIT _____

INITIALS: [REDACTED] b6-3, b7c-3
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PAGE 3 OF 43 PAGES

015391

000169
EXHIBIT 36

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

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

LOCATION: Balad, Iraq **DATE:** 30 Jan 04 **TIME:** 0742
FILE NUMBER: 0011-04-CID469-79630-5H1-5H7 **SSAN:** [REDACTED] **GRADE / STATUS:** COL
NAME (Last, First MI): [REDACTED]
ORGANIZATION OR ADDRESS: 3d Brigade Combat Team, Samarra, Iraq

RIGHTS WAIVER/NON-WAIVER CERTIFICATE

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as [REDACTED] Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Misprison of a Serious Offense, Conspiracy
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:

[REDACTED] do not have to answer questions or say anything.
[REDACTED] anything I say or do can be used as evidence against me in a criminal trial.
[REDACTED] 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 questioning begins.

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

5. COMMENTS:

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

Witness# 1
[REDACTED]
Signature of Witness
SA [REDACTED]

Witness# 2
[REDACTED]
Signature of Witness

[REDACTED] b6-3, b7c-3
[REDACTED] b6-3, b7c-3
[REDACTED] b6-1, b7c-1
10TH MP BN (CID)
BAGHDAD, IRAQ

NON-WAIVER CERTIFICATE

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

Signature of Interviewee: _____

DA Form 3881-E

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EXHIBIT 38



DEPARTMENT OF THE ARMY
10th MILITARY POLICE BATTALION (CID)
THIRD MILITARY POLICE GROUP, USACIDC
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
CAMP VICTORY, IRAQ 09335

CIMPX-FB (195-6)

30 Jan 04

MEMORANDUM FOR

Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command,
6010 6th Street, Ft. Belvoir, VA 22060-5585
Special Agent In Charge, 43d Military Police Detachment (CID) (FWD), 3d Military Police
Group (USACIDC), Tikrit, Iraq APO AE 09323-2647

SUBJECT: Polygraph Examination Report

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

AUTHORIZATION NUMBER: 04-0164, 29 Jan 04

DATE OF EXAMINATION: 30 Jan 04

LOCATION OF EXAMINATION: FOB Anaconda, Balad, Iraq

SUBJECT EXAMINED: [REDACTED] COL/264-75-8656, 3d Brigade
Combat Team, Ft. Carson, CO (Deployed to Balad, Iraq); [REDACTED]

b6-5 / b7c-5

OFFENSE: Misprison of a Serious Offense, Conspiracy

PURPOSE OF EXAMINATION: Criminal Investigation

INVESTIGATIVE/OPERATIONAL SUMMARY: Investigation was initiated on 13 Jan 04, when it was reported from Forward Operating Base (FOB) Brassfield, Samarra, Iraq, of an alleged murder of an Iraqi national by American forces. Preliminary investigation revealed Mr. [REDACTED], Samarra, Iraq (NFI), reported to the Iraqi Civil Defense Corp (ICDC) on 3 Jan 04, that he and his cousin, Mr. Zaydun Ma'mun FADHIL, Samarra, Iraq (NFI) were detained by the American forces which resulted in the death of Mr. FADHIL.

b6-4
b7c-4

Further investigation revealed that Mr. [REDACTED] approached the ICDC security check point in Samarra, late in the evening of 3 Jan 04 or early in the morning of 4 Jan 04, and reported he and Mr. FADHIL were stopped, searched and later detained by the American Forces. He reported that after they were detained they were both pushed off of a bridge into a river and Mr. Fadhil apparently drowned.

FOR OFFICIAL USE ONLY

Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 39
000172

On 16 Jan 04, Mr. [REDACTED] was interviewed by USACIDC and stated he and Mr. FADHIL were returning from Baghdad, where they had purchased some plumbing supplies. He stated that about 2230, 3 Jan 04, while traveling to their home in Samarra, they arrived at the ICDC checkpoint. Mr. [REDACTED] stated at the checkpoint their vehicle was searched, their identifications cards were checked, and they were allowed to proceed. However, they were instructed to immediately go to their residences the curfew was nearing (2300). Mr. [REDACTED] said they departed the checkpoint and about 2 or 3 kilometers away they approached an oncoming American convoy. He said the Americans stopped their vehicle and instructed them to exit the vehicle. According to Mr. [REDACTED], their vehicle was searched, they were personally searched and then they were handcuffed and placed in the rear of a military vehicle, later identified as a Bradley Fighting Vehicle (BFV). Mr. [REDACTED] stated they were never informed why they were being detained but were released before the vehicle drove away. He said they got back into their vehicle and drove about 20 meters, when the same soldiers once again stopped them, handcuffed them again and placed them in the back of the BFV. Mr. [REDACTED] indicated the BFV drove away and about 15 minutes later it stopped and they were ordered to exit the vehicle, and once he got out of the vehicle he could see the lights from the ICDC check point and they were un-cuffed and instructed to stand near the bridge. Mr. [REDACTED] stated once they stood near the bridge, the soldiers instructed them to jump off of it and when they did not a soldier approached MR. FADHIL and pushed him off into the water and soon after he also was pushed into the water. Mr. [REDACTED] said when he went into the water he could hear Mr. FADHIL screaming because he did not know how to swim, but he was unable to get to him due to the strong currents in the water. Mr. [REDACTED] stated he swam to the shore and hid because he could hear the soldiers laughing about the incident. Mr. [REDACTED] described the soldier that pushed Mr. FADHIL as skinny, not very tall and his skin was a little darker than white. He was unable to describe the soldier that pushed him into the water and was not sure if it was the same person or another soldier standing near by. Mr. [REDACTED] stated once the soldiers departed he made his way back to the ICDC check point and reported the incident to the Iraqi guards, who went back to the river with him to assist in the search of Mr. FADHIL. He stated they could not find him and he spent the remainder of the night at the ICDC area. The next morning when he returned to his vehicle he discovered it had been destroyed by unknown means. Photographs were exposed of the vehicle by a friend and the local community continued to search for the body of Mr. FADHIL. The photographs of the vehicle were obtained by USACIDC, and a review of the prints depict enormous damage to the vehicle and a trailer, apparently caused by a BFV running completely over it.

A Company, 1/8th Inf, was identified as the unit having contact with the two Iraqi's in question. Unit members were interviewed and described detaining, and subsequently releasing, these two individuals but denied injuring or causing injury to either person.

On 20 and 21 Jan 04 three A Co. unit members underwent polygraph examinations. All three rendered sworn statements wherein they detailed their involvement in throwing the two men into the water and how their chain of command ordered them to deny doing so. Specifically, one soldier stated 1LT [REDACTED], CPT [REDACTED] and MAJ [REDACTED] had knowledge of the men being thrown into the water and that they were involved in covering up this incident.

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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1-769 | 1-99 110

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EXHIBIT 39
000173

0011-03-CID469-79630-5H1

afterwards. One soldier also stated he was told by someone in his chain of command that LTC [REDACTED] and COL [REDACTED] knew the two men were thrown into the water and knew about the distortion of the facts. He did not specify who provided him the information pertaining to COL [REDACTED]. Another soldier identified CPT [REDACTED] as being aware of these facts, but was not aware of anyone else higher in his chain of command being involved in or having any knowledge of this incident. The third soldier identified Major [REDACTED] and LTC [REDACTED] as being involved. This soldier reported that he and the other two unit members involved had not spoken with COL [REDACTED] about this incident but he was told by members of his chain of command that they (referring to the [REDACTED]) knew everything. He was unable to specifically identify who made these comments.

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

On 25 Jan 04, CPT [REDACTED] was advised of his legal rights which he invoked, electing not to be questioned about the incident. He did not discuss anything pertaining to COL [REDACTED] knowledge or involvement in this investigation.

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

On 27 Jan 04, LTC [REDACTED], HHC, 1/8th Infantry Battalion, Ft. Carson, CO, was interviewed under rights advisement and admitted he was made aware of the two Iraqi's being thrown into the water from CPT [REDACTED] and 1LT [REDACTED]. He stated he instructed everyone involved to say they released the Iraqi's on the side of the road, instead of describing how they were thrown into the water. LTC [REDACTED] did say that he was not aware of the possibility that one of the Iraqi's drowned, as he was told that both men were seen on the roadside when the convoy departed. LTC [REDACTED] stated to his knowledge Major [REDACTED] and COL [REDACTED] were not involved in this incident from any perspective.

On 29 Jan 04 all members of the 1st platoon that were present on the night of this incident were interviewed and either denied having any knowledge or elected not to speak about the incident. None of the soldiers indicated COL [REDACTED] had any knowledge and/or involvement in this investigation.

On 29 Jan 04, 1SG [REDACTED], A Company, 1/8th Infantry, was interviewed and stated he was first informed about the incident through his Commander, CPT [REDACTED].

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Attached as Exhibit [REDACTED] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 39
000174

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

On 29 Jan 04, CSM [redacted] 586-66-1015, HHC, 1/8th Infantry, was interviewed and denied having any knowledge pertaining to this incident. CSM stated once he heard the rumors of the incident he approached LTC [redacted] to question what was going on and he was told by him to not be concerned with it and stay out of it. CSM [redacted] stated to his knowledge, COL [redacted] was not involved in any phase of the incident.

On 29 Jan 04, SGM [redacted] 3d Brigade Combat Team, was interviewed and denied having any involvement pertaining to this investigation. Also, CSM [redacted] stated to his knowledge COL [redacted] did not have any prior knowledge pertaining to the two men being thrown into the river and that he did not have any involvement in the actions taken by certain members to conceal information after the incident.

On 27 Jan 04, COL [redacted] was interviewed under rights advisement and denied any wrongdoing pertaining to this investigation. COL [redacted] stated he initially heard of the incident when he was notified by the local city counsel of the allegations that US Forces had forced Iraqi's to jump into the river. COL [redacted] stated he briefed the Commanding General, 4th Infantry Division, Tikrit, Iraq, the next day, telling him he did not believe it was true but that he had initiated a commander's inquiry, and that the CG had instructed him to get CID involved. COL [redacted] stated that at the next city counsel meeting, he spoke with the surviving victim and the ICDC personnel, who all told him about the two being thrown into the water. COL [redacted] said a few days later he spoke with CPT [redacted] and SFC [redacted] and was never told about anyone being pushed into the water, saying he discovered they were pushed as a result of the CID interviews of his soldiers. Although LTC [redacted] denies informing COL [redacted] about the offense as it occurred and about the plan to cover the truth, it is believed COL [redacted] was informed about the incident prior to his being briefed about the results of the USACIDC interviews. COL [redacted] continued to deny that he had any knowledge of the two men being thrown into the water (prior to the confession to USACIDC), denied any of his subordinates informed him that the two men were forced into the water, and denied planning with anyone to distort the truth about the two men being thrown into the water. COL [redacted] was offered the opportunity to undergo a polygraph examination to verify the truthfulness of his statement, to which he agreed.

5-7015-92

[redacted]

b7-E

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Attached as Exhibit [redacted] is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

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EXHIBIT 39 100175

0011-03-CID469-79630-5H1

[REDACTED]

b6-5 / b7C-5

[REDACTED]

RELEVANT QUESTIONS USED:

[REDACTED]

b7-E

WITNESS, MONITOR OR INTERPRETER: SA [REDACTED]

b6-1 / b7C-1

EXAMINEE'S NATIVE LANGUAGE: English

LANGUAGE USED DURING THE EXAMINATION: English

[REDACTED]

///Original Signed///

[REDACTED]

Polygraph Examiner,

b6-1 / b7C-1

b2-1

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Attached as Exhibit _____ is Polygraph Examination Report (DA Form 2802). This exhibit will be destroyed not later than 3 months after the date of the report of investigation (para 2-6h, AR 195-6). The original, to include related polygraph records, is at the U.S. Army Crime Records Center, USACIDC, 6010 6th Street, Ft. Belvoir, VA 22060-5585. Reproduction of this exhibit or its contents is prohibited.

15394 E

EXHIBIT 39
000175

Photographic Packet

Case Number 0011-04-CID469-79630

<u>Number</u>	<u>Description</u>
1	Photograph depicting the pump house area adjacent to the north end of the bridge where Mr. FADHIL and Mr. [REDACTED] were forced into the river. <i>b7c-4, b6-4</i>
2	Photograph depicting the area where Mr. FADHIL and Mr. [REDACTED] stood when their flexi cuffs were removed prior to them being forced into the water. <i>b7c-4, b6-4</i>
3	Photograph depicting the area between the pump house and cylinder blocks where Mr. FADHIL and Mr. [REDACTED] were forced to walk through before being forced into the river. <i>b7c-4, b6-4</i>
4	Photograph depicting a soldier standing at the location where Mr. FADHIL and Mr. [REDACTED] were forced into the river. <i>b7c-4, b6-4</i>
5	Photograph depicting the vegetation area where Mr. FADHIL climbed out of the river.
6	Photograph depicting a close-up of the vegetation area where Mr. FADHIL climbed out of the river.

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Exhibit 40

015395

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**BATES PAGES 15396-15401 ARE PHOTOS
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PROVIDED IN PRIOR IN CAMERA SESSIONS AND
HAVE BEEN DETERMINED TO BE
NONRESPONSIVE**

Page(s)

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translation provided at page 185

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015402

MEMORANDUM FOR RECORD

9 February 2004

SUBJECT: Transliteration of a one page letter written in Arabic, transliterated by [REDACTED] b7C-3, b6-3
 [REDACTED] Titan Interpreter, Detainee Central Collection Point, Forward Operating Base, Iron Horse, Tikrit, Iraq, on 9 February 2004 at 1330 hours, local, in response to a request by Special Agent [REDACTED] US Army CID.
 b7C-1, b6-1

//BEGIN TRANSLITERATION//

In the name of God the merciful

NOT UNDERSTOOD (Direct quotes from the Koran, very proper Arabic)

And after: God had created humans and preferred them over all other creations.

NOT UNDERSTOOD (Direct quotes from the Koran, very proper Arabic)

Nobody has the right to destroy this creation, or take this life to a place of destruction or sabotage, and his body is protected in life and death, and is forbidden to be disturbed even after death, and nobody has the right to hurt the body in anyway. Even after death, nobody has the right to cremate the body or break any of its bones. Also, nobody has the right to step or sit on the grave. Also, the rules say you are prevented from exhuming the grave to remove the body, unless it is very important to do so.

On the question of Mr. [REDACTED] b7C-3, b6-3 regarding the exhuming of [REDACTED] b7C-3, b6-3 Zaydoon's body in order to discover the cause of the death and solve a mystery by opening the grave.

I declare under God:

By law, the opening of the grave, as long as there is an important need to open it, with knowledge that this action will not be in conflict with the dead person's rights under the Koran, and has been determined as necessary and as defined in the law of the Koran, is hereby approved by God, without whom nothing is possible.

Dr. [REDACTED] b7C-3, b6-3
 Director, Head of Religious Counsel in Salah Aldeen
 Imam and Preacher, The Big Mosque, Samarra

//END TRANSLITERATION//

015403

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EXHIBIT 42
000185

Page(s)

186-194

Referred to:

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

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil

(813) 827-5341/2830

015404

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0014-04-CID919 (RFA)

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR NOTIFICATION: About 1904, 22 Jan 04, this office received a Request for Assistance (RFA) from 43rd Military Police Detachment, Camp Ironhorse, Tikrit, Iraq, requesting this office locate, fully identify and conduct subject interviews of CPT [REDACTED] and SFC [REDACTED] both of A Co, 1/8th Infantry, Balad, Iraq. *b6-5, b7c-5*

About 0928, 25 Jan 04, SA [REDACTED] this office, advised SFC [REDACTED] A Company, 1/8th Infantry Battalion, (Balad, Iraq) Fort Carson, CO, which he waived and provided a verbal statement. SFC [REDACTED] stated he had made joking statements in the past about throwing an Iraqi into the water, and that statements were made the night of the incident that "someone's going to get wet". SFC [REDACTED] stated he pushed a white truck belonging to one of the detainees off the road with his Bradley vehicle the night of the incident. SFC [REDACTED] further stated he knew two individuals had been thrown in the water the night of the incident, but when he drove past he saw two individuals standing on the side of the road. SFC [REDACTED] stated he knew CPT [REDACTED] was aware of the true version of what happened that night, but would not state how CPT [REDACTED] knew. SFC [REDACTED] provided a hand drawn sketch of the incident scene. SFC [REDACTED] refused to sign his written statement and terminated the interview by requesting legal counsel. (See written statement and sketch for details) *b6-5, b7c-5*

About 1158, 25 Jan 04, SA [REDACTED] this office, advised MAJ [REDACTED] Executive Officer, Headquarters and Headquarters Company (HHC), 1/8th Infantry Battalion (INF BN), (Balad, Iraq), Fort Carson, CO 80913, which he waived and rendered a sworn statement detailing his knowledge of the incident and his role as an appointed inquiry officer as requested by his chain of command (see Waiver Certificate and Sworn Statement for details). *b6-5, b7c-5*

About 1202, 27 Jan 04, SA [REDACTED] advised LTC [REDACTED] Commander, HHC 1/8th INF BN, (Balad, Iraq), Fort Carson, CO 80913, which he waived and rendered a sworn statement, where in he confessed to ordering CPT [REDACTED] and 1LT [REDACTED] to change their story regarding the detainees being put in the water (see Waiver Certificate and Sworn Statement for details). ///Last Entry/// *b6-5, b7c-5*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

b6-1, b7c-1, b2-1

ORGANIZATION

12th MP DET (CID) (MINUS),
LSA Anaconda, Iraq APO AE 09391

SIGNATURE

DATE

27 JAN 04

EXHIBIT

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CID [REDACTED]

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015405

000195

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use with this form, see AR 190-30: the proponent agency 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 Building 4010, LSA Anaconda, Balad, Iraq, APO AE 09391	2. DATE 25 Jan, 04	3. TIME 0928	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First MI) [REDACTED] ← b6-5, b7c-5	8. ORGANIZATION OR ADDRESS A Company, 1/8 th Infantry Battalion, 3 rd BCT		
6. SSN [REDACTED]	7. GRADE/STATUS SFC/E-7	Balad, Iraq, APO AE 09391	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am as a Special Agent.///

suspected/accused - Involuntary Manslaughter, Conspiracy, Obstruction of Justice./// [REDACTED] b6-5, b7c-5

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 questions 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)

Have you been advised of your rights in the past 30 days and requested a

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. [REDACTED] b6-5, b7c-5

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)	[REDACTED]	[REDACTED] b6-5, b7c-5
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	4. SIGNATURE OF INTERVIEWEE
2a. NAME (Type or Print)	[REDACTED]	[REDACTED]
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	5. TYPED NAME OF INVESTIGATOR
		SA [REDACTED] b6-1, b7c-1
		6. ORGANIZATION OF INVESTIGATOR
		12 th MP Det (FO G) LSA Anaconda, Balad, Iraq APO AE 09391

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.

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 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: Building 4010, LSA Anaconda, Iraq
2. DATE (YYYYMMDD): 20040127
3. TIME:
4. FILE NUMBER: 0011-04-CID469
5. LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]
6. SSN: b6-5, b7c-5
7. GRADE/STATUS: SFC IAC
8. ORGANIZATION OR ADDRESS: A Company, 1/8th Infantry BN, 3rd BCT, Balad, Iraq APO AE 09391

I, SFC [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That on 3 JAN 04 at approximately 2315, two males were detained from the South side of the SPI complex on Albino Rd by Asec + 1st Sqd. My section linked up with them about 5 minutes later and began moving out of the city. On the way out of the city LT [Redacted] b6-5, b7c-5 said we weren't going to take them to the CMOC and that we were taking them outside of the city and drop them off on the way out of town. We stopped just west of K2, the traffic circle between the two dams and the westerly mo

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 1 PAGES

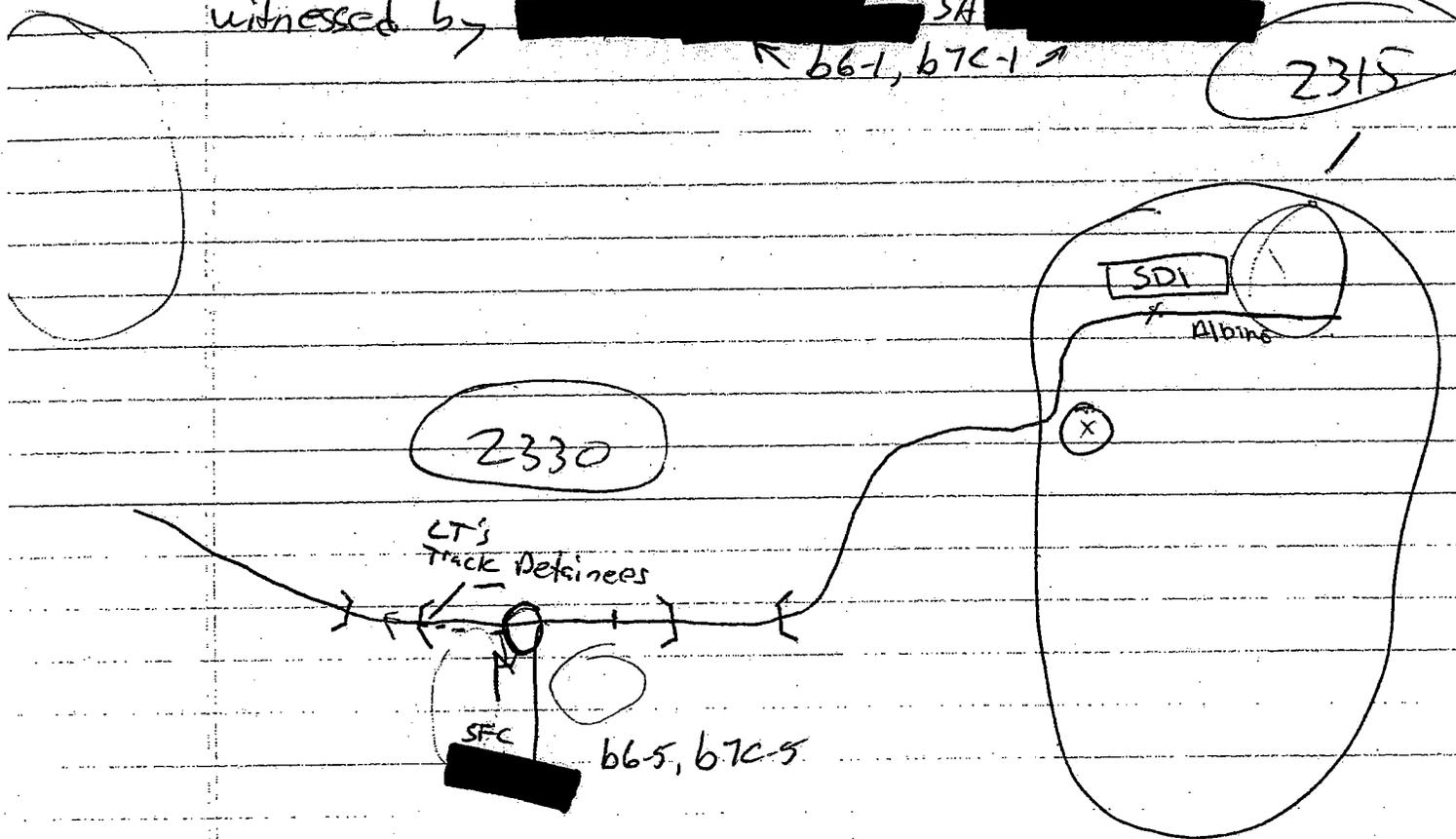
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

Sketch of CITY of samara

25 JAN 07
1012

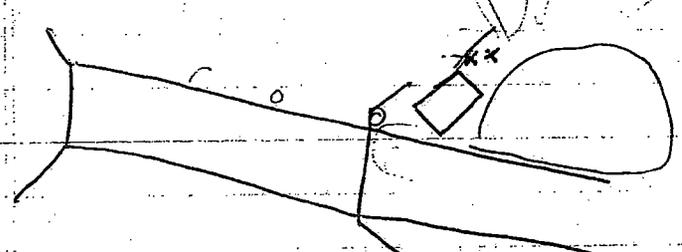
Sketches by [redacted]
witnessed by [redacted] SA [redacted]
b6-5, b7c-5
b6-1, b7c-1

2315

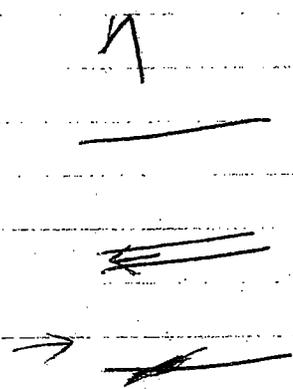


Sketch of bridge

25 JAN 07
1012



Sketches by: SFC [redacted]
witnessed by: [redacted] SA [redacted]
b6-5, b7c-5
b6-1, b7c-1



RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use on this form, see AR 190-30: the proponent agency 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 Building 4010, LSA Anaconda, Balad, Iraq, APO AE 09391	2. DATE 25 Jan, 04	3. TIME 1030	4. FILE NO. 0011-04-CID469-79630
5. NAME (Last, First, MI) [REDACTED]	8. ORG ADDRESS A Company, 176 Infantry Battalion, 3rd BCT HHC Balad, Iraq, APO AE 09391		
6. SSN [REDACTED]	7. GRADE/S MAJ/O-4		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The [REDACTED] whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Obstruction of Justice, Conspiracy, Accessory after the Fact.

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

- 1. I do not have to answer any questions or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. If I am a 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)

Have you Requested a Lawyer within the last 30 days or been advise of rights? NO

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 [REDACTED]
1a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	
2a. NAME (Type or Print)	[REDACTED]	
b. ORGANIZATION OR ADDRESS AND PHONE	[REDACTED]	6. ORGANIZATION OF INVESTIGATOR 12 TH MP DET (CID)(MINUS), LSA ANACONDA, BALAD, IRAQ, APO AE 09391

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.

SWORN STATEMENT

File Number : 0014-04-CID919
Location : LSA Anaconda CID Office, Balad, IZ APO PE 09391
Date : 25 Jan 04 Time: 1158
Statement Of: [redacted] ← b6-5, b7c-5
SSN : [redacted] Grade/Status: O-4/RA [redacted]
Org/Address : HHC, 1/8th INF BN, Balad, Iraq APO AE 09391/Ft. Carson, CO [redacted]

b6-5, b7c-5 I, MAJ [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: Approximately one week after this incident occurred, my commander asked me to conduct an informal Commander's Inquiry on his behalf into what happened. Due to the death of one of our Company Commanders from a recent mortar attack, the Battalion Commander was unable to conduct a formal Commander's Inquiry into this incident—he was in Balad, while I stayed in Samarra. So, I questioned several soldiers from 1st Platoon, A Company. Following my questioning, I was to report back to him on what I found and what I think happened. As instructed, I spoke first to LT [redacted] and SFC [redacted] about this incident and had them explain to me in great detail the event from the time they first detained the two Iraqi males to the point they released them, and what was the LAST thing each of them saw as they drove away in their M2A2 Bradleys. The next day after my questioning of the platoon leader and platoon sergeant, I accompanied the entire first platoon, A Company back to the proposed site that they released the two Iraqi male detainees. I had the soldiers replay the exact events that happened that night to include where they stood and what they saw from their vantage point that night. Then, I had the Platoon Leader show me what he saw from his Bradley as he drove away, which was the two males standing apart from each other. As the Platoon Sergeant drove away, as the last vehicle in the patrol facing to the rear, he saw both males facing each other, approximately 10 feet from where LT [redacted] saw them moments earlier. They were facing each other and talking. Based off of these verbal statements and seeing the location, I believed what the Platoon Leader and Platoon Sergeant told me. I reported back to the Battalion and Brigade Commander that I honestly believed, based off of what the members of 1st platoon told me, and based on the verbal statements from the platoon leader and platoon sergeant, that neither of the male detainees drown during that incident.

b6-5, b7c-5

b6-5, b7c-5

Q: SA [redacted]

b6-5, b7c-1

A: MAJ [redacted]

b6-5, b7c-5

Q: How many times did you meet with the soldiers from 1st Platoon to discuss the incident?

A: Twice

← b6-5, b7c-5 →

Q: How many times did you meet with 1LT [redacted] to discuss the incident?

A: Twice. I met with him the night before we went out to the scene and the day we went to the scene. [redacted]

← b6-5, b7c-5 →

Q: How many times did you meet with CPT [redacted]

b6-5, b7c-5

A: Numerous times, we met several times a day tactically and every night 1900.

Q: At any point did you instruct the unit personnel to withhold information regarding the incident when talking CID or anybody else?

b6-5, b7c-5

EXHIBIT _____

INITIALS: [redacted]

PAGE 1 OF 4 PAGES

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A: No. *b6-5, b7c-5*

Q: At any time were you instructed by your higher command to withhold information regarding the incident?

A: No. *b6-5, b7c-5*

Q: What do you believe happened to the two detainees the night of the incident?

A: They walked back to Samarra, again based off what I was told because I wasn't there. *b6-5, b7c-5* *b6-5, b7c-5*

Q: At any time did you instruct CPT [REDACTED] to withhold information or for him to instruct the unit personnel to withhold information regarding the incident?

b6-5, b7c-5 A: No, CPT [REDACTED] wasn't there either. So, everything we have to off of was based upon what the soldiers stated. *b6-5, b7c-5*

Q: Why did you go to the river with 1st Platoon?

A: I went to the site location where they stated they dropped the detainees off and it was next to the river. I wanted to go to the site and assess the situation and replay the events of what happened so I could report it back to the BN Commander. *b6-5, b7c-5*

Q: When at the site, did you instruct anybody to go in the water and why?

b6-5, b7c-5 A: Yes, I asked the Platoon Leader (1LT [REDACTED]) to go in the water. I wanted *b6-5, b7c-5* to check the depth of the water near the location on the road where the detainees were dropped of as well as the current speed of the water. The Platoon SGT (SFC [REDACTED] and 1LT [REDACTED]) had stated the two detainees were dropped of near a pump house on the side of the road and that was the last place they indicated the two detainees were seen together as the Patrol left the area. The reason I had him jump in the water was based upon an printed copy of an email that the family of one of the detainees had forwarded as far as I know to the President of the U.S. and Tony BLAIR (British Prime Minister) relating that the 1st Platoon soldiers were intoxicated and that they had thrown the detainees into the swift current and one of them had drown as a result. I was conducting a Commanders inquiry and wanted to check all possibilities. *b6-5, b7c-5*

Q: At any point were your aware of the soldiers of 1st Platoon pushing the detainees into the water?

A: Only off what they were accused of, they were accused of pushing them into the water and that is the only thing I was aware of. Again it is difficult when you are not even present and I was not told until about week later and I am only getting information from the soldiers. *b6-5, b7c-5*

Q: Do you believe the detainees were released safely on the side of the road?

b6-5, b7c-5 A: Based upon the statements of SFC [REDACTED] and 1LT [REDACTED] who saw *b6-5, b7c-5* them talking to each other in the dirt parking area on the side of the road. I believe 1LT [REDACTED] because I've known him longer. If he said they were there on the pavement, then I believe him, I don't think they lied based upon my instinct and I passed that on to the Commander. *b6-5, b7c-5*

Q: Why then would you have 1LT [REDACTED] jump into the water if you believed him? *b6-5, b7c-5*

A: Because I was conducting a commander's inquiry and I wanted to refute any possibility of the detainees being thrown into a swift current and drowning. The

EXHIBIT _____

INITIALS: [REDACTED]

PAGE 2 OF 7 PAGES

b6-5, b7c-5

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000201

water was still and not that deep, about knee to waist deep near the bank. I wanted to check the possibility of what happened and to refute the accusations within the email and to report this information to the BN Commander. [REDACTED] b6-5, b7c-5

Q: Why would soldiers within the unit state they were instructed to withhold information regarding this incident?

A: No idea. [REDACTED] b6-5, b7c-5

Q: Were you aware that the truck had been pushed to the side of the road by one of the 1st Platoon Bradley's?

A: Yes, based upon a statement given by SFC [REDACTED] b6-5, b7c-5

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

A: No.///End of Statement/// [REDACTED] b6-5, b7c-5

EXHIBIT _____

INITIALS: [REDACTED] ← b6-5, b7c-5

PAGE 3 OF 9 PAGES

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000202

b6-5, b7c-5 [REDACTED] AFFIDAVIT

I, MAJ [REDACTED] 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 [REDACTED]

b6-5, b7c-5

[REDACTED]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of Jan, 2004 at LSA Anaconda, Balad, IZ.

[REDACTED]
[REDACTED] Person Administering Oath)

b6-1, b7c-1

SA [REDACTED]
(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ
(Authority To Administer Oaths)

WITNESS:

b6-5, b7c-5

EXHIBIT _____ INITIALS: [REDACTED] PAGE 4 OF 9 PAGES [REDACTED]

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000203

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 CID Office, LSA Anaconda b6-5, b7c-5	2. DATE 27 JAN 04	3. TIME 1030	4. FILE NUMBER 66-5, b7c-5
5. Name (Last First MI) [REDACTED]	8. ORGANIZATION OR ADDRESS HHC, 1/8th INF BN Balad, IZ APO HE 09391 Fort Carson, CO 80913		
6. SSN [REDACTED]	7. GRADE/STATUS O-5/RA		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent b6-5, b7c-5 and wanted to question me about the following offense(s) of which I am suspected/accused: misprison of a serious offense b6-5, b7c-5

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

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

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

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer or been advised of your rights in the last 30 days? No

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 INTERVIEWER [REDACTED] b6-5, b7c-5
1a. NAME (Type or Print)	b. ORGANIZATION OR ADDRESS AND PHONE	4. [REDACTED] b6-1, b7c-1
2a. NAME (Type or Print)		
6. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 12th MP DET (CID) (minus) LSA Anaconda, Balad, IZ APO HE 09391

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

FOR OFFICIAL USE ONLY

015414

EXHIBIT 50
000204

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. *b6-5, b7c-5*

1. LOCATION <i>PMA office, LSA Anacosta, IZ</i>	2. DATE (YYYYMMDD) <i>2004 01 27</i>	3. TIME <i>1202</i>	4. FILE NUMBER <i>b6-5, b7c-5</i>
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS <i>D-5/RA</i>	
8. ORGANIZATION OR ADDRESS <i>HHC, 118th INF BN (BALAD, IZ) Fort CARSON, CO 80913</i>			
9. <i>LTC</i> [REDACTED] <i>b6-5, b7c-5</i>			

I, *LTC* [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Here is what I know to be true.
 I returned back to Samarra (Brassfield-Mora) on the day of CPT Paliwoda's memorial service (7 JAN 04). As most know, Eric's death deeply affected me. In the days afterward, I was definitely not myself - basically having one of my Company Commanders die in my presence - had left me pretty much grief stricken and very upset. It also bothered me a great deal that Eric died on Paliwoda FOB (formerly Eagle) while 1-8 IN was still in Samarra. Anyway, I was still pretty upset when CPT [REDACTED] and *LT* [REDACTED] *b6-5, b7c-5* approached me with a report of the incident in Samarra.
 I needed to meet the Bde Cdr and the 1-66 AR Cdr for a transition meeting since I was returning back to Balad the next day to relieve 2-3 Infantry. So in a 10 minute meeting or so, CPT [REDACTED] *b6-5, b7c-5* relayed to me the events that on the night of 3 JAN 04, 1st Platoon, A Company had detained [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] <i>b6-5, b7c-5</i>	PAGE 1 OF <i>26</i> 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 LTC [redacted] TAKEN AT LSA Anaconda DATED 27 JAN 04

9. STATEMENT (Continued)

2 individuals breaking curfew up near the SDI Complex in Samarra, however, instead of moving them to the CMOC or police station across from the CMOC, they moved the 2 detainees to a location just past checkpoint K2 and had them get out of the Bradley, they uncuffed the detainees, and motioned to have the 2 individuals jump into the nearby water - the 2 Iraqis did just that and then soldiers watched as the Iraqis got out of the water and walked away. The soldiers then remounted their Bradleys and continued movement back to Brassfield-Mora.

As a result of this information, I made a poor, hasty decision to have everyone involved just talk about dropping the Iraqis off on the road. First, I was clearly not myself - still focused on the mortar attacks in Balad, Eric, and finding his killers. Second, I thought the water was inconsequential since the soldiers had watched them get out. I was very upset with the platoon's leadership, their poor judgement/actions, and wanted to handle this at my level.

CPT [redacted] is my best Company Commander and A Company is my best infantry company. Well-trained, organized, effective, and aggressive, A Company has done a phenomenal job in both phases of engagement. Eliminating attackers while also engaging

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 6 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

b7C-5, b6-5

STATEMENT OF LTC [REDACTED]

TAKEN AT

2SA Anacosta

DATED

27 JAN 04

b7C-5, b6-5

9. STATEMENT (Continued)

in a highly successful civil affairs campaign in Balad. So, I told the Company Cdr and Platoon leader to not mention anything about the water. And then I left the next day for Balad and basically took my "eye off the ball" in Samarra since we launched into several consecutive operations to capture/detain CPT [REDACTED]'s killers - and by the time I came out of those operations - CID was involved, the investigation was on-going, and everything was clearly out of my hands. And so, though I am quite sure [REDACTED] is alive and well - it has come to this.

I have made hundreds of decisions out here in combat - many split-second under fire, many that fall into the "life or death" category, and many on the future of detainees (release or hold). In all cases, I know I have made the right call - but in this instance, I did not.

I do not excuse the behavior of those involved in having the Iraqis jump into the water - it was an act of stupidity, but no one drowned - and hopefully in two weeks or so I will be able to detain [REDACTED] and prove that.

I also do not excuse my decision - of the hundreds of right calls I have made, this one was wrong - no matter that I was still suffering

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7C-5, b6-5

PAGE 3 OF 6 PAGES

b7C-5, b6-5

b6-5, b7c-5

b6-5, b7c-5

STATEMENT OF LTC [REDACTED] TAKEN AT LSA Anacorda DATED 27 JAN 04

9. STATEMENT (Continued)

from Eric's death - I should have conducted a formal Commander's inquiry and presented the facts to the Bde Cdr. I wish I could have a "re-do" on this part.

So I take full responsibility for what has happened since the incident.

Q: SA [REDACTED]

A: LTC [REDACTED]

Q: When CPT [REDACTED] and 1LT [REDACTED] came to you, did you know or were you aware of the possibility that one of the detainees drowned?

A: NO.

Q: Why did you instruct CPT [REDACTED] and 1LT [REDACTED] to withhold the fact that the detainees were told to and went into the water?

A: I thought the water part was inconsequential since soldiers saw the Iraqis get out and walk away.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [REDACTED] day of [REDACTED] at [REDACTED]

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 6 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

b7C5, b6-5

STATEMENT OF LTC [redacted] b7C-5, b6-5
TAKEN AT LSA Amarna da DATED 27 JAN 04

9. STATEMENT (Continued)

b7C-5, b6-5

Q: At any point was MAJ [redacted] aware of your instructions or did you instruct him to withhold information regarding the detainees being thrown or told to go into the water?

A: Please restate the question. [redacted] b7C-5, b6-5

Q: Did you at any point instruct MAJ [redacted] to withhold or cover up any information regarding the detainees and the water?

A: NO. [redacted] b7C-5, b6-5

Q: Were aware or did you believe at any point that CPT [redacted] b7C-5, b6-5 and ILT [redacted] b7C-5, b6-5 could have or did lie to you when they briefed you?

A: Absolutely NOT. [redacted] b7C-5, b6-5

Q: After you became aware of the possibility of one of the detainees drowning, did you at any point decide to change your instructions given to CPT [redacted] b7C-5, b6-5 and ILT [redacted] b7C-5, b6-5 to withhold information?

A: By the time I became aware of this possibility - I was just too focused on operations in Balad and the investigation had progressed to the point where everything was out of my hands. [redacted] b7C-5, b6-5

Q: Do you believe that "Zaydoon", the Iraqi detainee actually drown the night of the incident?

A: Not at all - in fact, I firmly believe he is still alive and well in either Samarra or Baghdad. [redacted] b7C-5, b6-5

Q: Do you regret and are you remorseful for your decision to cover and/or withhold information regarding this incident?

b7C-5 b6-5

A: Clearly it was a bad decision and I would regret making it very much. I wish I could "re-do" that meeting with CPT [redacted] b7C-5, b6-5 and LT [redacted] n25

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

A: NO, /// END OF STATEMENT /// [redacted] b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

INITIALS OF PERSON MAKING STATEMENT

n25

PAGE 5 OF 6 PAGES

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

0011-04-CID469-79630

PAGE 1 OF 1 PAGES

DETAILS

Between 0930 and 1550, 29 Jan 04, the following individuals from A Company, 1-8th Infantry, 4ID, (Balad, Iraq), Fort Carson, CO 80913 (FCCO), were canvass interviewed for their knowledge of the reported incident. None of the listed individuals had anything pertinent to add to the investigation. All denied they had prior knowledge of any incident involving throwing detained individuals into the river. All claimed they learned about the alleged incident after their command informed them a USACIDC investigation was ongoing. All denied anyone in their chain of command informed them how to answer any questions posed by investigators.

- CSM [REDACTED] b6-3, b7c-3
- SGT [REDACTED] b6-5, b7c-5
- SPC [REDACTED] b6-3, b7c-5
- PFC [REDACTED] b6-3, b7c-3
- PVT [REDACTED] b6-3, b7c-3
- SGT [REDACTED] b6-3, b7c-3
- PV2 [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SSG [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SSG [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SGT [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- SPC [REDACTED] b6-3, b7c-3
- PFC [REDACTED] b6-3, b7c-3
- SGT [REDACTED] b6-3, b7c-3
- SSG [REDACTED] b6-3, b7c-3
- SGM [REDACTED] b6-3, b7c-3

About 1046, 29 Jan 04, SA [REDACTED] this office, interviewed 1SG [REDACTED] b6-3, b7c-3 A Company, 1-8th Infantry, 4ID, (Balad, Iraq), FCCO, who provided a sworn statement. 1SG [REDACTED] denied he had any knowledge pertaining to the alleged incident. (See Sworn Statement for details)///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b6-1, b7c-1, b2		ORGANIZATION 12 th MP Det (CID) (MINUS), LSA ANACONDA, APO AE 09391	
SIGNATURE [REDACTED]	DATE 29 Jan 04	EXHIBIT 51	

SWORN STATEMENT

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

LOCATION LSA ANACONDA	DATE 29 JAN 0	TIME 10:46	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED] b6-3, b7c-3		GRADE/STATUS E8
ORGANIZATION OR ADDRESS Aco 1-8 IN 4 ID			

[REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

That I did not have prior knowledge of the incident in question until around 15 JAN 04. The way I found out was from my commander, he informed me that CID was conducting an investigation on one of the plts. I told the commander not to give me any details because one of us needed to be in control of the remainder of the company. Prior to this I had no knowledge of the incident in question nor did I hear of any jokes about making somebody swim.

Q: Who is your CDR?

A: CPT [REDACTED] Aco 1-8 IN

Q: Which PLT was the CDR referring to?

A: 1st PLT

Q: What did the CDR tell you about the "CID investigation"?

A: He just said it was involving 1st PLT and an alleged drowning

Q: Did he say who drowned or who was involved?

A: NO

Q: Did anyone else confront you about this incident before the CDR did?

A: NO

Q: Besides "Rumors" did any one else ever confront you about this incident?

A: NO

Q: On the site of "Rumors" what have you heard concerning soldiers who are involved either if it is pushing, witness, or failing to report the incident. (I.E. covering up the incident)

A: The only ones that I know of or have rumor of were SGT [REDACTED] SPC [REDACTED] and SPC [REDACTED] I didn't hear anything of a cover up

Q: Referring to SGT [REDACTED], SPC [REDACTED] and SPC [REDACTED], who are they? b6-5, b7c-5

A: These are 3 team members on my 1st PLT that are currently in TARRIT

Q: What about these soldiers? What did the "Rumor" say they did?

A: All I know is the rumor that they were present but nothing specific

Q: Present for what?

A: For the alleged drowning incident

Q: Has anyone approached you and either told you, asked you, or threatened you

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b6-3, b7c-3	PAGE OF 3 PAGES
---------	---	-----------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] 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.

b6-3, b7c-3

FILE NUMBER:

STATEMENT OF 1SG [REDACTED]

TAKEN AT USA Anacosta

DATED 29 Jan 04

CONTINUED

to not say anything about this incident?

A: NO

Q: In the night in question that an Iraqi was allegedly thrown in the water, what was your location of duty?

A: Crossfield more FOB

Q: As the 1SG what are your duties?

A: I mainly run admin and personnel issues

Q: Whom is the person the soldiers report to after a mission (de-brief etc)?

A: The company commander Capt [REDACTED] b6-3, b7c-3

Q: Do you have anything further you would like to add to this statement?

A: NO /// END OF STATEMENT /// [REDACTED] b6-3, b7c-3

b6-3, b7c-3

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE [REDACTED] OF 3 PAGES
015423 000213

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EXHIBIT 52

STATEMENT (Continued)

b6-3, b7c-3

[Redacted]

b6-3, b7c-3

AFFIDAVIT

I, [Redacted] 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.

b6-3, b7c-3

[Redacted] b6-3, b7c-3
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 29 day of JAN 2004 at SA [Redacted] b6-1, b7c-1

ORGANIZATION OR ADDRESS

[Redacted] b6-1, b7c-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [Redacted] b6-1, b7c-1
(Typed Name of Person Administering Oath)

Article 136
(Authority to Administer Oaths)

b6-3, b7c-3

INITIALS OF PERSON MAKING STATEMENT

[Redacted] b6-3, b7c-3

PAGE 3 OF 3 PAGES

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0014-04-CID919 (RFA)

PAGE 1 OF 1 PAGES

DETAILS

b6-1, b7c-1

b6-5, b7c-5

About 1750, 30 Jan 04, SA [redacted] advised SGT [redacted] A Co, 1/8th INF BN, (Balad, IZ) Fort Carson, CO, of his legal rights. SGT [redacted] invoked and stated he had already retained counsel through Trial Defense Services, LSA Anaconda, Balad, IZ (see Non-Waiver Certificate for details).///Last Entry///

b6-5, b7c-5

TYPED AGENT'S NAME AND SEQUENCE NUMBER

b6-1, b7c-1, b2-1

SA [redacted]

ORGANIZATION

12th MP DET (CID) (MINUS),
LSA Anaconda, Iraq APO AE 09391

SIGNATURE

[redacted signature]

DATE

30 Jan 04

EXHIBIT

53

CID 94

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015425 000215

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

PMO/MPF office, LSA Anaconda, IZ

2. DATE

30 JAN 04 1750

3. TIME

4. FILE NUMBER

0014-04-CID919

5. Name (Last First MI)

[Redacted] b6-5, b7c-5

8. ORGANIZATION OR ADDRESS

A CO, 118th INF BN
(LSA Anaconda, IZ) (BALAD)
Fort Carson, Colorado 80913

6. SSN

[Redacted]

7. GRADE/STATUS

E-5/RA

b6-5, b7c-5

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused: Aggravated Assault 111 b6-5, b7c-5

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

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

-or-

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

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

5. COMMENTS (Continue on reverse side)

Have you requested a lawyer or been advised of your rights in the last 30 days? Yes

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 (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. NAME

5. TITLE

6. ORGANIZATION OF INVESTIGATOR

12th MP DET (CID) (minus)
LSA Anaconda, BALAD, IZ APOAE 09391

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

[Redacted] b6-5, b7c-5

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

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0011-04-CID469-79630

PAGE 1 OF 1 PAGES

DETAILS

About 1000, 18 Mar 04, SA [REDACTED] ^{b7C-1, b6-1} received notification from MAJ [REDACTED] ^{b7C-3, b6-3} (NFI), Staff Judge Advocate's Office, 4th Infantry Division, Camp Ironhorse, Tikrit, Iraq, who related the exhumation of Mr. FADHIL was no longer required for prosecution. MAJ [REDACTED] further opined there was probable cause to believe the subjects committed the listed offenses.

About 1800, 23 Apr 04, SA [REDACTED] ^{b7C-1, b6-1} received an information report from the ^{b7C-3, b6-3} 75th Military Police Det (CID), LSA Anaconda, Balad, Iraq, APO AE 09391, which stated SA [REDACTED] advised SPC [REDACTED] A Co, 1/8th Inf Bn, Balad, Iraq, of his legal rights, on 9 Mar 04, which he invoked requesting counsel and requesting to remain silent. (See Non-Waiver Certificate of SPC [REDACTED] for details) ///LAST ENTRY///

b7C-5, b6-5

b7C-5, b6-5

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

SIGNATURE

b7C-1, b6-1
b2-1

b7C-1, b6-1

ORGANIZATION

38th MP Det (CID), 22nd MP BN (CID)
Baghdad, Iraq, APO AE 09342

DATE

23 Apr 04

EXHIBIT

55

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE
For use of this form, see AR 190-30; the proponent agency is GDCSOPS

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 located
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.

b6-3, b7c-3

1. LOCATION LSA Anaconda, Balad, Iraq	2. DATE 09 Mar 04	3. TIME 1336	4. FILE NO. 0051-04-C10919
5. NAME (Last, First, MI) [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4/RA	8. ORGANIZATION OR ADDRESS A Co, 1-8 Inf., Attack FOB Ft. Carson, CA 80913

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command as a Special Agent and wanted to question me about the following offense(s) of which I am suspected: Involuntary Manslaughter, Conspiracy
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:

b6-3, b7c-3

- 1. I do not have to answer any question or say anything.
- 2. Anything I say or do can be used as evidence against me in a criminal trial.
- 3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.
- 4. (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.
- 5. 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)		[REDACTED]	
2. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR [REDACTED]	
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR SA [REDACTED]	
2b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 75th MP Det. CID LSA Anaconda, Balad, Iraq APO AE 09391	

b6-1, b7c-1

b6-1, b7c-1

Section C. Non-waiver

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

2. [REDACTED] b6-3, b7c-3 [REDACTED] b6-3, b7c-3

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (IN CONNECTION WITH)

Encl. 2

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015428A 000218

EXHIBIT

**BATES PAGES 15428B-15428R ARE PHOTOS
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HAVE BEEN DETERMINED TO BE
NONRESPONSIVE**

Page(s)

236-237

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

154283

**BATES PAGES 15428T-15428Y ARE PHOTOS
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Page(s)

244-245

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Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

154287

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Page(s)

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translation provided at page 185

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Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

15428AD

Page(s)

250-275

translation of page 250 provided
at page 185

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Foreign Language

Photos depicting Americans

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Civilian Agency Records

15428AE

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0011-04-CID469-79630

PAGE 1 OF 1 PAGES

DETAILS

About 1800, 27 Sep 04, SA [redacted] ^{b7C-1, b6-1} coordinated with Mr. [redacted] ^{b7C-4, b6-4} attorney for Mr. [redacted] ^{b7C-3, b6-3} who provided this agent with Arabic letters from himself, Mr. [redacted] (Mr. FADHIL's [redacted] and Mrs. [redacted] (Mr. FADHIL's [redacted] . Mr. [redacted] stated the Arabic letters describe how they identified Mr. FADHIL remains after his body was discovered on 15 Jan 04. Mr. [redacted] ^{b7C-3, b6-3} also provided an Arabic letter from Mr. [redacted] ^{b7C-3, b6-3}, an Engineer in Samarra, Iraq, who stated he assisted Mr. FADHIL's family in searching for his remains by closing the dam in the river where Mr. FADHIL was forced into the water. Further, Mr. [redacted] ^{b7C-3, b6-3} provided SA [redacted] ^{b7C-1, b6-1} with a ring and an identification card, which were allegedly removed from Mr. FADHIL's remains after his body was discovered on 15 Jan 04. Mr. [redacted] ^{b7C-1, b6-1} also provided SA [redacted] with a photograph depicting Mr. FADHIL with his fiancé and other family members.

About 1813, 27 Sep 04, SA [redacted] ^{b7C-3, b6-3} collected the ring, the identification card, and the photograph as evidence from Mr. [redacted] ^{b7C-1, b6-1}, on a DA Form 4137, Evidence/Property Custody Document, voucher (VO) 770-04. ^{b7C-1, b6-1}

On 29 Sep 04, Mrs. [redacted] ^{b7C-3, b6-3}, 619-82-4711, Translator, Titan Corporation, Baghdad, Iraq, translated the Arabic letters obtained from Mr. [redacted] ^{b7C-3, b6-3} and the Arabic information on the identification card collected as evidence. (See English Translation for details) ///LAST ENTRY///

b7C-3, b6-3

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [redacted] ^{b7C-1, b6-1} ^{b2-1}		ORGANIZATION 38 th MP Det (CID), 22 nd MP BN (CID) Baghdad, Iraq, APO AE 09342	
SIGNATURE [redacted] ^{b7C-1, b6-1}	DATE 29 Sep 04	EXHIBIT 71	

Page(s)

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translation provided at page 278

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015430

In the name of God
Ministry of Agriculture
Department of, the Dam and Reservoir
Department of Samera'a Site.
Number : 6-2-1-26
Date : Jan-17-2004

To :
Subject : Search for a body

on the Dates of the Third, fourth, fifth of
January-2004, the Dam of the ditch was closed
for the reason of finding the body of Zidoon
Ma'amon Fadel, we closed the Dam in different
periods of time, in wich was the drainage of
the ditch about 100 meter, opening the Dam
about 85 centimeter, the Level of the water
was 5 meter Deep,
the Dam was closed on the 15th - Jan-2004 as well
for six hours, on that Day we find the body

with all of my appreciation

The Engineer

[Redacted signature]

66-3, 67-3

The Site Director

SS# [Redacted]

67C-3, 66-3

015431

000278

Page(s)

279

translation provided at page 280

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015432

In the name of God
To the United States of America Army

after thirteen days of emadated searching
and chasing of the water Moument and the
strong Current that is rushing towards the ditch,
we did find the body of [REDACTED] Zidoon,
his body was about one Kilo meter far from
the dam, he was picked up from there and
Moved to his parents house for the family to
See him for the last time,
we buried him in Samerera Cemetery, for that
I would like to assure you with the no doubt that
the body we find and snatch away from the
ditch in Jan-15-2004 it was [REDACTED] Zidoon body
and that is after searching for his body since
the day he was pushed into the lake from the
part of the American Soldiers in Jan-30-4-2004.
he was the one who was buried in the same day,
I am his [REDACTED] and I know him as of knowing my
own self. b7C-3, b6-3

Thank you.

[REDACTED] of Zidoon b7C-3, b6-3

[REDACTED] b7C-3, b6-3

SEP - 13 - 2004

[REDACTED] - b7C-3, b6-3

SS# [REDACTED]

015433

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000280

EXHIBIT 75

Page(s)

281

translation provided at page 282

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Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015434

In the name of God

To / United States Army

Subject / Confirming.

I am assuring with no doubt, that on the 15th of January 2004, I was one of the people who saw the body of the deceased Zidoon Maamon Fadel Al Samaraiy, when he was brought home, after he was picked up from the ditch, I did identify him as well as his family members and his friends for that I am signing this statement,

lawyer

[Redacted signature]

b6-3, b7C-3

Baghdad on SEP-13-2004

[Redacted signature]

- b7C-3, b6-3

ssb

[Redacted signature]

Page(s)

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translation provided at page 284

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015436

In the name of God
To the United States Army

b7c-3
b6-3

On January -15-2004, we find the deceased
body of [redacted] Zidon Maámon Fadel
At samerday, after he was pushed into the
ditch by some of the American Soldiers
on January-3-2004, after we saw him for
the last time we had the funeral and he was
buried in Samerda Cemetery.

b7c-3
b6-3

neither me or [redacted], his sibling, his relative
nor his friends have any doubt that it was
Zidoon body,

who would not know her own son.
according to your request I wrote this
statement.

hope you understand my emotion as
another who lost her son.

thank you

b7c-3, b6-3

[redacted] Zidoon
[redacted]

b7c-3, b6-3

SEP-13-2004

[redacted]

b7c-3, b6-3

SS# [redacted]

015437

000284

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EXHIBIT 79

Page(s)

285-286

translations provided at pages 287 and 288.

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015438

(1)

834665

Iraq republic
Ministry of interior

Division : Samera'a

File number: 302

Page number: 37

Identification number

[REDACTED]

b7C-4, b6-4

Department of Citizens
and Civilian

Identification.

ISSUED under the Law of civilians Rights number 65

name: zid oon

Father name:

[REDACTED]

-b7C-3, b6-3

last name: AL Samera'ay

Mother name:

[REDACTED]

Sex : Male

ISSUED Date JAN-18-2003

Signature of employee :

full name:

[REDACTED]

b7C-3, b6-3

* [REDACTED]

- b7C-3, b6-3

SS # [REDACTED]

015439

000287

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EXHIBIT 81

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER
0011-04-RTD 469
CRD REPORT/CID ROI NUMBER
79630

RECEIVING ACTIVITY: 38th MP Det (CID), 22nd MP Bn (CID) LOCATION: Baghdad, Iraq, APO AE 09342

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: Mr. [redacted] b6-3, b7c-3
ADDRESS (include Zip Code): [redacted] b6-3, b7c-3

LOCATION FROM WHERE OBTAINED: From the hands of Mr. [redacted] while located at check point 1, BIAP, Baghdad, Iraq
REASON OBTAINED: Evidence
TIME/DATE OBTAINED: 1813, 27 Sep 04

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Ring, Gold in make, yellow in color, About 1/4 inch thick, about 1" in diameter. Ring has been cut through on one side, marked for ID with 1813, 27 Sep 04. [redacted] b6-3, b7c-3
2	1	Photograph, Approximately 4"x6" inches, marked on back with "94801 INNA" - Depicting what appears to be 3 females and two males. Marked for ID with 1813, 27 Sep 04. [redacted] b6-3, b7c-3
3	1	Identification Card, Plastic and Paper in construction, bearing red & blue arabic writing and containing a photograph of a male on it. Marked for ID with 1813, 27 Sep 04. [redacted] b6-3, b7c-3
Last Item		

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY SIGNATURE NAME, GRADE OR TITLE	RECEIVED BY SIGNATURE NAME, GRADE OR TITLE	PURPOSE OF CHANGE OF CUSTODY
1-3	27 Sep 04	[redacted] b6-3, b7c-3	[redacted] b6-1, b7c-1	Evaluation as Evidence
1-3	28 SEP 2004	[redacted] SA [redacted]	[redacted] SA [redacted] b6-1, b7c-1	RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE [redacted] b6-1, b7c-1	SIGNATURE [redacted]	
		NAME, GRADE OR TITLE [redacted]	NAME, GRADE OR TITLE [redacted]	
		SIGNATURE [redacted]	SIGNATURE [redacted]	
		NAME, GRADE OR TITLE [redacted]	NAME, GRADE OR TITLE [redacted]	
		SIGNATURE [redacted]	SIGNATURE [redacted]	
		NAME, GRADE OR TITLE [redacted]	NAME, GRADE OR TITLE [redacted]	

015441

OFFICIAL USE
ONLY

DATE: 03 FEB 2004

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

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID)(FWD) //OPS//
PROVOST MARSHAL //PM// //4ID//
CHIEF OF STAFF //4ID//

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

DRAFTER: [REDACTED]

b6-1, b7c-1

RELEASER: [REDACTED]

b6-5, b7c-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE
38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

2. 16 JAN 2004/1300 - 16 JAN 2004/1500; 1/66 ARMOR BATTALION AREA,
FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ

3. 1 DEC 2003/0800 - 15 DEC 03/1600; UNKNOWN LOCATION AND RIVER
IN OR AROUND BALAD, IRAQ (NFI)

4. 0900/29 JAN 04 - 1100/29 JAN 04; BUILDING 4010, CID OFFICE, LSA
ANACONDA, APO AE 09391

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

3. INVESTIGATED BY: SA [REDACTED]

b6-1, b7c-1, b2-1

b6-1, b7c-1, b2-1

SA [REDACTED]

b6-1, b7c-1, b2-1

b6-5, b7c-5

4. SUBJECT: 1. [REDACTED]

1LT [REDACTED]

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

b6-5, b7c-5

2. [REDACTED]

SGT: [REDACTED]

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

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3. [REDACTED] SPC; [REDACTED] 7 MAY 83;
PLEASANT HILL, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE
OFFICIAL STATEMENT][CONSPIRACY]

4. [REDACTED] SPC; [REDACTED] 27 JUL 79; LIMA, OH;
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL
STATEMENT][CONSPIRACY]

5. [REDACTED] CPT; [REDACTED] 22
MAY 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. [REDACTED] SFC; [REDACTED] JUN 71;
SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE]
[CONSPIRACY]

7. [REDACTED] MAJ; [REDACTED] 11 MAY 67;
PHOENIX, AZ; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT;
[OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

8. (CORRECTED) [REDACTED] LTC; [REDACTED]
28 APR 63; PORTLAND, OR; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4 ID, APO AE
09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE
FACT][CONSPIRACY]

9. [REDACTED]; SGT; [REDACTED] 10 NOV 76;
CARACAS, VENEZUELA; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391;
CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

10. (ADD) [REDACTED] SGT; [REDACTED] 1 AUG
76; BADGER, CA; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[AGGRAVATED ASSAULT][CONSPIRACY][FALSE OFFICIAL STATEMENT]

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

2. [REDACTED] CIV; 19 MAR 1981;
SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI)
[AGGRAVATED ASSAULT][CONSPIRACY]

3. U.S. GOVERNMENT [FALSE OFFICIAL
STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY
AFTER THE FACT]

b7C-5,
b6-5

b7C-4, b6-4

015443

000291

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

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

5TH STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT [REDACTED] AS A SUBJECT OF AGGRAVATED ASSAULT/FALSE OFFICIAL STATEMENT/CONSPIRACY AND ADD AN UNKNOWN IRAQI MALE AS A VICTIM OF AGGRAVATED ASSAULT IN WHICH HE WAS FORCED INTO A BODY OF WATER DURING AN EARLIER INCIDENT. b7C-5, b6-5

INVESTIGATION FURTHER DISCLOSED SGT [REDACTED], PROMPTED BY SFC [REDACTED], SELECTED AN AS YET UNIDENTIFIED IRAQI MALE IN BALAD FOR DETENTION SOLELY TO PUT THE IRAQI MALE INTO A BODY OF WATER IN THE VICINITY OF BALAD. THE DETAINEE WAS THEN TRANSPORTED TO AN UNIDENTIFIED BODY OF WATER AT AN ARMY FLOAT BRIDGE IN THE VICINITY OF BALAD AND FORCED OFF THE BRIDGE INTO THE WATER. b7C-5, b6-5

ON 29 JAN 04, WHEN INITIALLY INTERVIEWED AS A POTENTIAL WITNESS IN THIS INVESTIGATION, SGT [REDACTED] LIED AND DENIED ANY KNOWLEDGE OF A PREVIOUS INCIDENT OF FORCING AN IRAQI INTO A BODY OF WATER. b7C-5, b6-5

INVESTIGATION CONTINUES BY THE USACIDC.

** REQUEST A USACRC NAMECHECK BE CONDUCTED ON [REDACTED] ** b7C-5, b6-5

4TH STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT [REDACTED] AS A SUBJECT OF CONSPIRACY AND FALSE OFFICIAL STATEMENT AND TO CORRECT THE SPELLING OF LTC [REDACTED]'S NAME. b7C-5, b6-5

ON 27 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS AT THE RIVERS EDGE WHEN MR [REDACTED] AND MR. FADHIL WERE FORCED INTO THE RIVER. HE FURTHER STATED HE WAS ONE OF THE LAST SOLDIERS TO WITNESS BOTH MR [REDACTED] AND MR. FADHIL IN THE RIVER. HE STATED MR [REDACTED] WAS SWIMMING TOWARD THE SHORE AND MR. FADHIL WAS b7C-5, b6-5

015444

000292

b7C-5, b6-5

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

b7C-5
b6-5

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

b7C-5
b6-5

REQUEST USACRC NAME CHECK BE CONDUCTED ON SGT [REDACTED] LTC [REDACTED], MAJ [REDACTED], SFC [REDACTED] AND CPT [REDACTED]

INVESTIGATION CONTINUES BY THE USACIDC.

3D STATUS:

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

b7C-5
b6-5

ON 27 JAN 04, LTC [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS BRIEFED BY CPT [REDACTED] AND 1LT [REDACTED] REGARDING THIS INCIDENT, SPECIFICALLY REGARDING THE FACT THAT MR [REDACTED] AND MR FADHIL WERE PUSHED INTO THE RIVER AFTER THEY WERE DETAINED. HOWEVER, HE RELATED THE SOLDIERS AND OFFICERS REPORTED SEEING THE TWO VICTIMS ALONGSIDE THE ROAD AFTER THEY CLIMBED BACK OUT OF THE WATER AND BEFORE THE PATROL DEPARTED THE AREA. LTC [REDACTED] RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY STATEMENTS THEY MADE ABOUT PUSHING THE VICTIMS IN THE RIVER IN ORDER TO PREVENT THE CIRCUMSTANCES FROM BEING 'TAKEN OUT OF CONTEXT' AS HE DIDN'T BELIEVE ONE OF THE VICTIMS DROWNED, BUT INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST COALITION FORCES. LTC [REDACTED] FURTHER RELATED BY THE TIME HE DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF SEEING THE VICTIMS ALIVE AND WELL ON THE SIDE OF THE ROAD UPON THEIR DEPARTURE FROM THE AREA, THE INVESTIGATION WAS WELL UNDERWAY AND OUT OF HIS HANDS.

b7C-5
b6-5

b7C-5
b6-5

FURTHER, ON 27 JAN 04, PFC [REDACTED], SGT [REDACTED], AND SPC [REDACTED], ALL OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT [REDACTED] SPOKE TO THEM REGARDING THIS INVESTIGATION AND PERSONALLY TOOK THEM TO THE TRIAL DEFENSE SERVICE OFFICE (TDS) TO SEE ATTORNEYS, INDICATING HE WANTED THEM TO KNOW WHAT THEIR RIGHTS WERE PRIOR TO THEIR BEING INTERVIEWED BY THIS

b7C-5
b6-5

015445

000293

66-5, 67C-5
OFFICE. 1LT [REDACTED] DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO HIM BY THE 3D BCT COMMANDER ON 22 JAN 04 AND IN THE PRESENCE OF THE 4ID SJA NOT TO DISCUSS THIS INVESTIGATION WITH ANYONE IN THE CHAIN OF COMMAND AT ANY LEVEL.

INVESTIGATION CONTINUES BY THE USACIDC.

2D STATUS:

67C-4, 66-4
67C-5, 66-5
67C-5, 66-5
FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED], PUSHED MR FADHIL AND PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. LOGAN REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

67C-5, 66-5
67C-5, 66-5
67C-5, 66-5
ON 21 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] AND SPC [REDACTED] AS BEING RESPONSIBLE FOR PUTTING MR FADHIL AND MR [REDACTED] INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT [REDACTED] SPOKE WITH SGT [REDACTED] AND SPC [REDACTED] ABOUT THE DETAINEES. SPC [REDACTED] FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC [REDACTED], REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

67C-5, 66-5
67C-5, 66-5
SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED], SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED] AND CPT [REDACTED] WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC [REDACTED] RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT [REDACTED], 1LT [REDACTED] AND SFC [REDACTED] ACCORDING TO SPC [REDACTED].

67C-5, 66-5
ON 22 JAN 04, 1LT [REDACTED] WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

015446

000294

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

ON 23 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT [REDACTED] IMPLICATED SPC [REDACTED] IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER AND SCREAMING. SGT [REDACTED] RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

b7c-5
b6-5
FURTHER, SGT [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND SPC [REDACTED] AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ [REDACTED] (BATTALION EXECUTIVE OFFICER), CPT [REDACTED], SFC [REDACTED] AND 1LT [REDACTED].

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED]^{b7c-3, b6-3}, HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. [REDACTED]^{b7c-4, b6-4} REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS

015447

000295

UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. ██████████ b6-4, b7c-4 REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. ██████████ b7c-4, b6-4 WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. ██████████ b7c-4, b6-4 STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US SOLDIERS. MR. ██████████ b7c-4, b6-4 CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. ██████████ b7c-4, b6-4 STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED b7c-4, b6-4 THEY DID SEARCH MR. ██████████ AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, b7c-4 b6-4 MR. ██████████ WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. ██████████ b7c-4 b6-4 WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

015448

000296

b7C-5, b6-5

ON 16 JAN 04, SGT [REDACTED], 1ST PLATOON, A COMPANY, 1/8TH INFANTRY BN, 3RD BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7C-4, b6-4
b7C-5, b6-5
b7C-5, b6-5
b7C-5, b6-5, b7C-5, b6-5
b7C-4, b6-4
b7C-4, b6-4

b7C-4, b6-4

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED], MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-4, b6-4

b7C-4, b6-4

ON 16 JAN 04, SPC [REDACTED], 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7C-4, b6-4
b7C-4, b6-4

b7C-4, b6-4

ON 16 JAN 04, SPC [REDACTED], 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. [REDACTED] FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL.

b7C-4, b6-4
b7C-4, b6-4

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b7c-4, b6-4

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

b7c-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

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

INVESTIGATION CONTINUES BY THE USACIDC.

REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] SPC [REDACTED], SPC [REDACTED] AND LT [REDACTED]

b7c-5, b6-5

b7c-5, b6-5

b7c-5, b6-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

OFFICIAL USE
ONLY

DATE: 03 FEB 2004

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

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID)(FWD) //OPS//
PROVOST MARSHAL //PM// //4ID//
CHIEF OF STAFF //4ID//

SUBJECT: CID REPORT - 4TH STATUS/SSI - 0011-04-CID469-79630-5H1/5H7/5H3L/5P2/5X1/5X5/9G1

DRAFTER: [REDACTED] b6-1, b7c-1
RELEASER: [REDACTED] b6-1, b7c-1

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE 38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

2. 16 JAN 2004/1300 - 16 JAN 2004/1500; 1/66 ARMOR BATTALION AREA, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ

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

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]
[REDACTED]; SA [REDACTED] b6-1, b7c-1 b6-1, b7c-1

4. SUBJECT: 1. [REDACTED] 1LT; [REDACTED]
[REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE
OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE]
b6-5, b7c-5

2. [REDACTED] SGT; [REDACTED]
[REDACTED] M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE
OFFICIAL STATEMENT][CONSPIRACY]
b6-5, b7c-5

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

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b6-5, b7c-5

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

b6-5, b7c-5

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

b6-5, b7c-5

6. [REDACTED] SFC; [REDACTED]
M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE]
[CONSPIRACY]

b6-5, b7c-5

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

b6-5, b7c-5

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

b6-5, b7c-5

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

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

b6-4, b7c-4

2. [REDACTED] CIV; [REDACTED]
M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI)
[AGGRAVATED ASSAULT][CONSPIRACY]

3. U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

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4TH STATUS:

THE PURPOSE OF THIS STATUS REPORT IS TO ADD SGT [REDACTED] AS A SUBJECT OF CONSPIRACY AND FALSE OFFICIAL STATEMENT AND TO CORRECT THE SPELLING OF LTC [REDACTED] NAME.

b7c-5, b6-5

ON 27 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS AT THE RIVERS EDGE WHEN MR [REDACTED] AND MR. FADHIL WERE FORCED INTO THE RIVER. HE FURTHER STATED HE WAS ONE OF THE LAST SOLDIERS TO WITNESS BOTH MR [REDACTED] AND MR. FADHIL IN THE RIVER. HE STATED MR [REDACTED] WAS SWIMMING TOWARD THE SHORE AND MR. FADHIL WAS TREADING WATER WHEN SGT [REDACTED] DEPARTED THE AREA. SGT [REDACTED] DID NOT WANT TO BE QUESTIONED ABOUT THE INCIDENT AND HE SUBSEQUENTLY INVOKED HIS RIGHTS.

b7c-4, b6-4
b7c-4, b6-4
b7c-5, b6-5

b7c-4, b6-4

b7c-4, b6-4
b7c-5, b6-5

DURING AN ADMINISTRATIVE REVIEW OF THE CASEFILE IN WAS NOTED LTC [REDACTED] NAME WAS SPELLED INCORRECTLY.

b7c-5
b6-5

***REQUEST USACRC NAME CHECK BE CONDUCTED ON SGT [REDACTED] LTC [REDACTED] MAJ [REDACTED], SFC [REDACTED] AND CPT [REDACTED]**

INVESTIGATION CONTINUES BY THE USACIDC.

3D STATUS:

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

b7c-5
b6-5

ON 27 JAN 04, LTC [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS BRIEFED BY CPT [REDACTED] AND 1LT [REDACTED] REGARDING THIS INCIDENT, SPECIFICALLY REGARDING THE FACT THAT MR [REDACTED] AND MR FADHIL WERE PUSHED INTO THE RIVER AFTER THEY WERE DETAINED. HOWEVER, HE RELATED THE SOLDIERS AND OFFICERS REPORTED SEEING THE TWO VICTIMS ALONGSIDE THE ROAD AFTER THEY CLIMBED BACK OUT OF THE WATER AND BEFORE THE PATROL DEPARTED THE AREA. LTC [REDACTED] RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY STATEMENTS THEY MADE ABOUT PUSHING THE VICTIMS IN THE RIVER IN ORDER TO PREVENT THE CIRCUMSTANCES FROM BEING 'TAKEN OUT OF CONTEXT' AS HE DIDN'T BELIEVE ONE OF THE VICTIMS DROWNED, BUT INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST COALITION FORCES. LTC [REDACTED] FURTHER RELATED BY THE TIME HE DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF

b7c-4, b6-4

b7c-5
b6-5

b7c-5
b6-5

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SEEING THE VICTIMS ALIVE AND WELL ON THE SIDE OF THE ROAD UPON THEIR DEPARTURE FROM THE AREA, THE INVESTIGATION WAS WELL UNDERWAY AND OUT OF HIS HANDS.

b7C-3, b6-3
FURTHER, ON 27 JAN 04, PFC [REDACTED], SGT [REDACTED] AND SPC [REDACTED] ALL OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT [REDACTED] SPOKE TO THEM REGARDING THIS INVESTIGATION AND PERSONALLY TOOK THEM TO THE TRIAL DEFENSE SERVICE OFFICE (TDS) TO SEE ATTORNEYS, INDICATING HE WANTED THEM TO KNOW WHAT THEIR RIGHTS WERE PRIOR TO THEIR BEING INTERVIEWED BY THIS OFFICE. 1LT [REDACTED] DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO HIM BY THE 3D BCT COMMANDER ON 22 JAN 04 AND IN THE PRESENCE OF THE 4ID SJA NOT TO DISCUSS THIS INVESTIGATION WITH ANYONE IN THE CHAIN OF COMMAND AT ANY LEVEL.

INVESTIGATION CONTINUES BY THE USACIDC.

2D STATUS:

b7C-5, b6-5
FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED], PUSHED MR FADHIL AND PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. LOGAN REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

b7C-4, b6-4
ON 21 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] AND SPC [REDACTED] AS BEING RESPONSIBLE FOR PUTTING MR FADHIL AND MR [REDACTED] INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT [REDACTED] SPOKE WITH SGT [REDACTED] AND SPC [REDACTED] ABOUT THE DETAINEES. SPC [REDACTED] FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC [REDACTED], REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED], SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED]

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b6-5, b7c-5
AND CPT ██████████ WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC ██████████ *b6-5, b7c-5* RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT ██████████ *b6-5, b7c-5* 1LT ██████████ AND SFC ██████████ ACCORDING TO SPC ██████████ *b6-5, b7c-5*

b6-5, b7c-5 ON 22 JAN 04, 1LT ██████████ WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

b6-5, b7c-5
ON 22 JAN 04, SPC ██████████ WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC ██████████ *b6-5, b7c-5* ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT ██████████ AND SEEING SGT ██████████ *b6-5, b7c-5* PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC ██████████ *b6-5, b7c-5* FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC ██████████ *b6-5, b7c-5* AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC ██████████ *b6-5, b7c-5* IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT ██████████ *b6-5, b7c-5* SFC ██████████ AND 1LT ██████████

b6-5, b7c-5
ON 23 JAN 04, SGT ██████████ WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT ██████████ *b6-5, b7c-5* ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT ██████████ *b6-5, b7c-5* IMPLICATED SPC ██████████ IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER AND SCREAMING. SGT ██████████ *b6-5, b7c-5* RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

b6-5, b7c-5
FURTHER, SGT ██████████ *b6-5, b7c-5* FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC ██████████ AND SPC ██████████ *b6-5, b7c-5* AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT ██████████ *b6-5, b7c-5* IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ ██████████ *b6-5, b7c-5* (BATTALION EXECUTIVE OFFICER), CPT ██████████ SFC ██████████ AND 1LT ██████████

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED] ^{b7C-3, b6-5} HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. [REDACTED] ^{b7C-4, b6-4} REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. [REDACTED] ^{b7C-4, b6-4} REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. [REDACTED] ^{b7C-4, b6-4} WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. [REDACTED] ^{b7C-4, b6-4} STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US SOLDIERS. MR. [REDACTED] ^{b7C-4, b6-4} CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. [REDACTED] ^{b7C-4, b6-4} STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

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b7C-4, b6-4

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. [REDACTED] AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. [REDACTED] WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. [REDACTED] WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7C-4
b6-4

b7C-4
b6-4

b7C-5, b6-5

ON 16 JAN 04, SGT [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH INFANTRY BN, 3RD BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] (NFI), PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED] MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-4, b6-4

b7C-4
b6-4

b7C-5, b6-5

ON 16 JAN 04, SPC [REDACTED], 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

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b7C-4, b6-4
PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7C-5, b6-5
ON 16 JAN 04, SPC [REDACTED], 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

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

INVESTIGATION CONTINUES BY THE USACIDC.

REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

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DATE: ²⁷23 JAN 2004

OFFICIAL USE ONLY

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

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID)(FWD) //OPS//
PROVOST MARSHAL //PM// //4ID//
CHIEF OF STAFF //4ID//

3rd Staff

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

DRAFTER: [REDACTED] *b6-1, b7c-1*
RELEASER: [REDACTED] *b6-1, b7c-1*

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
 1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE 38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ
2. DATE/TIME REPORTED: 13 JAN 2004, 1011
3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED] *b6-1, b7c-1, b2-1*
4. SUBJECT: 1. [REDACTED] 1LT; [REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE] *b6-5, b7c-5*
2. [REDACTED] SGT; [REDACTED] M; OTHER; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY] *b6-5, b7c-5*
3. [REDACTED] SPC; [REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT][CONSPIRACY] *b6-5, b7c-5*
4. [REDACTED] SPC; [REDACTED] M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY] *b6-5, b7c-5*

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5. [REDACTED] CPT; [REDACTED]; 22 MAY 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. [REDACTED] SFC; [REDACTED] 28 JUN 71; SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE] [CONSPIRACY]

7. [REDACTED] MAJ; [REDACTED] 11 MAY 67; PHOENIX, AZ; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

8. (ADD) [REDACTED] LTC; [REDACTED] 28 APR 63; PORTLAND, OR; M; WHITE; HHC, 1/8 IN BN, 3D BCT, 4 ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

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

2. [REDACTED] CIV; 19 MAR 1981; SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI) [AGGRAVATED ASSAULT][CONSPIRACY]

3. U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

3D STATUS:

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

ON 27 JAN 04, LTC [REDACTED] WAS INTERVIEWED AND ADMITTED HE WAS BRIEFED BY CPT [REDACTED] AND 1LT [REDACTED] REGARDING THIS INCIDENT, SPECIFICALLY REGARDING THE FACT THAT MR [REDACTED] AND MR [REDACTED]

b7c-5,
b6-5

b7c-4, b6-4

b7c-5,
b6-5

b7c-5, b6-5

b7c-5, b6-5

b7c-4, b6-4
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FADHIL WERE PUSHED INTO THE RIVER AFTER THEY WERE DETAINED. HOWEVER, HE RELATED THE SOLDIERS AND OFFICERS REPORTED SEEING THE TWO VICTIMS ALONGSIDE THE ROAD AFTER THEY CLIMBED BACK OUT OF THE WATER AND BEFORE THE PATROL DEPARTED THE AREA. LTC

[REDACTED] RELATED HE BELIEVED THIS AND FURTHER ADMITTED HE DIRECTED THE OFFICERS AND SOLDIERS TO LEAVE THE PART OUT OF ANY STATEMENTS THEY MADE ABOUT PUSHING THE VICTIMS IN THE RIVER IN ORDER TO PREVENT THE CIRCUMSTANCES FROM BEING 'TAKEN OUT OF CONTEXT' AS HE DIDN'T BELIEVE ONE OF THE VICTIMS DROWNED, BUT INSTEAD BELIEVED THE STORY WAS BEING PROPOGATED BY THE VICTIM'S FAMILY TO CREATE NEGATIVE PROPAGANDA AGAINST COALITION FORCES. LTC [REDACTED] FURTHER RELATED BY THE TIME HE DECIDED HE DIDN'T BELIEVE THE SOLDIER'S AND OFFICER'S STORY OF SEEING THE VICTIMS ALIVE AND WELL ON THE SIDE OF THE ROAD UPON THEIR DEPARTURE FROM THE AREA, THE INVESTIGATION WAS WELL UNDERWAY AND OUT OF HIS HANDS.

b7C-5
b6-5

FURTHER, ON 27 JAN 04, PFC [REDACTED] SGT [REDACTED] AND SPC [REDACTED] ALL OF CO A, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391, WERE INTERVIEWED. ALL RELATED 1LT [REDACTED] SPOKE TO THEM REGARDING THIS INVESTIGATION AND PERSONALLY TOOK THEM TO THE TRIAL DEFENSE SERVICE OFFICE (TDS) TO SEE ATTORNEYS, INDICATING HE WANTED THEM TO KNOW WHAT THEIR RIGHTS WERE PRIOR TO THEIR BEING INTERVIEWED BY THIS OFFICE. 1LT [REDACTED] DID THIS IN SPITE OF A VERBAL ORDER GIVEN TO HIM BY THE 3D BCT COMMANDER ON 22 JAN 04 AND IN THE PRESENCE OF THE 4ID SJA NOT TO DISCUSS THIS INVESTIGATION WITH ANYONE IN THE CHAIN OF COMMAND AT ANY LEVEL.

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

INVESTIGATION CONTINUES BY THE USACIDC.

2D STATUS:

FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED] PUSHED MR FADHIL AND [REDACTED] PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. LOGAN REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

b7C-4, b6-4

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

b7C-4, b6-4

ON 21 JAN 04, SPC [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT [REDACTED] AND SPC [REDACTED] AS BEING

b7C-5, b6-5

b7C-5, b6-5

b7C-5, b6-5

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b7c-4, b6-4

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

SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED] SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED] AND CPT [REDACTED] WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC [REDACTED] RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT [REDACTED] 1LT [REDACTED] AND SFC [REDACTED], ACCORDING TO SPC [REDACTED]

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

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

ON 23 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT [REDACTED] IMPLICATED SPC [REDACTED] IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER AND SCREAMING. SGT [REDACTED] RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

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b7c-5
b6-5 { FURTHER, SGT [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND SPC [REDACTED] AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ [REDACTED] (BATTALION EXECUTIVE OFFICER), CPT [REDACTED] SFC [REDACTED] AND 1LT [REDACTED]

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

b7c-3, b6-3 THIS OFFICE WAS NOTIFIED BY CPT [REDACTED] HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

b7c-4
b6-4 PRELIMINARY INVESTIGATION DISCLOSED MR [REDACTED] REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR [REDACTED] REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

b7c-4
b6-4 ON 16 JAN 04, MR. [REDACTED] WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. FADEL STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US SOLDIERS. MR [REDACTED] CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD

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THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. ██████ STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. ██████ AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PROCEEDED ONWARD, MR. ██████ WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. ██████ WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7c-4,
b6-4

ON 16 JAN 04, SGT ██████ ^{b7c-5, b6-5} 1ST PLATOON, A COMPANY, 1/8TH INFANTRY BN, 3RD BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. ██████ AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. ██████ STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT ██████ PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC ██████ AND SPC ██████ REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. ██████ AND MR. FADHIL OFF A BRIDGE. HE STATED MR. ██████ WAS MAKING THE STORY UP.

b7c-4, b6-4
b7c-5, b6-5
b7c-5, b6-5
b7c-5, b6-5

b7c-5, b6-5
b7c-4, b6-4
b7c-4, b6-4

ON 16 JAN 04, LT ██████ ^{b7c-5, b6-5} PLATOON LEADER, 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. ██████ MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND

b7c-5, b6-5
b7c-4, b6-4

2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

ON 16 JAN 04, SPC [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

ON 16 JAN 04, SPC [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

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

INVESTIGATION CONTINUES BY THE USACIDC.

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***REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] b6-5, b7c-5
SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]
b6-5, b7c-5 b6-5, b7c-5 b6-5, b7c-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2
PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND
AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS
UNDER INVESTIGATION.

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

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000315

DATE: 23 JAN 2004

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

OFFICIAL USE ONLY

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID)(FWD) //OPS//
PROVOST MARSHAL //PM// //4ID//
CDR, 1/8TH INF BN //4ID//
CDR, 3RD BDE//4ID//
CHIEF OF STAFF //4ID//

zd STAT

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

DRAFTER: [REDACTED] *b6-1, b7c-1*

RELEASER: [REDACTED] *b6-1, b7c-1*

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE 38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

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

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]
SA [REDACTED] *b6-1, b7c-1, b2-1* SA [REDACTED] *b6-1, b7c-1, b2-1*

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

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

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

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4. [REDACTED] SPC; [REDACTED] 27 JUL 79; LIMA, OH; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

5. [REDACTED] CPT; [REDACTED] 22 MAY 74; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. [REDACTED] SFC; [REDACTED] 28 JUN 71; SULLIVAN, MO; M; WHITE; CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE][CONSPIRACY]

7. [REDACTED] MAJ; M; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; (NFI); [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

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

[REDACTED]; CIV; 19 MAR 1981; SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI) [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT] [CONSPIRACY]

U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

2D STATUS:

FURTHER INVESTIGATION DISCLOSED SGT [REDACTED] AND SPC [REDACTED] ON THE INSTRUCTIONS OF 1LT [REDACTED] PUSHED MR FADHIL AND [REDACTED] PROMPTED MR [REDACTED] TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. [REDACTED] REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED. THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR [REDACTED] OR MR FADHIL

b7C-5, b6-5
b7C-5, b6-5
b7C-5, b6-5
b7C-5, b6-5
b7C-5, b6-5
b7C-4, b6-4
b7C-4, b6-4

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b7C-5, b6-5

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

b7C-5, b6-5

b7C-5, b6-5

b7C-4, b6-4

b7C-5, b6-5

SPC [REDACTED] FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT [REDACTED], SPC [REDACTED], 1LT [REDACTED], SFC [REDACTED] AND CPT [REDACTED] WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC [REDACTED] RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT [REDACTED], 1LT [REDACTED] AND SFC [REDACTED] ACCORDING TO SPC [REDACTED]

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

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

b7C-5

b6-5

ON 23 JAN 04, SGT [REDACTED] WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT [REDACTED] ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT [REDACTED] IMPLICATED SPC [REDACTED] IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER

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000318

AND SCREAMING. SGT [REDACTED] RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

FURTHER, SGT [REDACTED] FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC [REDACTED] AND SPC [REDACTED] AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT [REDACTED] IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ [REDACTED] (BATTALION EXECUTIVE OFFICER), CPT [REDACTED] SFC [REDACTED] AND 1LT [REDACTED]

b7C-5
b6-5

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT [REDACTED] ^{b7C-3, b6-3}, HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. [REDACTED] ^{b7C-4, b6-4} REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. [REDACTED] ^{b7C-4, b6-4} REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. [REDACTED] ^{b7C-4, b6-4} WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. [REDACTED] ^{b7C-4, b6-4} STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE ~~DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE~~ CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US

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SOLDIERS. MR. [REDACTED] CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. [REDACTED] STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

b7c-4
b6-4

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. [REDACTED] AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. [REDACTED] WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. [REDACTED] WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7c-5, b6-5

ON 16 JAN 04, SGT [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH INFANTRY BN, 3RD BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7c-4, b6-4

b7c-5, b6-5

b7c-5, b6-5

b7c-5, b6-5

b7c-4, b6-4

b7c-4, b6-4

b7c-5, b6-5

015472

000320

b7c-5, b6-5

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED] MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7c-4, b6-4

b7c-4, b6-4

b7c-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE RELEASED ON THE NORTH END OF THE BRIDGE IN SAMARRA. HE STATED HE WITNESSED SPC [REDACTED] CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] AND MR. FADHIL WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] OR MR. FADHIL IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF THE BRIDGE.

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

b7c-4, b6-4

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

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INVESTIGATION CONTINUES BY THE USACIDC.

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

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

b6-5, b7c-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

FOR OFFICIAL USE ONLY

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000322

DATE: 17 JAN 2004

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

OFFICIAL USE ONLY

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID)(FWD) //OPS//
PROVOST MARSHAL //PM// //4ID//
CDR, 1/8TH INF BN //4ID//
CDR, 3RD BDE//4ID//
CHIEF OF STAFF //4ID//

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

DRAFTER: [REDACTED] b7c-1, b6-1
RELEASER: [REDACTED] b7c-1, b6-1

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 - 03 JAN 2004/2330; VIC GRID COORDINATE 38S LC 9386 8451, ADJACENT TO A BRIDGE, SAMARRA, IRAQ

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

3. INVESTIGATED BY: SA [REDACTED] SA [REDACTED]
[REDACTED]; SA [REDACTED]

b7c-1, b6-1, b2-1

4. SUBJECT: 1. UNKNOWN; [MURDER] [ATTEMPTED MURDER]

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

2. [REDACTED] b7c-4, b6-4 CIV; 19 MAR 1981; SAMARRA, IRAQ; M; OTHER; ALRMOUSHYA AREA OF SAMARRA; IZ; (NFI) [ATTEMPTED MURDER]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION".

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THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT ^{b7C-3, b6-3} [REDACTED] HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. ^{b7C-4, b6-4} [REDACTED] REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN SAMARRA THAT HE AND MR. FADHIL, HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. ^{b7C-4, b6-4} [REDACTED] REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. FADHIL OFF THE BRIDGE AND INTO THE RIVER WHERE MR. FADHIL DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. ^{b7C-4, b6-4} [REDACTED] WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. FADHIL, WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. ^{b7C-4, b6-4} [REDACTED] STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A 2001 KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE LC 975 857, WITH FIVE OTHER US ^{b7C-4, b6-4} SOLDIERS. MR. ^{b7C-4, b6-4} [REDACTED] CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN SAMARRA, WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. FADHIL INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. ^{b7C-4, b6-4} [REDACTED] STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. FADHIL, BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

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ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. [REDACTED] AND MR. FADHIL WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PRCEEDED ONWARD, MR. [REDACTED] WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. [REDACTED] WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. FADHIL WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR FADHIL.

b7C-4,
b6-4

b7C-5, b6-5

ON 16 JAN 04, SGT [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH INFANTRY BN, 3RD BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN SAMARRA AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. [REDACTED] AND MR. FADHIL FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. [REDACTED] STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT [REDACTED] PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC [REDACTED] AND SPC [REDACTED] REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. [REDACTED] AND MR. FADHIL OFF A BRIDGE. HE STATED MR. [REDACTED] WAS MAKING THE STORY UP.

b7C-4, b6-4

b7C-5, b6-5

b7C-4, b6-4

b7C-4, b6-4

ON 16 JAN 04, LT [REDACTED] PLATOON LEADER, 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED], MR. FADHIL AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

b7C-5, b6-5

b7C-4, b6-4

b7C-4, b6-4

b7C-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS

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b7c-4, b6-4

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

b7c-5, b6-5

b7c-4, b6-4

b7c-4, b6-4

b7c-5, b6-5

ON 16 JAN 04, SPC [REDACTED] 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] AND MR. FADHIL WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] AND MR. FADHIL'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN SAMARRA. HE STATED NO ONE HARMED MR. [REDACTED] OR MR. FADHIL. HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] AND MR. FADHIL STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

b7c-4, b6-4

BETWEEN 1130-1200, 15 JAN 04, MR. FADHIL'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF SAMARRA AT GRID COORDINATES 38S LC 940 788. ON 16 JAN 04, MR. [REDACTED] REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF SAMARRA ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. FADHIL'S REMAINS AT THE TIME OF THIS REPORT.

b7c-4, b6-4

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

INVESTIGATION CONTINUES BY THE USACIDC.

REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]

b7c-5, b6-5

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

015478

000326

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

FOR OFFICIAL USE ONLY

015479

000327

1235
8 Feb 04

b6-3, b7c-3

Dr. [redacted] - Tikrit Hospital -

→ Knows about will happen to body/Remains
-

8 Feb
Got letter
from
Family

b6-3, b7c-3

DR [redacted]

b6-3, b7c-3

DR [redacted]

b6-3,
b7c-3

[redacted] of local religious com- in Salah eldein provi -

Imman and speaker of the Big mosque
ALI AL HADI

b6-3, b7c-3

1325 - 8 Feb 04 - Briefed BN OPS, CW4 [redacted]

015480

000001

Pictures were taken of vehicle next day after incident. Family members took pictures ^{b6-3,}_{b7c-3}
Alive victims brother: [REDACTED]

Deceased has no medical records, no x-rays, never been fingerprinted

Where is vehicle?? Vehicle is in ASEINAIEH. SAMARRA

015481

000002

DNVT, b6-3, b7c-3

COL

XO - b6-3, b7c-3
Bdexo - LTO

CPT

b6-3

b7c-3

LTC b6-5, b7c-5

b7c-2, b6-2

4ID

SJA

3BCT

DNVT b6-3, b7c-3

1550, 26 Jan 04!

1640

BT
CPT
rd BCT

1230

CPT

b6-3, b7c-3

1530

del

BW
CDR

SJA

PLT get

PLT

CDR
CO, CDR
Bn, XO

Next
Act

b6-1, b7c-1

b7c-3
b6-3

UTS

b6-5, b7c-5

Making
arrangements

CG level

- 3 soldiers
- Equipment!

Any Statements b6-5, b7c-5

- MAJ

SCG

inspired
of a
serious
fringe prints
→ photos

015482

000003

1700 →

4ID 1BCT
1/66 Armor
S-3

0830 - Coord w/ CPT

b6-3, b7c-3 →

b6-5, b7c-5
SPC
SGT
SPC

-HHC, 1/66 Armor
Samarra

APONE 09323

1/8 SAKS - Coord
CPT

PVT: [redacted]
b6-3, b7c-3

b6-3, b7c-3

(LTC

1/66 Armor Commander

b6-3, b7c-3

CPT

0850 - Coord w/ CPT

b6-3, b7c-3

ACO, 1/8th Inf

→ walk approximately 2 kilometers

2000 - 0400 1st Platoon

4 here

where they were dropped off

400, 15 Jan
LC 940788
- CPT

location where body was found

b6-3, b7c-3

HA LTC

b6-3, b7c-3 NO American

→ b6-5, b7c-5 1/8 Inf

30560 9386 8451

3308 - Photos
3329

[redacted] SSN [redacted]
TITAN
b6-3, b7c-3

e. mail [redacted] @ yahoo.com

015483

3330
3342

000004

b6-3, b7c-3

1130-1140
29 Jan 04

29 JAN 04 SPC

ACs, 118

probably true but don't know what happen, didn't hear what happened

- heard this a.m., 0700, was told coming to CID.
- didn't hear anything, don't know about, didn't know heard rumors, some Nazis I dead, didn't hear how
- no one confided they were involved
- didn't hear of anyone who was going to lie about what happened
- Mar 03, in unit, 04 Apr 03 came to lodge, never heard about post incidents involving Nazis
- no one in chain told to lie about Nazi incident
- don't know who was involved
- mainly rumors about what happened;

b6-3, b7c-3

1140-1150

PFC

ACs, 118

29 Jan

driver, in unit Jun 03, July 03 in Iraq

- stopped car per violator (2); put in a Bradley, drove out of city stopped by a bridge 1-2 min, drove off.
- a couple days later, unit said someone got thrown off bridge, didn't hear names, heard "someone" but could have been more than 1.
- no one came up to say they were involved
- no one came up to say they knew what happened or who was involved.

b6, b7c-1

3A

heard about this before PFC SGT admitted

never told to lie

no
about previous
incidents

015484

000005

1110, 29 JAN 04
1120.

SGT [REDACTED]
A Co 1/8, Daled, EAGLE FOB.

- not present
- first heard when investigators started
- haven't heard, 1st heard when CID
- no one said they were involved, or saw what happened
- didn't hear about making up story
- nothing
- heard investigator was about maps (2) dying in the river
- didn't hear specific names of persons involved
- no one told by chain to not say anything
- SSG [REDACTED], sq leader, told squad there was an investigation.

b6-3, b7c-3

patrols + OP'S, guard, 3 days on 3 days off.

1120-1130.

Pvt [REDACTED] A Co, 1/8.

- back of track, didn't see, didn't hear anything
- couple days later, heard a few Iraqis, 1 ended up in water
- didn't hear about what happened after incident
- no names
- didn't hear about anyone cover up.
- arrived, 5 weeks to unit, didn't hear about anything from the past.
- heard in passing about what happened.
- were told by unit that everyone was coming to CIA to talk about happened.
- never told by chain of command to not talk or lie about what happened.
- nothing to add.

015485

000006

11.12

b6-3, b7c-3

SSG [redacted] A 1/8th Inf room near B1
1) in the back of truck. being incident [redacted] (A14) - unsure side of city
904 days later in [redacted] - 1. near dismounted by [redacted] near passenger
unknown facts specific.

1120

b6-3, b7c-3

PSFC [redacted] A 1/8th Inf [redacted]
Dewey (A13), TDS [redacted], Form (?)

1131.

b6-3, b7c-3

SFC [redacted] A Co, 1/8th Inf [redacted]
(not A14 sponsor) - not knowledge of incident.

1128

b6-3, b7c-3

SSG [redacted] A Co 1/8th Inf [redacted] PT 1st
has leave - mid term, 15 Dec - 31 Dec; (?).

1140

b6-3, b7c-3

SFC [redacted] A Co 1/8th Inf [redacted] [redacted]
leave - 22 Dec 03 - 8 Jan 04, sponsor A13,

015436

000007

b6-3, b7c-3

b6-3, b7c-3
16 Jan 04

0011-04-020469-79630

0945

0110 saw an american convoy and stopped on bridge
10 minutes after convoy stopped they saw a person
coming towards the checkpoint about 500 meters.
vehicles were there for 5 minutes
they heard a lot of screaming in english. Temp was cold no fog

b6-3, b7c-3
1030

0110 saw some three american tanks going towards
Tikrit. Worked by on bridge for 5 minutes. About 10
min later he saw a person walking towards ICOC

Where the vehicles were stopped on the bridge there
was an embankment the person could climb up.

they could not see any soldiers get out. Heard screaming in
english but can't tell due to water flowing loudly.

b6-3, b7c-3
1100

When person arrived at checkpoint he stated an American
Soldier threw my cousin into the water. He did not
appear angry. The person was very wet & dirty. Never
asked for help. The ICOC took him to the guy in
charge [redacted]. He is on leave now. Within 5 minutes
ICOC sent some people (5) to search the bridge. Guy
appeared to be in shock. 15 min elapsed when the guy showed
up to a search was conducted. Guy told him he was
with his cousin and they were coming from Baghdad with
construction equipment. He verified the purchase. Guy was walked
and appeared very cold

015487

000008 19 1

16 Jan 04

0011-04-CT0464-79630

200 ~~200~~ the two guys came through town in there truck
which was inspected by ~~IC~~ IC. They departed towards
Gamboura, He does not know if any US forces were notified.
Have heard talk a few days later about Americans throwing
Eng's in the river.

0011-04-GEDH08-10090

VPT02

015438

- How old is picture on e-mail
- Photos of him before death
- where is cemetery - How far from USA Anaconda
- Plot grid where body was pushed + grid where body was found
- Did parents ID Body after death - their full ID + location Photos
- Set time for Monday - exume body
- Ask victim any additional questions
- Any previous medical records - X-RAYS
- Did he know - Clarify who found body
- ASK for log
- Re-Ask ICDC Personnel - Could they ID Son
- Where's vehicle

- Cemetery - LC 9856282510 - New Cemetery
From USA Anaconda 4.2 Kilometers - straight line

→ CPT 1120 - obtained MAP to reflect
Both where body was pushed
& found

- Picture 2-3 months old from e-mail

- Victims uncle id'd body - [REDACTED] b6-3, b7c-3
- 15 Jan 04, Thursday 1130 - He was not the one to pull body out of water -
- Body was floating when found in River by locals
- Body was also brought to Father on same day and he ID'd body - yes it was his SON
- Who took the ~~body~~ ^{video} - (deceased brother took video of victim)
- Victim took pictures of vehicle [REDACTED]

b6-3, b7c-3

015439

000010

Copy.

- 1- ring.
- 2- Idea Card.
- 3- pictures.

American forces.
Marst post.

- Dam -

Other people to ID Body

about Engineer

ID on body

~~20057~~ ~~Howe # 18~~
~~Howe Howe # 18~~
Engineer - Statement

- SFC [redacted] & LT [redacted] b6-5, b7c-5 b6-5, b7c-5

RECEIVED

015490

000011

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Foreign
Language
ENGLISH
TRANSLATION
below

Baghdad - AL A'adel,
town [REDACTED]
[REDACTED]

015491

000012

MR 118

2:45

b7c-4, b6-4

SA b6-1, b7c-1

[Redacted]

Does she know his address

b6-3, b7c-3

Dam

b6-3, b7c-3

Cell phone #

[Redacted]

Conway

Payment

FDC saw them

ICDC

canvo

60-80

- 1 blue jeans
- 2 short skews
- 3 black jacket

Federal vehicle - 118,000

Load - 2500

Flowers

left side of her

8/19

Nabize
distributing

015492

000013

(circled) shows this
Black average
Musesh had
classes over winter
Time
I while he was
hand than
meeters
hand left side of her
tip of his nose
up upon lip
te together
FCDP
look
Nabize
distributing

Sharon

1-1/2

(6pm)

(circled)

close the dam
level

015493

000014

Page(s)

15 - 17

Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

015494