

**Informal Investigation of Shooting Death of
Obeed Hethere Radad
(Iraqi National Detainee at Forward Operating
Base Packhorse, Tikrit Iraq)
Under Auspices of AR 15-6**

6407
6408

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: FOB Packhorse, Tikrit, Iraq
2. DATE: 13 Sept 03
3. TIME: 2110
4. FILE NO.
5. NAME (Last, First, MI)
6. SSN
7. GRADE/STATUS: E4/SPC
8. ORGANIZATION OR ADDRESS: O CO 4 FSB TIKRIT ICAO

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 AR 15-6 Investigating Officer and wanted to question me about the following offense(s) of which I am suspected/accused: Art 119, Manslaughter; Art 92, Failure to Obey Order or Regulation. 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.

(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 after being read 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)

1a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE
401st MP Co
Tikrit, Iraq

2a. NAME (Type or Print)

b. ORGANIZATION OR ADDRESS AND PHONE

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

5. TYPED NAME OF INVESTIGATOR

6. ORGANIZATION OF INVESTIGATOR

720th MP Bn, Tikrit, Iraq.

Section C. Non-waiver

1. I do not want to give up my rights

I want a lawyer

I do not want to be questioned or say anything

2. SIGNATURE OF SUSPECT/ACCUSED

(b)(6)-5/07c-5

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

6409

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>Tikrit, Iraq</u>	2. DATE <u>20030912</u>	3. TIME <u>1600</u>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>E CO 4th FSB, 41D</u> <u>Unit # 92697</u> <u>APO AE 09323</u>		
6. SSN [REDACTED]	GRADE/STATUS <u>E5/A1D</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 at Tikrit, Iraq as the
First Sergeant/1SG [REDACTED] and wanted to question me about the following offense(s) of which I am
 suspected/accused: Informant concerning the death of an Iraqi Detainee
 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)

Have you been read your Rights in the past 30 days? NO [REDACTED]

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 [REDACTED]
1. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR <u>1SG</u> [REDACTED]
2. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR <u>E CO 4th FSB, 41D</u> <u>Unit # 92697</u> <u>APO AE 09323-2697</u>

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

SIGNATURE OF INTERVIEWEE

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

6410

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 Tikrit, Iraq	2. DATE 20030912	3. TIME 1600	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS E CO 4th FSB, 41D Unit # 92697, APO AE 09323		
6. SSN [REDACTED]	7. GRADE/STATUS E6/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 at Tikrit, Iraq as the First Sergeant/ISG [REDACTED] and wanted to question me about the following offense(s) of which I am suspected/accused: Information concerning the death of Iraqi Detainee

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 -
- 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.

b6-2/b7c-2

COMMENTS (Continue on reverse side)

Have you been read your Rights in the past 30 days? No [REDACTED]

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]
a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR [REDACTED]
ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR ISG [REDACTED]
b. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR E CO 4th FSB, 41D Unit # 92697 APO AE 09323-2697
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

SIGNATURE OF INTERVIEWEE

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

6411

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee on 11 September 2003~~ Death of a detainee on 11 September 2003

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 12-Sept-03

b6-4
b7c-4

[Redacted Signature]

Signature

[Redacted Name and Rank] 1LT/1P

Printed Name and Rank

[Redacted Social Security Number]

Social Security Number

Encl II C

6412

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee on 11 September 2003~~ Death of a detainee on 11 September 2003

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DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under UCMJ or applicable Army or other federal regulations.

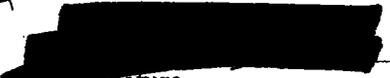
DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 12 SEP 2003

b6-4
b7c-4


Signature
 SPC
Printed Name and Rank

Social Security Number

End IIC

6413

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee on 11 September 2003~~ Death of a detainee on 11 September 2003

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DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY:

Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION:

Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 13 Sep 03

b6-4
b7c-4

}
}

[Redacted Signature]

Signature

[Redacted Name and Rank] SGT

Printed Name and Rank

[Redacted Social Security Number]

Social Security Number

Encl IIC

6414

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee~~ Death of a detainee on 11 September 2003

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ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 12-Sept-03

b6-4
b7c-4

[Redacted Signature]

Signature

PFC [Redacted Name and Rank]

Printed Name and Rank

[Redacted Social Security Number]

Social Security Number

End II C

6415

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~the death of a detainee~~ Death of a detainee on 11 September 2003

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Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 12 Sept 03

b6-4
b7c-4

[Redacted Signature]

Signature

[Redacted Name and Rank] SSG

Printed Name and Rank

[Redacted Social Security Number]

Social Security Number

End II C

6416

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee~~ Death of a detainee on 11 September 2003

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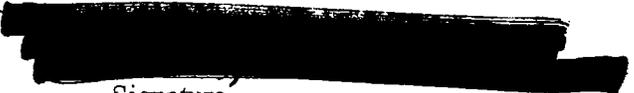
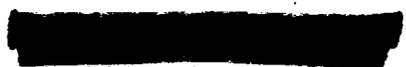
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ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 15 SEP 03

b6-4
b7c-4


Signature
 LT
Printed Name and Rank

Social Security Number

End II C

6417

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee~~ Death of a detainee on 11 September 2003

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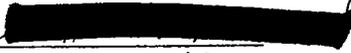
DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information which might not otherwise be available to the commander for his decision(s) in this matter.

ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 13 SEP03


Signature

CPT 
Printed Name and Rank


Social Security Number

} b6-4
b7c-4

Encl II C

6418

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee on 11 September 2003~~ Death of a detainee on 11 September 2003

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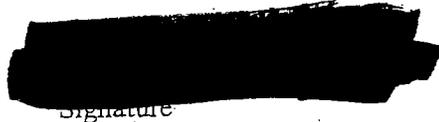
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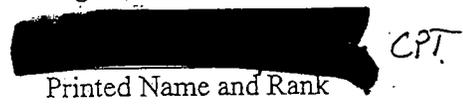
ACKNOWLEDGMENT

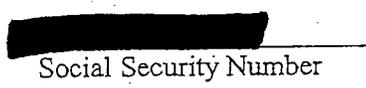
I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 13 SEP 03

b6-4
b7c-4


Signature


Printed Name and Rank CPT


Social Security Number

End IIC

6419

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~the death of a detainee~~ Death of a detainee on 11 September 2003

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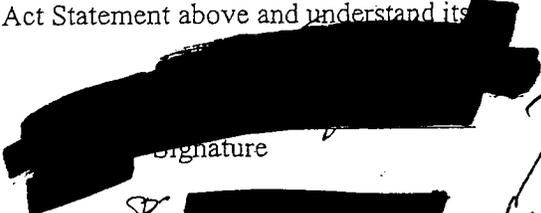
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ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 12 SEPT 03


Signature

SPC. 
Printed Name and Rank


Social Security Number

} b6-4
b7c-4

Encl II C

6420

PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of

~~Death of a detainee on 11 September 2003~~ Death of a detainee on 11 September 2003

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ACKNOWLEDGMENT

I have read and been provided a copy of the Privacy Act Statement above and understand its contents.

Date 12 Sept 03

b6-4
b7c-4

[Redacted Signature]

Signature

[Redacted Name and Rank] SGT

Printed Name and Rank

[Redacted Social Security Number]

Social Security Number

Encl II C

6421



DEPARTMENT OF THE ARMY
HEADQUARTERS TASK FORCE IRONHORSE
TIKRIT, IRAQ

REPLY TO
ATTENTION OF

AFYB-CG

13 September 2003

MEMORANDUM FOR MAJ [REDACTED], HHC, 720th MP Battalion 4ID(M), Tikrit, Iraq

SUBJECT: Appointment as a 15-6 Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6, paragraph 4-3, to conduct an informal investigation into the 11 September shooting death of an Iraqi detainee, Obeed Hethere Radad, [REDACTED]. Specifically, you will determine the facts and circumstances surrounding the cause of death. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.
2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All witness statements will be sworn and recorded on DA Form 2823.
3. Before proceeding with the investigation, contact CPT [REDACTED] 4ID DMAIN, OSJA, at 534-4042 for an initial legal briefing. CPT [REDACTED] will serve as your primary legal advisor.
4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than ten days from the date you receive this memorandum. Submit any requests for delay to me either orally or in writing. You will obtain a written legal review prior to submitting the completed investigation.

FOR THE COMMANDER:

[REDACTED]
COL, GS
Chief of Staff

all b6-2
b7c-2

6422

Serious Incident Report

2, 5, 6, 7

Subject: SIR Number (WILL BE PROVIDED BY G3 OPS)

1. Category
2. Type of Incident Death of Detainee
3. Date/Time of incident 112315SEP03 **b2-3**
4. Location [REDACTED] 1BCT detainee collection point, FOB Packhorse, TIKRIT, IZ **b2-1**
5. Other information Obeed Hethere Radad was detained during a 4-42 FA raid VIC [REDACTED] (AD DWAR) on 31AUG03. OBEED is suspected of having ties to SADDAM'S [REDACTED] His father-in-law is [REDACTED], who is the nephew of [REDACTED] **b6-4 b7c-4**

The detainee was delivered to the 1st Brigade collection point on 8 Sep 03. The detainee was instructed upon his arrival by an interpreter that he was to remain seated and to stay away from the concertina wire or he would be shot.

6. Personnel Involved
 - a. Subject Name: SPC [REDACTED] **b6-5 b7c-5**
 1. Pay Grade SPC/E4
 2. SSN: [REDACTED]
 3. Race: UNK
 4. Sex: M
 5. Position: Guard Duty
 6. Security Clearance: UNK
 7. Units and Station of Assignment: 4FSB / 1BCT / 4ID
 8. Duty Status: UNK
 9. Age: UNK
 - b. Victim Name: Obeed Hethere Radad
 1. Pay Grade N/A
 2. SSN: Number [REDACTED] **b6-4 b7c-4**
 3. Race: Iraqi
 4. Sex: M
 5. Position: Detainee
 6. Security Clearance: None
 7. Units and Station of Assignment: Held by 4FSB 1BCT 4ID
 8. Duty Status: N/A
 9. Age: UNK **b6-4/b7c-4**

7. Summary of Incident: PRISONER [REDACTED] Obeed Radad was in an isolation cell at the 1BCT detainee collection point. He was being held for questioning for possible connection to [REDACTED] Saddam Hussein. The appointed guard at the isolation guard point SPC [REDACTED] identified the prisoner as trying to escape and fired his weapon hitting the prisoner in the arm and chest, killing him. Time of death is approximately 2330 hrs **b6-4 b7c-4**

Throughout the guard shift SPC [REDACTED] reported that the detainee was "fiddling" with his hand cuffs and attempting to speak to the other detainee in the adjacent holding cell. At approximately, 112315SEP03, SPC [REDACTED] momentarily turned away from the detainee, Obeed Hethere Radad. While SPC [REDACTED] was turned away from the detainee, the detainee stood up from a sitting position and moved approximately 4-5 feet through the detainment cell doorway. After 2-3 seconds SPC [REDACTED] turned back to face the detainee. As SPC [REDACTED] turned back facing the detainee he was surprised to see the detainee standing with his upper **b6-5 b7c-5**

6423

b6-5
b7c-5

torso leaning over the single strand of concertina wire. SPC [redacted] stated that he leveled his weapon, moved the selector switch from safe to semi and fired one un-aimed round in the direction of the detainee. The detainee was struck in the abdomen. SPC [redacted] moved into the isolation area moved SPC [redacted] into the office area and rendered first aid to the detainee. The detainee was evacuated to E Company, 4th FSB Medical Aid Station where medical aid was rendered. The detainee died after all efforts to revive the him had failed.

b6-2
b7c-2

8. Remarks The Chain of Command reviewed the incident and conducted an investigation. 4th FSB reviews all TTPs for use of deadly force within the Brigade Collection Facility.

b2-3

[redacted]

The current collection facility is a temporary facility that is limited in its capability to hold large numbers of detainees, especially detainees in isolation. The current detainment material for the isolation cells, concertina wire, is adequate but more permanent facilities should be expedited to mitigate the risk posed by the temporary nature of the facility. A contract to establish a permanent facility has been provided to the Division Comptroller for funding. This facility will increase the security of the detainees and improve the safety for the guards.

9. Publicity

10. Command Reporting

11. POC CPT [redacted] BN S-3at 534 [redacted]

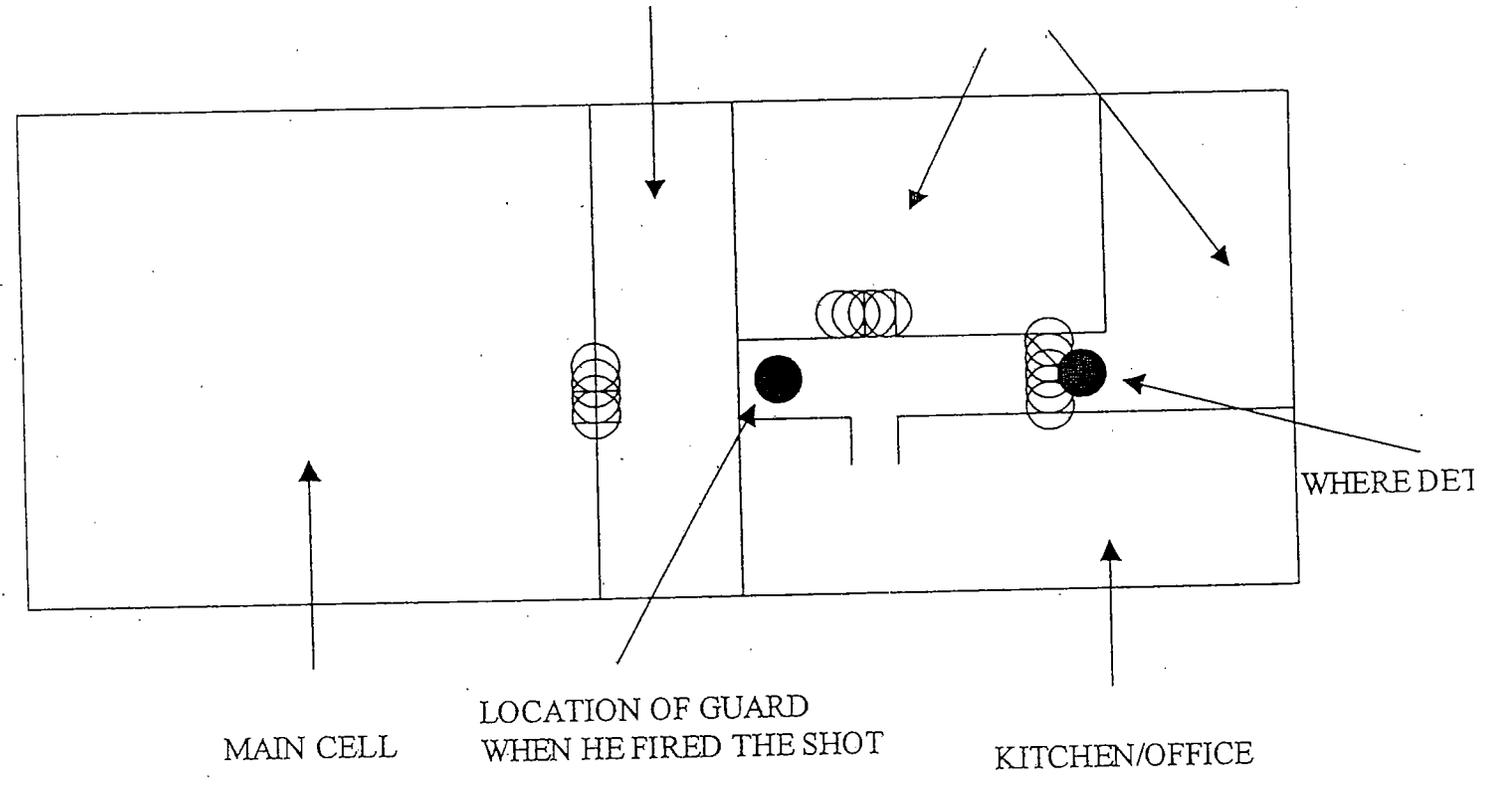
12. Downgrading Instructions

13. Approved/Released By: MAJ [redacted] Battalion XO

b6-2
b7c-2

BREEZE WAY

ISOLATION CELLS



WHERE DET

MAIN CELL

LOCATION OF GUARD WHEN HE FIRED THE SHOT

KITCHEN/OFFICE

6424

MEMORANDUM FOR RECORD

SUBJECT: Serious Incident Report

1. Information regarding a serious incident within the 4th Infantry Division follows:

- a. Name of Unit: 4TH FSB
- b. DTG Reported: 120100SEP03
- c. Type of Incident: DEATH OF PRISONER IN DETAINEE COLLECTION POINT
- d. DTG of Incident: 122315SEP03 (est.)
- e. Summary of Incident: PRISONER [REDACTED] Obeed Radad was in an isolation cell at the 1BCT detainee collection point. He was being held for questioning for possible connection to [REDACTED] Saddam Hussein. The guard on duty identified the prisoner as trying to escape and fired his weapon hitting he prisoner in the arm and chest, killing him. Time of death is approximately 2330 hrs.

b6-4
b7c-4

2. The following agencies/individuals have been notified: Packhorse 6, Packhorse 5, Packhorse 3, Raider TOC.

3. Reviewing Officer: MAJ [REDACTED] Battalion XO

4. Battle Captain: CPT [REDACTED], BN S-3

5. POC is the 4th FSB TOC at 534 [REDACTED]

b6-2
b7c-2

6425

Report by AR 15-6 Investigating Officer on Shooting Death of Iraqi Detainee, FOB Packhorse, Tikrit Iraq, 11 Sep 03

Narrative: On 11 Sep 03, 1LT [REDACTED], SPC [REDACTED], and SPC [REDACTED] were performing guard duty at the FOB Packhorse detention facility. 1LT [REDACTED], the Officer of the Guard, was standing less than twenty feet away from SPC [REDACTED] in the breezeway portion of the facility facing into the facility's back yard when he heard a shot fired (Exhibit A). SPC [REDACTED], a member of the guard force, was standing between 1LT [REDACTED] and SPC [REDACTED] when the shot was fired. SPC [REDACTED] was standing in the hallway of the isolation cell portion of the facility. At some point, SPC [REDACTED] looked away from the detainees in isolation in order to speak to SPC [REDACTED] (Exhibit B). Within a few seconds of turning back to see the detainees, SPC [REDACTED] raised his rifle, placed the selector on fire, and shot Obeed (Exhibit C). Obeed was handcuffed with plastic "flexicuffs" at the time he was shot. Neither 1LT [REDACTED] nor SPC [REDACTED] saw [REDACTED] pull the trigger. They were not in a position to see Obeed's activity. The other detainee in the isolation cell, [REDACTED] b64/b7c-4 (Obeed's [REDACTED] saw SPC [REDACTED] fire his weapon, but did not see Obeed's activity either (Exhibit D). Upon hearing the shot, 1LT [REDACTED] moved to SPC [REDACTED] to assess the situation. According to 1LT [REDACTED] [REDACTED] stated, "He was standing right up next to the wire." Initially, 1LT [REDACTED] did not see any blood on the fallen Obeed, and asked [REDACTED] if he had indeed shot the detainee. SPC [REDACTED] stated again that he had shot Obeed because he was standing next to the wire (Exhibit A). When 1LT [REDACTED] noticed that Obeed was bleeding, he moved to the radio in the breezeway and called the b2-3 4th FSB TOC [REDACTED] for assistance. SPC [REDACTED] who was guarding prisoners at a building directly across from the detention facility entrance, left his position to assess the situation at the main detention facility. Upon arriving at the scene, SPC [REDACTED] asked for a combat lifesaver's bag and SPC [REDACTED] went to the storage closet in the interview office to retrieve it (Exhibit E). SPC [REDACTED] and SPC [REDACTED] performed first aid on Obeed at this time. SPC [REDACTED] went into the interview office and sat down. At around 2320, SSG [REDACTED] and SGT [REDACTED] medics, arrived. They assessed Obeed's condition and transported him by ambulance to the aid station (Exhibit F). Upon Obeed's arrival at the aid station, more life-saving steps were taken. 1LT [REDACTED] the physician's assistant on duty at the time, declared Obeed dead at approximately 2330 hrs (Exhibit G). The body was photographed by CPT [REDACTED], with 1LT [REDACTED] assisting, as part of the 4th FSB's initial inquiry.

Facts.

a. Obeed Hethere Radad was a detainee at the FOB Ironhorse Detention Facility when he died of a gunshot wound to the abdomen on 11 Sep 01 at approximately 2315 hours. He had turned himself at FOB Arrow on 02 Sep 03 upon learning that he was a targeted individual from Operation Arrow Sky, conducted by TF 4-42 (Exhibit H). He and his [REDACTED] b6-4/b7c-4 were in separate isolation cells at the detention facility. Obeed had been incarcerated in the isolation cell since 8 Sep 03. Obeed had been seen by

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all b6-2/b7c-2

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Report by AR 15-6 Investigating Officer on Shooting Death of Iraqi Detainee, FOB Packhorse, Tikrit Iraq, 11 Sep 03

medics earlier in the day on 11 Sep. He had complained of joint and back pain and couldn't sleep. The medics advised the guards, SPC [REDACTED] included, that the detainee should be allowed to get up and walk around in order to reduce his back and joint pain. Furthermore, the detainees in isolation had been told not to speak and to stay away from the concertina wire or they would be shot. According to 1LT [REDACTED] he did not see any indication that the concertina wire had been moved at the time of the shooting. According to INTSUM reporting, the [REDACTED] were alleged Saddam loyalists (Exhibit H).

b. SPC [REDACTED] D Co., 4th FSB, shot Obeed once when he observed Obeed standing and touching the single strand concertina wire at his cell. SPC [REDACTED] did not give a verbal warning prior to firing his weapon. A round had already been chambered in the weapon. SPC [REDACTED] was aware that the medics had suggested that Obeed be allowed to stand and walk around in his cell in order to relieve some of the joint and shoulder pain Obeed had been experiencing while being held in the cell (Exhibits A and B).

c. SPC [REDACTED] requested a lawyer before any questioning could be done. He provided a statement on DA Form 2823 during 4th FSB's initial inquiry, but he was not read his rights (Exhibit B). In that statement, SPC [REDACTED] stated that the detainee had been fidgeting with his handcuffs earlier in the day. Furthermore, the detainee had been told not to speak. According to the statement, at about 2315 hours, Obeed said something in Arabic. SPC [REDACTED] who had been speaking with SPC [REDACTED] turned to look at the detainee and saw him standing near the wire and touching it. At that instant, SPC [REDACTED] raised his weapon and fired.

d. There are conflicting accounts about the training that the guards received prior to assuming their duties at the detention facility. SPC [REDACTED] and SPC [REDACTED] were on their second full day of detention guard duty. They had received a briefing from 1LT [REDACTED] on their duties, but SPC [REDACTED] did not recall any instructions with respect to graduated force IAW TF Ironhorse FRAGO 422 (Exhibit C). SPC [REDACTED] believed that they could shoot a detainee if the detainee approached the wire without permission. 1LT [REDACTED] stated that he gave that order but with the understanding that verbal warnings and other measures would first be considered before applying lethal force. No rehearsals or drills had been conducted.

e. The guard force had wooden clubs readily available in order to deal with belligerent detainees using less than lethal force (Exhibit J). Upon initial set-up of the detention facility, the guard force did not have weapons inside of the detention facility. At some point between the initial set-up of the facility and 11 Sep 03, the 1st BCT Commander instructed the 4th FSB to have guards carry weapons inside of the wire to ensure the presentation of authority (Exhibit K).

b(u)-2) 67c-2 A11

Report by AR 15-6 Investigating Officer on Shooting Death of Iraqi Detainee, FOB Packhorse, Tikrit Iraq, 11 Sep 03

f. The guard force has no written instructions and there is no written battalion guidance for the operation of the detention facility. Guards received their instructions verbally by the shift leader, in this case, 1LT [REDACTED] (Exhibit A).

g. TF Ironhorse FRAGO 422, Maintenance of Law and Order, dated 16 May 03, provides guidance for the use of graduated force and specifically identifies a "Shout, Show, [REDACTED] Shoot, Shoot" methodology (Exhibit L).

h. Paragraph 3-2f, Army Regulation 190-14, The Carrying of Firearms by Law Enforcement Personnel and Personnel Performing Security Duties, states that, "Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot be reasonably employed." Furthermore, paragraph 3-2g requires that personnel give an order to halt before firing (Exhibit M).

i. [REDACTED] ^{b(u-4)} the other isolated detainee in the detention facility, stated that he received no warnings about what would happen if he tried to escape. He stated that none of the other prisoners provided the information. One prisoner held in the general population cell, [REDACTED] stated he had received a briefing on what would happen if he tried to escape (Exhibit D).

j. SPC [REDACTED] was described as overly aggressive by 1LT [REDACTED]. The other guards, SPC [REDACTED] and PFC [REDACTED], described SPC [REDACTED] as being unnecessarily vulgar towards the detainees. Also, SPC [REDACTED] had banged wooden clubs on the cell doors unnecessarily and had used vulgar language toward the prisoners on 10 Sep. 1LT [REDACTED] had corrected that behavior (Exhibits A, E, and N).

k. There is no indication that the detainee had been physically abused prior to being fatally shot. He had adequate medical attention for his aching back and joints; the guards understood that the detainees could stand up and stretch in order to relieve some of the discomfort. Adequate food and water had been given to the detainee (Exhibit G and O).

Findings: The convergence of several conditions resulted in the shooting of Obeed Hethere Radad on the evening of 11 Sep 03.

a. Statements reveal that there is sufficient cause to believe that SPC [REDACTED] knowingly or not, was in violation of Army use of force policy and TF Ironhorse directives governing the use of deadly force. No verbal warning was given, and no lesser means of force was considered before applying deadly force. Furthermore, the fact that Obeed was handcuffed and his position on the floor in his cell once he was shot provide sufficient doubt about Obeed's intent to escape (Exhibits A, B, C, and V).

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Report by AR 15-6 Investigating Officer on Shooting Death of Iraqi Detainee, FOB Packhorse, Tikrit Iraq, 11 Sep 03

b. There are insufficient instructions for guards in performing their duties. There are no written SOPs or post instructions for guards (Exhibits A and K). Instructions are given verbally by the shift leader, and the guards on-duty that evening had a different understanding of their responsibilities. For example, SPC [redacted] and PF [redacted] did not have a round chambered in their weapons prior to the shooting—even though they were guarding isolated detainees—while SPC [redacted] and SPC [redacted] did. 1LT [redacted] did not have a round chambered in his weapon, either. SPC [redacted] and PFC [redacted] had an understanding of the use of force as it applied to the application of deadly force (Exhibit E and N). SPC [redacted] had not heard of graduated force or differing levels of force, nor did he remember receiving a briefing which covered verbal warnings prior to shooting an escaping detainee (Exhibit C).

c. The combination of loaded weapons within the confines of the detention facility, in addition to the inadequate number of guards on duty, created an environment conducive for the quick escalation to the use of deadly force. There were [redacted] to use in applying less than deadly force. SPC [redacted] had used a club before in order to rattle the cage doors. There were [redacted] guards on duty at two different buildings with [redacted] detainees on 11 September. While the majority of detainees were in the general population, incarcerated in a large open room, there were [redacted] others held in isolation cells who required increased visual surveillance. [redacted] Furthermore, [redacted]

b2-3
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b2-3

b2-3

d. The isolation cells in which the [redacted] were held were unkempt and had inadequate barriers [redacted] Furthermore, [redacted], thus making it more difficult for detainees to move or negotiate, and making it clearer for guards to determine a detainee's intent to escape. Without a witness who might have seen Obeed's actions which caused SPC [redacted] to shoot, it is difficult to determine Obeed's intent with respect to crossing the wire on the evening of the shooting.

b6-4

b2-3

e. Based on comments by the interviewees, the detention facility had been visited on numerous occasions by leaders in the chain of command. Shift leaders were either a senior NCO or an officer. The officer in charge of detainee operations was on site daily. The battalion commander had inspected on numerous occasions. The brigade commander had inspected the facility and provided guidance in handling the detainees. Detainees were adequately fed, had plenty of water, and received adequate medical attention. Detainees were allowed to conduct hygiene and had access to latrines.

except as noted b6-2/b7c-2

Report by AR 15-6 Investigating Officer on Shooting Death of Iraqi Detainee, FOB Packhorse, Tikrit Iraq, 11 Sep 03

Recommendations:

a. A criminal investigation should be initiated immediately in order to determine possible violations of the UCMJ by SPC [REDACTED]. Statements from 1LT [REDACTED], SPC [REDACTED], and PFC [REDACTED] indicate that SPC [REDACTED] exhibited overly aggressive behavior when around the detainees. Obeed was handcuffed when he was shot, and SPC [REDACTED] did not apply graduated force IAW established regulations and orders.

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b. [REDACTED]

c. [REDACTED]

b2-3

d. [REDACTED]

e. [REDACTED]

f. [REDACTED]

g. Develop a written SOP and provide guards with post instructions to ensure that guards are aware of approved procedures for the use of force, detainee handling, briefing procedures, and security of special population/isolated detainees.

h. Train the guard force on the SOP and ensure that rehearsals and drills are conducted to deal with special situations, such as medical emergencies, attempted escapes, and fights between prisoners.

[REDACTED]
MAJ, MP
Investigating Officer

b6-2
b7c-2

SWORN STATEMENT

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

LOCATION 1BCT DETENTION CENTER, TIKRIT, IRAQ	DATE 12 SEP 03	TIME 0120	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS 03
ORGANIZATION OR ADDRESS HDC, 4TH FSB, 4ID			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Detainees are held in a temporary detention cell while a permanent facility is being financed and constructed. Certain detainees require isolated holding areas to prevent them from communicating with each other. The isolation cells consist of small rooms with concertina wire strung across the door way. The detainees are told by an interpreter not to approach the wire or they will be shot.//nothing follows//

all b6-2
b7c-2

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

6431

NOTHING
FOLLOWS

all b6-2
b7c-2

AFFIDAVIT

I, [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]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

except as noted b6-2/b7c-2 Exhibit A.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Tikrit Iraq FOB Pack Horse	2. DATE 20030913	3. [REDACTED]	4. FILE NUMBER 0205
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS Dec 4th P&B			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: This statement is in regards to a shooting incident of an EPW being held at the 1st Brigade holding facility. The incident occurred approximately at 23 00 on the 11th of Sept 2003. Initial atmosphere coming on to shift: My shift as night shift supervisor begins at 1800 and continues till 06 00 the next morning. As I came on shift that afternoon the atmosphere at the holding facility seemed normal in most regards. The day shift supervisor and the guards on shift at that time greeted me upon my arrival and all seemed like business as usual. I spoke with the day shift supervisor and got a shift change brief before assuming the official change over of responsibilities. Approximately 18 45 on shift. I assigned Spc. [REDACTED] and Spc. [REDACTED] to guard the two EPW's that we had in our two make shift isolation cells. I say make shift because the facility that we are using right now is only temporary. With our original SOP and facility layout we were not equipped to isolate any prisoners. We only have one large holding cell for all the prisoners that are sent to our collection center. Three days ago brigade sent us two prisoners and told us to isolate them knowing full well that we were not set up to handle isolation prisoners in our current facility. So we made make shift cells back in our administration area. The prisoners were placed in separate rooms, but both of those door connect out to a main hallway. These rooms have no bars on the doors, and because of our need to supervise the prisoners we could not close the wooden doors to these rooms, or we would not be able to see them. We placed a single strand of constantine wire in front of each of the doors, but because we were inside a building with marble floors we could not drive pickets down into the floor to keep the wire properly secure. For one room we were able to secure the ends of the wire to a large swan cooler on one end, and the other we connected to a chain attached to an opening doorway. The other room we had nothing to secure the wire to so we stretched the wire out and used MRE boxes as weights to hold the wire in place. Initially the prisoners were told to sit down in their rooms and face the wall facing away from their doorway. They were told by our translator [REDACTED] to not get up or move around, and that they could not talk to anyone except to say we

1900

b6-4
b7c-4

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 08 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.

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9. STATEMENT (Continued) To let us know they had to see the Justice. They were also told not to approach the wire closing off their cell. After two days in their cell, the prisoners were complaining to the media that come to our facility every day to check the health of our prisoners. It was made very clear to them to not approach the wire closing off their cell. Also in relation to these two important detainees I was told by Sgt. [redacted] the S-2 guards were all briefed of that information, and they were supposed to cooperate with the guards. The only single strand of conversation was repeating that information with the put all of no kind of on edge, but only so it related to them from the guards, I felt, distance. Both guards were acting normally around the detainees in our main holding cell. Approximately 1945 hours Sgt. [redacted] told me that both of the isolation prisoner was trying to talk to each other, and had been talking and trying to work against their resistance. I addressed them and told them to remain quiet, not to speak except to say 'we', and to stop attacking against their resistance. This seemed to have worked. Both prisoners got down and stopped talking the resistance. The evening seemed to be progressing along normally up to the point of the shooting. I was standing approximately 20 FT from Sgt. [redacted] and I was facing away from him. Sgt. [redacted] was standing in a doorway facing down a hallway when he could see both prisoners in their cell. At approximately 2310 hours. Sgt. [redacted] turned slightly to look at Sgt. [redacted] who was standing over by me, he was asking Sgt. [redacted] to give him and proceeded several feet down the hall. I turned around and Sgt. [redacted] said "He was standing right up next to the wire." I told him on the prisoner at first glance, I asked Sgt. [redacted] because I didn't see any blood next to the wire. The prisoner, I observed, had fallen backwards and was found of blood coming from the prisoner's lower left chest area. After quickly observing and over to our radio to call for help, as we could not get medical help immediately for the prisoner. I spoke to both rescue men, so we could get medical help. The next and told me that they were in Route 3. The Company never came on. Come over from the other Building. [redacted]

STATEMENT OF [redacted] TAKEN AT [redacted] DATED 20030913

FBI [redacted] Back Work

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

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STATEMENT OF [REDACTED] TAKEN AT FOB Pock Horse DATED 20030913

9. STATEMENT (Continued)

where we had additional isolated prisoners, at that time we had "8" isolated prisoners. SPC [REDACTED] asked me what had happened. I told him SPC [REDACTED] had shot a prisoner and that he was in the back room, down the hallway. I was still speaking on the radio at this time. SPC [REDACTED] asked if we had a CLS Bag. I told him we did, and it was back in the closet in our main office. The three went and retrieved the CLS Bag and began giving first aid to the prisoner. SPC [REDACTED] seemed stunned and kind of shocked at first that SPC [REDACTED] had shot a prisoner. SPC [REDACTED] remained standing in the doorway, looking down the hallway at the prisoner. After I finished talking on the radio I went to see what I could do to help the prisoner. By this time SPC [REDACTED] sort of shock had worn off, and he was administering first aid with SPC [REDACTED]. When I got back into the prisoners "cell" I observed the two specialists applying a battle dressing to the wound. One of them had already cut away the prisoners hand cuffs. The prisoners eyes had halfway rolled back into his head. He had a weak pulse and was breathing barely. About ~~10~~¹⁵ this time SSG [REDACTED] and SGT [REDACTED] had arrived on the scene. They quickly surveyed the prisoners condition and asked SPC [REDACTED] to go and get a litter from their truck. SGT [REDACTED] asked me to get on the radio and call Echo mike and inform them that they were in route back to Echo with a critical casualty. I went to the radio and relayed the message to Pock horse mike. Time seemed to be flying by, by this time it was approximately 23 25 hours, SSG [REDACTED] and SGT [REDACTED] worked on the prisoner for a couple of minutes and then I saw SPC [REDACTED], SPC [REDACTED], SSG [REDACTED], and SGT [REDACTED] hauling the prisoner out of the doorway on a stretcher out to an awaiting ambulance that had just arrived.

Q: MAJ [REDACTED]

A: 1LT [REDACTED]

Q: please explain if SPC [REDACTED] made any statements after the shooting to you.

A: He stated that he had shot the prisoner, because he was standing right next to the wire. I asked him again a little later after the medics left, how he felt about the story and he related that just after he had asked [REDACTED] for the lighter he quickly glanced back down the hallway, noticed the prisoner standing next to the wire and he fired. He said that it was just instinct. He said he saw the guy snap his rifle up and fired.

Q: Did you hear SPC [REDACTED] give a warning to the detainee?

A: No, no verbal warning was given before he fired.

Continued

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 03 OF 08 PAGES

all b6-2/b7c-2

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT ^{FOB} [redacted] _{Peak Horse} DATED 20030913

9. STATEMENT (Continued)

Q: How far away from SPC [redacted] were you and SPC [redacted] when the shot was fired?

A: I was approximately 20 FT. from SPC [redacted], and approximately 13 FT. from SPC [redacted].

Q: Did you ever tell SPC [redacted] or anyone else that the detainees were allowed to stand in order to stretch?

A: Yes, I told both SPC [redacted] and SPC [redacted] several hours before the shooting occurred.

Q: Were there any indications that SPC [redacted] was stressed or fearful because of the circumstances surrounding his duty that night?

A: Yes, as I wrote in this statement all of the guards were "on edge" when dealing with these two because we did not have a proper way to hold these detainees. No cage or Bored door, only one strand of wire between the guards and the detainees.

Q: Why was only one strand of concertina wire used?

A: When the S-2 and S-3 told us we had to accept these two detainees we had to loosely prepare for this animal. Also we had no way of securing the wire to pickets, it is a solid metal floor.

Q: How long had the deceased been a detainee at the facility?

A: Two full days and about 15 hours into the third day.

Q: Are the guards given written instructions for their duties?

A: No, I have given verbal instructions to all guards thereafter. I am still writing our SOP for the facility.

Q: What do those instructions tell guards to do with respect to the use of deadly force?

A: Our usual instructions are given for detainees in our common holding cell. As

6436

all b6-2/b7c-2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT FOB Pock Horse DATED 2003 09 13

9. STATEMENT (Continued)

Continued:

A: I stated we are not setup for holding isolation type prisoners. Specifically, there is no warning shot given. There is to be a verbal warning to "stop" or "get down on the ground," stated before any shots are fired. Also try to aim to "wound if possible." All guards have been briefed on our Division level "ROE" policies. Specifically, the use of graduated force up to and including "deadly force if necessary."

Q: So, SPC [REDACTED] had been briefed on the use of graduated force?

A: Yes, he received several briefings about the use of force as it relates to our "ROE".

Q: What would constitute an attempt to escape by a detainee in isolation?

A: Attempting to remove any barrier, IE: wire that we have placed to keep them safely detained, also, removal "by the prisoner" of restraints we place on their person, IE: hand cuffs, or 550 cord we use to limit their movement of their hands or feet.

Q: How was the deceased Detained Board?

A: He was wearing flexi-cuffs on his wrists, and they were in front of him so he could drink, and eat, use the latrine...

Q: What kind of rehearsals, drills were done prior to the shooting to deal with attempted escapes?

A: Just verbal scenarios talk over with the guards.

Q: How many prisoners/detainees were in custody at the facility where the shooting took place?

A: we had 50 prisoners at the detention facility.

Q: Did SPC [REDACTED] have adequate rest prior to assuming his duties on the evening of the shooting?

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 8 PAGES

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all b6-2/b7c-2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT FOB Vack Horse DATED 20030913

9. STATEMENT (Continued)

Continued:

A: I am unsure of how much rest he had prior to the shooting. CRA

Q: How long has SPC [REDACTED] worked for you?

A: SPC [REDACTED] has worked with me for approximately four months.

Q: Please characterize his performance up until the evening of the shooting.

A: SPC [REDACTED] performance up until the shooting had been 'OK'. SPC

[REDACTED] is very aggressive when he is put in situations dealing directly with Iraqis. When he is with/around soldiers he is "normal", but when he is put in situations where he has to deal with Iraqis he becomes almost to the point of being overly aggressive.

Q: What do you mean, "overly aggressive?" Can you give examples?

A: The day prior to the shooting he was yelling at the prisoners for very minor things. His whole demeanor changes when he is around Iraqis, in his speech and monologues.

Q: Had the deceased detainee ever try to escape before?

A: No, not to my knowledge. SPC [REDACTED] did report earlier that night that he was visibly ~~restraining~~ against his hand cuffs, and the two detainees we had in isolation in that hallway did attempt to speak to each other earlier that night.

Q: Did the deceased ever try to move the concertina before the evening of the shooting?

A: No, not to my knowledge.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 6 OF 8 PAGES

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all b6-2/b7c-2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT FOB Pack House DATED 20030913

9. STATEMENT (Continued)

Q: Do you have anything to add?

A: After thinking about the incident over the past 24 hours do not think that SPC [REDACTED] should have shot, prior to giving a verbal warning. He did not give any warning to anyone, the prisoner, myself, or SPC [REDACTED]. Just after SPC [REDACTED] had fired I entered that hallway, no more than 5 seconds later. I did not see that the wire had been moved at all by the detainee, but by virtue of where the detainee fell I do think he was standing near the wire. Both of those two detainees that were in that hall were told at least three times to not approach the wire over the course of the two days prior. Also, as I stated before where we are working now is not set up to hold isolation prisoners until the other jail next door is complete. Having these type of prisoners "on site" now places them at risk, as well as the guards.

Nothing Follows

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 7 OF 8 PAGES

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all b6-2/b7c-2

STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 08 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 of Person Making Statement)

WITNESSES:

SSG [REDACTED]
401st MP CO

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 19 2003 at FOB Packhouse, Tikrit, Iraq

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

Article 136(b), UCMJ

(Authority To Administer Oaths)

6440

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Bates Pages 6441 depicts a photo which is nonresponsive and has not been provided based on application of the Judge's in camera rulings (tourist-type photos)

SWORN STATEMENT

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

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: DCo 4FSB
2. DATE (YYYYMMDD): 2003 09 11
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E1
8. ORGANIZATION OR ADDRESS: b(6) 5 / b7c-5

9. I, [redacted] SR, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON September 11 2003 AT 1800 I ASSUMED DUTY AT THE PACKHOUSE PRISON FACILITY. I WAS BRIEFED THAT MY RESPONSIBILITIES AS GUARD WAS TO ENSURE THAT PRISONERS WERE TO BE ESCORTED TO CATCHES & BACK TO THEIR CELLS HOWEVER TWO PRISONERS IN PARTICULAR THE ONES IN THE OFFICE AREA WERE TO BE TREATED WITH THE UPPERMOST SECURITY THEY WERE ALLOWED TO STAND & STOOD BUT THEY WERE NOT TO FIDDLE WITH THE WICK OR TAKE OFF THEIR HANDCUFFS. THROUGHOUT MY SHIFT ONE PRISONER IN PARTICULAR THE ONE IN THE FAR LEFT CELL SAT SPECIOUSLY FIDDLING WITH HIS HANDCUFFS SOMETIMES SPEAKING OUT LOUD IN ARABIC. I TOLD HIM REPEATEDLY NOT TO SPEAK TO ME I WAS AWARE THE ONLY WORDS HE WERE ALLOWED TO SAY WERE "WC" (WATER CLOSET) INDICATING HE DESIRED TO GO TO THE LATRINE. THE OTHER INDICATED HE WANTED TO TALK WITH THIS PRISONER USING SIGN LANGUAGE (HAND & ARM SIGNALS) I TOLD HIM TO STOP AS WELL. AT 11:15 THE PRISONER IN THE FAR LEFT CELL SAID SOMETHING IN ARABIC I PUT MY FINGER TO MY LIPS & ADDRESSED HIM TO BE QUIET I THEN ASKED SGT [redacted] FOR A LIGHTER HE WAS STANDING AT THE FAR END OF THE CORRIDOR ASSISTING LT [redacted]

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF ___ 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.

9. STATEMENT (Continued)

WITD Prisoners going to the canteen when I turned the prisoner was standing past the roadway touching the wire. When I saw this it was apparent to me that the prisoner was trying to escape I was across the room & I had ~~no~~ no idea what devices intent the prisoner I raised my weapon & spot the prisoner.

- END STATEMENT -

AFFIDAVIT

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

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 _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

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**Bates Pages 6444-6445 depict photos which
are nonresponsive and have not been
provided based on application of the Judge's
in camera rulings (tourist-type photos)**

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: South Tikrit Airfield, Prison
2. DATE (YYYYMMDD): 2003/09/11
3. TIME: 23:15
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN:
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: DCO 4th FSB 4TP

9. I, SPC [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On the night of SEPT 11 2003 or or about 23:15 SPC [REDACTED] shot a prisoner that was trying to escape. My shift at the prison started at 18:00 during this time two prisoners that me and SPC [REDACTED] were guarding, that were in Solitary. Were acting suspicious during our whole shift, by trying to communicate with each other we told them repeatedly ~~told them~~ to not communicate, later around 23:15 I was standing by the doorway when at the same time SPC [REDACTED] already pointed his weapon and fired at the prisoner the prisoner was laying by the wire when I saw him. The two Solitary prisoners were told not to stand up without asking first and to not approach the wire or they'd be shot on site, those were the rules. SPC [REDACTED] acted correctly by taking appropriate action.

all b6-2 / b7c-2

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF _____ 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.

except as noted b6-2/b7c-2

Exhibit A.

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB PACKHORSE, TIKRIT, IRAQ	DATE 12 SEP 03	TIME 2345 0350	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS O3
ORGANIZATION OR ADDRESS HDC, 4TH FSB, 4ID			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 SEP 03 at approximately 2330 I was woken up by the TOC NCO and informed that a detainee was shot while trying to escape. I immediately dressed and drove out to the Detention Center to find out what happened. By the time I arrived the body of detainee was removed and taken to the aid station. First I asked 1LT [REDACTED] what happened and he told me he was standing in the archway looking at the latrine at the time of the shooting. He did not hear any warning prior to the shot being fired.

I next pulled aside and questioned SPC [REDACTED]. He told me the detainee stood up (which he is allowed to do). He said the detainee was attempting to escape from his isolation cell and he shot him. I asked him why he did this and what lead up to this. He told me the two detainees were attempting to communicate with each other in Arabic. He next moved to the wire and at this time was shot by SPC [REDACTED]. I asked if he was sure if he was trying to escape; if he had his hands on the wire and was trying to move it aside. He thought about it for about 30 seconds and told me "yes."

After talking to SPC [REDACTED] I pulled SPC [REDACTED] aside and asked him what happened. He told me he was outside the building smoking a cigarette while the shooting happened. At this time I realized the only two people who knew exactly what happened were SPC [REDACTED] and Obeed Radad (the detainee). I then left and drove to the aid station to check on the detainee. I arrived at the aid station to find the detainee had expired.

My next stop was the TOC to conduct a 15-6 investigation and SIR with the Battalion XO and S3. This was completed around 0400 on the 12 SEP.

My role as the Battalion S2 is to supervise the operation, construction, and administration of the detention facility. We are currently using a temporary facility while a permanent facility is being financed and built. There are no true isolation cells yet so we are using bathrooms and horse stalls with concertina wire across the doorways. Obeed Radad and [REDACTED] were being held for questioning relating to the location of [REDACTED]. They were isolated to prevent them from collaborating a story and talking with other detainees. Both were told by an interpreter that if they attempted to remove the ties from their wrists or leave the cell they would be shot.

b6/x4

b64/b7c-4

Q: MAJ [REDACTED]

A: CRT [REDACTED]

Q: Who made the determination that detainees were to be shot if they got up and approached the concertina wire?

A: ~~IT WAS MY DECISION~~ IF THE DETAINEES ATTEMPTED TO EXIT THEIR CELLS THEY COULD BE SHOT. THIS WAS MY DECISION BASED ON THE CURRENT ROE.

Q: "Attempted to exit their cells" means, what, specifically?

A: ANY ATTEMPT TO LEAVE THE CELL WITHOUT PERMISSION. EX: MOVING THE WIRE, GOING OVER, UNDER, OR AROUND IT, GOING THROUGH THE WINDOW [REDACTED]

Q: Do you have a written order or instruction that directs a guard's action during an escape?

A: NO, ALL INSTRUCTIONS ARE VERBAL UNTIL WE ESTABLISH TTPs FOR THE

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 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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all b6-2/b7c-2

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT FCB Beck House DATED 20030913

9 STATEMENT (Continued)

OPERATION OF THE DETENTION FACILITY. THIS IS A WORK IN PROGRESS. [REDACTED]

Q: What kind of Rules of Engagement and USE of force Training has the detainee security force conducted?

A: NONE, OTHER THAN A BRIEF RECEIVED FROM TF1-22 IN WHEN WE TOOK OVER THE DETAINEE TASKING ON 26 AUG-03. [REDACTED]

Q: How many soldiers were detaided TO conduct Detainee security duties?

A: THERE WERE A TOTAL OF 5 SOLDIERS ON DUTY [REDACTED]

Q: How long have you known SPC [REDACTED]

A: 2 DAYS [REDACTED]

Q: Do you have anything to add?

A: NO [REDACTED]

END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

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all b6-2/b7c-2

STATEMENT OF [REDACTED] TAKEN AT FoB Park House DATED 20030913

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3 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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at FoB Park House

[REDACTED]
SSB / USA
401st MD Co
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Art 136 (b), USIA
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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Table of Contents

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Enclosures

I. Appointment Order

II. Serious Incident Report (TF IH)

III. Privacy Act Statements

- a. [REDACTED], 1LT (O2), [REDACTED], D. Co. 4th FSB, MOS-92A
- b. [REDACTED], SPC (E4), [REDACTED], D. Co. 4th FSB, MOS-63S
- c. [REDACTED], SGT (E5), [REDACTED], E. Co. 4th FSB, MOS-91W
- d. [REDACTED], PFC, [REDACTED], A. Co. 299 Eng., 1st BCT, MOS-12B
- e. [REDACTED], SSG (E6), [REDACTED], E. Co. 4th FSB, 4th ID, MOS-91W
- f. [REDACTED], 1LT, [REDACTED], E. Co. 4th FSB, 4th ID, MOS-91G
- g. [REDACTED], CPT (O3), [REDACTED], HDC, 4th FSB, MOS-91B
- h. [REDACTED], CPT (O3), [REDACTED], HDC, 4th FSB, MOS-91B
- i. [REDACTED], SPC (E4), [REDACTED], A. Co. 299 Eng., 1st BCT, MOS-12B
- j. [REDACTED], SGT (E5), [REDACTED], E. Co. 4th FSB, MOS-91W

IV. List of Witnesses Interviewed

- a. [REDACTED], 1LT (O2), [REDACTED], D. Co. 4th FSB, MOS-92A
- b. [REDACTED], SPC (E4), [REDACTED], D. Co. 4th FSB, MOS-63S
- c. [REDACTED], SGT (E5), [REDACTED], E. Co. 4th FSB, MOS-91W
- d. [REDACTED], PFC, [REDACTED], A. Co. 299 Eng., 1st BCT, MOS-12B
- e. [REDACTED], SSG (E6), [REDACTED], E. Co. 4th FSB, 4th ID, MOS-91W
- f. [REDACTED], 1LT, [REDACTED], E. Co. 4th FSB, 4th ID, MOS-91G
- g. [REDACTED], CPT (O3), [REDACTED], HDC, 4th FSB, MOS-91B
- h. [REDACTED], CPT (O3), [REDACTED], HDC, 4th FSB, MOS-91B
- i. [REDACTED], SPC (E4), [REDACTED], A. Co. 299 Eng., 1st BCT, MOS-12B

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- j. [REDACTED] SGT (E5), [REDACTED] E. Co. 4th FSB, MOS-91W
- k. [REDACTED], SPC (E4), [REDACTED] D. Co. 4th FSB, MOS-35F (No statement, only FA Form 3881),
- l. [REDACTED], Detainee
- m. [REDACTED], Detainee 3 b6-4/b7c-4

V. Investigating Officer's Timeline

VI. DA Form 1574, Report of Proceedings by Investigating Officer

Exhibits

- A. DA Form 2823, 1LT [REDACTED] (Guard OIC)
- B. Initial Inquiry Package (DA Form 1574, diagram, statements for witnesses, including statement by SPC [REDACTED] without rights advisement) b6-5/b7c-5
- C. DA Form 2823, SPC [REDACTED] (Guard at Detention Facility)
- D. Statement Transcript of [REDACTED] (Detainee Witness) b6-4/b7c-4
- E. DA Form 2823, SPC [REDACTED] (Guard at Separate Isolation Cell Holding Area)
- F. DA Form 2823, SSG [REDACTED] (Responding Medic)
- G. DA Form 2823, 1LT [REDACTED] (Attending Physician)
- H. Excerpt, 1BCT INTSUM 031800DSEP03 (Classified—included under separate cover)
- I. DA Form 2823, SGT [REDACTED] (Sick Call Medic)
- J. Photo of Wooden Clubs
- K. DA Form 2823, CPT [REDACTED] (4th FSB S3)
- L. TF Ironhorse FRAGO 422 (Classified—included under separate cover)
- M. Excerpt, AR 190-14, The Carrying of Firearms by Law Enforcement Personnel and Personnel Performing Security Duties
- N. DA Form 2823, PFC [REDACTED] (Guard at Separate Isolation Cell Holding Area)
- O. Statement Transcript of [REDACTED] (Detainee Witness) b6-4-b7c-4
- P. DA Form 2823, SSG [REDACTED] (Responding Medic)
- Q. DA Form 3881, SPC [REDACTED] (Non-waiver of Rights, Request for Lawyer) b6-5/b7c-5
- R. DA Form 2823, CPT [REDACTED] Bn S2, Detention Facility OIC)
- S. Selected Photos of Detention Facility
- T. Selected Photos of Incident Scene
- U. Selected Photos of Deceased, Obeed Hethere Radad
- V. Diagram of Facility

except as noted b6-2/b7c-2

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Bates Pages 6452-6457 depicts photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

b6-2/b7c-2

Appointed by LTC [redacted] Commander, 4th Forward Support Battalion
(Appointing authority)

on 11 September, 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Forward Operating Base Packhorse, Tikrit, Iraq at 1215 hours
(Place) (Time)

on 12 SEP 03 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 0220 on 12 Sep 03
(Time) (Date)

and completed findings and recommendations at 0300 on 12 Sep 03
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES	YES	NO ^{1/}	NA ^{2/}
Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? (See item 9, below)			X
c. Other correspondence with respondent or counsel, if any?			X
d. All other written communications to or from the appointing authority?			X
e. Privacy Act Statements (Certificate, if statement provided orally)?			X
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
g. Information as to sessions of a formal board not included on page 1 of this report?			X
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.
^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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Exhibits (para 3-16, AR 15-6)	YES	NO ¹⁾	NA ²⁾
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate --			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
(4) the name and address of each witness expected to be called by the recorder?			
(5) the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b. Examine and object to the introduction of real and documentary evidence, including written statements?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d. Call witnesses and otherwise introduce evidence?			
e. Testify as a witness?			
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

NOTES: ¹⁾ Explain all negative answers on an attached sheet.
²⁾ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

6459

SECTION IV - FINDINGS (para 3-10, AR 15-6)

(investigating officer) (board), having carefully considered the evidence, finds:
The incidents surrounding the shooting of detainee, Obeed Hethere Radad at the 1st Brigade Collection Facility was a result of the detainee playing intent to breach the concertina barrier of the isolation cell. The collection facility consists of a single detention cell with a fifty detainee capacity and limited isolation rooms/cells. The detainee was delivered to the 1st Brigade collection point on 8 Sep 03. He was guarded by 4-42FA in the vicinity of Ad Dwar. The detainee was instructed upon his arrival by an interpreter that he was to remain seated and to stay away from the concertina wire or he would be shot. Throughout the guard shift SPC [REDACTED] reported that the detainee was "fiddling" with his hand cuffs and attempting to speak to the other detainee in the adjacent holding cell. At approximately, 2315SEP03, SPC [REDACTED] the appointed guard at the isolation guard point momentarily turned away from the detainee, Obeed Hethere Radad. While SPC [REDACTED] was turned away from the detainee, the detainee stood up from a sitting position and moved approximately 4-5 feet through the detainment cell doorway. After 2-3 seconds SPC [REDACTED] turned back to face the detainee. As SPC [REDACTED] turned back facing the detainee he was surprised to see the detainee standing with his upper torso leaning over the single strand of concertina wire. SPC [REDACTED] stated that he leveled his weapon, moved the selector switch from safe to semi and fired one un-aimed round in the direction of the detainee. The detainee was struck in the abdomen. SPC [REDACTED] moved into the isolation area moved SPC [REDACTED] into the office area and rendered first aid to the detainee. The detainee was evacuated to E Company, 4th FSB Medical Aid Station where medical aid was rendered. The detainee died after all efforts to revive the him had failed.

b6-2
b7c-2

except as noted
b6-5 / b7c-5

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
The FSB reviews all TTPs for use of deadly force within the Brigade Collection Facility. Limit the number of detainees held in isolation to [REDACTED]. During the incident there were a total of [REDACTED] detainees held in isolation cells. [REDACTED]
The current detainment material for the isolation cells, concertina wire, is adequate but more permanent facilities should be expedited to mitigate the risk posed by the temporary nature of the facility. A contract to establish a permanent facility has been provided to the Division Comptroller for funding. This facility will increase security of the detainees and improve the safety for the guards.

b2-3

6460

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII above, indicate the reason in the space where his signature should appear.)

b6-2
b7c-2



(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

to the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

b6-2/b7c-2



6461

SWORN STATEMENT

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

LOCATION TIKRIT, IRAQ	DATE 12 SEPT 03	TIME 1530	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-6/RA
ORGANIZATION OR ADDRESS E CO 4TH FSB, UNIT# 92697, APO AE 09323			

I, SSG [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 Sept. 2003 at or about 2315 hours, I was conducted roving guard duties with SGT [REDACTED], while I was checking on guard point 14 (while I was outside the vehicle) SGT [REDACTED] told me he heard over the radio that one of the prisoners at the detention center was trying to escape and was shot in the chest. I asked him if he was joking and when he said no, I told him to go to the Aidstation and grab an aid bag and some gloves. We went to the Aidstation, grabbed the items and went to the detention center. When we arrived at the detention center, SSG [REDACTED] and SGT [REDACTED] was already on the scene with a wheeled ambulance. When we pulled in, SSG [REDACTED], SGT [REDACTED] and two other individuals were on their way out of the detention Building and heading to the ambulance with the casualty on the litter. The casualty had a field dressing over his left mid-epigastric area and was not responsive at all. SSG [REDACTED] said that one of us needed to ride in the ambulance with them. I jumped in and SGT [REDACTED] said he (the detainee) does not have a pulse. I began chest compressions and SGT [REDACTED] started bagging him. I looked at the casulities face and his eyes looked glazed and dialated. When we arrived at the Aidstation we carried him into the tretment room and continued chest compressions until 1LT [REDACTED] said he is gone at approximately 2320.

12 SEPT 03 480

all b6-2/b7c-2

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT X [REDACTED]	PAGE 1 OF 2 PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT ____ DATED ____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>		

6462

STATEMENT (Continued)

Not Used
12 Sept 03

all b6-2
b7c-2

AFFIDAVIT

I, 1, 556, [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]
(Typed Name of Person Making Statement)

WITNESSES:

[REDACTED]
156 [REDACTED]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of September, 2003 at Tikrit, Iraq

[REDACTED] 2LT
(Signature of Person Administering Oath)

2LT [REDACTED]
(Typed Name of Person Administering Oath)

AR 600-20 Commissioned Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

14463

SWORN STATEMENT

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

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: Tikrit, Iraq
2. DATE (YYYYMMDD): 2003/09/12
3. TIME: 1545hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-5/SGT
8. ORGANIZATION OR ADDRESS: Echo Company 4FSB 4ID, Unit# 92697, APO AE 09323-2697

I, Sergeant [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 Sept 03 between 2300 and 2330 hrs I was conducting my roving patrol along with SSG [redacted] when I heard a call over the net for medical assistance at Bighouse Mic. I radioed Packhouse Mic to let them know that we were on the way, but had to stop and get medical supplies. As we approached the detention center we learned that Ambulance Platoon was already on the scene. They were on the way out with the casualty. We loaded him into the FLA and headed back to the Aid Station. SSG [redacted] was in the back of the FLA with SGT Vail performing CPR. It took less than 2 minutes to get to the Aid Station. we unloaded the casualty, took him into the Aid Station. There I assisted SSG [redacted] and SGT [redacted] with CPR. I don't remember how long we were doing CPR before 1LT [redacted] called the time of death. END OF STATEMENT * MZG 12 Sep 03

all b6-2
b7c-2

[redacted]
[redacted]
[redacted]

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]"

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

6464

Not Used 12 Sep 03
all b6-2
b7c-2

AFFIDAVIT

I, SGT [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3 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]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of September, 19 [redacted] at Tikrit, Iraq

[redacted witness name]

[redacted signature] 2LT
(Signature of Person Administering Oath)

1SC
ECO 444 1513, 4TD APO AE 09323
ORGANIZATION OR ADDRESS

[redacted witness name]
ORGANIZATION OR ADDRESS

2LT [redacted name]
(Typed Name of Person Administering Oath)
AR 600-20 (Commissioned Officer)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[redacted]

6465

0545—Returned to FOB Ironhorse for refit.

1000—Examined detention facility (day time) and interviewed two detainees,

 b6-4/b7c-4

1300—Continued interviews at FOB Packhorse.

1600—Completed all interviews.

1630—Returned to FOB Ironhorse and conducted research.

2030—Research complete, commence report writing.

14 Sep 03

0100—Refit.

0700—Continued writing narrative

1330—Narrative complete; organizing products and proofing.

1800—Report complete and submitted to 4ID SJA.

6467

all b6-2 / b7c-2

Exhibit B

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Tikrit Iraq FOB Pacht Horse	2. DATE (MDD) 20030913	3. TIME 0322	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 / SPC	
8. ORGANIZATION OR ADDRESS Dco 4th PAB 4ID			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the evening of 11 Sep 2003 at 18:00 hours me and SPC [REDACTED] arrived at the prison on South Tikrit Airfield for duty. We were instructed the day before on the rules for the general population prisoners and the detainees in Solitare which were any of them try to escape shot them. The briefing was done by 1st Lt. [REDACTED]. The two prisoners in Solitare were instructed to face the wall sitting down, to not stand up without being told to and to not approach the wire or they would be shot.

10 Sep 2003 was the first day we started guarding prisoners. On the evening of 11 Sep 2003 the shift started out smoothly with the normal routines of the prisoners going to the latrine and washing up. During the entire time up to the incident the shift was smooth except for the actions of the two Solitare prisoners. The prisoners were acting suspicious all night by

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 7 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.

6468

STATEMENT OF

TAKEN AT FoB Pack Horse

DATED 20030913

9. STATEMENT (Continued)

trying to communicate to each other by speaking Arabic. Also the prisoner that was shot was trying to loosen his cuffs when the power went out. I do not recall the exact time the prisoner was messing with his cuffs, up to the event was quiet, until around 11:15 or so when I started walking towards SPC [redacted] I do not remember at all what I was doing before I started walking towards SPC [redacted] but I remember before I could reach the doorway SPC [redacted] turned around lifted his weapon and fired one single shot, SPC [redacted] stood in the doorway somewhat dazed until I told him to go sit down I stood in the hallway for a brief moment looking at the prisoner until SPC [redacted] came from the other building and saw what happened pulled the concertina wire back and told me to get the CLS Bag, at the same time [redacted] was calling packhorse Mike for aid. Me and SPC [redacted] started to render aid to the prisoner by applying a field dressing and sitting the prisoner up. The medics arrived shortly and took the prisoner away, those are the facts in my opinion SPC [redacted] acted correctly almost reflex like. The prisoners in Solitare should not have been in

b6-5
b7c-5

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 7 PAGES

except as noted
b6-2 / b7c-2

6469

STATEMENT OF

TAKEN AT Fed Rock House

DATED 2003 09 13

9. STATEMENT (Continued)

those rooms. For the space and the area it was to close for comfort, I myself felt threatened turning my back on the prisoners for 1 second, and I know I would of acted the same way not just they were, ^{because they} were orders, but because they area and space allowed the prisoners to get out and possibly over power us.

Q: MAJ

A: SPC

Q: How far away were you from SPC when he fired his weapon?

A: 4 feet

Q: Did you hear SPC give a verbal warning before shooting?

A: No, he just turned and raised his weapon and fired automatically.

Q: Did the deceased detainee ever move or cross over the concertina wire at any time?

A: I was not close enough to the doorway to see the detainee when the incident happened so I can not answer the question.

Q: Were you aware if the deceased detainee ever attempted to move the wire or cross over it during any time prior to the shooting, including the days prior to the shooting?

A: No.

Q: What kind of training or briefing did you or SPC receive on the rules or the use of force or rules of engagement?

A: The day prior to the incident when we started prison detail the briefing we got was, the General population prisoners

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 7 PAGES

except as noted b6-2
b7c-2

6470

STATEMENT OF

TAKEN AT FOB Pack Horse

DATED 20030913

~~Q:~~ Were not allowed to approach the wire or that was deemed trying to escape so we had the right to shoot. On the two solitary detainees we were told that they were told in arabic that they were to sit down and face the wall, they were to not communicate with each other. ~~If they~~ They were only to stand up if told to and if they were to approach the wire they would be shot. The briefing was given by 1LT [redacted] at the prison. JFG

Q: Were you aware if the detainees had been told by anyone that they were permitted to stand up and stretch?

A: NO [redacted]

Q: So to clarify, if a detainee ever got up and approached the wire, it was OK to shoot him?

A: that was my understanding [redacted]

Q: Have you ever heard of the terms, "Graduated Force" or "Levels of Force?"

A: NO [redacted]

Q: Was a verbal warning required, if possible, before shooting a detainee trying to escape.

A: The briefing that we had did not mention anything like that [redacted]

Q: What kinds of statements did you hear SPL [redacted] ^{make} just prior to and after the shooting? b(6)-5/k-5

A: Nothing at all he was silent before and after the incident. [redacted]

INITIALS OF PERSON MAKING STATEMENT

except as noted b6-2/b7c-2

6471

6472

except as noted (b)(6) - 2

STATEMENT OF [REDACTED] TAKEN AT [REDACTED] FBI Back House DATED 20030913

Q: Were there any indications that SPC was stressed or fearful because of the circumstances of duty that night?
 A: He was his usual self. [REDACTED] What is his usual self?
 A: He's very do-it-yourself kind of individual but in a normal way, [REDACTED] being a smart ale, always talking about Chicago and woman-
 Q: Have you ever known SPC to be overly aggressive with Iraqi detainees?
 A: No [REDACTED] How long have you known SPC [REDACTED] b(6)5
 A: Not good when he came to the unit, but he didn't really hang out until we got here [REDACTED] How long has that been?
 A: The end of April this year when he joined QRF. [REDACTED] Was the deceased detainee rebound at the time of the shooting?
 A: Yes. [REDACTED] In front or back?
 A: His hands were bound in the front. [REDACTED] b(6)5
 Q: What did SPC say to you immediately before and after the shooting?
 A: Nothing at all he was silent. [REDACTED] Q: What kinds of rehearsals or drills were conducted beforehand or attempted?
 A: We did no drills and rehearsals. [REDACTED] INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF [REDACTED] TAKEN AT FtB Peck Hqs DATED 20030913

(b)(6)-5

9 STATEMENT *Continued!*

Q: Do you know if SFC [REDACTED] had enough rest before going on duty?

A: Being on QTR were on 24 hour call PLUS we have ~~shifts~~ shifts for the front gate and the prison I believe the night prior we got about four hours steady sleep.

Q: Did SFC [REDACTED] ever have any problems with the deceased detainee before going on shift on the night of the shooting?
(b)(6)5

A: NO: [REDACTED]

Q: Do you anything to add?

A: NO: [REDACTED]

END OF STATEMENT

except as noted (b)(6)-2

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 6 OF 7 PAGES

6473

STATEMENT OF [REDACTED]

TAKEN AT FOB Peak Horse

DATED 20030913

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 7 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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at FOB Peakhorse, Tikait, Iraq

[REDACTED]

SSG / USA
4015+MP CD
ORGANIZATION OR ADDRESS

[REDACTED]

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art. 136 (b), UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 7 OF 7 PAGES

all (b)(6)-2

6474

not kind of restraints other than what you had on did your brother have on?
They were the plastic kind.

2 Your brother requested a doctor what was it for?

He has a bad back, shoulder and he has heart problems also

How many times did he come?

2 times in seven days

③ What did the soldiers reaction that shot ~~the~~ your brother?

He stayed in place.

What did the other soldiers do?

They came in and did first AID and there was running around.

Was he laying down or sitting up?

He was sitting up.

Is there any things else to add?

Since the day he came in he was kicking the cage and yelling and talking to me that I could not understand. The day before the shooting he ~~was~~ was kicking the door and keeping us awake the whole night.

Do you swear that this statement is truthful?

Yes.

Witnessed by

SGT [REDACTED] MR

(b)(6) 2

6476

Exhibit k

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/alternatemeans of identificationto facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary

1. LOCATION TIKRIT IRAQ	2. DATE (YYYYMMDD) 20030913	3. TIME 0420	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION OR ADDRESS Aco 299th Eng ABCT			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 11 SEPT 03, PFC [REDACTED] AND MYSELF REPORTED TO GUARD AT 1800 HOURS. AROUND 2100 HOURS, WE HAD BEEN VISITED BY CPT. [REDACTED]. WE EXPRESSED OUR CONCERN TO HIM ABOUT THE SKILL ADDITUDES OF THE 4FSB GUARDS. THAT THEY LACKED PROFESSIONALISM THAT IS NEEDED FOR DEALING WITH EPW'S.

LATER THAT NIGHT, AROUND 2300 HOURS, PFC [REDACTED] AND MYSELF WERE CONDUCTING OUR ROUTINE CHECKS ON THE EPW'S. WHEN WE HEARD A LOUD BANG FROM OUTSIDE. WE THOUGHT THAT IT WAS THE 4FSB GUARDS BANGING ON OUR DOOR WITH A PICK HANDLE FROM THE OTHER GUARD SHACK/CELL BLOCK. ONLY BECAUSE ON 10 SEPT 03, THE TWO 4FSB GUARDS LEFT THEIR POST TO COME OVER TO OURS AND STARTED BANGING ON THE EPW'S CELL DOORS, WAKEING UP THE EPW'S. I WENT OUTSIDE TO SEE WHAT WAS GOING ON. PFC [REDACTED] REMAINED IN THE CELL BLOCK AT HIS POST. WHEN I WAS GOING TO THE OTHER JAIL HOUSE, I SAW THAT THE TWO 4FSB GUARDS HAD THEIR M16'S AT THE READY AND POINTED DOWN THE HALLWAY. AS I WENT UP THE STAIRES I DREW MY M9. I THEN

LOOKED DOWN THE HALLWAY TO SEE WHAT HAPPENED AND SAW [REDACTED] LAYING ON THE FLOOR WITH HIS HAND ZIPPED CUFFED AND OVER HIS FACE. HE WAS LETTING A TYPE ON EXHALE YELL/SCREAM. I TURNED TO THE 4FSB GUARDS AND ASKED WHAT HAPPENED. SPC. [REDACTED] REPLYED WITH "HE STOOD UP AND WAS NEXT TO THE WIRE." I LOOKED OVER THE WIRE AND PUT MY M9 BACK INTO ITS HOLDSTER.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 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 BE INDICATED.

except as noted (b)(6) z

6477

STATEMENT OF [REDACTED] TAKEN AT TIKRIT, IRAQ DATED 2003 09 13

9. STATEMENT (Continued)

LT. [REDACTED] WAS ON THE RADIO, CALLING FOR THE MEDICS. I ASKED FOR A CLS BAG AND SPC. [REDACTED] WENT INTO THE OFFICE TO GET IT. I THEN TOOK SPC. [REDACTED] WEAPON AND TOLD HIM TO GO AND SIT IN THE OFFICE. SPC. [REDACTED] HANDED THE CLS BAG TO ME AS I WAS MOVING THE WIRE TO GET A BETTER LOOK AT THE WOUND. AS I WAS PUTTING ON GLOVES, I ASKED SPC. [REDACTED] TO CUT THE ZIP-CUFFS. I PROCEEDED TO RIP THE SHIRT TO EXPOSE THE WOUND. AT THAT TIME I NOTICED A BULLET HOLE THREW HIS FORARM, OF THE RIGHT ARM. THERE WAS NO BLOOD FROM THAT WOUND. THE OTHER WOUND WAS JUST LEFT FROM CENTER AND BELOW THE RIB CAGE. THERE ALSO WAS NO BLOOD FROM THAT WOUND. AT THAT TIME HE GASP FOR AIR A COUPLE OF TIMES. THE PULSE WAS VERY FAINT, NO REPOSE TO OUR VOICES AND NO RESPONSE FROM HIS EYES. WE THOUGHT THERE WAS A EXIT WOUND, BUT WHEN I CHECK USEING MY HANDS, THERE WAS NONE. LT. [REDACTED] BY THIS HAD CALLED THE MEDICS AND TOLD US THAT THEY WERE ON THEIR WAY. LT. [REDACTED] ASKED SPC. [REDACTED] WAY HE SHOOT HIM AND HE REPLIED WITH THE SAME ANSWER, "HE STOOD UP AND WAS BY THE WIRE." THEN I HEARD LT. [REDACTED] SAY THAT HE HAD GIVEN PROMMISSION TO HIM TO STAND UP. WE THOUGHT THAT IT MIGHT HAVE HIT THE LUNGS, SO WE ROLL HIM OVER TO LET THE BLOOD COME OUT OF THE LUNG. AT THAT TIME, WHEN WE ROLLED HIM, THAT THE WOUND ON THE BODY STARTED TO BLEED. SO WE APPLIED A FEILD DRESS TO IT, AND KEPT PRESSURE ON IT. AT THIS TIME I DO NOT SEE SPC. [REDACTED] ANYWHERE. BUT I SAW THE LT. AND HE SAID THAT IT MIGHT BE BETTER TO SIT THE BODY UP RIGHT. SO WE DID, AND KEPT PRESSURE TO FEILD DRESSING ON THE WOUND. SOON AFTER THAT, THE MEDICS SHOW UP. THEY LOOK AT THE BODY, TAKE A PULSE. SAID THEY DIDN'T FIND ONE, AND CALLED FOR THE STRECHER. SPC. [REDACTED] WENT AND GOT THE STRECHER. I HELPED THE MEDICS PUT HIM ON AND IN THE BACK OF THEIR AMBALANCE.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 5 PAGES

except as noted (b)(6) 2

6478

STATEMENT OF [REDACTED] TAKEN AT TIKRIT, IRAQ DATED 20030913

9. STATEMENT (Continued)

b65
 THE MEDICS LEFT/AND I LOOK UP AT THE STAIRS TO SEE SPC. [REDACTED] SMOKEING WITH WEAPON SLUNG. TOOK OFF MY GLOVES, THREW THEM AWAY. THEN WENT BACK TO MY POST AT THE OTHER CELL BLOCK. I TOLD PFC. [REDACTED] A LITTLE ABOUT WHAT HAPPENED. AFTER MY SHIFT (2400 HOURS), I WALK OVER AND TOLD THE LT. WHERE I WAS GOING TO BE INCASE THE MPS OR CID SHOW UP. I ALSO ASKED HIM FOR THE EPW'S NAME AND GOT IT. WHEN I LEFT, SPC. [REDACTED] AND SPC. [REDACTED] WHERE SITTING BY THE STEPS SMOKING. NOTHING FOLLOWS.

Q. [REDACTED]

A. [REDACTED]

Q. How FAR WERE YOU FROM [REDACTED] WERE YOU + PFC [REDACTED] WHEN THE SHOT WAS FIRED?

A. I WAS INSIDE THE OTHER BUILDING, ROUGHLY 50 FEET.

Q. DID YOU EVER GET BRIEFED THAT THE DETAINEES WERE ALLOWED TO STAND IN ORDER TO STRETCH?

A. AS LONG THEY HAD PROMMISSION AND A GUARD HAS THERE WATCHING.

Q. WERE THERE ANY INDICATIONS THAT [REDACTED] WAS STRESSED OR FEARFUL BECAUSE OF THE CIRCUMSTANCES SURROUNDING HIS DUTY THAT NIGHT?

A. HE HAD NO REASON TO BE FEARFUL BECAUSE ITS A CONTROLLED AREA, AND I DONT THINK HE WAS STRESSED BECAUSE I WENT OVER EARLIER TO GET LIGHTS FOR THAT NIGHT AND CHATTED A LITTLE WAS THEM TWO. HE SEEMED ANXIOUS WITH HIS WEAPON IN HIS HANDS AT ALL TIMES. LIKE HE WAS EXPECTING SOMETIME TO HAPPEN OR HOPEING THAT SOMETHING WOULD HAPPEN TO GIVE HIM A REASON TO SHOT SOMEBODY.

Q. DID HE MAKE ANY DIRECT COMMENTS ABOUT HARMING THE DETAINEES PRIOR TO THE SHOOTING?

A. WHEN I HAD THE CHANCE TO TALK TO HIM, WHILE GETTING THE LENTLIGHTS, HE EXPRESSED A VERY VULGER ADDITUDE TOWARDS THE DETAINEES, LIKE HE TOOK IT PERSONAL.

Q. WHY WAS THERE ONLY ONE STRAND OF CONCERTING WIRE USED?

A. IT WAS THERE WHEN I ARRIVED AND I DONT THINK ANYMORE WOULD BE NEEDED.

Q. HOW LONG HAD THE DECEASED BEEN A DETAINEE AT THE FACILITY?

A. TO MY KNOWLEDGE ABOUT 5 TO 6 DAYS.

Q. ARE THE GUARDS GIVEN ANY WRITTEN INSTRUCTIONS FOR THEIR DUTIES?

A. WE GOT A TOUR OF THE AREA WHEN WE FIRST GOT THERE, THEN ON THE FIRST SHIFT THEY EXPLAINED WHAT THEY WANTED AND EXPECTED US TO DO, WHILE ON SHIFT.

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 5 PAGES

except as noted (b)(6) z

6479

STATEMENT OF [REDACTED] TAKEN AT TIKRIT, IRAQ DATED 2003 09 13

STATEMENT (Continued)

Q. WHAT DID THEY EXPLAIN TO YOU TO DO WITH RESPECT TO THE USE OF DEADLY FORCE?

A. WHEN AND ONLY, DEADLY FORCE IS THE LAST RESORT. YOU CAN USE OTHER MEANS BESIDES DEADLY FORCE, LIKE USE A CLUB, HAND TO HAND, VERBAL WARNINGS, OR JUST SHOOT IN THE LEG, NOT TO KILL

Q. YOU MENTIONED THAT GUARDS HAD A CLUB ONE NIGHT. IS IT CUSTOMARY TO HAVE A CLUB, AS A GUARD, FOR NONLETHAL MEANS OF FORCE?

A. THE CLUBS ARE AT THE GUARD SHACK EVERY NIGHT AND ARE AVAILABLE TO ALL GUARDS.

Q. HOW LONG HAVE YOU WORKED WITH SPC [REDACTED] (b)(6)S

A. I HAVE NEVER WORK WITH HIM, THAT WAS THE FIRST NIGHT WITH HIM ON MY SHIFT.

Q. PLEASE CHARACTERIZE HIS PERFORMANCE UP UNTIL THE EVENING OF THE SHOOTING?

A. HE WAS VERY VULGER WITH A BAD ATTITUDE TOWARDS THE EPW'S

Q. DID THE DECEASED EVER TRY TO ESCAPE BEFORE?

A. NO

Q. DID THE DECEASED EVER TRY TO MOVE THE CONCERTINA WIRE PRIOR TO THE EVENING OF THE SHOOTING?

A. NO

Q. HAD SPC [REDACTED] BEEN BRIEFED ON THE USE OF GRADUATED FORCE?

A. I DON'T KNOW

Q. WHAT WOULD CONSTITUTE AN ATTEMPT TO ESCAPE BY A DETAINEE IN ISOLATION?

A. MAKING ATTEMPT LIKE JUMPING THE WIRE OR ABUSING A GUARD, AND MAKING A RUN FOR IT.

Q. HOW WAS THE DECEASED DETAINEE BOUND?

A. HANDS ZIP-TIED IN THE FRONT.

Q. WHAT KIND OF REHEARSELS, DRILLS WERE DONE PRIOR TO THE SHOOTING TO DEAL WITH ATTEMPTED ESCAPES?

A. THERE ARE DRILLS OR REHEARSELS DONE. DETAINEES KNOW PRETTY MUCH NOT TO EVEN TRY.

Q. HOW MANY PRISONERS/DETAINEES WERE IN CUSTODY AT THE FACILITY WHERE THE SHOOTING TOOK PLACE?

A. ABOUT [REDACTED] (b)(6)S

Q. DID SPC [REDACTED] HAVE ADEQUATE REST PRIOR TO ASSUMING HIS DUTIES ON THE EVENING OF THE SHOOTING?

A. AS FAR AS I KNOW, SURE.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 4 OF 5 PAGES

except as noted (b)(6) 2

6480

9. STATEMENT (Continued)

Q DURING NORMAL DUTY ARE YOU AT WEAPON STATUS RED, AMBER, GREEN?
A. AMBER, WHEN WEAPON IN HAND. [REDACTED] (b)(6)5

Q. BRIEFLY DESCRIBE ANY ACTIONS OR COMMENTS DONE OR MADE BY [REDACTED] WHILE IN THE PERFORMANCE OF HIS DUTIES AS A GUARD THAT YOU FEEL WERE UNPROFESSIONAL?

A. HE SCREAMED AT THE EPW'S UNNECESSARILY, BANGING ON THE CAGE DOORS, AND MAKING LIKE HE WANT SOMETHING TO HAPPEN SO THAT HE COULD ACTION AGAINST IT. [REDACTED]

/// END OF STATEMENT ///

except as noted
(b)(6)2

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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of SEPTEMBER, 2003 at TIKRIT, IRAQ

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 134 (b)(4) VCMS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 5 OF 5 PAGES

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Exhibit F

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION TIKRIT, IRAQ	2. DATE (MDD) 20030913	3. TIME 0205	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6/SSG	
8. ORGANIZATION ADDRESS ECO. 4th PSB 4ID			

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

I was talking with SGT [REDACTED] behind her vehicle E216 in the Ambulance Plt Area. When a call came that they needed medics at the EPW compound because a prisoner had tried to escape and had been shot in the chest. I immediately ran to get the rest of my clothes on and started the vehicle and she went to notify the Plt SGT. We then left our area on a straight path to the EPW camp. We stopped at the guard tower to ask about the entrance then went to the entrance and drove in to the main area. I jumped out of the truck and hurried up to the hall. On my left where prisons behind bars on the right a large light shining at them a couple more steps a hall way to the right. One of the soldiers said over here I went down the narrow hall on the right consisted wire on both sides. At the end of the hall a small room the prison was propped up against the door. A soldier was holding a

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 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 BE INDICATED.

all (b)(6) z

6482

STATEMENT OF [REDACTED] TAKEN AT TIKRIT, IRAQ DATED 20030913

9. STATEMENT (Continued)

Dressing on his abdomen. The soldier stated that he (the prisoner) had been shot in the Arm and stomach and he had a weak pulse. I felt for a pulse in the PT's left wrist and felt none. I then told SGT [REDACTED] to not give the IV here we would try in route. Go get a litter, I felt for a carotid pulse in neck and SGT [REDACTED] beat me to it. I placed my hand near his mouth and felt no Air movement. The litter came we put the prisoner on it and got him to the back of the ambulance. SGT [REDACTED] got in the back with him SSG [REDACTED] also they started CPR. In route back I drove quickly to the BAS where he was taken in and Doc [REDACTED] took control the O₂ was hooked up and CPR continued till Doc [REDACTED] said Stop. While inside the hall leading back to the prison one soldier stood while 2 others were in the room with the injured prison one stood back while the other held the first Aid dressing on the wound on his abdomen. There was a sense of urgency in all three of the soldiers there at the scene. A combat life saver bag was opened and on the outside of the door he was leaning against. They seemed like they were trying to help and they wanted to help.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4 PAGES

all (b)(6) 2

6483

STATEMENT OF TIKRIT [REDACTED] TAKEN AT TIKRIT, IRAQ DATED 2003 09 13

9. STATEMENT (Continued)

- Q. [REDACTED]
- A. [REDACTED]
- Q. WAS THERE AN EXIT WOUND ON THE VICTIM?
- A. NONE THAT I SEEN [REDACTED]
- Q. WAS THE INJURY TO THE FOREARM AND TO THE TORSO FROM ONE SINGLE SHOT?
- A. I DO NOT KNOW [REDACTED]
- Q. WAS THE VICTIM SUBDUED IN ANY MANNER WHEN YOU ARRIVED?
- A. NOT THAT I SEEN [REDACTED]
- Q. DID THE VICTIM HAVE ANY SIGNS OF MALTREATMENT?
- A. I DID NOT EXAMINE HIS WHOLE BODY BECAUSE I WAS MORE WORRIED ABOUT AIRWAY BREATHING AND CIRCULATION, [REDACTED]
- Q. DID ANYONE CONDUCT A PRELIMINARY EXAM OF THE VICTIM AFTER HE EXPIRED?
- A. NOT THAT I KNOW OF. [REDACTED]
- Q. WHAT WAS THE MOOD OF EACH OF THE GUARD FORCE MEMBERS AT THE FACILITY?
- A. ONE OF THE SOLDIERS IN THE ROOM WAS HOLDING THE BANDAGE GIVING ME THE SCENE ASSESSMENT AND INJURIES, THE OTHERS WERE QUIET. [REDACTED]
- Q. WHAT WAS THE MOOD OF THE OTHER DETAINEES?
- A. QUIET AND CONCERNED POSSIBLY [REDACTED]
- Q. DID THE VICTIM RESPOND IN ANY WAY WHILE YOU WERE PRESENT?
- A. NO RESPONSE NOT EVEN A BREATH [REDACTED]
- Q. DID THE GUARDS MENTION THE VICTIM MAKING ANY UTTERANCES?
- A. NO NONE [REDACTED]
- Q. WAS THERE SUFFICIENT LIGHT WITHIN THE CELL AREA TO SEE FROM ONE SIDE TO THE OTHER SIDE OF THE VICTIM'S CELL?
- A. UPON ENTRY I COULD SEE THE REAR WALL OF THE CELL, BUT DID NOT GIVE IT MUCH ATTENTION. [REDACTED] // END OF STATEMENT //

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

cell (b)(6) 2

6484

STATEMENT OF

[REDACTED]

TAKEN AT TIKRIT, IRAQ

DATED 2003 09 13

9. STATEMENT (Continued)

all (b)(6) 2

AFFIDAVIT

I, [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]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of SEPTEMBER, 2003 at TIKRIT, IRAQ

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED] SSG, MP
(Typed Name of Person Administering Oath)

ART 136 (b)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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Exhibit G.

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 [REDACTED]

1. LOCATION Ikril, Iraq	2. DATE (YYYYMMDD) 2003 09 13	3. TIME 1453	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-2E/AD	
8. ORGANIZATION OR ADDRESS Eco 4th FSB			

9. [REDACTED] I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 AT APPROXIMATELY 2310-2315HRS I WAS AWOKED BY MY MEDICS INFORMING ME THAT AN EPW/DETAINEE HAD BEEN SHOT IN THE CHEST AT THE DETENTION CENTER. MY MEDICS AND I QUICKLY BEGAN PREPPING OUR CLINIC AND TREATMENT TEAM FOR THE CASUALTY'S ARRIVAL. AT APPROX. 2330 THE CASUALTY ARRIVED VIA AMBULANCE AND WAS THEN RECEIVING CPR BY MY MEDICS. CPR WAS CONTINUING WHILE THE PATIENT'S INITIAL VITAL SIGNS WERE BEING RECORDED AND MONITOR IMPLACED, AND IV LINES ESTABLISHED. I PROCEEDED TO EXPOSE AND EXAM THE BODY, OBSERVING CPR BEING PERFORMED AND NOTICED THE CASUALTY APPEARING LIFELESS. HIS WOUNDS CONSISTED OF A THROUGH & THROUGH GUNSHOT TO THE MID-LEFT FOREARM AND AN OBLONG ENTRANCE WOUND TO THE LEFT CHEST WALL JUST BELOW THE LEFT RIBS. I BELIEVED THE ENTRANCE WOUND ON THE CHEST TO BE OBLONG FROM THE PROJECTILE TUMBING AFTER FIRST STRIKING THE PATIENT'S LEFT ARM. THERE WERE NO EXIT WOUNDS ON

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 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 BE INDICATED.

all (b)(6) 2

6486

STATEMENT OF

[REDACTED]

TAKEN AT Tikrit, Iraq

DATED 2003 09 13

9. STATEMENT (Continued)

THE POSTERIOR (BACK) OF THE PATIENT. THERE WAS NO ACTIVE BLEEDING FROM EITHER WOUND. CPR WAS CONTINUING WHILE I NEXT PROCEEDED TO THE CASUALTY'S HEAD NOTICING THAT HIS EYES WERE FIXED, DILATED, AND HAZY INDICATING DEATH/IMMINENT DEATH. I INSTRUCTED MY MEDICS TO THEN STOP CPR WHILE I CHECKED FOR A CAROTID PULSE OR SIGNS OF SPONTANEOUS BREATHING. I COULD SEE NEITHER SIGNS OF BREATHING OR FEEL A PALPABLE PULSE AND THEN CALLED AN END TO ANY FURTHER ATTEMPTS AT CPR AND DECLARED THE CASUALTY DECEASED.

Q: MAJ [REDACTED]

A: 1LT [REDACTED]

Q: Did you notice any indications of abuse on the body during your examination?

A: No [REDACTED]

Q: Can you describe the condition of the body's wrists?

A: I CANNOT SAY THAT I SPECIFICALLY EXAMINED HIS WRISTS [REDACTED]

Q: Did you ever examine the deceased before for any reason?

A: No I DID NOT. [REDACTED]

Q: Who would normally do routine sick call visits to the detention facility?

A: Myself, SGT [REDACTED], SGT [REDACTED], SFC [REDACTED], SGT [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 4 PAGES

cell (b)(6) z

6487

STATEMENT OF [REDACTED] TAKEN AT Tikrit, Iraq DATED 20030913

9. STATEMENT (Continued)

Q: Were you ever advised that the deceased might have had heart problems?

A: No [REDACTED]

Q: Is that because an interpreter was not available for the past 4 or 5 days?

A: No [REDACTED]

Q: Did you see SPC [REDACTED] during the night of the shooting or since then for medical reasons?

A: No [REDACTED]

Q: Is there anything else that you would like to add?

My medics that initially responded (SGT [REDACTED] / SSG [REDACTED]) later informed me that upon their arrival the casualty was found in a back room with no ongoing first aid being provided to the victim. Again later I was informed that the casualty's hands were bound in front of him which seemed to give reason how/why the bullet first struck his (L) arm and then proceeded to enter the chest cavity as if he were holding his arms up in front of him by the nature of them possibly being bound. [REDACTED]

!!!End of statement!!!

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

except as noted (b)(6) z

6488

STATEMENT OF

[REDACTED]

TAKEN AT Tikrit, Iraq

DATED 2003 09 13

9. STATEMENT (Continued)

[REDACTED]

all (b)(6) z

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE [REDACTED] 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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September 2003 at Tikrit, Iraq

[REDACTED]

(Signature of Person Administering Oath)

SGT mp

(Typed Name of Person Administering Oath)

Art 136 (b)(4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

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6489

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Tikrit, Iraq	2. DATE (YYYYMMDD) 20030913	3. TIME 1540	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5 /SGT	
8. ORGANIZATION OR ADDRESS E. Co. 4th SSB			

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

On 11 Sept at around 1700 myself and PFC [REDACTED] went to the Iraqi Prison here at Camp Pockhose because a call came in over the radio that a prisoner was suffering from an unexplained nose bleed. Earlier PFC [REDACTED] went to the prison and screened the prisoners and I went the second time with him to ensure his security and to make sure the guards aren't calling us out for trivial reasons and in case something was really wrong with the nose bleeding prisoners. We went to the building where it was only about 6-8 prisoners in separated rooms first and saw the nose bleeding prisoner. Treated him and screened the remainder prisoners in the building to ensure they didn't have any major medical complaints and treated

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 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.

all (b)(6) Z

6490

STATEMENT OF

TAKEN AT

Tifrit, Iraq

DATED

20030913

STATEMENT (Continued)

what ever complaint they may have. On the way out the building SFC [REDACTED] informed me there were two more prisoners who needed to be screened in the new building across from the cell which house the majority of the prisoners. He informed me the "deceased prisoner" requested to see the medics and SFC [REDACTED] didn't know how the deceased prisoner knew we were there. So myself, SFC [REDACTED], SFC [REDACTED] and an Iraqi interpreter went over to talk to him. He began to complain about joint pain, back pain and he couldn't eat. The 800mg Motrin (3) that SFC [REDACTED] gave him previously were on the floor ~~unused~~ unused. We informed him he has to try and take the medication we gave him in order to be relieved from the pain cause the only other thing we could do was given him something stronger which wouldn't make sense cause he hadn't taken the meds. We've given him the first time. We explained to him he has to eat to keep up his strength and drink the four bottles of water he is given everyday. SFC [REDACTED] recommend to the guards on duty to pay close attention to the prisoner and ensure he gets the opportunity to walk

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 4 PAGES

cell (b)(6) 2

6491

STATEMENT OF [REDACTED] TAKEN AT Tikrit, Iraq DATED 20030913

9. STATEMENT (Continued)

around his little cell sometimes. On our way out the prisoner begin to complain about how he was being treated while in prison but I really couldn't make out exactly what the translator was saying. I think it was something regarding to the size of the room he was in. We also told the prisoner that sleeping on the concrete floor would cause his joints and back to ache. We also noticed pieces of bloody tissue on the floor in the cell but when ~~the~~ ~~turned~~ to the translator was answering why the tissue was there I was turned around talking to one of the guards but SFC [REDACTED] heard the answer

Q: Which guards were told to let the detainee to get up and walk around in his cell?

A: SFC [REDACTED], SFC [REDACTED], SFC [REDACTED] was in the room when the suggestion was made (b)(6) 5

Q: When you spoke with ~~the~~ the detainee, did you notice any signs of physical abuse?

A: No I didn't notice any signs [REDACTED]

Q: Do you have anything else to add?

A: No [REDACTED]

///End of Statement///

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

except as noted (b)(6) 2

6492

STATEMENT OF

[REDACTED]

TAKEN AT

Tikrit, Iraq
5

DATED

2030913

9. STATEMENT (Continued)

[REDACTED]

all (b)(6) z

AFFIDAVIT

I, [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]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at Tikrit, Iraq.

[REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

SGT m.p.
Art 136 (b)(4)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 4 OF 4 PAGES

6493

Exhibit K.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary

1. LOCATION Tikrit, Iraq	2. DATE (YYYYMMDD) 20030913	3. TIME 1522	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS CPT	

8. ORGANIZATION OR ADDRESS
HDE 4th FSB

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

[REDACTED] (b)(6) S
On the night of Sept. 11, 2003, SPC [REDACTED] was on guard duty at the Brigade Detainee Collection Point specifically guarding detainees in one of the isolation areas. I was woken up at approx 1120 hrs and told that a prisoner was shot while attempting to escape. Upon notification, I rushed down to the TOC, stopping first at the Aid Station and observed the deceased prisoner. I then proceeded to the TOC to start information gathering. At approx 1145 hrs, a SPOT report was sent up to the IBCT to TOC by myself with the preliminary information. After completing the spot report, I then went to take digital photos of the remains. The remains were then loaded into a body bag and placed in an FMTV. Ice was then brought in and I helped pack bags of ice on the body.

As the S-3 of 4th FSB, it was my job to help facilitate and coordinate the transfer and guard mission for the new Brigade D.C.P. The issues we were having with the collection center were available space, lack of guards, non availability of

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 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.

except as noted (b)(6) 2

6494

STATEMENT OF

TAKEN AT

Tikrit, Iraq

DATED

2030913

9. STATEMENT (Continued)

isolation areas and providing basic essential items to the prisoners. At the time of the incident, there were 56 prisoners in the facility with eight in isolation. We were mandated by BDE to hold no more than 50 but due to not having an interpreter, we were forced to hold onto individuals longer than necessary. The deceased individual was in isolation and due to lack of space, he was placed in ~~an~~ a bathroom across from the main holding cell, blocked in by concertina wire and guarded by a guard. I do not know the purpose of the isolation but it was thought that he had a connection ~~to~~ to the wife of (b)(6)(c)4. In this particular isolation cell, there was little room and the prisoner had his hands tied. Believing he was trying to escape by approaching the wire, ~~we~~ (b)(6)(c)5 shot and killed him.

Q: MAJ (b)(6)(c)5

A: (b)(6)(c)5

Q: Why were guards carrying loaded weapons inside of the detention facility?

A: (b)(6)(c)5 instructed us to carry weapons inside the wire to ensure the presentation of authority. (b)(6)(c)5

Q: What were the wooden sticks to be used for?

A: The wooden sticks were used when walking around the

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES

except as noted (b)(6)(c)2

6495

STATEMENT OF [REDACTED] TAKEN AT Tilvit, Iraq DATED 20030913

9. STATEMENT (Continued)

exterior of the main cell so that prisoners could not reach out of a window and grab a fire arm off a guard. [REDACTED]

Q: Can you describe the type of ROE and use of force training the guard force received prior to assuming duties?

The guard force is a rotating duty provided primarily by the maneuver battalions. Upon arrival at the beginning of the duty, new guards are briefed on procedures consisting of, food, latrine, bathing, force, uniform requirements, and shift hours. The 1BCT or 4ID never gave the 4th MFS PSB any formal training as to how to handle prisoners. 720 MP visited and gave recommendations. The prisoners in isolation were told by the ~~Sgt~~ ^{interpreter} to ~~not~~ not stand up or approach the wire or they risk being shot.

Q: How long were you without an interpreter?

A: about 4-5 days. [REDACTED]

Q: were you present during the interpreter's in-briefing of detainees, or were you describing the process for in-briefing?

The I was not there. The Detention center OIC, LT [REDACTED], NCOIC, SPC [REDACTED] or the BNW S-2, CPT [REDACTED] handle the briefings of incoming personnel and give instructions to the prisoner via an interpreter. [REDACTED]

Q: why were only five guards on duty for more than 50 detainees?

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 5 PAGES

all (b)(6) 2

6496

STATEMENT OF

TAKEN AT Tikrit, Iraq DATED 20030913

(b)(6)Z

9. STATEMENT (Continued)

A: The most recent Frago BDE Frago states that the

Due to having [redacted] prisoners, we augmented the guard force with [redacted] additional personnel from 4 AB.

All guards pull [redacted] hour shifts and when there is no isolation and under [redacted] personnel, [redacted] people guard the prisoners at one time. (b)(6)Z

Q: Do you believe that this is an adequate sized guard force for the number of detainees?

A: When there are detainees in isolation, no. We were forced to split up the guard force into two separate locations. If there was no isolation, then 4 guards is adequate. (b)(6)Z

Q: Did you receive and did you issue your subordinate units Frago's or instructions on the handling of detainees?

A: The Fragos from 1 BCT regarding the detention facility strictly dealt with setting up responsibility for detention center and guard rotations for the maneuver battalions. No Fragos regarding detainee handling procedures were given to us.

Q: Who gave the order to shoot detainees if they approached the concertina wire without permission?

INITIALS OF PERSON MAKING STATEMENT

(b)(6)Z

PAGE 4 OF 5 PAGES

STATEMENT OF [REDACTED] TAKEN AT Tikrit, Iraq DATED 20030913

9. STATEMENT (Continued)

A: I am not 100% sure but I believe it was either the S-2 or the OIC/NCOIC [REDACTED]

Q: Do you have anything else to add?

A: No [REDACTED]

///End of Statement///

all (b)(6)z

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at Tikrit, Iraq.

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] SGT mp
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 1316 (b)(4) ucm
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

6498

Chapter 3 Use of Force

3-1. Procedures for use of force

a. DA military and civilian personnel engaged in law enforcement or security duties will avoid the use of force where they can carry out their duties without resorting to its use. In such cases where the use of force is warranted, DA personnel will use the minimum amount of force necessary to reach their objective. Only as a last resort will deadly force be used and only as described in this regulation.

b. Commanders are encouraged to substitute nonlethal devices for firearms when considered adequate for safely performing law enforcement and security duties. In evaluating the degree of force required for specific law enforcement or security situations, the following options should be considered in the order listed:

- (1) Verbal persuasion.
- (2) Unarmed defense techniques.
- (3) Chemical aerosol irritant projectors (subject to host nation or local restrictions).
- (4) MP club.
- (5) Military working dogs (military working dogs will be used per AR 190-12).
- (6) Presentation of deadly force capability.
- (7) Deadly force (para 3-2).

3-2. Deadly force

a. Principles defined in this regulation on the use of deadly force with firearms will be applied equally to personnel using a weapon or equipment which, when properly employed in their intended application, would exert deadly force.

b. The Secretary of the Army, major Army commanders, or their designees may impose further restrictions on the use of deadly force if deemed necessary in their judgment and if such restrictions would not unduly compromise the national security interests of the United States.

c. Personnel will not be permitted to perform law enforcement or security duties requiring the use of weapons until they have received instruction on applicable regulations for the use of deadly force in the performance of such duties. Additionally, annual refresher training will be given to all personnel assigned to those duties to ensure that they continue to be thoroughly familiar with all restrictions on the use of deadly force.

d. Personnel carrying weapons for personal protection under the provisions of paragraph 2-2d will have the necessary training on deadly force commensurate with that prescribed by this regulation.

e. For contract security forces, use of deadly force criteria will be established consistent with this regulation and local law.

f. Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed. Deadly force is justified under one or more of the following circumstances:

(1) *Self-Defense and defense of others.* When deadly force reasonably appears to be necessary to protect law enforcement or security personnel who reasonably believe themselves or others to be in imminent danger of death or serious bodily harm.

(2) *Assets involving national security.* When deadly force reasonably appears necessary to prevent the actual theft or sabotage of assets vital to national security. DOD assets will be specifically designated as "vital to national security" only when their loss, damage, or compromise would seriously jeopardize the fulfillment of a national defense mission. Examples include nuclear weapons; nuclear command, control, and communications facilities; and designated restricted areas containing strategic operational assets, sensitive codes or special access programs.

(3) *Assets not involving national security but inherently dangerous to others.* When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of resources, such as operable weapons or ammunition, that are inherently dangerous to

others; such as assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high risk portable and lethal missiles, rockets, arms, ammunition, explosives, chemical agents, and special nuclear material.

(4) *Serious offenses against persons.* When deadly force reasonably appears necessary to prevent the commission of a serious offense involving violence and threatening death or serious bodily harm. Examples include murder, armed robbery, and aggravated assault.

(5) *Arrest or apprehension.* When deadly force reasonably appears to be necessary to arrest, apprehend, or prevent the escape of a person who, there is probable cause to believe, has committed an offense of the nature specified in (2) through (4) above.

(6) *Escapes.* When deadly force has been specifically authorized by the Secretary of the Army and reasonably appears to be necessary to prevent the escape of a prisoner, provided law enforcement or security personnel have probable cause to believe that the escaping prisoner poses a threat of serious bodily harm either to security personnel or others.

g. Additional requirements for the use of firearms.

- (1) Give an order to halt before firing.
- (2) Warning shots are prohibited.
- (3) When a firearm is discharged, it will be fired with the intent of rendering the person(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot.
- (4) Shots will be fired only with due regard for the safety of innocent bystanders.

(5) In the case of holstered weapons, a weapon should not be removed from the holster unless there is reasonable expectation that use of the weapon may be necessary.

h. Commanders of MACOMs may establish additional considerations in implementing procedures over the use of firearms.

Chapter 4 Carrying Firearms While Aboard Commercial and Military Aircraft

4-1. Procedures

DA personnel authorized to carry firearms aboard commercial and/or military aircraft will follow the rules specified in this paragraph. These rules satisfy both Federal Aviation Administration regulations and military directives for DOD personnel who carry firearms aboard commercial and/or military aircraft, and ensure the safety of aircraft and the personnel on the aircraft.

a. When personnel must carry firearms aboard aircraft, either on themselves or in their baggage, the commercial airline or military passenger service representatives will be notified before the flight departure.

b. Personnel will possess proper identification with full-face photograph and written authorization, such as, letter of authorization, credentials, and so forth, to carry firearms. Exceptions will only occur as a result of prior coordination with competent authority.

4-2. Firearms not required in flight

If the firearm is not required during the flight, the person carrying the firearm will—

a. Declare to the commercial airline representative or military passenger service representative, before the baggage is checked, that an unloaded firearm is in the baggage.

b. Inform the commercial airline representative or military passenger service representative that the firearm container is appropriate for air transportation. If the firearm is a handgun or other weapon that normally is not fired from the shoulder position, the baggage will be locked and the key will be kept by the person carrying the firearm. If the firearm is carried in the baggage, the weapon will be unloaded and securely locked in the baggage.

c. Place ammunition in an ammunition pouch or other suitable

Exhibit N

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary. RF RF

1. LOCATION <u>Tikrit, Iraq</u>	2. DATE (YYYYMMDD) <u>2003/09/13</u>	3. TIME <u>0415</u>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	

8. ORGANIZATION OR ADDRESS
A Co 299th ENG 4th INF Div

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

11 Sept. 03/23:00. I, PFC [REDACTED] came on shift with Spc. [REDACTED] at 18:00. The environment was the same as it has been for the last 4 days which is controlled. Me and Spc. [REDACTED] continued to guard the post throughout the evening with no changes or difficulties. The environment leading up to the time of the incident did not change. Around 20:00 Spc. [REDACTED] (b)(6) 5 came over to our guard post and asked if we wanted to switch up the

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>7</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.

except as noted (b)(6)2

6500

STATEMENT OF [REDACTED] TAKEN AT Tikrit, Iraq DATED 2003/09/13

9. STATEMENT (Continued)

guard shift. We (I and spc. [REDACTED]) replied by saying no because it could cause confusion and thought it was better for us to guard that certain area. Spc. [REDACTED] (b)(6)S then left. Around 23:00, spc. [REDACTED] and I were doing our routine checks and routes when we heard a loud bang followed by a scream. Spc. [REDACTED] and I ran to the door to investigate. When I looked out, I saw spc. [REDACTED] (b)(6)S and the other guard with their weapons fixed on the solitaire room. I then heard Lt. [REDACTED] (b)(6)S ask spc. [REDACTED] "Why did you shoot him?" Spc. [REDACTED] then ran over to administer any kind of help he could while I

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

except as noted (b)(6)Z

(6501

STATEMENT OF

TAKEN AT

Tikrit Iraq

DATED

2003/09/13

9. STATEMENT (Continued)

continued to man my post. A few minutes later Lt. [REDACTED] called the incident into Pack Horse Mike, the [REDACTED] to [REDACTED]. I also noticed that Spc. [REDACTED] (b)(6)5 had sat down and started smoking a cigarette. About 10 minutes later, the medics showed up and ran to the door. Moments later, I seen 4 soldiers carrying the EPW out on a litter. The medics then rushed off. A few minutes later, Spc. [REDACTED] came and guarded his post. He informed me that the EPW had been shot through the arm and entered the EPW's lower chest/upper abdomen. He also stated that he took Spc. [REDACTED] (b)(6)5 weapon and had him set down. He also stated that he asked

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 3 OF 7 PAGES

except as noted (b)(6)2

6502

STATEMENT OF

TAKEN AT

Tikrit, Iraq

DATED

2003/09/13

9. STATEMENT (Continued)

[REDACTED] why he shot the EPW. And SPC.
[REDACTED] (b)(6)(b)(7)(C) replied with saying "He was standing by the wire." We continued to guard our post until 00:00 hours when our relief came.

Q: SGT. [REDACTED]

A: PFC [REDACTED]

Q: Do you know if SPC [REDACTED] had been briefed on the use of graduated force?

A: No [REDACTED]

Q: Are you normally briefed on the use of graduated force?

A: Yes. We are briefed to use minimal force as possible, but whatever the situation requires. [REDACTED]

Q: What is your weapons status while working in the facility?

A: Ambec [REDACTED]

Q: Do you know what would constitute an attempt to escape by a detainee in isolation?

A: The detainees know not to touch the wire, they are handcuffed and told not to make any sudden moves. Also to face the wall. [REDACTED]

Q: Are there written instructions in Arabic or a translator to tell them the rules of the facility?

A: Yes. There is an English translator to tell the EPW's the rules. [REDACTED]

Q: How was the deceased detainee bound?

A: By his hands. I assume. [REDACTED]

Q: What kind of rehearsals, drills, were done prior to the shooting to deal with attempted escapes?

A: They are just talked through, no examples or anything. [REDACTED]

Q: When they briefed you on attempted escapes what kind of actions did they explain to you to do?

A: Use as little force as needed. Use a club or if need be, shoot EPW in the

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 7 PAGES

except as noted (b)(6)(b)(7)(C) 2

6503

STATEMENT OF [REDACTED] TAKEN AT Tikrit, Iraq DATED 2003/09/13

B STATEMENT Continued

reg, or if absolutely possible, take him down. [REDACTED]

Q: How many prisoners/detainees were in custody at the facility where the shooting took place?

A: Approximately 40 [REDACTED]

Q: Did SPC [REDACTED] have adequate rest prior to assuming the duties on the evening of the shooting?

A: I don't know, but I do know we get adequate [REDACTED]

Q: How far were you from [REDACTED] were you and SPC Garcia when the shot was fired? (b)(6)5

A: 50ft. [REDACTED]

Q: Did you ever get briefed that the detainees were allowed to stand in order to stretch?

A: It wasn't in the briefing, but there is always an NCOIC or OIC to make that call. [REDACTED]

Q: Was the NCOIC or OIC present at the scene or around the isolation facility?

A: Yes. He is always within 10ft of the other guards. [REDACTED]

Q: Were there any indications that [REDACTED] was stressed or fearful because of the circumstances surrounding his duty that night?

A: No [REDACTED]

Q: Do you know how long the deceased detainee was at the facility?

A: ~~10 to 15 minutes~~. I don't know. He was there before I was. [REDACTED]

Q: Why was only one strand of concertina wire used?

A: I don't know. I assume so it could be opened to allow the EPW to be able to use the bathroom. [REDACTED]

Q: Why did it take the LT so long to call in the shooting?

A: It didn't. By the time he saw the EPW and controlled the situation he called it in. [REDACTED]

Q: Are the guards given any written instructions for their duties?

A: No [REDACTED]

Q: Do the instructions tell guards to do with respect to the use of deadly force?

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

except as noted (b)(6)2

6504

STATEMENT OF

[REDACTED]

TAKEN AT

Tier 1, Iraq

DATED

2003/09/13

STATEMENT CONTINUED

A: The [REDACTED] Yes [REDACTED]

Q: How long have you worked with SPC [REDACTED]?

A: I never have. I had guard at the same time, but not with him.

Q: Had [REDACTED] ever make comments of causing harm to detainees?

A: Yes, I really don't remember what it was. Just some off collar comment.

Q: Did the deceased ever try to escape before?

A: No, not that I know of.

Q: Did the deceased ever try to move the concertina wire prior to the evening of the shooting?

A: No

Q: What did [REDACTED] mean by changing up the guard?

A: He wanted myself and SPC [REDACTED] to switch places with him and SPC [REDACTED]

Q: Do you think he has a short fuse or a temper?

A: I don't know him that well to say, but I do ^{not} think he wasn't fit for the job.

Q: Have you ever heard him yell or harm the detainee?

A: Yes. He yells alot and has been warned for it. It wouldn't surprise me if he did other harmful things on his guard shift.

Q: After the incident happened what was the reaction that SPC [REDACTED] reaction?

A: He sat down and smoked a cigarette.

Q: Did [REDACTED] make any statement at the incident?

A: I don't know.

Q: Briefly describe the demeanor of the soldier who guard the detainees from Dco 4FSB.

A: The guards from Dco 4FSB are too inexperienced to take on the responsibilities of EPW guard. They seem a little hostile and [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 6 OF 7 PAGES

except as noted (b)(6)z

6505

STATEMENT (Continued)

confused about the consequences of some of their actions. Not all of them, just a couple.

Q: What kind of actions do they do towards the detainees?

A: They beat on the cages, yell all the time and other small actions that are not needed all the time.

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

A: Not at this time

/// END OF STATEMENT ///

all (b) (6) z

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. 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 of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at Tikrit Iraq

ORGANIZATION OR ADDRESS

[redacted] (Signature of Person Administering Oath)

SGT [redacted] (Typed Name of Person Administering Oath)

ART 136 (b)(4) (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES

6506

Sept 03

What is your full name?

[REDACTED]

all (b)(6)4

How old are you?

18

Are you a student or work?

University of T.krit

Why are you here?

They found some mines, RPGs, and weapons in my backyard.

Did you know the man who was shot?

No

Did you ever talk to him?

yes, twice when the doctor came

What was he complaining about to the doctor?

He could not move because his shoulder was in pain.

Which guards knew of the complaint?

I do not know but it was a SGT and the doctor I don't think told the guards

A couple of days before the shooting was there yelling?

yes it was between the guy that shot him and the deceased

What did he yell?

He told him to shut up, called him a mother fucker.

Did he use a stick or ever touch them?

no he never touched them.

Did it appear that the two men in isolation were getting food and water?

Yes the same as we do.

When you first came to the facility what were the rules you were told?

That we could not talk to the soldiers.

Were you told what would happen if you crossed or touched the wire?

That they would shoot at me if I ran or escaped

6507

Do you think that the deceased was told the same?
Yes I believe so, but I don't know. [REDACTED]

Can you describe to me what occurred?

I was asking the LT if I could get some water. The soldier who shot the detainee was leaned up against the wall and he leaned over talked to another soldier. ^{I do not know for sure.} When I looked and talked to the LT again I heard the shot. [REDACTED]

Did the detainee say anything?

He just sayed ah 3 times and was shaking. [REDACTED]

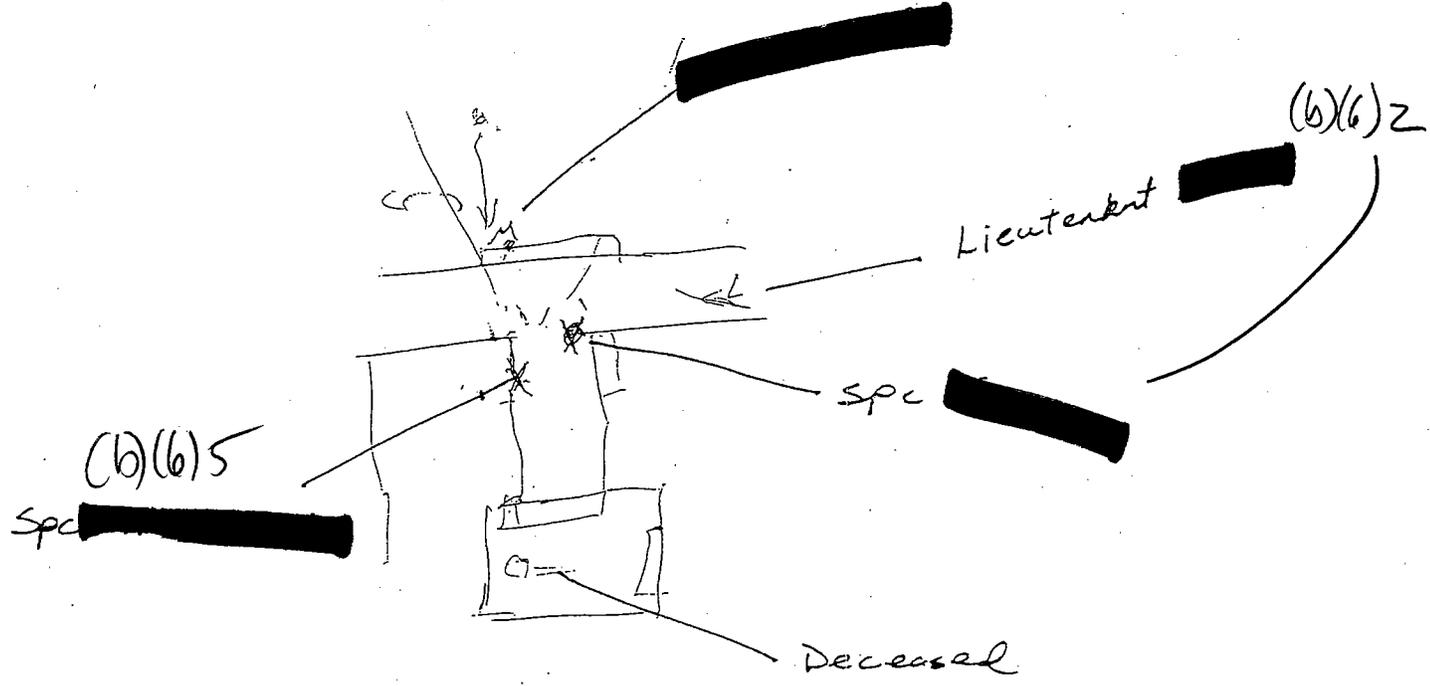
Where were the guards standing?

The guy who shot the man was standing on the right side of the opening way. Another guard was at the doorway facing out. The LT was standing to the right half way in between the opening and the end of the building. [REDACTED]

Can you see what the man did after he shot the detainee?

I saw some other guard from the other side come and take the weapon from him and brought him to the side room. [REDACTED]

Diagram



except as noted (b)(6)4

6508

I swear that this statement is the truth.

I speak
and write
English

[Redacted Signature]

Signature

C-4/9/14

Date

11:04

Time

all (b)(6)4

6509

Exhibit A

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Tikrit, Iraq
2. DATE (YYYYMMDD): 2003/09/13
3. TIME: 0205
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-5/SGT
8. ORGANIZATION OR ADDRESS: E Co 4th FSB 4ID

9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 11 Sept 03 I was monitoring FREQ 917 because I was the E Company SOG. At approx. 2300 a medic at the EPW camp for a gunshot wound to the chest. I notified SSG [redacted] and SFC [redacted] and SSG [redacted] and I got into the FLA and went to the EPW Camp. When we arrived approx 3-4 minutes after the call was made SSG [redacted] got out of the vehicle and ran up the stairs. I got the aid bag, and SSG [redacted] called for my help. When I went up the stairs I noticed EPWs locked in a cell facing the scene of the shooting, and a bright light facing them. To the left is right was SSG [redacted] with the patient and LT [redacted] and two other soldiers. SSG [redacted] was checking for a pulse when he stated he couldn't feel one. There was a soldier holding a field dressing to the left upper quadrant of the patient with minimal bleeding. There was also blood on the left forearm sleeve of the patient. A combat life saver bag was laying next to the patient open. When SSG [redacted] stated that he didn't feel a pulse I felt for one, and couldn't find one either. We directed the SFC that was there to get a litter out of

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]
PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

all (b)(6) z

6510

STATEMENT OF [REDACTED] TAKEN AT Tikrit, Iraq ~~2003/09/13~~ DATED 2003/09/13

9. STATEMENT (Continued)

the back of the FLA, and directed the LT to get in contact with Echo Mike to inform the Aid Station that an urgent patient was en-route. When we layed the litter in the hallway SSG [REDACTED] moved him from the sitting position against the door where we found him to the laying position to manouver him onto the litter. SSG [REDACTED] grabbed him from behind, and I took his legs as we ~~sh~~ put him on the litter. SSG [REDACTED] and the soldiers on scene moved the patient on the litter to the back of the FLA. I followed with the aid bag and other equipment. I got into the back of the FLA and we loaded the patient. SSG [REDACTED] and SGT [REDACTED] arrived on scene and SSG [REDACTED] got into the back of the FLA with me. We checked again for a pulse and didn't feel one. The patients eyes were also fixed and dialated. We initiated CPR with use of a bag vaulve mask. We continued CPR during transport to the Aid Station. No pulse was detected during transport. ~~However the wounds~~ En route the bullet wound was exposed on his abd. It was aprox quarter size, and had fatty tissue exposed. The wound on his arm was ~~of~~ a flesh wound to his left forearm that had both entrance and exit markings. When we arrived to the aid station we unloaded the patient and continued CPR.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 5 PAGES

all (b)(6) z

6511

STATEMENT OF

TAKEN AT

Tikrit, Iraq

DATED

2003/09/13

9. STATEMENT (Continued)

When the patient was unresponsive, and CPR was continued when I informed the PA ILT [REDACTED] that the patient had no pulse at the scene, and that his eyes were fixed and dilated. LT [REDACTED] checked the patients eyes, and told us to stop CPR so he could check for a pulse. No pulse was detected, and the patient was pronounced dead between 2220 & 2230. [REDACTED]

Q: SGT [REDACTED]

A: SGT [REDACTED]

Q: When you arrived on scene, what was the mood of the soldiers?

A: Worried, scared, hyper [REDACTED]

Q: Did you know who was treating the detainee when you arrived?

A: 2 soldiers a SPC & another one with unknown rank. [REDACTED]

Q: Could you make a determination if there was only one shot taken at the detainee?

A: No [REDACTED]

Q: Did you know where the entry and exit wounds were at?

A: There appeared to be a entry & exit wound on the left forearm, and a entry or exit wound on the left upper quadrant. no wound was found on the back [REDACTED]

Q: When you arrived was the detainee bound, if so was it behind the back or on front of him?

A: No, he wasn't bound. [REDACTED]

Q: Did you notice any cuts or bruising on the detainee?

A: No [REDACTED]

Q: Did the detainee say anything to you while you were working on him?

A: He was unresponsive. [REDACTED]

Q: ~~Was the~~ How was LT [REDACTED] when you arrived on scene?

A: Calm, helpful [REDACTED]

Q: Did you notice how the SPC [REDACTED] was behaving while you were working on the detainee or when you arrived on scene?

A: I did not see him [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

except as noted
(b)(6)2

6572

STATEMENT OF

TAKEN AT Tikrit, Iraq

DATED 2003/09/12

9. STATEMENT (Continued)

Q: Was there any other detainees on area that incident occurred?

A: NOT in the immediate area.

Q: When you were working with the detainee did you feel you had the lighting needed in the immediate area?

A: Yes.

Q: Did any of the other guards around say anything about the shooting?

A: Only where he was shot and what his injury was.

Q: Did any of the detainees that were on the area say anything or start yelling at anytime?

A: NO

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

A: NO

/// END OF STATEMENT ///

all (b)(6) z

INITIALS OF PERSON STATEMENT

PAGE 4 OF 5 PAGES

6513

STATEMENT OF

[REDACTED]

TAKEN AT Tikrit, Iraq

DATED 2003/09/13

9. STATEMENT (Continued)

all (b)(6) z

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at Tikrit, Iraq

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] SGT, MP
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 134 (b)(4)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 5 OF 5 PAGES

6514

SWORN STATEMENT

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

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: FOB PAKH HOFSE/S. TIKHIT AIR FIELD
2. DATE (YYYYMMDD): 2003 09 12
3. TIME: 0100
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: 1LT/0-2
8. ORGANIZATION OR ADDRESS: D CO, - 4TH FSB 4ID.

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: This in regard to the shooting of an EPW at the Brigade detention facility on the night of Sept. 11th 2003 at approx 2310. I did not see the incident happen. I was standing approx 20 feet from Spec. [REDACTED] facing north. Spec [REDACTED] was behind me standing in the doorway of our office/temp isolation cell holding area (b)(6) (b)(7) He was guarding two prisoners in two different isolation areas. Spec [REDACTED] was standing to my right, a few feet behind me. Spec [REDACTED] looked out of the doorway out toward Spec [REDACTED] and myself and asked Spec [REDACTED] if he had a lighter. Maybe two seconds later I heard Spec [REDACTED] shoot one round. I turned around and approached Spec [REDACTED] I walked in the door way asking Spec [REDACTED] what was happening. He stated the prisoner in the rear holding area had been standing right next to his single strand of constantine wire that was holding him in his isolation area. I observed the prisoner on the floor moaning and he said something in arabic. I then asked Spec [REDACTED] if he had shot the prisoner, because I did not see any blood at first glance at the prisoner. Spec [REDACTED] stated he had shot the prisoner because he was standing right next to the wire and thought he was trying to escape. I looked at the prisoner again and this time saw a little bit of blood on the prisoners chest in the area of his left lung. I went immediately to the radio and called PAKH HOFSE MIKE asking for Echo med and relating the status of the injury to PAKH HOFSE MIKE. While I was on the radio, Spec [REDACTED] came over from the next building to inquire about the shot he heard. Upon finding out what had happened, he got the ALS bag from the office and began administering first aid to the prisoner. Upon completing the radio call to PAKH HOFSE MIKE I went in to see what I could do to help with the prisoner until Echo company arrived on the scene. End of Statement

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

not used

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Pass down

not used

Pass down

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 01. 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]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of Sept 2003, at

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

all (b)(6) z

6516

SWORN STATEMENT

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

LOCATION	DATE 12 SEPT 03	TIME 1510	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS E4 / SPC	
ORGANIZATION OR ADDRESS A CO. 299th ENGR BN			

I, SPC. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 11 SEPT 03, TIME 23:20, PFC. [REDACTED] AND MYSELF WERE WALKING THE LINE, CHECKING ON THE EPWS. ~~WHEN~~ THEN HEARD A LOUD BANG FROM OUTSIDE. I PROCEEDED TO THE OTHER JAIL HOUSE TO FIND OUT WHAT WAS GOING ON. PFC [REDACTED] STAYED AND PULLED SECURITY ON THE EPWS IN OUR CELL BLOCK. AS I WALKED OVER TO THE OTHER CELL BLOCK, I SAW SPC. [REDACTED] AND PVT. [REDACTED] WITH WEAPONS (M16'S) AT THE READY, POINTING INTO THE SMALL HALLWAY. I DREW MY M4 (BERETTA) AS I WALKED UP THE STAIRS. AFTER I LOOKED AROUND, I NOTICED THAT [REDACTED] WAS LAYING ON THE GROUND, WITH A EXHALE SCREAM. I LOOKED AT SPC. [REDACTED] AND ASKED "WHAT HAPPENED?" HE RESPONDED WITH; "HE STOOD UP AND WAS BY THE WIRE". I THEN PROCEEDED TO HOLDSTER MY NEARON AND LOOK AT THE BODY TO SEE THE WOUND. I HEARD LT. [REDACTED] ASK SPC. [REDACTED] WHAT HAPPENED. SPC. [REDACTED] RESPONDED WITH THE SAME ANSWER. LT. [REDACTED] SAID HE GAVE EPW BR#2 PERMISSION TO STAND UP. AS THEY SAID THAT, AT THE SAME TIME I MOVED THE WIRE TO GET A CLOSER LOOK, PVT [REDACTED] BROUGHT ME THE CLS BAG. I TOOK THE BAG AND KNEELED BESIDE THE BODY. I RIPPED OPEN THE CLOTHES EXSPRESSING THE WOUND. PVT. [REDACTED] CUT THE ZIP-TIE CUFFS LIKE I ASK HIM TO DO. AS I PULLED OUT A PAIR OF RUBBER GLOVES TO PUT ON, I NOTICED A BULLET HOLE THREW HIS FORARM. I BELIEVE IT WAS HIS RIGHT ARM. THE OTHER BULLET HOLE WAS JUST LEFT OF CENTER AND BELOW THE RIB CAGE. AT THAT TIME I CHECKED WITH MY HANDS FOR A EXIT WOUND, BUT THERE WAS NONE. THE PULSE WAS FAINT AND THE BODY GASP FOR AIR A COUPLE OF TIMES. HE DIDNT RESPOND TO OUR VOICES AND HIS EYES WERE NOT MOVING OR RESPONDING. WE HAD ROLLED HIM TO HIS SIDE TO LET BLOOD LEAK OUT OF THE LUNGS, IN CASE THE BULLET HIT THE LUNG. WHEN WE ROLLED HIM THE GUN SHOT WOUND STARTED TO LEAK BLOOD PVT. [REDACTED] HELD A FIELD DRESSING OVER THE WOUND. BY THIS TIME THE LT HAD CAME OVER AND TOLD US THAT HE CALLED THE MEDICS AND THEY WERE ON THEIR WAY. WE TOLD THE LT ABOUT AND WERE THE WOUNDS WERE. HE THEN DIRECTED US TO SET THE BODY UP TO HELP LET BLOOD COME OUT OF THE LUNGS, IF IT WAS A LUNG WOUND.

(b)(6)
(b)(7)(D)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

except as noted (b)(6) 2

6517

SWORN STATEMENT

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

LOCATION	DATE 12-Sept-03	TIME 15:10	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS E-3
ORGANIZATION OR ADDRESS A Co 299th Eng 1Bct 4ID			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the evening of Sept. 11th, I PFC [REDACTED] and Spc. [REDACTED] came onto EPW guard at 18:00. Around 23:00, we were making our routine bathroom checks, when we heard a loud bang come from outside toward the other EPW building. At first, we thought it was one of the guards banging on the gate with a club. We ran to the door to investigate it. Once we were at the door, I seen the 2 guards standing with their weapons fixed on the solitaire EPW room. Spc. [REDACTED] then ran over to investigate the situation. I continued to man my post while observing out the door. I then seen Lt. [REDACTED] ask Spc. [REDACTED] why did he shoot the EPW. From that point I ^{(b)(6), 5} continued to observe at my post. Spc. [REDACTED] then sat down outside and smoked a cigarette. About 10 to 15 minutes later,

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

except as noted (b)(6) 2

6518

STATEMENT (Continued)

The medics showed up and rushed to the door. About 5 minutes later I observed 4 soldiers carrying a limp body on a litter. Then the medics rushed off. Spc. [REDACTED] then came back and continued to man his post.

PFC. [REDACTED]

all (b)(6) 2

AFFIDAVIT

I, [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]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, 19____ at _____

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

USAPPC V2.00

6519

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is DTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL [REDACTED] (b)(6) z
 (Appointing authority)

on 24 AUGUST 2003 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Carpenter, Salaman Pak, Iraq (Place) at 1445 (Time)

on 27 AUGUST 2003 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

MAJ [REDACTED] Investigating officer

(b)(6) z

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1700 (Time) on 30 AUGUST 2003 (Date)

and completed findings and recommendations at 1340 (Time) on 3 SEPTEMBER 2003 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.

^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate —			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet. ^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

6521

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:
See enclosure II. Memorandum of findings and recommendations.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:
See enclosure II. Memorandum of findings and recommendations.

6522

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are approved (disapproved) (approved with following exceptions/substitutions) (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

Bde commander needs to ensure every leader is familiar with rights of detainees and discuss in general, what is considered appropriate handling of detainees.

RECEIVED

09 SEP 2003

RAYMOND T. ODIERNO
Major General, USA
Commanding

6523

INDEX

Enclosure I	Appointment Orders
Enclosure II	Findings and Recommendations
Enclosure III	III Corps Memorandum of Report of alleged Law of War violation
Exhibit 1	Sworn statement of PFC [REDACTED]
Exhibit 2	Sworn statement of SSG [REDACTED]
Exhibit 3	Sworn statement of SPC [REDACTED]
Exhibit 4	Sworn statement of SPC [REDACTED]
Exhibit 5	Sworn statement of SSG [REDACTED]
Exhibit 6	Sworn statement of SFC [REDACTED]
Exhibit 7	Sworn statement of SGT [REDACTED]
Exhibit 8	Sworn statement of SPC [REDACTED]
Exhibit 9	Sworn statement of SPC [REDACTED]
Exhibit 10	Sworn statement of SPC [REDACTED]
Exhibit 11	Sworn statement of SSG [REDACTED]
Exhibit 12	Sworn statement of CPL [REDACTED]
Exhibit 13	Sworn statement of SPC [REDACTED]
Exhibit 14	Sworn statement of SPC [REDACTED]
Exhibit 15	Sworn statement of PFC [REDACTED]
Exhibit 16	Sworn statement of SPC [REDACTED]
Exhibit 17	Sworn statement of SPC [REDACTED]

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