

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

SUSPENSE DATE (YYYYMMDD)

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

20051208

PRIVACY ACT STATEMENT

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

1. THRU AI	2. TO Crime Records Center Attn: CIRC-FP 5010 6th Street Ft. Belvoir, VA 22060-5506	3. FROM Operations Officer 11th MP BN (CID) Baghdad, Iraq 09342
4. USACRC CONTROL NUMBER 0330-04-CID259-80335 - 54	5. MP REPORT NUMBER	6. SUB-INSTALLATION IDENTIFIER

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

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DDD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline. In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section.

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

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

7. NAME OF SUBJECT (Last, First, MI) [REDACTED]	8. GRADE 2LT	9. SSN (b)(6), (b)(7)(C) [REDACTED]	10. DATE OF BIRTH (YYYYMMDD) (b)(6), (b)(7)(C) [REDACTED]
11a. OFFENSE(s) Murder Conspiracy	11b. DATE OF OFFENSE(s) (YYYYMMDD) 20040916 20040916	11c. ACTION TAKEN YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>	11d. IF NO ACTION TAKEN, EXPLAIN:

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

a. NON-ADVERSE PERSONNEL ACTION REFERRAL:

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

b. ADVERSE PERSONNEL ACTION:

REPRIMAND ORAL WRITTEN

FILED: LOCALLY OMPF

LETTER OF CONCERN/COUNSELING

ADVERSE OER/NCOER COMMENT

RELIEF FOR CAUSE OER/NCOER

SUSPENDED SECURITY CLEARANCE OR OTHER ADVERSE ACTION REGARDING SECURITY CLEARANCE

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

Regulation _____ Chapter _____ Characterization _____ Discharge Date _____

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

SUMMARIZED FIELD GRADE GCMCA IMPOSED

COMPANY GRADE GENERAL OFFICER IMPOSED

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

SUMMARY COURT MARTIAL GENERAL COURT-MARTIAL

SPECIAL COURT-MARTIAL CIVILIAN OR MAGISTRATE CRIMINAL COURT

DNA processing required. 10 U.S.C. § 1565.

DEPARTMENT OF THE ARMY

HEADQUARTERS, 1ST CAVALRY DIVISION
761ST TANK BATTALION AVENUE – BUILDING 28000
FORT HOOD, TEXAS 76544-5034

GENERAL COURT-MARTIAL ORDER
NUMBER 9

24 March 2006

Staff Sergeant [REDACTED] U.S. Army, C Company, 1st Battalion, 41st Infantry Regiment, 2nd Brigade Combat Team /10th Mountain Division, 1st Cavalry Division, Fort Hood, Texas 76544, was arraigned at Fort Hood, Texas, on the following offenses at a General Court-Martial convened by Commander, 1st Cavalry Division.

CHARGE I: ARTICLE 118. Plea: Guilty. Finding: Guilty.

The Specification: In that SSG [REDACTED] [sic], US Army, did, at or near Al Thawra, Baghdad, Iraq, on or about 18 August 2004, with premeditation, murder Mr [REDACTED] by means of shooting him with a rifle. Plea: Not Guilty, but Guilty to the lesser-included offense of unpremeditated murder in violation of Article 118, UCMJ. Finding: Not Guilty, but Guilty to the lesser-included offense of unpremeditated murder, in violation of Article 118, UCMJ.

CHARGE II: ARTICLE 81. Plea: Guilty. Finding: Guilty.

The Specification: In that SSG [REDACTED] [sic], US Army, did, at or near Al Thawra, Baghdad, Iraq, on or about 18 August 2004, conspire with SSG [REDACTED] and 2LT [REDACTED] to commit an offense under the UCMJ, to wit: murder of Mr [REDACTED] with premeditation, by means of shooting him with a rifle, and in order to effect the object of the conspiracy, the said SSG [REDACTED] [sic] did shoot the Mr [REDACTED] with an M231 Port Firing Weapon. Plea: Not Guilty, but Guilty to the lesser-included offense of unpremeditated murder in violation of Article 118, UCMJ. Finding: Guilty, except the words “with premeditation?”; to the excepted words, Not Guilty.

SENTENCE

Sentence was adjudged on 14 January 2005: Reduction to the grade of E1; to be confined for one year; and, to be discharged from the service with a Bad-Conduct Discharge.

ACTION

The sentence is approved and, except for the part of the sentence extending to a Bad-Conduct Discharge, will be executed. The portion of the sentence pertaining to confinement has been served.

BY COMMAND OF MAJOR GENERAL (b)(6), (b)(7)(C)



DISTRIBUTION:

- 1 - Accused SFC, USA
- 1 - MJ (COL Lind) Military Justice NCOIC
- 1 - TC (CPT Estaville)
- 1 - DC (CPT Robinson)
- 1 - USACIDC, ATTN: CIOP-ZC, 6010 6th Street, Fort Belvoir, VA 22060-5506
- 1 - Cdr, USAEREC (PCRE-FS), Fort Benjamin Harrison, IN 56249
- 1 - U.S Army CIL, Ft Gillem (CODIS LAB), 4553 N. 2nd St, Bldg 213B
Forest Park, GA 30297-512
- 1 - RCF, Fort Sill, OK 73503-5100
- 1 - HQ, DA, Office of the Provost Marshal General, ATTN: MP Division Operations, 2800
Army Pentagon, Washington, DC 20310-2800
- 10 - Clerk of Court (JALS-CCZ), U. S. Army Legal Services Agency, HQDA, 901 North Stuart
Street, Arlington, VA 22203-1837
- 1 - Record Set
- 1 - Reference Set



DEPARTMENT OF THE ARMY
 UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
 48th MILITARY POLICE DETACHMENT (CID)(FWD)
 3rd MILITARY POLICE GROUP (CID)
 CAMP VICTORY, BAGHDAD, IRAQ
 APO AE 09342

REPLY TO
 ATTENTION OF

CIMPL-FC

27 Apr 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – FINAL / SSI / 0330-04-CID259-80335-5H1A / 5X1

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 16 Aug 2004, 0100 – 20 Aug 2004, 0400; MB 536898, SADR CITY, Baghdad, Iraq

DATE/TIME REPORTED: 16 Sep 2004, 1000

INVESTIGATED BY:

(b)(6), (b)(7)(C), (b)(7)(F)
 SA [REDACTED]
 SA [REDACTED]
 SA [REDACTED]
 SA [REDACTED]
 SA [REDACTED]

SUBJECT: 1. [REDACTED] SSG; (b)(6), (b)(7)(C) [REDACTED] MALE; WHITE; (b)(6), (b)(7)(C) [REDACTED]
 (b)(6), (b)(7)(C) [REDACTED] C COMPANY, 1/41ST INFANTRY REGIMENT, BAGHDAD, IZ (HOME STATION: FORT RILEY, KS); CT; MURDER, CONSPIRACY

2. (b)(6), (b)(7)(C) [REDACTED] SSG; (b)(6), (b)(7)(C) [REDACTED] MALE; OTHER; (b)(6), (b)(7)(C) [REDACTED]
 (b)(6), (b)(7)(C) [REDACTED] C COMPANY, 1/41ST INFANTRY REGIMENT, BAGHDAD, IZ (HOME STATION: FORT RILEY, KS); CT; MURDER, CONSPIRACY

3. (b)(6), (b)(7)(C) [REDACTED] 2LT; (b)(6), (b)(7)(C) [REDACTED] MALE; WHITE; (b)(6), (b)(7)(C) [REDACTED]
 (b)(6), (b)(7)(C) [REDACTED] C COMPANY, 1/41ST INFANTRY REGIMENT, BAGHDAD, IZ (HOME STATION: FORT RILEY, KS); CT; MURDER CONSPIRACY

VICTIM: 1. HASSIM, QASSIM; IRAQI CIVILIAN (DECEASED); MALE; XZ; MURDER, CONSPIRACY; (NFI)

THIS IS AN “OPERATION IRAQI-FREEDOM” INVESTIGATION

INVESTIGATIVE SUMMARY:

About 1000, 16 Sep 04, this office was notified by CPT (b)(6), (b)(7)(C) [REDACTED] Commander, C Company, 1/41st Infantry Regiment, Baghdad, IZ (Home Station: Fort Riley, KS), who

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reported he received an allegation that one of his soldiers may have shot and killed an unarmed wounded Iraqi civilian, after an engagement in Sadr City, Baghdad, IZ.

Investigation established probable cause to believe 2LT [REDACTED] SSG [REDACTED] and SSG [REDACTED] committed the offenses of Conspiracy and Murder when they conspired, shot, and killed a wounded unarmed Iraqi civilian. During a routine patrol 2LT [REDACTED] SSG [REDACTED] and SSG [REDACTED] and their unit engaged what they believed to be a hostile vehicle. After the vehicle was demobilized and the scene was secure, SSG [REDACTED] and SSG [REDACTED] treated several wounded Iraqi nationals. During their evaluation of the casualties, SSG [REDACTED] and SSG [REDACTED] made a conscious decision, with the approval of 2LT [REDACTED] the victim was untreatable and decided to shoot the victim to alleviate his suffering. 2LT [REDACTED] told SSG [REDACTED] to shoot the victim; subsequently, SSG [REDACTED] and SSG [REDACTED] conspired and shot the victim.

STATUTES:

Article 81, UCMJ: Conspiracy
Article 118, UCMJ: Murder

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigative Report (AIR) of SA [REDACTED] 18 Sep 04, detailing the receipt of the initial complaint, interviews of SPC [REDACTED] SPC [REDACTED] SPC [REDACTED] PFC [REDACTED] SGT [REDACTED] SGT [REDACTED] SSG [REDACTED] SSG [REDACTED] 2LT [REDACTED] SGT [REDACTED] SPC [REDACTED] coordination with Staff Judge Advocate and canvass interviews.
2. Battle Roster, 16 Sep 04, pertaining to C Company, 1/41st Infantry.
3. Sworn Statement of SPC [REDACTED] 16 Sep 04, detailing hearing shots fired by a dump truck and denying knowledge of who fired the shots or who got shot.
4. Rough Sketch, 16 Sep 04, prepared by SPC [REDACTED] depicting his location during the incident at grid coordinate [REDACTED]
5. Rough Sketch, 16 Sep 04, prepared by SPC [REDACTED] depicting location of personnel and victims during the incident at grid coordinate [REDACTED]
6. Canvass Interview Worksheet, 16 Sep 04, detailing the personnel of C Company, 1/41st Infantry Regiment, Fort Riley, KS (Camp Cuervo) were interviewed and denied any knowledge of the incident that occurred at grid coordinate [REDACTED]
7. Sworn Statement of SPC [REDACTED] 16 Sep 04, detailing his being approached by SSG [REDACTED] and requested to put an injured man out of his misery.

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8. Sworn Statement of SPC [REDACTED] 16 Sep 04, detailing his knowledge of the conversation between SSG [REDACTED] and SSG [REDACTED] of an injured man, SSG [REDACTED] approaching SPC [REDACTED] and requesting the use of SPC [REDACTED] weapon, and the witnessing of SSG [REDACTED] and SSG [REDACTED] shooting a body.

9. Sworn Statement of PFC [REDACTED] 16 Sep 04, detailing seeing SSG [REDACTED] SPC [REDACTED] SPC [REDACTED] and SSG [REDACTED] having a conversation, but denying any knowledge of shots being fired.

10. Sworn Statement of SGT [REDACTED] 16 Sep 04, detailing his overhearing a conversation between SSG [REDACTED] and an Iraqi, where SSG [REDACTED] stated he needed to put the injured man out of his misery and hearing a burst of gunfire from a port firing weapon and a single shot from a M16..

11. Sworn Statement of SGT [REDACTED] 17 Sep 04, detailing his performing first aid on the injured Iraqis, hearing gun fire from the other side of the truck and SSG [REDACTED] asking him if he thought "he did the right thing."

12. Rough Sketch, 17 Sep 04, prepared by SGT [REDACTED] depicting the location of personnel and injured Iraqis at grid coordinate [REDACTED]

13. Waiver Certificate of SSG [REDACTED] 17 Sep 04.

14. Waiver Certificate and Sworn Statement of SSG [REDACTED] 17 Sep 04, in which he admitted to shooting and killing an unarmed wounded Iraqi civilian.

15. Non-Waiver Certificate of 2LT [REDACTED] 17 Sep 04, in which he requested a lawyer.

16. Rough Sketch, 18 Sep 04, prepared by SGT [REDACTED] depicting the location of personnel and injured Iraqis at grid coordinate [REDACTED]

17. Sworn Statement of SGT [REDACTED] 18 Sep 04, detailing his knowledge of hearing two separate incidents of gunfire but denying knowledge of who or where it came from.

18. Rough Sketch, 18 Sep 04, prepared by SPC [REDACTED] depicting the location of personnel and injured Iraqis at grid coordinate [REDACTED]

19. Sworn Statement of SPC [REDACTED] 18 Sep 04, detailing his knowledge of a conversation between 2LT [REDACTED] and SSG [REDACTED] and knowledge of SSG [REDACTED] shooting an injured Iraqi.

20. AIR of SA [REDACTED] 28 Sep 04, detailing the interviews of 1SG [REDACTED] SPC [REDACTED] SGT [REDACTED] SPC [REDACTED] SPC [REDACTED] SSG [REDACTED] SPC [REDACTED] collection of evidence, and coordination with Staff Judge Advocate.

21. DA Form 1594, Daily Staff Journal or Duty Officer's Log, covering period of 0000, 17 Aug 04 to 0001, 18 Aug 04.

22. Issue and Turn-In of Weapons and Ammunition, which documents the assignment of weapons to 2LT [REDACTED] SSG [REDACTED] and SSG [REDACTED]

23. Sworn Statement of SPC [REDACTED] 25 Sep 04, detailing his mission as a Bradley driver on 16 Sep 04, during the incident at grid coordinate [REDACTED] and normal protocol of the leadership during the missions.

24. Sworn Statement of SFC [REDACTED] 25 Sep 04, detailing his actions during the engagement of the garbage truck and his lack of any knowledge of SSG [REDACTED] SSG [REDACTED] and 2LT [REDACTED] and their actions.

25. Victim list of garbage truck incident, 17 Aug 04, which listed the wounded and killed Iraqi civilians.

26. Sworn Statement of SPC [REDACTED] 26 Sep 04, denying any knowledge of an Iraqi civilian being killed during the incident at grid coordinate [REDACTED]

27. Sworn Statement of SPC [REDACTED] 26 Sep 04, denying any knowledge of an Iraqi civilian being killed during the incident at grid coordinate [REDACTED]

28. Sworn Statement of SPC [REDACTED] 26 Sep 04, denying any knowledge of an Iraqi civilian being killed during the incident at grid coordinate [REDACTED]

29. Sworn Statement of SSG [REDACTED] 26 Sep 04, detailing his knowledge of a different incident involving the death of an Iraqi civilian, but denies any knowledge of an Iraqi civilian being killed during the incident at grid coordinate [REDACTED]

30. Canvass Interview Worksheet, 26 Sep 04, detailing the personnel of C Company, 1-41st Infantry Regiment, Fort Riley, KS (Camp Cuervo) were interviewed and denied any knowledge of the incident that occurred at grid coordinate [REDACTED]

31. Report of Survey packet, 27 Aug 04, pertaining to the unit engagements on 17 -18 Aug 04.

32. AIR of SA [REDACTED] 29 Sep 04, 12th Military Police Detachment (CID), 3D Military Police Group (CID), USACIDC, Fort Eustis, VA 23604-5534, detailing receipt of request and coordination 497th Intelligence Group.

33. AIR of SA [REDACTED] 15 Oct 04, detailing the interview of SA [REDACTED] CPL [REDACTED] SGT [REDACTED] SPC [REDACTED] and review of Army Times.

34. Sworn Statement of SA [REDACTED] 4 Oct 04, detailing his interview of SSG [REDACTED]

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35. Sworn Statement of SPC [REDACTED] 7 Oct 04, detailing his mission to provide first aid and treatment for the injured Iraqis at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

36. Sworn Statement of SGT [REDACTED] 15 Oct 04, detailing his mission to provide first aid and treatment for the injured Iraqis at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

37. Rough Sketch, 15 Oct 04, prepared by SPC [REDACTED] depicting the location of the vehicles and a body at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

38. Sworn Statement of SPC [REDACTED] 15 Oct 04, detailing his mission as a driver for the casualties evacuated at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

39. Newspaper Article, "The Army Times", 11 Oct 04, documenting more soldiers accused of Murder in Iraq.

40. AIR of SA [REDACTED] 30 Nov 04, detailing the interviews of CPT [REDACTED] 2LT [REDACTED] PV2 [REDACTED] SGT [REDACTED] CPT [REDACTED] 1LT [REDACTED] and coordination with SJA and Iraqi Police Liaison. (b)(6), (b)(7)(C)

41. Sworn Statement of 2LT [REDACTED] 5 Nov 04, detailing the scene of the incident at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

42. Rough Sketch, 5 Nov 04, prepared by 2LT [REDACTED] depicting the location of vehicles and bodies at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

43. Sworn Statement of PV2 [REDACTED] 6 Nov 04, detailing his participation of removing the bodies at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

44. Rough Sketch, 6 Nov 04, prepared by PV2 [REDACTED] depicting the location of vehicles and bodies at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

45. Rough Sketch, 6 Nov 04, prepared by SGT [REDACTED] depicting the location of vehicles and bodies at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

46. Sworn Statement of SGT [REDACTED] 6 Nov 04, detailing his participation of removing the bodies at grid coordinate [REDACTED] (b)(6), (b)(7)(C)

47. Sworn Statement of CPT [REDACTED] undated and unsworn, detailing the events and his knowledge of the events pertaining to the incident on 17-18 Aug 04 and relating of a conversation with 2LT [REDACTED] about obtaining a lawyer. (b)(6), (b)(7)(C)

48. Rough Sketch, 7 Feb 04, prepared by CPT [REDACTED] depicting a burning dump truck and four bodies. (b)(6), (b)(7)(C)

49. Newspaper Article, "Stars and Stripes – Mideast Edition," 16 Nov 04, reflecting 2LT [REDACTED] was charged with the wrongful killing. (b)(6), (b)(7)(C)

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50. Sworn Statement of CPT [REDACTED] 29 Nov 04, detailing the conversation he overheard between 1LT [REDACTED] and SSG [REDACTED]

51. Sworn Statement of 1LT [REDACTED] 30 Nov 04, detailing the conversation he had with SSG [REDACTED]

52. AIR of SA [REDACTED] 21 Jan 05, detailing coordination with CPT [REDACTED] to keep this case open pending the trial of SPC [REDACTED]

53. AIR of SA [REDACTED] 8 Feb 05, detailing coordination with CPT [REDACTED] to provide a copy of CPT [REDACTED] statement.

54. AIR of SA [REDACTED] 21 Mar 05, detailing the receipt of DA Form 4430, Results of Trial, regarding SSG [REDACTED]

55. DA Form 4430, Results of Trial, 10 Dec 04, pertaining to SSG [REDACTED]

56. AIR of SA [REDACTED] 16 Apr 05, detailing coordination with CPT [REDACTED]

57. DA Form 4137, Evidence/Property Custody Document, document numbers: 750-04.

Not Attached:

Retained in the evidence depository, 22nd Military Police Battalion, Camp Victory, Baghdad, IZ:

58. Rifle (Item 1, document number: 759-04)

59. Rifle (Item 2, document number: 759-04)

60. Rifle (Item 3, document number: 759-04)

The originals of Exhibits 1, 3 through 6, 9 through 13, 15 through 20, 23 through 30, 32 through 38, 40 through 48 and 50 through 54 and 56 are maintained in the files of this office pending adjudication. The originals of Exhibits 7, 8 and 14 are maintained in the files of 3rd Infantry Division, SJA, Camp Liberty, Baghdad, IZ. The originals of Exhibit 2, 21 and 22 are maintained in the files of 2-70th Armor Battalion, 1/41 Infantry Regiment, Fort Riley, KS. The originals of Exhibit 31 are maintained in the files of 1st Brigade, 1st Cavalry Division, Commanding, Camp Iron Horse, Baghdad, IZ. The original of Exhibit 39 is maintained in the files of the Army Times, Springfield, VA. The original of Exhibit 49 is maintained in the office of Stars and Stripes, Washington, D.C. The original of Exhibit 55 is maintained in the files of the Court Martial Convening Offices, number 4 and 7, HQ, 1st Cavalry Division, Camp Victory (North), IZ. The original of Exhibit 57 is retained in the files of the evidence depository, 11th MP Battalion (CID), Camp Victory, Baghdad, IZ.

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STATUS: This is a Final Report. Commander's Report of Disciplinary Action (DA Form 4833) is pending. The result of trial for SSG [REDACTED] and SSG [REDACTED] recorded each were found guilty and sentenced to a reduction to the grade of E1, forfeiture of all pay and allowances, 3 years confinement and a dishonorable discharge from the service.

Report Prepared By:

Report Approved By:

[REDACTED] (b)(6), (b)(7)(C), (b)(7)(F)

Special Agent [REDACTED] (b)(6), (b)(7)(C), (b)(7)(F)

[REDACTED] (b)(6), (b)(7)(C)

[REDACTED] (b)(6), (b)(7)(C)

Special Agent in Charge

DISTRIBUTION:

- 1-DIR, USACRC, 6010, 6th Street, Fort Belvoir, VA 22060-5506 (original)
- 1-Thru: CDR, 11th MP BN (CID), APO AE 09342
 - Thru: CDR, 3rd MP Group (CID)
 - To: CDR, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060
- 1-PMO, MNC-I, (ATTN: [REDACTED] (b)(6)(b)(7)(C)), Camp Victory, APO AE 09335 (e-mail only/less exhibits)
- 1-Office of the Staff Judge Advocate, 18th Airborne Corps, (email only)
- 1-DET SGT, 48TH MP DET CID (FWD)
- 1-CHIEF, INVESTIGATIVE OPERATIONS DIVISION, USACIDC
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AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

*CID Regulation 195-1
Law Enforcement Sensitive*

PAGE 1 OF 4 PAGE

DETAILS

About 1000, 16 Sep 04, this office was notified by CPT [REDACTED] Commander, C Company, 1/41st Infantry Regiment, Fort Riley, KS (deployed to Iraq), who reported he received an allegation that one of his soldiers may have shot an unarmed wounded Iraqi civilian, after an engagement in Sadar City, Iraq.

About 1030, 16 Sep 04, SA [REDACTED] SA [REDACTED] and SA [REDACTED] met with CPT [REDACTED] who briefed the aforementioned agents on his preliminary findings regarding this incident. CPT [REDACTED] provided a copy of the C Company, 1-41st Infantry Regiment Battle Roster. (See Battle Roster for details)

About 1241, 16 Sep 04, SA [REDACTED] interviewed SPC [REDACTED] C Company, 1 / 41st Infantry Regiment, Fort Riley, KS (deployed to Camp Cuervo, Iraq), who provided a sworn statement, in which he detailed his knowledge of this investigation. (See Sworn Statement for details)

About 1306, 16 Sep 04, SPC [REDACTED] C Company, 1 / 41st Infantry Regiment, Fort Riley, KS (deployed to Camp Cuervo, Iraq), prepared a rough sketch of the incident. (See sketch for details)

Between 1337-1417, 16 Sep 04, SPC [REDACTED] C Company, 1 / 41st Infantry Regiment, Fort Riley, KS (deployed to Camp Cuervo, Iraq), prepared three rough sketches of the incident. (See sketches for details)

About 1344, 16 Sep 04, SA [REDACTED] interviewed SPC [REDACTED] who provided a sworn statement, in which he stated SSG [REDACTED] and SSG [REDACTED] shot an injured Iraqi. (See Sworn Statement for details)

About 1400, 16 Sep 04, SA [REDACTED] and SA [REDACTED] briefed LTC [REDACTED] Battalion Commander, 1-41st Infantry Regiment, Fort Riley, KS (deployed to Iraq), on all aspects of this investigation.

About 1400, 16 Sep 04, SA [REDACTED] interviewed SPC [REDACTED] who provided a sworn statement, in which he detailed his knowledge of this investigation. (See Sworn Statement for details)

Between 1410-1605, 16 Sep 04, SA [REDACTED] and SA [REDACTED] conducted canvass interviews of the personnel in 3rd platoon, C Company, 1-41st Infantry Regiment, Fort Riley, KS (deployed to Iraq). A Canvass Interview Worksheet was prepared documenting personnel interviewed. None of the personnel interviewed had anything pertinent to add to this investigation.

TYP SA [REDACTED] 78 th MP Det (CID), Camp Victory, IZ	R SIGNATURE [REDACTED]	DATE 18 Sep 04
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CID FORM 94-E
1 OCT 95

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

EXHIBIT 1

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

*CID Regulation 195-1
Law Enforcement Sensitive*

PAGE 2 OF 4 PAGE

DETAILS

About 1504, 16 Sep 04, SA [REDACTED] interviewed PFC [REDACTED] C Company, 1 / 41st Infantry Regiment, Fort Riley, KS (deployed to Camp Cuervo, Iraq), who provided a sworn statement, in which he detailed his knowledge of the incident. (See Sworn Statement for details)

About 1658, 16 Sep 04, SA [REDACTED] interviewed SGT [REDACTED] C Company, 1 / 41st Infantry Regiment, Fort Riley, KS (deployed to Camp Cuervo, Iraq), who provided a sworn statement, in which he detailed his knowledge of the incident. (See Sworn Statement for details)

About 1700, 16 Sep 04, SA [REDACTED] and SA [REDACTED] briefed CPT [REDACTED] on all aspects of this investigation thus far.

About 1318, 17 Sep 04, SA [REDACTED] interviewed SGT [REDACTED] C Company, 1 / 41st Infantry Regiment, Fort Riley, KS (deployed to Camp Cuervo, Iraq), who provided a sworn statement, in which he stated he was at the scene but did not see SSG [REDACTED] or SSG [REDACTED] shoot and killed the wounded Iraqi civilian. SGT [REDACTED] related he heard automatic gunfire from the other side of the truck where the wounded Iraqi civilian was located. (See Sworn Statement for details)

About 1330, 17 Sep 04, SA [REDACTED] advised SSG [REDACTED] of his legal rights, which he waived and provided a verbal statement, in which he admitted he and SSG [REDACTED] shot and killed an injured Iraqi civilian. SSG [REDACTED] stated he attempted to pull out a young Iraqi male who was burning in the dump truck after many failed attempts SSG [REDACTED] was finally able to reach his hand in and move the wounded Iraqi male. When SSG [REDACTED] moved the Iraqi, SSG [REDACTED] stated, "the man's guts spilled out". SSG [REDACTED] subsequently left the man in the burning vehicle figuring he was dead. Shortly after he saw that the same Iraqi male was still alive and had managed to get out of the truck on his own. The Iraqi male was burned and his entire midsection was removed. SSG [REDACTED] related, "I could see the guy's spinal cord, abdominal cavity and the man's lungs". Further, SSG [REDACTED] stated the Iraqi was spitting frothy blood from his mouth. SSG [REDACTED] stated he then didn't know what to do. SSG [REDACTED] went and grabbed [REDACTED] and [REDACTED] said he wasn't comfortable with using his weapon to kill the man and SSG [REDACTED] said he wasn't either and that he wasn't asking [REDACTED] to actually do it. SSG [REDACTED] then exchanged weapons with [REDACTED] and attempted to load a single round in the 240B. SSG [REDACTED] state he did not shoot him at that time and gave the weapon back to [REDACTED] and [REDACTED] SSG [REDACTED] put [REDACTED] and [REDACTED] in a security position and at some point talked with LT [REDACTED] and showed LT [REDACTED] the wounded Iraqi's condition. SSG [REDACTED] and LT [REDACTED] discussed the situation and LT [REDACTED] told SSG [REDACTED] to do what you want to do, and SSG [REDACTED] said he wanted to put the guy out of his misery. LT [REDACTED] said do it and walked away. Shortly after SSG [REDACTED] came up with his port fire weapon, SSG [REDACTED] turned around and heard a burst from [REDACTED]

TYP SA [REDACTED] 78 th MP Det (CID), Camp Victory, IZ	SIGNATURE [REDACTED]	DATE 18 Sep 04
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CID FORM 94-E
1 OCT 95

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EXHIBIT #

PROTECTIVE MARKING IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

CID Regulation 195-1
Law Enforcement Sensitive

PAGE 3 OF 4 PAGE

DETAILS

weapon, when SSG [REDACTED] turned back around he saw the guy was still alive and he then fired one round from his M16 into the mans head and killed him. SSG [REDACTED] was adamant that he talked with LT [REDACTED] and LT [REDACTED] saw the body and LT [REDACTED] gave him the OK to shoot the man. Further, SSG [REDACTED] stated he pulled several other Iraqi's out of the burning vehicle and he and his men had performed 1st Aid on the wounded. SSG [REDACTED] stated he attempted to get the man he shot out of the vehicle earlier; however, the flames were to hot and he was unable to retrieve him. SSG [REDACTED] stated when he saw that the mans "guts" were out of the man he did not think the man would make it, and in addition to the burning vehicle he was unable to get the man out of the vehicle. SSG [REDACTED] stated if he had wanted to just shoot the man, he could have done it then. SSG [REDACTED] stated the man was in severe pain and the only thing he could do for the man was to end his suffering. Subsequently, the interview was terminated when SSG [REDACTED] refused to provide a sworn statement and requested legal counsel. (See Waiver Certificate for details)

Between 1334-1340, 17 Sep 04, SGT [REDACTED] prepared two sketches depicting the incident and personnel locations. (See Sketches for details)

About 1447, 17 Sep 04, SA [REDACTED] advised SSG [REDACTED] of his legal rights, which he waived and provided a sworn statement, in which he admitted he and SSG [REDACTED] shot and killed an wounded Iraqi civilian. (See Waiver Certificate and Sworn Statement for details)

About 1630, 17 Sep 04, SA [REDACTED] briefed LTC [REDACTED] on all aspects of this investigation.

About 1728, 17 Sep 04, SA [REDACTED] briefed CPT [REDACTED] on all aspects of this investigation.

About 2000, 17 Sep 04, SA [REDACTED] advised 2LT [REDACTED] of his legal rights, which he invoked and requested a lawyer. (See Non-waiver Certificate for details)

About 1128, 18 Sep 04, SGT [REDACTED] C Company, 1-41st Infantry Regiment, Camp Victory, IZ (Fort Riley, KS), prepared a sketch depicting his account of the scene. (See sketch for details)

About 1152, 18 Sep 04, SA [REDACTED] interviewed SGT [REDACTED] who provided a sworn statement, in which he stated recalled seeing SSG [REDACTED] and 2LT [REDACTED] talking near the truck. (See Sworn Statement for details)

About 1329, 18 Sep 04, SPC [REDACTED] C Company, 1-41st Infantry Regiment, Camp Victory, IZ (Fort Riley, KS), prepared a sketch depicting his account of the scene. (See sketch for details)

TYPE [REDACTED] SA [REDACTED] 78 th MP Det (CID), Camp Victory, IZ	SIGNATURE [REDACTED]	DATE 18 Sep 04
---	----------------------	-------------------

CID FORM 94-E
1 OCT 95

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EXHIBIT

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

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PAGE 4 OF 4 PAGE

DETAILS

About 1335, 18 Sep 04, SA [redacted] interviewed SPC [redacted] who provided a sworn statement, in which he overheard 2LT [redacted] telling SSG [redacted] to that if he was going to do it, go ahead, but hurry up. (See Sworn Statement for details)

AGENTS COMMENT: SPC [redacted] stated he was about 20 feet away from the location of SSG [redacted] and 2LT [redacted]. However, SPC [redacted] stated he heard 2LT [redacted] response because 2LT [redacted] walked in front of him between the burning truck and the wound Iraqi civilians.

About 1400, 18 Sep 04, SA [redacted] Special Agent in Charge, this office, briefed MAJ [redacted] Chief Military Justice, 1 BCT, Camp Victory, IZ, on all aspects of this investigation.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER
SA [redacted]
78th MP Det (CID), Camp Victory, IZ

SIGNATURE
[redacted]

DATE

18 Sep 04

CID FORM 94-E
1 OCT 95

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AUTOMATIC TERMINATION (Para 13, AR 340-16)

EXHIBIT 1

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: Camp Cucuwo, IZ
2. DATE (YYYYMMDD): 2004/09/16
3. TIME: 1241
4. FILE NUMBER
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: SPC/RIA
8. ORGANIZATION OR ADDRESS: C Co 141 Inf (Fort Riley, KS) Camp Cucuwo, IZ

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

A truck was moving back and forth along the route. It looked like he was putting IED's out. The decision was made to engage. The truck was engaged so Alpha section went to secure it. When we got to the site the truck was on fire. SGT (b)(6), (b)(7)(C) along with SSG (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) went over to assess the situation. SGT (b)(6), (b)(7)(C) came back and asked for my CIS bag. He went back over to the site. SSG (b)(6), (b)(7)(C) came over and asked for SPC (b)(6), (b)(7)(C) didn't want to go over there. So SSG (b)(6), (b)(7)(C) left to go back over. Then either (b)(6), (b)(7)(C) or SSG (b)(6), (b)(7)(C) went over to the site. We were taking few shots from time to time. So I was looking in my sector down the road. I then heard a few shots. I saw no muzzle flash in my sector and right then I knew the shots were over at the truck site. I knew we had site secured so it was friendly fire. I looked at (b)(6), (b)(7)(C) who was next to me and asked to make sure of what just happened. I knew somebody had shot a guy. I never saw anybody over there. I couldn't see anything through my NAD's (b)(6), (b)(7)(C)

10. EXHIBIT: (b)(6), (b)(7)(C) MAKING STATEMENT
PAGE 1 OF 6 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.

STATEMENT OF

[REDACTED]

TAKEN AT

Camp Cuervo

DATED

16 Sep 84

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

MENT (Continued)

because of the fire. I don't know who fired shots. It was either SSG [REDACTED] or SSG [REDACTED]. I know that the other people over there couldn't do something like that. I guess they put a guy out of his misery. Everybody over there was really messed up. I don't know who made it or who died. I just knew that ~~the~~ they were a bunch of little kids and maybe their dad or somebody was detained behind me at the track.

Q Do you remember when this took place?

A. Around 0100 to 0200, during Aug, sometime later in the month. I don't remember the exact date.

Q After the truck was stopped & the shooting was over, explain what it was where you went & did?

A. We moved to in front of the dump truck to pull security.

I was in track 3-2 (me, PFC [REDACTED], SGT [REDACTED], SPC [REDACTED], SFC [REDACTED])

and I think SGT [REDACTED]. All of us dismounted and pulled security down the road to stop traffic. The dump truck was still burning.

After the scene was secure. SGT [REDACTED], SGT [REDACTED] I think SGT [REDACTED]

went up to the dump truck to assess the scene. SGT [REDACTED] came

back about 10 to 20 minutes later & asked for my CLS bag. I went and

got the CLS bag & gave it to him. SGT [REDACTED] told me to pull security

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 6 PAGES

USAPA V1 00

STATEMENT OF

TAKEN AT

Camp Cuervo

DATED

16 Sep 04

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

(Continued)

and that he would take care of the CLS. He goes back over and he starts CLS. I was just looking down the road pulling security. At that time PEC (b)(6), (b)(7)(C) was on my right, off to my left was SFC (b)(6), (b)(7)(C) i. SFC (b)(6), (b)(7)(C) we pulled security for a while & SGT (b)(6), (b)(7)(C) came over and asked for (b)(6), (b)(7)(C) went out and met with SGT (b)(6), (b)(7)(C) I could not hear what SGT (b)(6), (b)(7)(C) was saying but I heard (b)(6), (b)(7)(C) say something like no I don't want to go over there, I don't feel comfortable about it. (b)(6), (b)(7)(C) came back and SGT (b)(6), (b)(7)(C) went back over to the site when I heard (b)(6), (b)(7)(C) say he was not comfortable, I assumed that SGT (b)(6), (b)(7)(C) wanted to shoot one of the wounded. When (b)(6), (b)(7)(C) came back, I asked (b)(6), (b)(7)(C) what was going on and he said something fucked up or something stupid. SGT (b)(6), (b)(7)(C) was back over by the dump truck, I think he was with SGT (b)(6), (b)(7)(C) & SGT (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) I was about 20 to 30 minutes after (b)(6), (b)(7)(C) came back I heard shots being fired. I did not see who shot, first I thought we were taking fire, when I realized we weren't taking fire, I remembered SGT (b)(6), (b)(7)(C) running over earlier and I assumed he or someone else shot one of the wounded. (b)(6), (b)(7)(C) & I looked at each other & I said 'is that what I think just happened and we both said that was fucked up (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 6 PAGES

USAPA V1.00

STATEMENT OF

TAKEN AT

Camp Cuervo

DATED

16 Sep 04

STATEMENT (Continued)

Q. Did you see the Iraqi who got shot then?

A. I never saw him, he was too far away.

Q. Do you know who shot him & why?

A. I don't know who shot him. But I think it was to get the guy out of his misery.

Q. Why do you think that was why?

A. I know these guys & they wouldn't just go and shoot someone for no reason & I know the people in the truck were really messed up.

Q. Did you talk to anyone about this again?

A. No.

Q. Do you think what they did was wrong?

A. No, because if they could have saved the guy they would have.

Q. Who there would have witnessed the shooting?

A. SGT (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C)

Q. After the incident did anyone, SGT (b)(6), (b)(7)(C) or SGT (b)(6), (b)(7)(C) say anything to you?

A. No.

Q. Have you heard anything about SGT (b)(6), (b)(7)(C) or SPC (b)(6), (b)(7)(C)

A. Yes, I heard from (b)(6), (b)(7)(C) that when they were on a mission, during the search, they found a guy w/ an AK, zip-tied the guy, everyone

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 6 PAGES

USAPA V1 00

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04

(b)(6), (b)(7)(C) STATEMENT (Continued)

[REDACTED] left room; SGT [REDACTED] went in and shot him. He didn't tell me

why he shot him. I asked him how many times and he said something like 4 different guys. But I didn't get any of the details. I don't know if

(b)(6), (b)(7)(C) the 4 was the same day or not. They may have been good shots, there was a lot of enemy.

Q Is there anything else you want to add to this statement?

A. No / End of statement

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 5 OF 6 PAGES

I, SPC (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(7)(C)

AFFIDAVIT

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 16th day of Sep, 2004

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

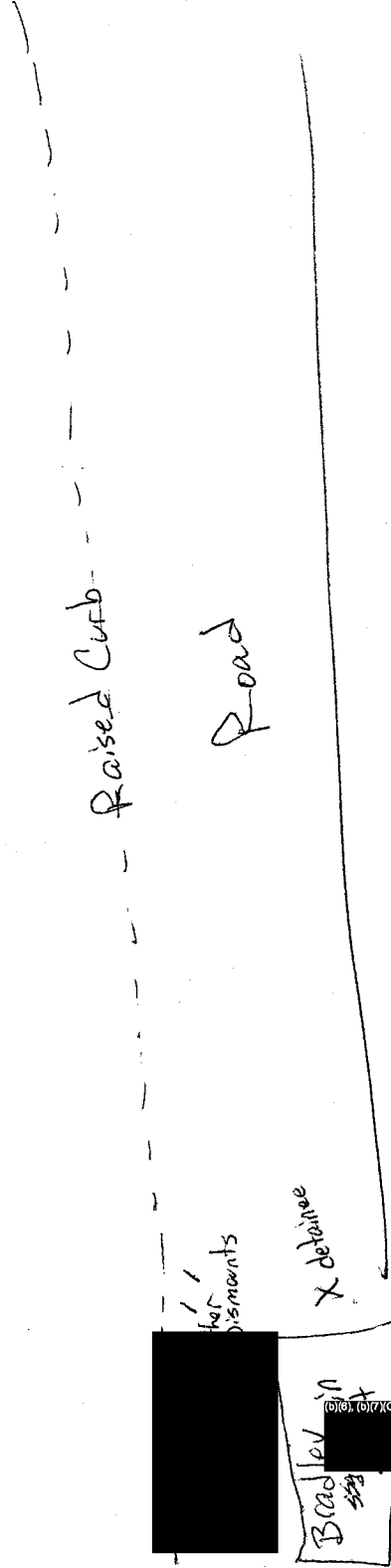
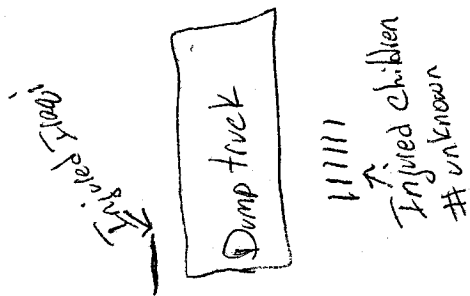
Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 6 OF 6 PAGES



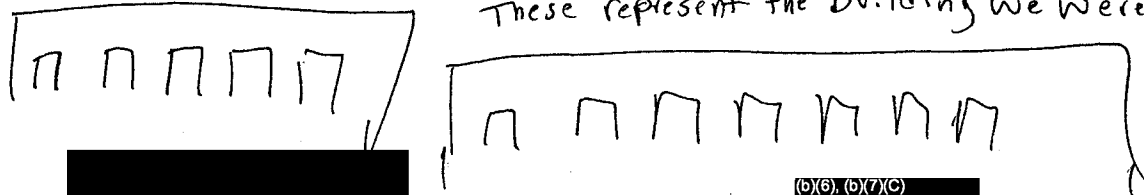
Detected By [redacted]
 Date/Time 16 Sep 84 / B06
 Witnessed By SA [redacted]

Print [redacted]
 Print SA [redacted]

When we first go there everyone dismantled the bradley.

Time Around 11-12am

These represent the building we were told to watch



To the far right was the burning truck. →

Initially Everyone was pulling security

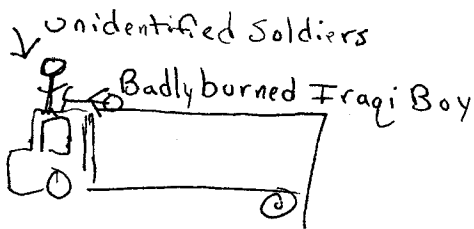
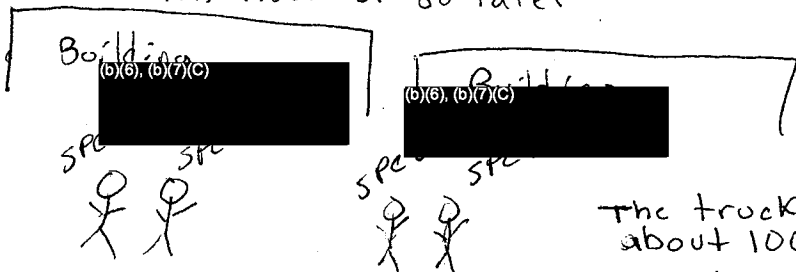


Bradley ←

These two guys were right behind us.

To the Left of SPC [redacted] was the bradley.

An hour or so later



The truck is about 100 meters away.

Bradley ← We are still polling security, the truck could be visibly seen everyone.

The bradley is in the same position

Sgt [redacted] is longer standing behind us.

Not Can't Remember where Sgt. [redacted] is.

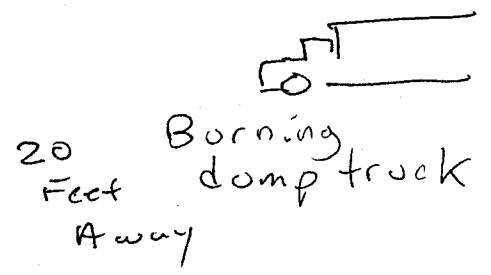
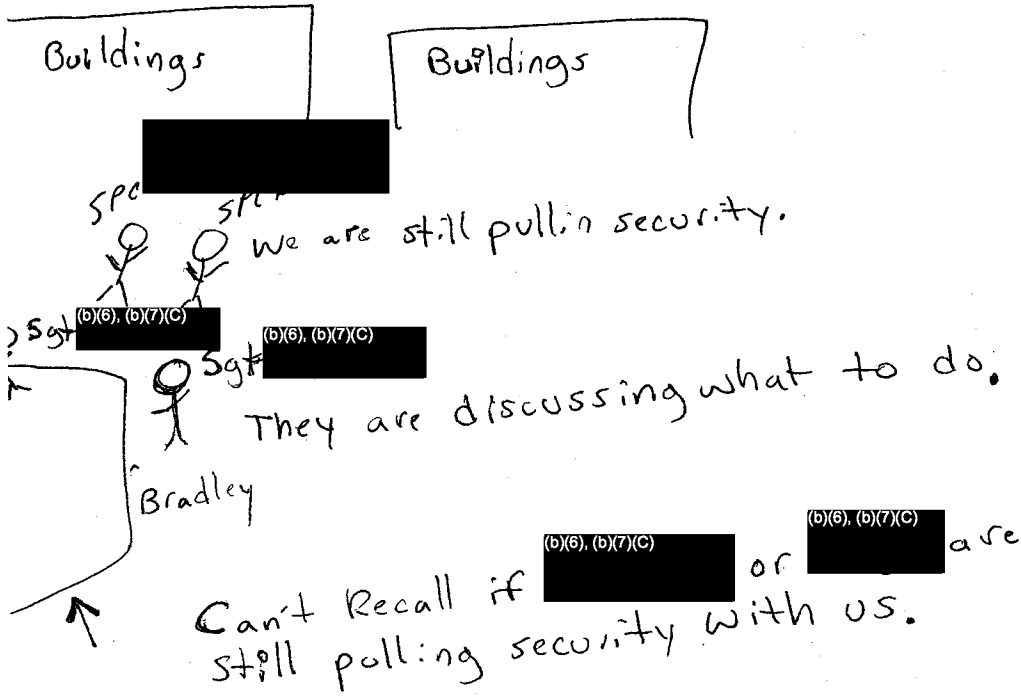
Detached By SPC [redacted]

Print [redacted]

Date / Time 16 Sept 04 / 1337

Witnessed By SA [redacted]

Print SA [redacted]



Detected By : SPC [redacted]

Date / Time 16 Sept 04 / 1355

Witnessed By SA [redacted]

Print [redacted]

Print SA [redacted]

Date: 16 Sep 04

CANVASS INTERVIEW WORKSHEET

NAME/GRADE (b)(6), (b)(7)(C) SPC	SSN (b)(6), (b)(7)(C)	NOTES: No knowledge of the incident
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) SPC	SSN (b)(6), (b)(7)(C)	NOTES: No knowledge of the incident
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) PV2	SSN (b)(6), (b)(7)(C)	NOTES: No knowledge of the incident
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) PV2	SSN (b)(6), (b)(7)(C)	NOTES: No knowledge of the incident
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) SPC	SSN (b)(6), (b)(7)(C)	NOTES: C33 Driver Did not hear or see anything at the site
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) SSG	SSN (b)(6), (b)(7)(C)	NOTES: No knowledge of the incident
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) SPC	SSN (b)(6), (b)(7)(C)	NOTES: C33 Gunner No Knowledge of the incident Heard radio traffic that 1 AK47 w/ magazines and 1 enemy KIA, which pertains to another investigation
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE (b)(6), (b)(7)(C) SPC	SSN (b)(6), (b)(7)(C)	NOTES: No knowledge of incident Limited knowledge of AK47, which pertains to another investigation
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	

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EXHIBIT 6

Law Enforcement Sensitive

Date: 16 Sep 04

CANVASS INTERVIEW WORKSHEET

NAME/GRADE [REDACTED] SPC	SSN (b)(6), (b)(7)(C)	NOTES: C32 Driver No knowledge of the injured or wounded Iraqi civilians
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	
NAME/GRADE	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	

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EXHIBIT 6

2082

Law Enforcement Sensitive

28

FILE NUMBER:

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04 CONTINUED

discussed putting the man out of his misery and how it should be done. I can't recall who it was but one of them call for [REDACTED] who is also a 240 gunner. Sgt [REDACTED] asked who I was when they didn't get a response. He approached me and told me [REDACTED] was going to have to ask me to do something and went on about a badly injured man who [REDACTED] needed to be taken out. I told him that I didn't feel comfortable doing something like that. He then asked me if the guy had a weapon would I shoot him. I told him yes, but he does he is just lying there. I also asked him why he couldn't do what he said after that I cannot remember. When we got to the [REDACTED] truck he walked off towards the rest of the guys. Those guys being his Squad, as well as the occupants of the vehicle. What I observed when I walked up was [REDACTED] someone providing first aid to a man with bullet wound in his back. There was two dead bodies along with another man who's knee been blown out lying on the ground. The body that had been pulled [REDACTED] from the roof of the truck was that of a little boy who was shaking on the ground. I was told to watch a guy who didn't appear to have any [REDACTED] visible wounds by Sgt [REDACTED]. He was yelling at the guy telling him to make sure the little boy stays awake. By this point Sgt [REDACTED] had my weapon, a 240 B. As I was standing there, I watched [REDACTED] fumble around with it in a manner that would suggest he couldn't operate it. He then hands the weapon back to me, and walks off. The driver of the dump truck who I learned was unharmed confronted Sgt [REDACTED] about killing his brother. Sgt [REDACTED] tried to explain to him that he was gone and that he must be shot. The man continued to express to Sgt [REDACTED] that the person he wanted to shoot was his brother obviously upset about what was to take place. Moments later as I'm standing here Sgt [REDACTED] walks up to the man and shoots him with a 231 and casually walks off like it was nothing. The man's box jerked, I'm not sure if that was because of the rounds being fired.

INITIALS OF PERSON MAKING STATEMENT [REDACTED] ONLY

PAGE 2 OF 6 PAG

29

SWORN STATEMENT

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

LOCATION Camp Cuevo, Iraq	DATE 16 Sept 04	TIME 1744	(b)(6), (b)(7)(C)	FILE NUMBER 0330-04-CID257-80335
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E4 IRA	

ORGANIZATION OR ADDRESS
C Company, 1-41st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Around early August, myself and the rest of my squad were doing patrols in Iraq. On the night in question I myself along with Sgt. [redacted], Sgt. [redacted], SPC [redacted] and PFC [redacted] were sitting in the back of our Bradley. The crew for that Bradley was SPC [redacted] and SPC [redacted]. I heard a call over the radio about a dumptruck filled with people dropping IED's. The gunner, who was [redacted] spotted the vehicle but could not engage because of malfunctions with his weapon system. I can't remember if the camp was down at this point, but soon after it was announced over the radio automatic gunfire could be heard outside. Along with small explosions in the distance. Myself and Sgt. [redacted] got out of the Bradley and observed what was taking place not too far away from where we were positioned. From that stand point everyone loaded up, and we drove to the area the truck had been destroyed at. Everyone dismounted and myself along with SPC [redacted] and SPC [redacted] pulled security outside of the Bradley. From where I was laying I watched 2 guys approach the truck. One guy climbed on top of it and picked up a body that was laying on the trucks hood. He then handed the body down to the second guy, and I watched as he carried him to the drivers side of the vehicle. We sat there for at least an hour before Sgt. [redacted] walked up to Sgt. [redacted] track and give him the blow by blow on what was going on. He told Sgt. [redacted] about a man who was alive, but hurt badly. They

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 6 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.

FILE NUMBER:

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04 CONTINUED

into him, or the fact he did it himself. Sat [REDACTED] then fired at least one round into the guy. I say that because I'm not certain if he fired more than once. After the man had been shoot I stood there for a few minutes watching everyone. I wasn't sure if I was supposed to stay there with them or go back to my old position. Eventually, I did walk back to where our Bradley was parked. I told my AG spec [REDACTED] what had taken place. I told him that there was no way they were gonna get me to do their dirty work. He expres- how fucked up the situation was ear shot of Sat [REDACTED]. Sat [REDACTED] asked spec [REDACTED] what was fucked up about and asked if he understood what had to be done. Spec [REDACTED] asked Sat [REDACTED] if a Medevac had been called for them, Sat [REDACTED] said yes. We stayed in that area for what seemed like an eternity. Hours had gone by, and there was no sign of any medical personnel. I want to say it was maybe around 4 o'clock in the morning when the rest of my platoon pulled up along with some tanks. I can't give specifics on crews, because I cannot remember. I don't remember what happened the rest of the day, but soon after everything was over I had guys asking me what was going on. One person in particular who is a scout, told me he had to go there, there being the place the truck had been destroyed at. He told me about the dead bodies that were lying in the street when got there, as well as some that were in the back of the truck. Including another that was in the cab of the truck. The little kid who got pulled from the roof of the truck that [REDACTED] was curled up inside a ball dead. I didn't tell him it was my platoon that did this, because I knew word would spread. Weeks after that, I had a talk with [REDACTED] First Sergeant [REDACTED] about what had happened. Apparently, he also had heard stories about C.O. We continued to talk about other things such as how we each were doing, and things about the deployment. There were also rumors about some of the guys in 3rd pl

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 3 OF 6 PAGES

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STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04 CONTINUED

being trigger, I myself felt the same because what had been told me. I spoke with a couple guys from 2nd Sgd. The only conversation I can remember is what I had with PFC [REDACTED] He told me that one night maybe the same night of the truck shooting, they were taking fire and there was a man running towards there building. He didn't have a weapon, but some shot him anyway. That person whoever was his squads 240 gunner at the time. We later talked about the truck incident and how they were lighting it up with small arms and 203 rounds. I later learned that the supposed IED's that were being dropped by the people inside of the vehicle that night were actually secondary explosions from the HE rounds.

Q: SA [REDACTED]

A: SPC [REDACTED]

Q: How long have you been deployed to Iraq?

A: 3 months

Q: Who are members of your squad during the incident.

A: SPC [REDACTED] SGT [REDACTED] and I. We also had a medic attached to my squad, his name PFC [REDACTED]

Q: Do you recall date and time of the incident?

A: No.

Q: How far were you and SGT [REDACTED] from the truck?

A: 500 meters

Q: What was the night visibility?

A: It was dark. Based on the illumination of the truck and tracer rounds, it (visibility) was good.

Q: Do you wear eyeglasses?

A: Yes.

Q: ~~What is your eye~~ Are you near or far sight pertaining to your eye test?

A: Near sight

Q: How far did you, SPC [REDACTED], SPC [REDACTED], PFC [REDACTED] pulled security outside of the bradley near truck?

STATEMENT OF ~~Camp~~ [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04 CONTINUED

A: 10 feet

Q: Do you recall what was said between SGT [REDACTED] and SGT [REDACTED] regarding "blow by blow"?

A: I can't give specifics, but what I remember them discussing was either using 5.6 or 7.62. They talked about getting a 240, as far as that, that's all I can recall.

Q: Who was [REDACTED]?

A: He was a 240 gunner for 1st Squad.

Q: Did you see [REDACTED] during the night of the incident?

A: No.

Q: Why did you give SGT [REDACTED] your weapon?

A: He asked for it.

Q: Do you recall the general area of the dump truck?

A: Residential area in [REDACTED].

Q: Was the residential area in Saddk city?

A: Maybe

Q: Were you wearing your glasses during the incident?

A: Yes

Q: What was your position when SGT [REDACTED] shot the man with the 23

A: I was standing about 20 Feet away from the truck with full vision of the man Sgt [REDACTED] was shooting. That man being the person Sgt [REDACTED] asked me to take out.

Q: What weapon did SGT [REDACTED] fired into the [REDACTED] utilized to fire into the [REDACTED]

A: M203. He shot the person with M16A4. There was a M203 attached to the weapon.

Q: Do you recall hearing the medic being called?

A: No.

Q: Do you recall the name of the scout, who was mentioned in your statement?

A: I don't recall his name. I can identify him if I see him

Q: Do you believe the killing of the Iraqi male justified?

A: No

Q: Is there anything you else you wish to add to this statement?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 5 OF 6 PAGE

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo L. 16 Sep 04 CONTINUED:

STATEMENT (Continued)

A: [REDACTED] (b)(6), (b)(7)(C)

Q: What do you think SGT [REDACTED] (b)(6), (b)(7)(C) meant by the phrase "man who needed to be taken out?"

A: He needed to be killed.

Q: Is there anything you wish to add to this statement?

A: No. /// End of Statement /// [REDACTED] (b)(6), (b)(7)(C)

AFFIDAVIT

[REDACTED] (b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [REDACTED] (b)(6), (b)(7)(C)

[REDACTED] (b)(6), (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of Sept, 20 04 at Camp Cuervo, Irag

ORGANIZATION OR ADDRESS

[REDACTED] (b)(6), (b)(7)(C)
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] (b)(6), (b)(7)(C)
(Typed Name of Person Administering Oath)

Article 136
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED] (b)(6), (b)(7)(C)

PAGE 6 OF 6 PAGE

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EXHIBIT 234

SWORN STATEMENT

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

0330-04-C10259-80335

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: Camp Cuervo, Iraq
2. DATE: 2004 09 16
3. TIME: 1400
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E4 1RA
8. ORGANIZATION OR ADDRESS: C Company, 1-41st INF Regiment, Fort Riley, KS (Deployed to Iraq)

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

About mid August 3rd Plt (b)(6), (b)(7)(C) was departed Camp Cuervo to do presence patrols in Sadriya. After we left Camp Cuervo we arrived at the assigned grid that we were supposed to be at. Once in place the dismounts left the Bradleys to take up positions outside of a house. Around midnight we loaded back up due to enemy activity in the area. Once in the back of the Bradley I listened to some of the radio conversations that were coming in over the speaker in the back where we were. I heard reports coming in that dump trucks with people in the back were traveling on the road we were securing. After a few minutes (b)(6), (b)(7)(C) were (b)(6), (b)(7)(C) on the back was throwing things from it as it was moving down the road. These objects being thrown were being said to be heat signatures because the gunners could see them thrown off. Through the radios then I could hear it being said that they were IEDs. After this C33 engaged the Dumptruck because of the IED reports. Once the vehicle stopped moving the Bradleys moved up to the area where the dumptruck was still burning. Once there we dismounted and began pulling security on the curb to the right of the Bradley. After a few minutes had passed I heard someone say that these were young children on the back (b)(6), (b)(7)(C) and some of the dumptruck and some dead people. I looked over to where

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 5 PAGES

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

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EXHIBIT 8 35
10-LAW ENFORCEMENT DIVISION (CID ROI) 1853

STATEMENT OF

TAKEN AT

Camp Cuervo

DATED

16 Sep 04

9. STATEMENT (Continued)

the truck was at and could see people on the left side of the truck receiving first aid for wounds. After about 10 or 15 minutes maybe more I heard Ssgt (b)(6), (b)(7)(C) walk up and start telling Ssgt (b)(6), (b)(7)(C) that there was a person that looked bad and had crawled out of the burning dumptruck. I recall Ssgt (b)(6), (b)(7)(C) saying that the guy was in really bad shape and needed to be put out of his misery to end his suffering. After more discussion between the two the 240B was brought up as the weapon to be used. Then Ssgt (b)(6), (b)(7)(C) asked Spec (b)(6), (b)(7)(C) about bringing the machine gun over to the dumptruck. Spec (b)(6), (b)(7)(C) then said he did not feel comfortable with what was taking place concerning the 240B and using it in the situation. Ssgt (b)(6), (b)(7)(C) then told him to just bring the gun over to the dumptruck area and then asked if he had any ammo with him. After that Spec (b)(6), (b)(7)(C) and Ssgt (b)(6), (b)(7)(C) walked in the direction of the truck. After about 10 or 15 minutes I walked over to where Spec (b)(6), (b)(7)(C) was at and saw Ssgt (b)(6), (b)(7)(C). I asked Ssgt (b)(6), (b)(7)(C) if a medic had been called in and he said yes. After this I stuck around for about 5 minutes before going back to my position. On my way back towards the Bradley I saw Ssgt (b)(6), (b)(7)(C) almost fall to the ground trying to get off the Bradley. I moved over to help him free his foot from being caught in the cargo strap holding our Rucksacks. Once he was on the ground and standing I saw him with a 231 port firing weapon. He then walked over to the truck where the Body was at along with Ssgt (b)(6), (b)(7)(C). Once they got to the body a 10-15 round burst was fired by Ssgt (b)(6), (b)(7)(C) into the body. After the burst Ssgt (b)(6), (b)(7)(C) fired one round

INITIALS OF PERSON MAKING STATEMENT

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

2 PAGE

OF 5

PAGES

FOR OFFICIAL USE ONLY

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04

9. STATEMENT (Continued)

from his weapon. After the last shot was fired Ssgt [REDACTED] was on his way back in the direction of the Bradley. I did not see what either one did from this point on. Once this had taken place 30 to 45 minutes passed before the medic personnel arrived. One [REDACTED] on scene the squads dismounts reloaded the Bradleys and we left the area.

Q: SA [REDACTED]

[REDACTED] SPC [REDACTED]

Q: How long have you been deployed to Iraq?

A: late July 04 - early August 04

Q: Do you recall the exact date and time of the incident?

A: No.

Q: What is a C33?

A: C33 is the Id number of a Bradley commanded by Ssgt [REDACTED] & gunned by SPC [REDACTED]

Q: Who are you referring to as "the two the 240B was brought us as the weapon to be used?"

A: Ssgt [REDACTED] & Ssgt [REDACTED]

Q: Do you know why SSGT [REDACTED] wanted a machine gun over to the dump truck? I believe it was to make the scene look consistent with machine gun fire from a Bradley.

Q: Did you see SSG [REDACTED] shot the guy on the ground?

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 3 OF 5 PAGES

FOR OFFICIAL USE ONLY

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04

9. STATEMENT (Continued)

A: Yes

Q: Do you recall how long between the time SSG [REDACTED] shot the Iraqi and SSG [REDACTED]

A: A few seconds

Q: Do you believe this killing was justified?

A: No. I felt more could have been done regarding medevac.

Q: Who do you recall witnessed the incident?

A: There were a few dismounts in my immediate area but I can't put fingers on who saw or heard everything going on.

Q: Is there anything you wish to add to this statement?

A: No. /// End of Statement /// [REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 4 OF 5 PAGES

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Not Used

AFFIDAVIT

(b)(6), (b)(7)(C) _____ HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 6th day of Sep, 2004 at Camp Cuervo, Iraq

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

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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.D. 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: Camp Coe, IZ
2. DATE (YYYYMMDD): 16 Sep 04
4. FILE NUMBER: 1504
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: PFC
8. ORGANIZATION OR ADDRESS: C co 1-41

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In mid to late Aug sometime in the early morning myself Sgt (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) Sgt (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) are in the back of C32 Ssgt (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) Spc (b)(6), (b)(7)(C) are the crew of C32 we got word we were going to secure a site we get there we dismount we set up security on the right side of the Brady Sgt (b)(6), (b)(7)(C) set me in place gives me my sector and was called by someone to go to the burning vehicle He comes back get spc (b)(6), (b)(7)(C) C/ls bag and goes back to the vehicle some time later Ssg (b)(6), (b)(7)(C) walks in my sector in front of me I think I remember him talking with spc (b)(6), (b)(7)(C) spc (b)(6), (b)(7)(C) and Ssg (b)(6), (b)(7)(C) I was not able to here what he was talking about I heard someone say that's Fucked up I+ could have been (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C) It could have been both I believe someone said that they wanted (b)(6), (b)(7)(C)

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 4 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.

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04

9. STATEMENT (Continued)
[REDACTED] to go over there and shoot ^{some} ~~them~~ people
It might have been [REDACTED] It could have been
Ssg [REDACTED], Ssg [REDACTED] SFC [REDACTED] or 1Lt [REDACTED]
or another element of our leadership I did
not see any shots ~~on~~ or any body firing shots
I honestly can not remember ~~and~~ any shot being
fired but I am not saying they did or did not
fire any shots

Q. Was SFC [REDACTED] or 1Lt [REDACTED] out there at that time on that scene?
The 1Lt [REDACTED]

A. His track had to be there, but I did not see him. I don't remember
SFC [REDACTED] if he was there, but they are part of my leadership.

Q. Did you witness anyone shoot & wounded Iraqi after the scene
was secure?

A. No.

Q. Did you hear any shots after the scene was secure?

A. I don't remember any shots being fired, but I am not saying it
didn't happen.

Q. Did you ever hear or talk to anyone about the shooting of an
injured Iraqi?

A. All I remember is someone, I think it may have been [REDACTED] say [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 4 PAGES

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04

STATEMENT (Continued)

[REDACTED] something about having [REDACTED] shoot someone. This was after SGT [REDACTED] and walked by.

Q. Did you see [REDACTED] with the 231 out in the area of the dump truck & wounded?

A. No.

Q. How long were you at the scene?

A. We were there for a long while, 1 hour to 5 hours.

Q. Who all was up by the wounded while out at the scene?

A. It would be SGT [REDACTED] SGT [REDACTED] SGT [REDACTED] and maybe SGT [REDACTED]

Q. Is there anything else you want to add to this statement?

A. No / End of Statement [REDACTED]

INITIALS OF [REDACTED] MAKING STATEMENT [REDACTED]

PAGE 3 OF 4 PAGES

USAPA V1.00

STATEMENT (Continued)

[Redacted area with a large diagonal line]

AFFIDAVIT

I, PFC (b)(6), (b)(7)(C) [Redacted] HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C) [Redacted]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 14th day of SEP, 2004

at Camp Cuevas IZ

(b)(6), (b)(7)(C) [Redacted]

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C) [Redacted]

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) [Redacted]

PAGE 4 OF 4 PAGES

SWORN STATEMENT

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

LOCATION Camp Ocero, IZ	DATE 16/Sep/04 1658	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-5

ORGANIZATION OR ADDRESS
C Co 1/4
(b)(6), (b)(7)(C)

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

for about the past month until a couple days ago I was doing all missions with first squad due to shortness in manpower for third squad. A few days ago we received new soldiers and they completed third squad, I got moved back to being Alpha Team leader. While working with first squad one night we were patrolling as a platoon but split up in different sections. first squad was with Alpha section tracks which consists of L31 which is Lt. (b)(6), (b)(7)(C) Spc. (b)(6), (b)(7)(C) and Six (b)(6), (b)(7)(C) and L32 which is SSG (b)(6), (b)(7)(C) Spc. (b)(6), (b)(7)(C) and Spc. (b)(6), (b)(7)(C). While sitting on the side of the road pulling security a dump truck past, after passing and while it was driving away we realized that there were people in the back of the truck throwing stuff out onto the road. By the time we realized that they were throwing out explosives they were too far away to engage, Bravo section tracks and second squad were sitting down the road a little ways they consist of L33 which is SSG (b)(6), (b)(7)(C) Spc. (b)(6), (b)(7)(C) and Spc. (b)(6), (b)(7)(C) and L34 which at the time was SFC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and Spc (b)(6), (b)(7)(C). The Lt. called up to Bravo section to notify them of the vehicle traveling there way. About 30 seconds later it was like the 4th of July down the road, all you seen was tracers flying through the air. Alpha section moved down the road with first squad mounted and riding along, we got there dropped camp and pulled security. About 5 minutes after arriving we went over to the dump truck and missile and SGT (b)(6), (b)(7)(C) went over to the dump truck SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were already there, SSG (b)(6), (b)(7)(C) called me and SGT (b)(6), (b)(7)(C) over to the front of the dump truck and between the 3 of us we killed a small child that couldnt have been more than 10 on 11 (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FILE NUMBER:

(b)(6), (b)(7)(C) STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 04 CONTINUED

years old out of the back of the burning truck. Myself and SSG [REDACTED] got back on top of the truck to try to get more people out, at this time SGT [REDACTED] was carrying the first body to the side of the dump truck. We got on the truck and looked in the back, as much as we wanted to pull the rest of the 3 bodies out we decided against it due to the fact that they all looked lifeless and we didn't want to risk getting burned while reaching into the fire. After that I got down and started helping SGT [REDACTED] perform first aid on about 5 or 6 people that had already exited the burning vehicle. One guy was just burned all over so we couldn't fix him and he looked like he was doing okay, another had been hit with shrapnel in the back of his head and it looked like he had been shot with small arms about 3 times on his torso so we patched him up and moved to the kid that we pulled out of the truck, his right cheek and his nose had been blown off by something, probably some type of shrapnel. We put a field dressing over his face and searched for more wounds throughout his body, we found no other shot or shrapnel wounds but while searching I pulled the [REDACTED] his shirt away from his back at the top, when I did this he was burned so bad that his back came with the shirt. We moved down to the last guy that was wounded, he had either been shot in the back of his knee or [REDACTED] took shrapnel in it because his whole knee cap was gone. While rapping him up I heard conversation between an Iraqi and what sounded like SSG [REDACTED] on the other side of the truck, he was telling the Iraqi "I hate to do this but your friend is suffering and he's going to die soon, he's suffering and I need to take him out of his misery." The Iraqi walked over to the other side of the truck and sat down with his other siblings. After that I heard a Port firing weapons burst and then a single shot from a M16. The only person that would have had [REDACTED] a port firing weapon would have been SSG [REDACTED] I already knew what it was so I didn't ask questions. We moved back to the trucks and pulled security for about another 4 hours. Before going back I walked over to the guy on the other side and saw that from his rib cage to about his dick was nothing but a big hole and his guts and organs were [REDACTED]

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 16 Sep 84 CONTINUED

lying beside him on the ground. In my opinion whoever shot that poor guy did him a favor by making that decision.

Q Who all was around the wounded and the dump truck at that time?

A SSG [REDACTED] myself, SGT [REDACTED], SGT [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED], SPC [REDACTED] might have been there, SPC [REDACTED] might have been there.

I think that is it.

Q Who would have been in position to see the shooting?

A No one, it was on the other side of the truck.

Q Describe what the shots sounded like?

A Short burst of a port fire weapon and then no more than 10 seconds later it sounded like an M16.

Q Who do you think did the shooting?

A [REDACTED], because I heard him talk to the Iraqi about it. I think he just did it to put the guy out of his misery.

Q Do you know who had a port fire weapon?

A The only person who could have had it was SSG [REDACTED] But I never actually saw him there.

Q Did you see the shooting?

A No, I was on the other side of the truck.

Q Who was in charge of the scene?

A SSG [REDACTED] he was the highest ranking person there.

Q Have you heard anything about 2nd Squad?

A Just rumors of them killing people & carrying AK's just in case. It's just people talking shit.

Q Is there anything you want to add to this statement?

A No / End of statement

STATEMENT (Continued)

[REDACTED]

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

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4 I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(7)(C)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of Sep, 20 04 at Camp Cuervo, TX

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 4 OF 4 PAGES

SWORN STATEMENT

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

LOCATION 78 TH MP Det CID (FWD) Baghdad, IZ	DATE 17 Sep 04	FILE NUMBER 1314
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS E-5/RA
ADDRESS/ORGANIZATION C CO, 1/41 INF, Baghdad, IZ (Fort Riley, KS)		

(b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 Charlie company 3rd platoon was on a patrol on route Predator. Myself and the rest of 1st squad, plus SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SGT (b)(6), (b)(7)(C) were pulling flank security for Alpha section(C 31 2nd Lt (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) C 32 SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) There were some trucks along the route that were throwing objects out of the back. One of the objects exploded and Bravo section (SSG (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) got the call to engage the truck. They engaged the truck and that's when Alpha section and 1st squad plus attachments went to the area of the truck. When C 32 dropped ramp I placed SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C) on flank security. Myself and SGT (b)(6), (b)(7)(C) went to the truck. When I arrived at the truck I saw 5 or 6 wounded Iraqis. I saw SSG (b)(6), (b)(7)(C) on top of the truck trying to get a small child out of the back. He was successful in getting one kid out of the fire. He handed the kid to me and I set him down next to the other wounded. After that I realized these guys needed first aid. So I went back to C 32 and yelled to SPC (b)(6), (b)(7)(C) to grab the CLS bag. He handed me the bag and I went back to the truck. When I got back I started to treat the wounds of the wounded. SPC (b)(6), (b)(7)(C) assisted me in grabbing bandages. SGT (b)(6), (b)(7)(C) was also assisting in helping with the wounded. I started on the kid that SSG (b)(6), (b)(7)(C) grabbed out of the truck. He had 3rd degree burns on a lot of his body. I started with the flesh wound on his face. After that I tried to take his shirt off his back but I couldn't because his back was burnt off. It was nothing but flesh. That's when I realized that the kid was not going survive. I went to the next guy who had minor cuts and chrapnal wounds with a couple of bullet wounds. I patched him up and went to the next guy who was better off then his buddies so I didn't really do anything for him except for a little bandage on his hand or some other area I cant really remember. The next guy was hurt pretty bad. His knee cap was blown out from the back of his leg. I had no way of splinting the wound so I cleaned it up the best I could and braced it the best I knew how. While all this was going on SSG (b)(6), (b)(7)(C) was assessing the situation. While I was working on one of the wounded he was walking around mumbling to him self. I couldn't really make out what he was saying . He also talked to one of the Iraqis. He was saying something like "I have to" or something to that affect. I really didn't pay much attention to him cause I as worried about the wounded. After he talked to the Iraqi I heard automatic gun fire from the other side of the truck. It was 2 to 3 round burst. It startled me at first but I didn't think anything of it. Then about a min or two later maybe less I head another single shot round which had to of came from and M16 rifle. I was still working on the wounded when the shots were fired. After I was done with the wounded I started to pull security at the rear of the truck. I saw SSG (b)(6), (b)(7)(C) walking around I didn't think anything of it. A few minutes later SSG (b)(6), (b)(7)(C) approached me at the rear of the truck and asked me if I thought he did the right thing. I told him, "Ya, I really didn't know."
 After we were done we stayed on sight for a long while, 3 maybe 4 hrs securing the sight for the med-evac to come that had been called up. While we were pulling security at C 32 SGT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) came to C32 with a Iraqi. He was flexed cuffed and put in the middle of our 360 security. We gave him water and when we left we cut the flex cuffs loose and let him go. (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF _ PAGES 3
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

“STATEMENT OF SGT [REDACTED] IN AT Camp Victory
DATED [REDACTED] CONTINUED.”

[REDACTED] There were few discussions about the night. SSG [REDACTED] came up to me maybe once or twice wondering if he did the right thing or not. I couldn't tell him anything. He came to me yesterday (16th Sept 2004) and was worried if he was going to get in trouble. I told him, “that I was just going to tell them what I know and that's all I could do”. [REDACTED]

[REDACTED]

Q. Did you type the above statement?

A. Yes.

Q. Do you remember the date of this incident?

A. It was late at night, mid Aug sometime.

Q. Who all was on the scene around the dump truck and wounded when the shots were fired?

A. Myself, SPC [REDACTED] SGT [REDACTED] SSG [REDACTED] SSG [REDACTED] SGT [REDACTED] was pulling security and watching weapons,

Q. Did you ever see anyone else around the vehicle and wounded, either before the shooting or after?

A. I saw LT [REDACTED] was there for a brief second, I don't know if it was before or after the shooting.

Q. What did he do on scene?

A. I don't know, I was busy doing other stuff.

Q. Do you know if SPC [REDACTED] saw or new about the shooting?

A. I don't know, he was working the whole time.

Q. Do you know if SGT [REDACTED] saw or new anything?

A. He couldn't have seen anything from where he was, I don't know if he knows anything.

Q. When was it that SSG [REDACTED] come up to you and ask you if what he did was the right thing to do?

A. It was after I was done with the wounded, about 5 to 10 minutes at the most after the shots were fired.

Q. Did you see him and SSG [REDACTED] talk at any time prior to or after the shooting on the scene?

A. I didn't see them talk, not that I can remember.

Q. Did either of them seem rattled in any way after the shooting?

A. I just saw [REDACTED] he was worried if he did the right thing or if he was going to get in trouble.

Q. Did you see what weapons SSG [REDACTED] and [REDACTED] were carrying at the time?

A. SSG [REDACTED] had the 231 port firing weapon and SSG [REDACTED] had an M16.

Q. When SSG [REDACTED] asked you if he did the right thing, what did you think?

A. A lot of stuff was going through my head, I don't know.

Q. What all did SSG [REDACTED] and SSG [REDACTED] say to you after the incident?

A. SSG [REDACTED] never said anything to me. SSG [REDACTED] is really worried if he would get in trouble. Yesterday, SSG [REDACTED] asked me what I was going to say, he said something like, no one saw me shoot him, so I am not going to get in trouble right. He said he was just going to tell them what I know when they ask me.

Q. Did you hear anything about SSG [REDACTED] trying to get a 7.62mm weapon to use for shooting the wounded Iraqi?

A. I didn't hear him ask for it. I remember SSG [REDACTED] told me at the scene after the shooting that he wanted to get the 240B to make sure the guy was dead. But I don't think [REDACTED] would give it up. I think that he said something about being pissed because he wouldn't give up the weapon or something like that.

Q. Do you know if he asked [REDACTED] to do it?

A. I don't know.

Q. Is there anything else you want to add to this statement?

A. No. /// END OF STATEMENT ///

[REDACTED]

STATEMENT (Continued)

NOT USED /// [REDACTED]

AFFIDAVIT

I, SGT [REDACTED] HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT:

[REDACTED] (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 17TH day of Sep, 2004 at 78th MP Det CID FWD, Baghdad, IZ

[REDACTED] (b)(6), (b)(7)(C)

ORGANIZATION OR ADDRESS

SA [REDACTED] (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

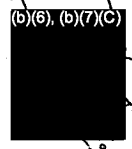
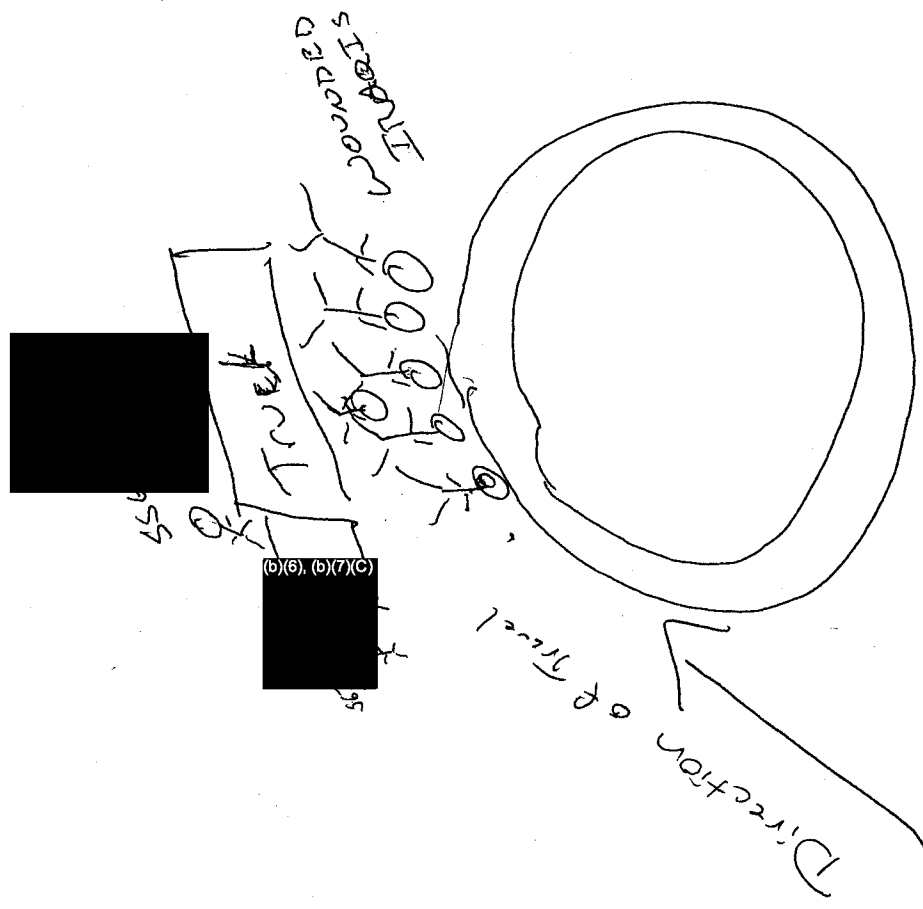
(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] (b)(6), (b)(7)(C)

PAGE 3 OF 3 PAGES



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Ate / Time

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

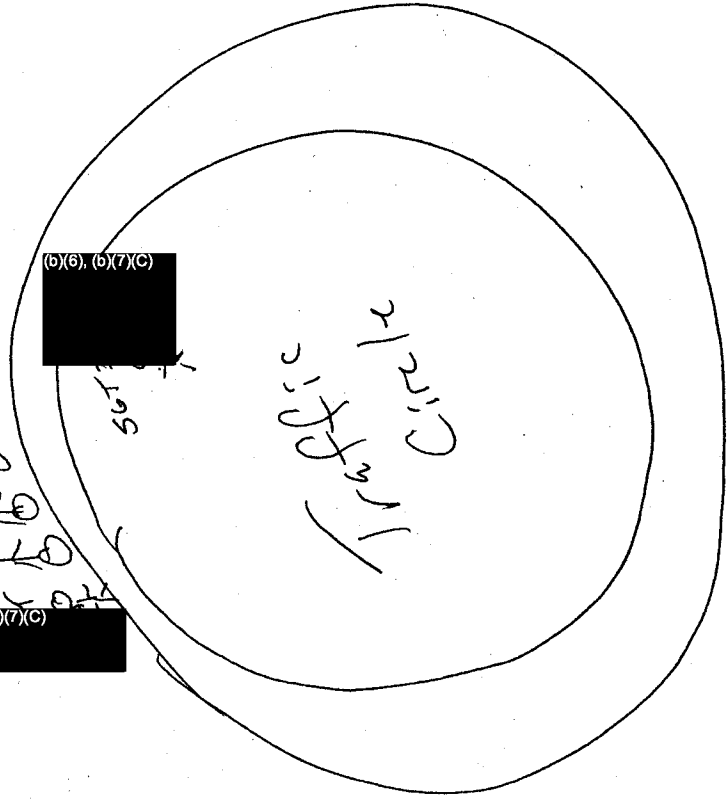
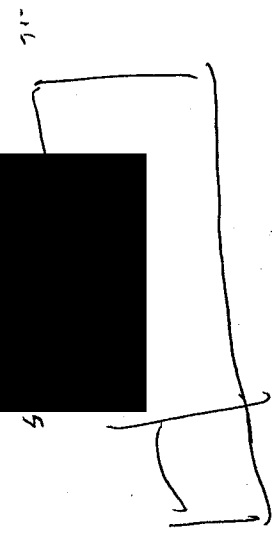
Print (b)(6), (b)(7)(C)

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WASLU RDI 5867 p:50

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

10-L-0126 ACLU DD III (CID ROI) 1869IT # 12



(b)(6), (b)(7)(C)
[Redacted]
(b)(6), (b)(7)(C)
[Redacted]
(b)(6), (b)(7)(C)
[Redacted]

Detached By (b)(6), (b)(7)(C) [Redacted]
Date / Time 17 Sept 04 1340
Witnessed By SA (b)(6), (b)(7)(C) [Redacted]

Print (b)(6), (b)(7)(C) [Redacted]
Print SA (b)(6), (b)(7)(C) [Redacted]

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

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

DATA REQUIRED BY THE PRIVACY ACT

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

1. LOCATION 78th MP Det CFP (FWD) Baghdad, IZ	2. DATE 17 Sep 04 13:30	4. FILE NO.
(b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS C Co 1/41 Inf	
6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS E-6	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. (b)(6), (b)(7)(C)

WITNESSES (If available)		3. (b)(6), (b)(7)(C)
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 78th MP Det CFP (FWD)

Section C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (*If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

BEFORE INCrimINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

REVERSE OF DA FORM 3881

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ACLU-RDI 5867 p.53

10-L-0126 ACLU DD III (CID ROI) 1872

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RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

Use of this form, see AR 190-30; the proponent agency JCSOPS

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: 78th MP Det CID (FWD) Baghdad
2. DATE: 17 Sep 04
3. TIME: 1447
4. FILE NO.
5. ORGANIZATION OR ADDRESS: C Co 1/41 Inf
6. GRADE/STATUS: E-4

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

- Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject 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.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (if available)
1a. NAME (Type or Print)
1b. ORGANIZATION OR ADDRESS AND PHONE
2a. NAME (Type or Print)
2b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR
5. TYPE
6. ORGANIZATION OF INVESTIGATOR: 78th MP Det CID (FWD)

Section C. Non-waiver

1. I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

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

WARNING - Inform the suspect/accused of:

- a. Your official position.
- b. Nature of offense(s).
- c. The fact that he/she is a suspect/accused.

RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

- a. "You do not have to answer my questions or say anything."
- b. "Anything you say or do can be used as evidence against you in a criminal trial."
- c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request is recent (*i.e.*, fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

OR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

REMARKS (Continued)

REVERSE OF DA FORM 3881

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ACLU-RDI 5867 p.55

10-L-0126 ACLU DD III (CID ROI) 1874

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EXHIBIT 14

SWORN STATEMENT

0330-84-010255-80335

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

LOCATION 78 TH MP DET CID (FWD), Baghdad.	DATE 17 SEP 04 16:1 HRS	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS E-6/RA
ADDRESS/ORGANIZATION C CO, 1/41INF		

(b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of mid August our platoon 3rd Platoon, Charlie Company 1st / 41st IN BN, was attached to Charlie CO 2/70th AR. We conducted route security on vicinity of Check Point 5 (CP5), Route Predators. ROE was to engage vehicle or personnel that showed any hostile act that would endanger friendly forces crossing through route Predators. Also we had instructions to engage any possible IED with direct fire. Our mission was to conduct Route security in support of a Main Attack that was going to be conducted next morning in Sadr City AO.

My platoon occupied CP5 by placing two tracks (bravo section) at CP5 and two tracks (alpha section) 500 meters south of CP5.

Pass midnight a dump truck traveling south crossed Alpha section's position, dropping a unknown object that appeared to be a box that caught on fire as soon as it hit the street. C-31, my platoon leader's track engaged the box with coax. The box exploded and shot tracers toward CP5 vicinity. While C-31 was engaging the box a second dump truck traveling north passed my position. I saw that personnel in the truck was dropping several boxes to the ground. The first one exploded, the second one did not, a third one caught on fire. Then I ordered Bravo section to engage the dump truck. I did not engage the dump truck because if so I would have shot towards CP5.

Bravo section engaged and destroyed the truck, assisted by second squad that was providing flank security on the ground. As soon as the truck was destroyed, Alpha section moved north to secure the site. My platoon sergeant SFC (b)(6), (b)(7)(C) send a casualty report to higher. Second squad consolidated all the injured personnel by the dump truck. When Alpha section arrived to the dump truck site, I cover the North West with C-32, my platoon leader cover the South West. All the dismounts were dropped to the ground to provide local security. The dismounts on C-32, my track, were SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and PFC (b)(6), (b)(7)(C). The last three being members of Bravo team first squad, SSG (b)(6), (b)(7)(C) squad. Bravo team secure the CLS bags from my track, C-32, and linked up with SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C) were 20 to 30 meters from my track, facing north.

Well, 1st squad was providing medical care to all the wounded, while my platoon leader was reporting to higher about the casualties. My platoon leader 2LT (b)(6), (b)(7)(C) went to the ground to do, I think, a better casualty assessment. A couple of minutes later SSG (b)(6), (b)(7)(C) arrived to my position and told me about one of the casualties. SSG (b)(6), (b)(7)(C) told me that the casualty was severe-wounded and in a lot of pain and that he was not going to make it. SSG (b)(6), (b)(7)(C) told me that the best course of action was to put him out of his misery. SSG (b)(6), (b)(7)(C) told me that our Platoon leader gave him the green light to do so, behind the dump truck away from the other casualties. I told him to do what he had to do, and to make it fast so we could recover all personnel and move out to a safe area. I was really concerned about our Platoon and how long we have been in that area. Our dismounts were in the ground with no cover but the darkness. I dismounted from C-32 my track, walked towards the enemy casualty collection point and linked up with SSG (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 4 PAGES (b)(6), (b)(7)(C)
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823. JUL 72

SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

FOR OFFICIAL USE ONLY

SSG (b)(6), (b)(7)(C) showed me the guy that he was talking about. I observed several wounds throughout the casualty's body. A portion of the casualty's back was missing revealing his spine and hip bones. There was another part of flesh missing between the shoulder blades that also revealed his spine. The casualty was bleeding from the back of his head and some of the casualty's internal organs were laid on the ground. This casualty was never going to make it, indeed. The casualty was in extreme pain from his wounds. I pointed my M231 towards the body and shot a few rounds. Without saying a word I turned around and went back to my track. We secured the site until all casualties and IED's were inspected and recovered.

Q. Did you type the above statement?

A. Yes.

Q. Did you ever hear the LT give the ok to SSG (b)(6), (b)(7)(C)

A. No.

Q. How long was the LT at that site?

A. He wasn't there all the time, he was in his track pulling security.

Q. Did he ever leave the area while the unit was at this scene?

A. No, he was either on his track or on the ground.

Q. Was there any communication over the radio regarding this severely wounded man, about putting him out of his misery or what to do or anything to that effect?

A. No, nothing over the radio.

Q. Who was in charge of the scene?

A. The LT.

Q. Do you know if he ever went up and looked at the man to evaluate his wounds?

A. I don't know, but I am pretty sure that he was doing casualty assessment.

Q. What did SSG (b)(6), (b)(7)(C) say to you?

A. I don't remember the exact words, but something like this guy wasn't going to make it, had all this kinds of wounds and that he talked to the LT, and the LT gave the ok.

Q. Who all was with you when you shot?

A. SSG (b)(6), (b)(7)(C) was the only one in eyesight.

Q. Did you ever see the LT around the truck or wounded during that time?

A. I didn't even look.

Q. Do you know if you shot him?

A. I thought I did, I just gave a short burst at him and turned and walked away.

Q. Did you see SSG (b)(6), (b)(7)(C) shot?

A. No.

Q. Did you hear him shot?

A. No.

Q. Did SSG (b)(6), (b)(7)(C) ever tell you if he shot him?

A. Yes.

Q. What did he say?

A. He told me the guy was still breathing when I left and that he shot him.

Q. Did he tell you where he shot him?

A. Yes, in the head.

Q. Do you think you made the right decision?

A. Yes, it was obvious this guy was not going to make it, he appeared to be in a lot of pain and by not doing anything he would have suffered a lot longer, there was no way any type of first aid that would have helped him out. Also because we needed to get out of there we had already been there to long. When I first got up there with SSG (b)(6), (b)(7)(C) we had small arms fire coming from the east and C270 was north of us and they had contact (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT _____

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

PAGE 2 OF 4 PAGES.

- Q. Do you know if anyone else other than SSG (b)(6), (b)(7)(C) saw you shoot this man?
- A. Nobody else.
- Q. How do you know that?
- A. They were too far away, it was too dark, we made sure not to do it in front of the other casualties.
- Q. Where was SFC (b)(6), (b)(7)(C)?
- A. He was on C34, which was located in the perimeter.
- Q. Why is it that the LT and SFC (b)(6), (b)(7)(C) were not on the ground at the scene?
- A. LT was on the ground to do his assessment and then left and got on his track to call it up. SFC (b)(6), (b)(7)(C) was always on the radio, he was on the track the entire time. I never saw him on the ground.
- Q. Is there anything else you want to add to this statement?
- A. No. /// END OF STATEMENT /// (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) PAGE 3 OF 4 PAGES.

FOR OFFICIAL USE ONLY

AFFIDAVIT

I, SSG (b)(6), (b)(7)(C) HAVE READ OR 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 OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 17th day of SEP, 2004 at 78th MP Det CID, (FWD) Bahdad.. IZ

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

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

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 78th MP Det CID (FWD)	2. DATE 20040917 2000	4. FILE NO.
(b)(6), (b)(7)(C)	8. ORGANIZATION OR ADDRESS @ Co 1/41 Inf	
(b)(6), (b)(7)(C)	7. GRADE/STATUS LT	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

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

suspected/accused: MURDER, Conspiracy

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

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

- or -

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

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

5. COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		
2a. NAME (Type or Print)		5. SIGNATURE OF INTERVIEWER SA (b)(6), (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR 78th MP Det CID (FWD)

Section C. Non-waiver

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

2. SIGNATURE OF SUSPECT/ACCUSED
(b)(6), (b)(7)(C)

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

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

BEFORE INCrimINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

USAPA V2.01

REVERSE OF DA FORM 3881

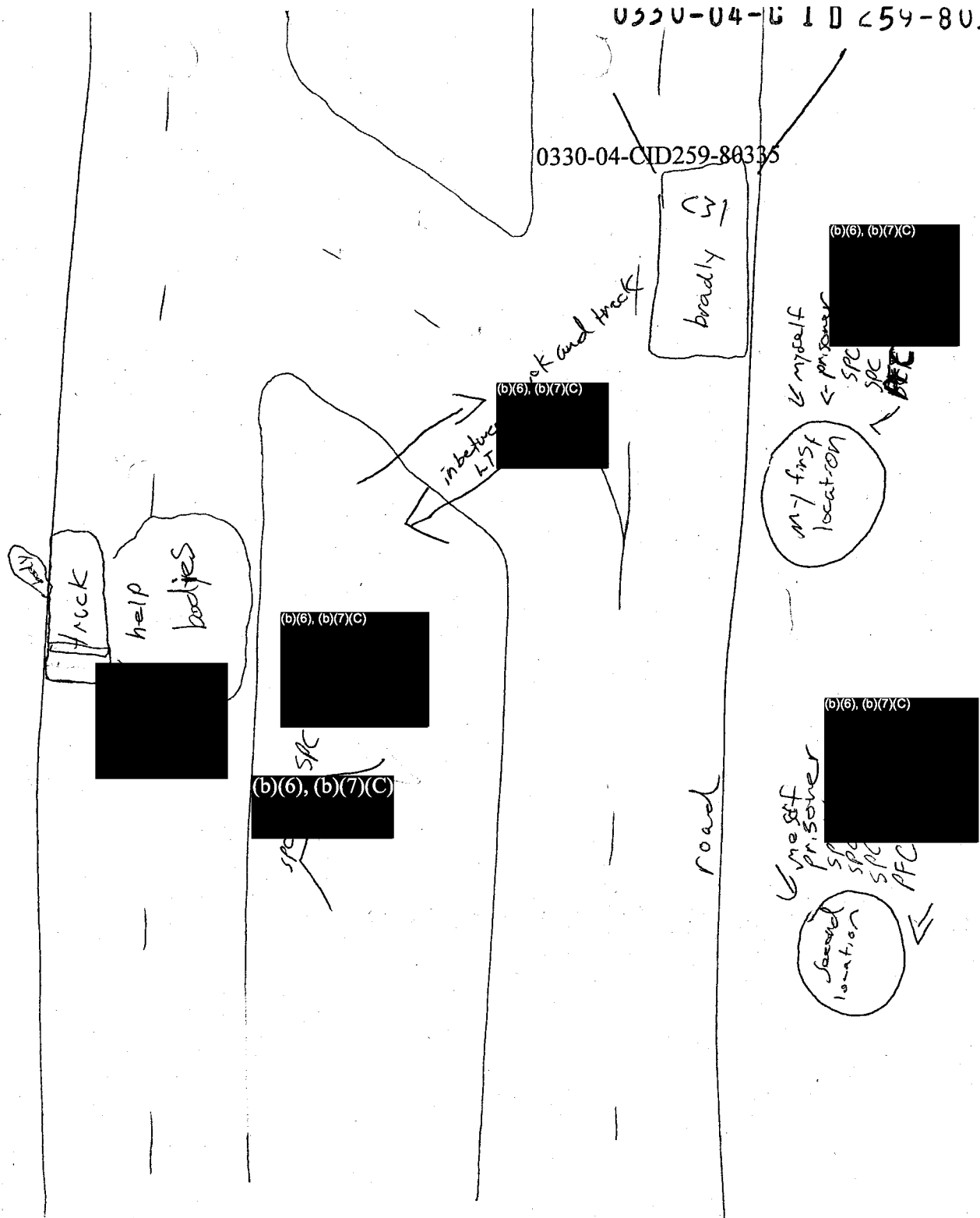
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Law Enforcement Sensitive

ACLU-RDI 5867 p.61

10-L-0126 ACLU DD III (CID ROI) 1880

EXHIBIT 62 15

0330-04-CID259-80335



Sketched By: (b)(6), (b)(7)(C)
 Printed: (b)(6), (b)(7)(C)
 Date / Time: 18 SEPT 04 11:28
 Witnessed By: SA (b)(6), (b)(7)(C)
 Printed: SA (b)(6), (b)(7)(C)

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

LOCATION Camp Victory, IZ	DATE 18 SEP 01 11:52	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E5 / RA

C Company, 1-41st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Some where in the middle of August my squad was sent to sit on check point #5 around 22:00 or 24:30 a sit rep was called up about dump trucks knowing names of possible IED'S off the road we were called to mount up (my team) we road around a fore a hour or so not to sure I slept most of the time the Bradley stepped LT **(b)(6), (b)(7)(C)** told me there was a EPW and I needed to secure him the road dropped myself and my team got off the Bradley **(b)(6), (b)(7)(C)** **(b)(6), (b)(7)(C)** and (PFC **(b)(6), (b)(7)(C)**) My self and (SPC **(b)(6), (b)(7)(C)**) secured the prisoner by that time the rest of the the people on the ground were all ready at the truck and set in a local SBF as I recall (SGT **(b)(6), (b)(7)(C)**) (SSG **(b)(6), (b)(7)(C)**) (LT **(b)(6), (b)(7)(C)**) were at the truck in the SBF I saw SPC **(b)(6), (b)(7)(C)** SPC **(b)(6), (b)(7)(C)** at the time I told my team to stand fast I'm going to assess the situation and see if they need help I walked up to B-TLDR SGT **(b)(6), (b)(7)(C)** asked if he was good he said yes man I got it were good I said if you need anything I got the six he said cool I then ~~did~~ did a fire sweep of the area to include looking on the far side of the truck I saw a body with no pants laying in the road I went back told me **(b)(6), (b)(7)(C)** in general just said they guys you got another body over there I went back to my team I saw SPC **(b)(6), (b)(7)(C)** over with the **(b)(6), (b)(7)(C)** bag he was over there only for a few minutes before he came back after that **(b)(6), (b)(7)(C)** told me the Bradley and himself are

EXHIBIT	INITIALS (b)(6), (b)(7)(C)	STATEMENT	PAGE 1 OF 6 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory

DATED 18 Sep 04

CONTINUED

going to meet EOD down the road I said regard that as the Brad left I pushed my team down the road with the prisoner lifted up with B team SPC [REDACTED] and PFC [REDACTED] set them in to security until remount was called I tried to ask top what they wanted to do with prisoner got no response so I made the call to cut him loose I cut the zip ties and he went walking toward the truck then my team and myself linked back up with the Bradley got on and left.

Q: SA [REDACTED]

SGT [REDACTED]

Q: Who wrote the narrative portion of this statement?

A: Myself

Q: What is your military occupational specialty?

A: 11B, Infantry

Q: How long have you been an 11B?

A: It will be 3 years on 25 Sep 05.

Q: How long have you been in Iraq?

A: 3 months

Q: What was your duty position during this incident?

A: A Team leader, 1st Squad

Q: What are the duties of a team leader while in Iraq?

A: to make sure my team is prepared for combat ops and to maintain to train and take care of any personal problems

Q: Do you recall the location of the incident?

A: I believe it was between checkpoints 4 and 5

Q: What is your team assigned military vehicle?

A: C31

Q: Is Lt [REDACTED] assigned to C31?

A: Yes

Q: What's the meaning of the abbreviated term "IED"?

A: Improvised Explosive Device

Q: What's the meaning of the abbreviate term "EPW"?

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

PAGE 2 OF 6 PAGES

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory

DATED 18 Sep 04

CONTINUED

A: Enemy Prisoner of War

Q: What's the meaning of the abbreviated term "SBF"?

A: Support By Fire

Q: What's the meaning of the abbreviated term "CLS"?

A: Combat Lifesaver

Q: What's the meaning of the abbreviated term B-T LDR?

A: Bravo team leader

Q: How long was your team on the ground?

A: 3-4 hrs.

Q: Between 3-4 hours, where was LT [REDACTED]?

A: LT [REDACTED] was on the ground in between the front and the Bradley for about the first 25-30 min then pushed down the road on his Bradley to Int-up we EOD and was gone. The remainder of the time [REDACTED]

Q: Between 25-30 minutes, how many times did LT [REDACTED] depart C31 to go to the truck?

A: 3-4 times.

Q: Do you recall seeing SSG [REDACTED] at the scene?

A: Yes, he was over at the truck.

Q: Do you recall seeing SSG [REDACTED] at the scene?

A: I saw him climbing back on this Bradley?

Q: Do you recall SSG [REDACTED] Bradley's number?

A: C32

Q: Do you recall seeing SSG [REDACTED] talking to LT [REDACTED]?

A: No.

Q: Do you recall seeing SSG [REDACTED] talking to LT [REDACTED]?

A: Yeah, Roger.

Q: Do you recall how many times LT [REDACTED] and SSG [REDACTED] were talking?

A: 1-2 times, maybe twice.

Q: Do you know what SSG [REDACTED] and [REDACTED] were discussing?

A: Negative.

Q: Do you recall seeing LT [REDACTED] ev. going to the other side of the [REDACTED]?

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory

DATED 18 Sep 04

CONTINUED

truck?

A: No.

Q: Do you recall seeing SSG [REDACTED] going to the other side of the truck?

A: No.

Q: Do you recall seeing anyone going to the other side of the truck?

A: No.

Q: Do you recall hearing gunfire near the truck?

A: Roger

Q: How many incidents?

A: There were two distinct burst.

Q: Describe the 1st burst?

A: Automatic gun fire

Q: Can you identify the gunfire?

It was ^{small} ~~either~~ 5.56.

Describe How long was the 1st burst?

A: 5-6 rounds. short and quick.

Q: Do you recall who fired the 1st burst?

A: Negative

Q: Did you ask your team member regarding the 1st burst?

A: They told me that they couldn't identify any enemy fire or what our guys were engaging.

Q: Describe the 2nd burst?

A: It was semi-automatic. It was a controlled pair.

Q: How long was the 2nd burst session?

A: 1-2 seconds

Q: Do you recall who fired the 2nd burst?

A: No.

Q: What was the time duration between the 1st- 2nd burst?

A: 30-40 sec

Q: Where was LT [REDACTED] prior to the 1st burst?

A: I am not sure.

Q: Do you recall seeing SSG [REDACTED] getting C32 after the 2nd burst?

A: Roger

FILE NUMBER:

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory

DATED 18Sep04

CONTINUED

Q: Do you recall seeing any medical vehicles at the scene?

A: I saw 113 as I was remounting C31.

Q: Do you recall hearing anything regarding the disposition of the wounded Iraqi, who was on the other side of the truck?

A: No.

Q: Is there anything you wish to add to this statement?

A: No. /// END of Statement /// [REDACTED]

[REDACTED]

STATEMENT (Continued)

[REDACTED] *not* [REDACTED]

AFFIDAVIT

[REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [REDACTED]

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of Sep, 20 04 at 76 MP Det (CID), Camp Victory, 12

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF [REDACTED]

PAGE 6 OF 6 PAGES

SWORN STATEMENT

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

LOCATION Camp Victory, IZ	DATE 185Sep04	TIME 1335	FILE NUMBER (b)(6), (b)(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS EA 1RA

ORGANIZATION OR ADDRESS
C Company, 1-41st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)

_____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

IN AUGUST, ON A PATROL, WE WERE SITTING IN THE BACK OF A BRADLEY WHEN IT STOPPED. AFTER A PERIOD OF TIME, OUR LT. TOLD US OVER A "SQUAK-BOX" TO DISMOUNT AND PULL SECURITY AND AWAIT FURTHER INSTRUCTIONS. AS I DISMOUNTED THE BRADLEY, I SAW A LARGE TRUCK IN FLAMES. OUR LT, ALONG WITH SSG _____ MOVED TO THE TRUCK. I OBSERVED SSG _____ LOOK AROUND THE TRUCK, THEN CLIMB ONTO THE CAB TO LOOK INTO THE BACK. AFTER A SHORT PERIOD OF TIME SSG _____ PULLED A BOY OUT OF THE FLAMES AND CARRIED HIM TO THE GROUND. ANOTHER SOLDIER I DO NOT KNOW WHO, CLIMBED UP ALONG WITH SSG _____ TO LOOK INTO THE BURNING REAR OF THE TRUCK. THEN SSG _____ REACHED INTO THE BACK OF THE TRUCK AS IF REACHING FOR SOMEONE OR SOMETHING. I DID NOT SEE HIM GRAB ANYTHING, AND HE AND THE OTHER SOLDIER DISMOUNTED THE TRUCK. SSG _____ THEN TOLD SGT _____ HE NEEDED CLS MEN TO TREAT WOUNDED AND I WAS TOLD (BY SGT _____) TO MOVE UP AND TREAT CASUALTIES. I ARRIVED AT THE SIGHT A FEW MOMENTS BEFORE SGT _____ STARTED TO HELP ME TREAT THE WOUNDED THERE WAS SGT _____ SGT _____ AND MYSELF TREATING WOUNDED TRAJECTS TO THE BEST OF MY KNOWLEDGE WHEN I OVERHEARD SSG _____ SAY SOMETHING I COULDN'T HEARD. LT _____ TOLD SSG _____ IF HE WAS GOING TO DO IT, GO AHEAD, BUT HURRY UP. SSG _____ THEN WENT TO THE FAR SIDE OF THE TRUCK OUT OF MY SIGHT AND I HEARD TWO SHOTS. I CONTINUED TO BANDAGE THE PEOPLE THAT WERE INJURED TO THE BEST OF MY ABILITIES UNTIL WE WERE FINISHED. AFTER THE MISSION I WAS TALKING TO SSG _____ ABOUT THE MISSION AND ASKED IF ANY PEOPLE REMAINED IN THE TRUCK WHEN WE LEFT. HE SAID THAT THERE WERE AND TOLD ME ABOUT ONE IN PARTICULAR THAT HIS FINGERS WERE OUT OF HIS BODY AND HAD SEVERE BURNS. HE SAID HE COULDN'T GET THIS PERSON OUT, AND LATER, THE INJURED PERSON HAD EITHER CRAWLED OR FALLEN OUT. I ASKED HIM IF THAT WAS WHAT HE SAW AND HE SAID YES, IT WAS.

Q: SA _____
: SPO _____

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED, ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT Camp Victory DATED 18 Sep 04 CONTINUED

Q: Do you recall seeing SSG [REDACTED] near the truck during, prior to, or after the incident.

A: Not that I recall. I don't remember seeing him. I was paying too much attention to everyone in the area.

Q: Do you recall hearing any other weapon fire prior to or after SSG [REDACTED] fired his ~~ref~~ weapon.

A: No, I don't.

Q: Do you recall seeing the LT [REDACTED] go to the other side of the truck to view the wounded Iraqi?

A: No.

Q: Do you recall seeing any weapons on the scene? (Iraqi or enemy)

A: No.

Q: How long did the conversation between LT [REDACTED] and SSG [REDACTED] take place?

A: No more than two minutes

Q: Based on the situation what did you think LT [REDACTED] and SSG [REDACTED] was talking about when LT [REDACTED] told SSG [REDACTED] if he was going to do it, go ahead, but hurry up?

A: BASED ON SSG [REDACTED] ACTIONS AFTER WORDS I BELIEVE LT [REDACTED] AND SSG [REDACTED] WERE TALKING ABOUT THE WOUNDED IRAQI AND SSG [REDACTED] WAS ASKING PERMISSION TO SHOOT THE WOUNDED IRAQI.

Q: Was there anyone present, who might have heard the conversation between LT [REDACTED] and SSG [REDACTED]

A: I am not sure. SGT [REDACTED], SGT [REDACTED] and SPC [REDACTED] were in the area.

Q: Do you believe the killing of the wounded ~~of~~ unarmed Iraqi civilian was justified?

A: No.

Q: Were there any detainees detained during this incident?

A: Yes

Q: How many?

A: ONE

Q: What happened to the detainee?

A: SGT [REDACTED] told me to release him. I took off the flex cuff.

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory

DATED 18 Sep 04

CONTINUED

Q: Describe the noise level on the scene?

A: It was noisy from the Bradley, fire in the truck, and everyone was talking.

Q: Do you have any hearing and/or visual disabilities?

A: No.

Q: How would you ^{classify} ~~classified~~ your hearing? (b)(6), (b)(7)(C)

A: normal

Q: How would you ^{classify} ~~classified~~ your visual acuity? (b)(6), (b)(7)(C)

A: normal, 20/20

Q: When was the last time you had a hearing and/or eye exam?

A: Feb 04

Q: Are you sure you saw ZLT (b)(6), (b)(7)(C) talking near the truck with SSG (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

A: Yes, I am.

Q: Are you sure you heard the conversation (part of) between ZLT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

A: Yes, I am.

Q: Is there anything else you wish to add to this statement?

A: No. /// End of Statement /// (b)(6), (b)(7)(C)

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About 1430, 20 Sep 04, MAJ [REDACTED] Battalion Executive Officer (XO), 2nd Brigade, 10th Mountain Battalion, Fort Drum, NY (deployed to Iraq), provided this office a copy the DA Form 1594, Daily Staff Journal or Duty Officer's Log, dated 17 and 28 Aug 04. A subsequent review of the journal disclosed at 0126, 17 Aug 04, Cobra 6 reported a second dump truck was placing improvised explosive devices (IEDs) on the road at [REDACTED]. The truck was engaged and destroyed. At 0237, 17 Aug 04, Cobra 6 reported 3 enemy killed in action (KIA) and 7 enemy wounded in action (EMIA) at [REDACTED]. At 0455, 17 Aug 04, Scorpion 4 reported 3 wounded, 7 KIA (2 burning on truck), and 6 were loaded on M113 (2 critical, 1 immediate with massive head injury and not expected to leave). The individuals were wearing civilian clothes and not uniforms. (See Daily Staff Journal or Duty Officer's Log for details)

About 1345, 21 Sep 04, SA [REDACTED] interviewed 1SG [REDACTED] Headquarter and Headquarters Company (HHC), 1/41st Infantry Regiment, Fort Riley, KS (deployed to Iraq), who related about two weeks ago during a visit to Camp Cuervos, he came across SPC [REDACTED] sitting in the hall of the ALOC building. 1SG [REDACTED] related he stopped and asked SPC [REDACTED] how he was doing and they joked about a few things. 1SG [REDACTED] related during the conversation, SPC [REDACTED] had asked him something to the effect of if he could get into trouble if he didn't do something that someone tried to tell him to do that was wrong. 1SG [REDACTED] related he told SPC [REDACTED] no and asked him what he was talking about. 1SG [REDACTED] related SPC [REDACTED] told there was an incident where an Iraqi was shot and injured and someone tried to get him to finish the Iraqi off but he would not do it. 1SG [REDACTED] related he asked him if he ended up doing it and SPC [REDACTED] said no. 1SG [REDACTED] related he asked SPC [REDACTED] who the person was but SPC [REDACTED] did not want to tell him. 1SG [REDACTED] related he told SPC [REDACTED] that if he knew something and knew it was wrong that he should bring it to the attention of the chain of command because it was the right thing to do. 1SG [REDACTED] related he told SPC [REDACTED] not to let anyone provoke him to do something stupid and that the rules are not the same as the last time they were over there. 1SG [REDACTED] related that ended the conversation and he walked away. 1SG [REDACTED] could not add anything else pertinent to this investigation.

About 1415, 21 Sep 04, SA [REDACTED] coordinated with SPC [REDACTED] C Company, 1/41st Infantry Regiment, Fort Riley, KS (deployed to Iraq), who provided this office a copy of the Issue and Turn-in of Weapons and Ammunition. SPC [REDACTED] related M231 were issued to the gunners of each Bradley. A review of the aforementioned forms disclosed SSG [REDACTED] was issued one M-16, serial number: 10011504; M-9, serial number: unknown; M-68, serial number: 046883; and PVS-14, serial number: 26932. A review disclosed SSG [REDACTED] was issued an M-16, serial number: 10011505; M-9, serial number: unknown; M-68, serial number: 046885; and PVS-14, serial number: 26934. A review of the form disclosed SPC [REDACTED] was assigned one M231 with two separate components listed as A and B bearing the following serial numbers: F017510 and F017516. A further review disclosed SPC [REDACTED] was assigned one M231 with two separate components listed as A

TYPE, DIVISION NAME AND GROUND NUMBER
SA [REDACTED]
78th MP Det (CID), Camp Victory, IZ

SIGNATURE
[REDACTED]

DATE

28 Sep 04

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1 OCT 95

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and B bearing the following serial numbers: F017541 and F017547. (See Issue and Turn-in of Weapons and Ammunition for details)

AGENTS COMMENT: SPC (b)(6), (b)(7)(C) was assigned to Bradley vehicle listed as C31, which consisted of the following soldiers: LT (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C). SPC (b)(6), (b)(7)(C) was assigned to C32, which consisted of the following soldiers: SSG (b)(6), (b)(7)(C) and SPC (b)(6), (b)(7)(C).

About 0930, 22 Sep 04, SA (b)(6), (b)(7)(C) received a copy of the Findings without exhibits, dated 27 Aug 04, pertaining to the dump truck incident(s). A review of the findings disclosed three separate engagements had occurred during the course of combat operations in an area adjacent to Sadr City in the Nissan district near the following grid coordinates: (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C).

LAW ENFORCEMENT RECORDS: A criminal records check of the Defense Clearance and Investigations Index (DCII) and National Crime Information Center (NCIC) revealed no derogatory information on 2LT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C). A NCIC and DCII check of SSG (b)(6), (b)(7)(C) disclosed on 22 Feb 03, SSG (b)(6), (b)(7)(C) was subject of Disorderly Conduct (civil charge, Manhattan, KS), Military Police Report (MPR): 2003-MPR025-6081H at Fort Riley, KS; disposition: civil court, guilty, fined \$266.00 with one year probation, 25 Feb 03.

About 1930, 22 Sep 04, this office briefed MAJ (b)(6), (b)(7)(C) Chief of Military Justice, on all aspects of this investigation. MAJ (b)(6), (b)(7)(C) related there was no need to exhume the deceased body once located.

About 1348, 23 Sep 04, SA (b)(6), (b)(7)(C) briefed Mr (b)(6), (b)(7)(C) Iraqi Police Liaison, PM JCC, Camp Victory, IZ, on all aspects of this investigation. SA (b)(6), (b)(7)(C) provided Mr (b)(6), (b)(7)(C) a summary of the incident, which included the grid coordinates, names of wounded and deceased. Mr (b)(6), (b)(7)(C) related he would notify this office regarding the status of locating the individuals.

About 0915, 24 Sep 04, SA (b)(6), (b)(7)(C) collected as evidence: one M-4 rifle, serial number: W007468, assigned to SGT (b)(6), (b)(7)(C) one M-16A4 rifle, serial number: 10011505, which assigned to SSG (b)(6), (b)(7)(C) and one M-16A4 rifle, serial number: 10011530, assigned to SPC (b)(6), (b)(7)(C) as evidence from SPC (b)(6), (b)(7)(C) on a DA Form 4837, Evidence / Property Custody Document (EPCD), document Number: 759-04. (See EPCD for details)

AGENTS COMMENTS: Items 1 (SGT (b)(6), (b)(7)(C) weapon) and 3 (SPC (b)(6), (b)(7)(C) weapon) was collected under this sequence; however, pertains to CID Sequence: 0331-04-CID259-80336.

About 1135, 25 Sep 04, SA (b)(6), (b)(7)(C) interviewed SPC (b)(6), (b)(7)(C) C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ (Fort Riley, KS), who provided a sworn statement, in which he detailed his knowledge of the incident. (See Sworn Statement for details)

TYPER AGENT'S NAME AND SEQUENCE NUMBER SA (b)(6), (b)(7)(C), (b)(7)(F) 78 th MP Det (CID), Camp Victory, IZ	SIGNATURE (b)(6), (b)(7)(C)	DATE 28 Sep 04
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About 1155, 25 Sep 04, SA [REDACTED] interviewed SFC [REDACTED] C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ (Fort Riley, KS), who provided a sworn statement, in which he detailed his knowledge of the incident. (See Sworn Statement for details)

About 1345, 25 Sep 04, SA [REDACTED] briefed CPT [REDACTED] Trial Counsel, on all aspects of this investigation. CPT [REDACTED] related charges would be preferred against SSG [REDACTED] and SSG [REDACTED] CPT [REDACTED] related his office would determine to prefer charges against LT [REDACTED] at a later date.

About 1418, 25 Sep 04, SA [REDACTED] and [REDACTED] coordinated Mr [REDACTED] Major Crime Unit, Baghdad Division, Baghdad, Iraq, who was briefed on all aspects of this investigation. Mr [REDACTED] will attempt to locate and identify the victim of this investigation.

About 0808, 26 Sep 04, SA [REDACTED] interviewed SGT [REDACTED] Headquarters-Headquarters Company, 1-41st Infantry Regiment, Camp Cuervo, IZ (Fort Riley, KS), who related on the date in question she was on call for any patient pickup. SGT [REDACTED] related he was awoken and told to get ready about 0230 and she was ready to go within minutes. SGT [REDACTED] related they were picked up by a convoy of our scouts and led up route Predators to the incident site. SGT [REDACTED] related they were led to a traffic circle where I could see a large cargo or dump truck with a fire burning in the back. SGT [REDACTED] related as he dismounted the truck a scout used his light to show me a "patient" on the road south of the truck. He was lying face down and his intestines were coming out of his abdomen. SGT [REDACTED] related he was informed that he was indeed dead. There was a large area covered in blood around him. SGT [REDACTED] related he then turned back to the truck and began to proceed towards it. As he got closer he could see several men sitting next to the truck. Next to them were four children lying on the ground with various injuries, and a man (young) that was dead. SGT [REDACTED] related he took the dead mans pulse and checked for respiration but they were both absent. SGT [REDACTED] began to asses the children's injuries. SGT [REDACTED] determined that he needed four litters from my track, so he went to get them. Upon returning to the truck he noticed a foot towards the rear of the truck sticking out of the fire. The foot was very small in size and it had a sneaker on it. Again he also noticed at the front of the truck a hand protruding from a spot that was on fire. Again it was a small body part belonging to a child. The two body parts were too far apart to be the same child. SGT [REDACTED] related he guessed someone noticed him looking at the burning children because they said, "yeah there are a couple of kids back there". SGT [REDACTED] related he do not know who it was that said that. There was not enough light to see all the soldiers that were standing around. After that SGT [REDACTED] related he began treating the children and preparing them for evacuation. SGT [REDACTED] related one child had massive head trauma and he was loaded with ease. Another child had a possible broken femur. He did not want to go to the hospital. SGT [REDACTED] related the child would not let him touch him. SGT [REDACTED] related the child had put himself on the litter. SGT [REDACTED] related he talked the child into going. The other two had shrapnel wounds and they were eager to go. Once the patients were loaded they sat for

TYPER, AGENT'S NAME AND SEQUENCE NUMBER S [REDACTED] 78 th MP Det (CID), Camp Victory, IZ	SIGNATURE [REDACTED]	DATE 28 Sep 04
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approximately twenty minutes. SGT [REDACTED] related he asked the escort what was taking so long. SGT [REDACTED] related he was told that "they" were trying to figure out what to do with the bodies. SGT [REDACTED] related he informed him that if we did not leave that the children would die. SGT [REDACTED] related the message was radioed to higher command and they left within a few minutes. SGT [REDACTED] related he took them to a level 2 treatment facility at Camp Cuervo. SGT [REDACTED] related all further care given to the children was given there. SGT [REDACTED] related he was told at that time that I had to give them someone to accompany the children to the combat support hospital (CASH) since they were listed as Enemy Prisoner of War's (EPW). SGT [REDACTED] related his driver went with them and he left and went back to Camp Ironhorse, IZ.

About 1250, 26 Sep 04, CPT [REDACTED] provided this office a document, which listed the wounded and killed individuals in the Garbage truck incident on 17 Aug 04. (See document for details)

About 1342, 26 Sep 04, SA [REDACTED] re-interviewed SPC [REDACTED] C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ, who provided a sworn statement, his primary duty was a driver and assigned to military vehicle C32 with SSG [REDACTED] and SPC [REDACTED] SPC [REDACTED] related prior to the deployment, he signed for one M-16A4 and (2) M-231 (Port Firing Weapon). SPC [REDACTED] related the M-231s were stored in the rear of the vehicle in its designated weapons section. SPC [REDACTED] related SSG [REDACTED] usually utilizes the M231 during patrol activities. SPC [REDACTED] related SSG [REDACTED] was in a bad mood prior to the dump truck incident. SPC [REDACTED] related he had no knowledge of any incident(s) pertaining to the killing of Iraqis during cordon searches in Sadr City, Baghdad, IZ. SPC [REDACTED] could not add anything else pertinent to this investigation.

About 1437, 26 Sep 04, SA [REDACTED] interviewed SPC [REDACTED] C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ, who provided a sworn statement, in which he stated between 2-3 times, he saw LT [REDACTED] and SSG [REDACTED] talking near the dump truck. SPC [REDACTED] could not add anything else pertinent to this investigation. (See Sworn Statement for details)

About 1501, 26 Sep 04, SA [REDACTED] interviewed SPC [REDACTED] C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ, who provided a sworn statement, in which he stated he saw LT [REDACTED] and SSG [REDACTED] walk around the dump truck. SPC [REDACTED] could not add anything else pertinent to this investigation. (See Sworn Statement for detail)

About 1535, 26 Sep 04, SA [REDACTED] interviewed SSG [REDACTED] C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ (Fort Riley, KS), who provided a sworn statement, in which he detailed his knowledge of the incident. SSG [REDACTED] could not add anything pertinent to this investigation; however, stated SSG [REDACTED] told him that during the cordon searches that two of the enemy killed in action (KIA) did not reach for weapons or put up any fight. SSG [REDACTED] related they were killed for no reason. The aforementioned events are surrounding those

TY [REDACTED]

SA [REDACTED]
78th MP Det (CID), Camp Victory, IZ

SIGNATURE

[REDACTED]

DATE

28 Sep 04

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ACLU-RDI 5867 p.77

10-L-0126 ACLU DD III (CID ROI) 1896

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incidents are documented in CID Report of Investigation: 0331-04-CID259-80336, this office. (See Sworn Statement for details)

About 1552, 26 Sep 04, SA [redacted] interviewed SPC [redacted] C Company, 1 / 41st Infantry Regiment, Camp Cuervo, IZ (Fort Riley, KS), who related his primary duty was a gunner and assigned to military vehicle C32 with SSG [redacted] and SPC [redacted] SPC [redacted] related he could not see the dump truck from his location. SPC [redacted] related SSG [redacted] always utilized the M231, Port Firing Weapon. SPC [redacted] related he had no knowledge or heard any conversation(s) between SSG [redacted] SSG [redacted] or LT [redacted] regarding the dump truck incident. SPC [redacted] related SSG [redacted] was in a bad mood prior to the dump truck incident. SPC [redacted] related he had no knowledge of any incident(s) pertaining to the killing of Iraqis during cordon searches in Sadr City, Baghdad, IZ. SPC [redacted] could not add anything else pertinent to this investigation.

About 1630, 26 Sep 04, SA [redacted] briefed CPT [redacted] Commander, on all aspects of this investigation.

About 1710, 26 Sep 04, SA [redacted] conducted canvass interviews of the remaining personnel assigned to 3rd Platoon, C Company, 1-41st Infantry Regiment, Fort Riley, KS (deployed to Iraq). A Canvass Interview Worksheet was prepared documenting personnel interviewed. None of the personnel interviewed had anything pertinent to add to this investigation. (See Canvass Interview Worksheet for details)

About 1330, 28 Sep 04, SA [redacted] coordinated with CPT [redacted] Trial Counsel, who provided this office a copy of the entire 15-6 Investigation, dated 27 Aug 04, pertaining to the Dump Truck Incident. (See 15-6 Investigation for details)

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

Table with 3 columns: TYPED AGENT'S NAME AND SEQUENCE NUMBER, SIGNATURE, DATE. Row 1: SA [redacted], [redacted], 28 Sep 04

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EXHIBIT 20

SWORN STATEMENT

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

LOCATION Victory Camp Cuervo, Iraq	DATE 29 Sept 04 11:30	FILE NUMBER
(b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E/4 SPC

ORGANIZATION OR ADDRESS
C/O 141 inf

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

we left Camp Cuervo Time unknown we
 were setting on route predators
 when my Lt watched a dump truck coming
 down the road ~~and~~ throwing boxes out
 of the back my Lt Reported it up after
 the dump truck passed ~~and~~ ~~engaged~~
 my gunner engaged the boxes
 it seemed as if tracers came back towards
 us from the boxes the our 32 Viechal was
 going to engage another box and before
 he could the box exploded so we left
 and moved up to where the dump truck
 had been engaged our Lt dismounted with
 our demomunts and inspected the dump truck
 for ICA's and WIA's

Q: SA (b)(6), (b)(7)(C)

A: SPC (b)(6), (b)(7)(C)

Q: How long have you been in the U.S. Army ?

A: Almost 4 years

Q: What's your military occupational specialty?

A: 11B, Infantry

Q: How long have your been deployed to Iraq?

A: Since June 04

Q: What's your position (duty) with unit ?

A: Driver. (b)(6), (b)(7)(C)

Q: What's weapons ~~are~~ you did you sign for prior to this deployment ?

A: M-16, (a) M-231 Port Firing Weapons

Q: Who has ~~access~~ to the where are the M-231 located within the

EXHIBIT	INITIALS OF PERSON (b)(6), (b)(7)(C)	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FILE NUMBER:

STATEMENT OF [REDACTED]

TAKEN AT Camp ^{Victory} Exercise, 12

DATED 25 Sep 04

CONTINUED

vehicle?

A: In the rear of the vehicle inside the weapon holders.

Q: Who has access to the M-231s?

A: Anyone that can get in the vehicle.

Q: ~~Did you~~ Do you recall seeing SSG [REDACTED] remove the M231 out of the weapon holder during the dump truck incident?

A: No, but he's behind me.

Q: Do you recall seeing SSG [REDACTED] leave the vehicle during the night of the incident?

A: No, but he's behind me. So I wouldn't be able to see him if did get out.

Q: Based on previous experience, did the Bradley Commander ^{maintain} ~~the mount~~ with the M231?

A: yes a lot of BC's will keep a 231 with them in the turret for protection.

Q: Which vehicle are you assigned to?

A: C31

Q: Who is the the BC for C31?

A: LT [REDACTED]

Q: Which vehicle is SSG [REDACTED] assigned?

A: C32

Q: Which vehicle is SSG [REDACTED] assigned?

A: C31

Q: Did SSG [REDACTED], SSG [REDACTED], or LT [REDACTED] tell you anything regarding the final disposition of the wound Iraqi next to the dump truck?

A: No.

Q: During the incident, how many times did LT [REDACTED] leave C31 to visit the dump truck area?

A: once.

Q: How long was LT [REDACTED] at the dump truck scene?

A: 20-25 minutes

Q: Do you recall seeing LT [REDACTED] talking with SSG [REDACTED] at the dump truck scene?

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT:

ACLU-RDI 5867 p.80

10-L-0126 ACLU DD IN (CID ROI) EXHIBIT # 23

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STATEMENT OF: [REDACTED]

TAKEN AT: Camp Victory Cuervo, IZ

DATED: 25 Sep 04

A: No.

Q: What's the normal protocol pertaining PLT leader and PLT Sgt at the scene?

A: The Lt dismounts with the dismount Squad leader for the Command and Control of the Squad and the PSF Controls the ~~activities~~ ^{(b)(6), (b)(7)(C)} Vehcles

Q: What's the normal protocol pertaining to PLT Wr and Squad leader at the scene?

A: The Lt linked up with the Squad leader on the ground and assesses the situation

Q: ~~Whose~~ ^{(b)(6), (b)(7)(C)} ~~the~~ Who was the squad leader present during the dump truck incident?

A: SSG ^{(b)(6), (b)(7)(C)}

Q: What knowledge do you have pertaining pertaining to SPC ^{(b)(6), (b)(7)(C)} SGT ^{(b)(6), (b)(7)(C)} ^{(b)(6), (b)(7)(C)} and LT ^{(b)(6), (b)(7)(C)} regarding ~~an~~ Iraqis being killed during cordon searches in Sadr City, IZ?

A: only that they had been searching house when an ^{(b)(6), (b)(7)(C)} ~~Iraqi~~ it came over the Radio that an Iraqi had pulled a weapon and was killed but no names where given as to who killed the Iraqi

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

A: No. /// End of Statement // ^{(b)(6), (b)(7)(C)}

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 4

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

EXHIBIT: 883

STATEMENT (Continued)

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

not used

AFFIDAVIT

[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.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of September, 20 04 at Camp Victory, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] (Typed Name of Person Administering Oath)

Article 136 (Authority To Administer Oaths)

INITIALS [REDACTED] COMMUNICATING STATEMENT

PAGE 4 OF 4 PAGES

SWORN STATEMENT

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

LOCATION Camp Victory, Iraq	DATE 25 SEP 04 11:55	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-7

ORGANIZATION OR ADDRESS
CCO 1-41 IN (M) FORT RILEY, KS 66442

I, **(b)(6), (b)(7)(C)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WE LEFT CAMP CUERVO TO MOVE INTO SECTOR ALONG ROUTE PREDATOR. I WAS ORIENTED NORTH APPROXIMATELY 200 METERS SOUTH OF A TRAFFIC CIRCLE ALONG WITH C33. I HAD MY 2ND SQUAD LOCATED IN A BUILDING TO MY EAST APPROXIMATELY 150 METERS IN AN O.P. POSITION. AT APPROXIMATELY 0130 IN THE MORNING, A SECTION, WHO WAS LOCATED APPROXIMATELY 800 M TO OUR SOUTH, REPORTED THAT THEY HAD A DUMP TRUCK COME THROUGH THEIR POSITION THROWING STUFF OUT OF IT THAT WAS EXPLODING AS IT HIT THE GROUND. THEY COULD NOT ENGAGE BECAUSE THE DUMP TRUCK WAS MOVING NORTH TOWARDS OUR LOCATION. I TURNED AROUND AND OBSERVED THE DUMP TRUCK THROUGH MY PVS-14'S AND SAW THAT IT WAS THROWING STUFF OUT OF IT THAT WAS EXPLODING WHEN IT HIT THE GROUND. OUR EARLIER INTELLIGENCE UPDATE INFORMED US TO BE CAUTIOUS OF DUMP TRUCKS BECAUSE THE ENEMY HAD BEEN USING THEM TO TRANSPORT PERSONNEL AND WEAPONS. ONCE THE VEHICLE HAD MOVED THROUGH OUR SECTOR, B. SECTION ALONG WITH 2ND SQUAD ENGAGED THE DUMP TRUCK. AFTER CEASE FIRING, SGT **(b)(6), (b)(7)(C)** CALLED ON THE RADIO AND SAID HE COULD OBSERVE ENEMY WOUNDED. I TOLD HIM AND C33, 556 **(b)(6), (b)(7)(C)** TO CONTINUE OBSERVING THE OBJECTIVE AREA AND TO KEEP AN EYE ON THE ENEMY WOUNDED UNTIL A SECTION COULD MOVE THROUGH OUR POSITION AND SECURE THE NORTH SIDE OF THE OBJ AREA. AFTER A SECTION MOVED THROUGH OUR POSITION, I HAD B. SECTION (C33 & 556) ORIENT SOUTH ALONG WITH MY 2ND SQUAD PROVIDING SECURITY ON THE OBJ AND ORIENTED WEST & SOUTH. AROUND THAT TIME WE WERE ENGAGED WITH SMALL ARMS FIRE FROM THE SOUTH. AFTER THE OBJ WAS SECURED B SECTION WAS GIVEN THE ORDER TO MOVE TO A SECOND ENGAGEMENT AREA APPROXIMATELY 2000 M TO OUR NORTH. WE MOVED TO THAT LOCATION AND HAD TO MAKE A SWEEP OF THAT AREA TO LOCATE AN ENEMY KIA. AFTER THAT LOCATION WAS SECURED, WE WERE GIVEN THE ORDER TO MOVE BACK TO THE ORIGINAL LOCATION TO BLOCK TRAFFIC SOUTH OF THE TRAFFIC CIRCLE. I TOOK DOWN GRIDS OF THE SECOND OBJ AREA ALONG WITH THE GRID TO THE FIRST OBJ AREA AND INFORMED HIGHER THAT THERE WAS ENEMY KIA AT THOSE LOCATION THAT NEEDED TO BE TRANS PORTED.

Q SA **(b)(6), (b)(7)(C)**

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

FILE NUMBER:

STATEMENT OF SFC [REDACTED] TAKEN AT Camp Cuervo DATED 25 Sep 04 CONTINUED

A: SFC [REDACTED]

Q: Do you have any knowledge regarding SSG [REDACTED] SSG [REDACTED] and 2LT [REDACTED] about the dump truck incident?

A: No.

Q: Do you have any knowledge regarding SPC [REDACTED] SGT [REDACTED] SPC [REDACTED] and 2LT [REDACTED] pertaining any Iraqi killings during the cordon searches?

A: WHILE DOING A CORDON SEARCH IN SADR CITY, I WAS PROVIDING OVER WATCH (SECURITY) FOR 2ND SQUAD. I WAS LOCATED TO THEIR SOUTH EAST APPROXIMATELY 50 METERS. THEY WENT TO ENTER A BUILDING TO CLEAR IT. A FEW MINUTES AFTER THEY ENTERED, I HEARD 1 OR 2 ROUNDS OF SMALL ARMS FIRE. SGT [REDACTED] REPORTED TO ME THAT HE HAD 1 ENEMY KIA AND HAD CONFISCATED AN A-K-47 WITH AN MAGAZINE OF AMMUNITION I INSTRUCTED HIM TO MOVE THE KIA AND WEAPON TO MY LOCATION. I ASKED ONE OF THE TEAM MEMBERS WHAT HAD HAPPENED INSIDE THE BUILDING AND THEY STATED THAT THEY ENGAGED THE PERSON AFTER HE HAD WENT FOR HIS WEAPON.

Q: Do you recall if you asked one of the team members before or after you returned back to Camp Cuervo about the enemy KIA?

A: I am not sure.

Q: Was it face to face conversation?

A: Yes.

Q: Do you recall the name of the team member?

A: I believe it was SGT [REDACTED]

Q: Did you ever leave C34 during the incidents mentioned above?

A: No.

Q: Is there anything you wish to add to this statement?

A: No. // END of Statement // [REDACTED]

STATEMENT (Continued)

[Lined area for statement content, mostly obscured by a diagonal line and redactions]

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

NOT USED

AFFIDAVIT

(b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

(b)(6), (b)(7)(C) (Signature of Person Administering Oath)
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25th day of September, 20 04 at Camp Victory, 12

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

Garbage Truck Incident (17Aug04)

Wounded

Moeed Hallata Hamad	-	Worker	
Hazim Wahab Hamad	-	Worker	
Saad Sultan	-	Worker	
Shalan Ali Nizam	-	Driver	- Veh Plate # - 15591 Baghdad
Hussain Yassir Huraish	-	Worker	
Ali Aydam Assal	-	Worker	
Kadim Moih Moqten	-	Worker	

Killed

Waleed Khalifa Abbas	-	Worker	
Yassin Khalifa Abbas	-	Worker	
Yasir Majid Yassin	-	Worker	
Hussain Hassan Dashir	-	Worker	
Malik Thamir Obaid	-	Worker	
Ali Hallata Hamad	-	Worker	
Qassim Hassan Najim	-	Worker	
Emad Rahim Sultan	-	Driver	- Veh Plate # - 12872 Baghdad
Haydar Ali Esmael	-	Driver	- Veh Plate # - 39661 Musil

POC CPT

[Redacted]

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

[Redacted]

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

[Redacted]

Manager

SWORN STATEMENT

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

LOCATION Camp Cuervo, IZ	DATE 26 Sept 2004	TIME 1342	EMPLOYEE NUMBER (b)(6), (b)(7)(C)
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS E-4 / SPC

ORGANIZATION OR ADDRESS

C Co 1-41 IN

(b)(6), (b)(7)(C) _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA

SPC

Q: What vehicle are you assigned?

A: C32

Q: What's your position?

A: Driver

Q: How many weapons did you sign for prior to this deployment?

A: three weapons and a bayonet.

Q: Describe the three weapons

A: one M-16A4 and two M231

Q: What's a M231?

A: Port firing weapon

Q: Where do you store the port firing weapon within C32?

A: Right side in the back of C32 on its clips

Q: Who usually utilize the M231 weapon?

A: I know SSG (b)(6), (b)(7)(C) uses it when we go out on patrol.

Q: Did you recall Do you recall seeing SSG (b)(6), (b)(7)(C) w/ the M231 weapon near the dump truck incident on 17-18 Aug 04?

A: No.

Q: Do you have any knowledge of any other incident regarding the killing of Iraqi civilians in Sadr City, IZ?

A: No.

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

A: No. /// End of Statement ///

EXHIBIT	(b)(6), (b)(7)(C) MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF
STATEMENT (Continued)

TAKEN AT

DATED

CONTINUED:

NOT

(USC)

[Redacted]

AFFIDAVIT

(b)(6), (b)(7)(C) [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. (b)(6), (b)(7)(C) [Redacted]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Sep, 20 04 at Camp Cuervo, 12

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C) [Redacted]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA

(b)(6), (b)(7)(C) [Redacted]

(Typed Name of Person Administering Oath)

Article 136

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) [Redacted]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION <u>Camp Cuervo, IZ</u>	DATE <u>20090226</u>	TIME <u>1437</u>	(b)(6), (b)(7)(C) E NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		GRADE/STATUS <u>E4 1RA</u>

ORGANIZATION OR ADDRESS
C Co. 1-41st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)
(b)(6), (b)(7)(C)

_____ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA (b)(6), (b)(7)(C)
A: SPC (b)(6), (b)(7)(C)

Q: How long have you been in Iraq?
A: since 15 Jun 04

Q: What's your military occupational specialty?
A: 11B (b)(6), (b)(7)(C)

Q: What vehicle are you assigned?
A: C31

Q: Who are assigned to your vehicle?
A: SPC (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C) The dismounts are SSG (b)(6), (b)(7)(C)
SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C)

Q: Do you recall seeing SSG (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C) talking near the dump truck?
A: Yes

Q: Do you recall or heard the substance of SSG (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C) conversation?
A: No.

Q: Do you recall seeing SSG (b)(6), (b)(7)(C) near the dump truck?
A: No.

Q: Do you recall hearing any gun fire near the dump truck?
A: No. I was wearing combat vehicle crew member helmet.

Q: How many times did you see SSG (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C) talking near the dump truck?
A: 2-3 times

Q: How long were each conversation(s)?
A: 1-2 minutes

Q: What is your position within C31?
A: I am a gunner.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

TAKEN AT

DATED

CONTINUED:

STATEMENT (Continued)

Q: Do you have any knowledge of any other incident regarding the killing of Iraqi civilians in Sadr City

A: No.

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

A: No. /// End of statement ///

AFFIDAVIT

(b)(6), (b)(7)(C) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Sep, 20 04 at Camp Cuervo 12

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C) (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C) (Typed Name of Person Administering Oath)

Article 136 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION Camp Cuervo, 12	DATE 26 SEP 04 1501	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E4 IRA
ORGANIZATION OR ADDRESS C Company, 1-41 st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)		

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA (b)(6), (b)(7)(C)

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

Q: What's your MOS?

A: 11B

Q: What vehicle are you assigned to?

A: C31

Q: Who are the members assigned to C31?

A: LT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) SGT (b)(6), (b)(7)(C) SPC (b)(6), (b)(7)(C) PFC (b)(6), (b)(7)(C) and I.

Q: What's your position w/in C31?

A: SAW gunner

Q: Do you recall the incident regarding the dump truck and what was your job on scene?

A: yes, I pulled security near the track.

Q: Do you recall seeing LT (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) near the dump truck?

A: Yes, they walked around the dump truck.

Q: Did anyone ever tell you the situation surrounding the wounded Iraqi on the other side of the truck?

A: No.

Q: Do you recall hearing any gun fire after the dump truck was stopped?

A: No.

Q: Do you have any knowledge of the killing of Iraqi civilians in Sadr City during cordon searches?

A: No.

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

A: No. /// End of statement /// (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF

TAKEN AT

FILE NUMBER:
DATED

CONTINUED:

STATEMENT (Continued)

NOT
WISE

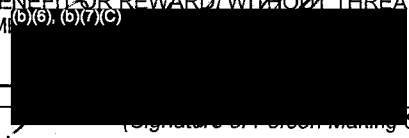


(b)(6), (b)(7)(C)

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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



(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Sep, 20 04 at Camp Cuervo, 12

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



(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

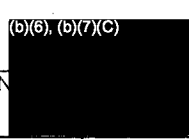
(b)(6), (b)(7)(C)



(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

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



IN _____ ON MAKING STATEMENT

Article 136
(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

99

SWORN STATEMENT

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

LOCATION Camp Cuervo, IZ	DATE 26 Sept 04 1535	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E6 IRA

ORGANIZATION OR ADDRESS
C Co. 1-41st INF
(b)(6), (b)(7)(C)

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SSG

Q: Do you have any knowledge of the dump truck incident involving SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) and LT (b)(6), (b)(7)(C)

A: No.

Q: Did SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) or LT (b)(6), (b)(7)(C) ever tell you anything regarding the wounded Iraqi civilian near the dump truck?

A: No.

Q: Do you have any knowledge of the killing of Iraqi civilians during cordon searches in Sadr City?

A: Yes.

Q: Elaborate?

A: I was informed that during our cordon search that two of the KIA we took did not reach for weapons or put up any fight. I was told that they were killed for no reason.

Q: Who told you the above information?

A: SSG (b)(6), (b)(7)(C)

Q: Did SSG (b)(6), (b)(7)(C) ever tell you how he came across the information?

A: It was somebody within that Squad (b)(6), (b)(7)(C)

Q: What knowledge do you have the killing after the Iraqi on the same night of the dump truck incident?

A: The individual was located outside of our engagement area very close to our dismount OP. My vehicle rolled over him and at that time he had no weapons I could see. Neither my driver nor gunner saw the individual.

Q: Did anyone ever tell you anything about the Iraqi near the OP?

A: No.

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

A: No. /// End of Statement /// (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF TAKEN AT

STATEMENT (Continued)

~~Not Used~~

(b)(6), (b)(7)(C) IT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Sep, 2004 at Camp Cuero, TX

ORGANIZATION OR ADDRESS

(b)(6), (b)(7)(C)
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(7)(C)
(Typed Name of Person Administering Oath)

Article 136
(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

CANVASS INTERVIEW WORKSHEET

NAME/GRADE (b)(6), (b)(7)(C) / PFC	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	No knowledge
NAME/GRADE (b)(6), (b)(7)(C) / SPC	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	No knowledge
NAME/GRADE (b)(6), (b)(7)(C) / SSG	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	No knowledge
NAME/GRADE (b)(6), (b)(7)(C) / PFC	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	No knowledge
NAME/GRADE (b)(6), (b)(7)(C) / PFC	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	No knowledge
NAME/GRADE (b)(6), (b)(7)(C) / SPC	SSN (b)(6), (b)(7)(C)	NOTES:
UNIT/ADDRESS C Company, 1-41 st INF Rgt, Fort Riley, KS (deployed to Camp Cuervo, Iraq)	WK PH: HM PH:	No knowledge
NAME/GRADE	SSN	NOTES:
UNIT/ADDRESS	WK PH: HM PH:	

FOR OFFICIAL USE ONLY

EXHIBIT 30

Exhibit 31

Pages 103 and 114 referred to:

FOIA OFFICE (IMWE-HOD-HRA),
BUILDING 4230,
78TH STREET & SANTA FE AVENUE,
FORT HOOD, TEXAS 76544-5000

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

Appointed by (b) (6) [REDACTED] COL, AR
 (Appointing authority)
1ST BRIGADE, 1ST CAVALRY DIVISION, COMMANDING

on 18 AUG 2004 (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 CAMP IRONHORSE, BAGHDAD, IRAQ at 15:00
 (Place) (Time)

on 18 AUG 2004 (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 18:00 on 24 AUG 2004
 (Time) (Date)
 and completed findings and recommendations at 17:30 on 27 AUG 2004
 (Time) (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)?			
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.				

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

The (investigating officer) (board), having carefully considered the evidence, finds:
See attached memo.

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

In view of the above findings, the (investigating officer) (board) recommends:
See attached memo.

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.)

Headquarters, 1st Brigade, 1st Cavalry Division
Camp Ironhorse, Baghdad, Iraq
APO AE 09373

27 August 2004

MEMORANDUM FOR COMMANDER, 1ST BRIGADE, 1ST CAVALRY DIVISION

SUBJECT: Findings of Investigation

1. I was appointed investigating officer on 18 August 2004 by COI (b) (6) [redacted] Commander of 1st Brigade, 1st Cavalry Division, for the purpose of determining the facts surrounding the engagement of three dump trucks in the early morning hours of 18 August 2004 by units attached to or organic to this brigade.

2. On 18 August, I obtained a copy of the operations log from Headquarters, 1st Battalion, 41st Infantry, located adjacent to the 1st Brigade headquarters on Camp Ironhorse. I traveled to Camp Cuervo, located in the outskirts of Baghdad, Iraq, on 19, 20, and 21 August to interview those U.S. service members involved in the incident. On 22 August I interviewed the owner of the trucks involved in the incident. I also traveled to Logistical Staging Area Anaconda in Balad, Iraq, to visit Iraqis who had been hospitalized there as a consequence of the engagement. On 23 August, I further interviewed members of the battalion staff of 1-41 Infantry.

3. I find the following to be the facts of the case:

A. The engagements in question occurred in the area of responsibility of Task Force 1-41, which was comprised of various elements under the command and control of Headquarters, 1st Battalion, 41st Infantry. The elements under their control included:

- C/2-70 Armor
- B/2-14 Infantry
- 3/C/1-41 Infantry

All of these units arrived in theater within the last 30 days and had only been in this area of Baghdad for 3 or 4 days when this incident occurred.

B. These engagements occurred during the course of combat operations in an area adjacent to Sadr City in the 9 Nissan district near the following grid coordinates (see Exhibit AC):

- MB 547915
- MB 549916
- MB 531887

C. There were three separate engagements of three different trucks. These trucks are all owned by a Mr. Ali Ismael, who has been contracted through the Zoza Company and the Amanat of Baghdad to collect trash (see exhibits D-H). The trucks are registered as having the following license plate numbers and identifying information(see exhibits E-G and AE-AN):

Nenewah 39661, 1987 Scania, driven by Haider Ali Ismael
Baghdad 15591, 1971 Scania, driven by Shalaam Ali Nazem
Baghdad 12872, 1970 Scania, driven by Amaad Rahim Sultan

D. Seven Iraqi Nationals were killed in the course of the engagement. They were (see Exhibits A, D-G):

- Yaseen Khalifa Abbaas ✓
- Waleed Khalifa Abbaas ✓
- Yasir Majeed Yaseen ✓
- Hussein Hassan Dishar ✓
- Maalik Thamir Obeid ✓
- Ali Halaatah Hamid ✓
- Qaasim Hasaan Najim ✓

E. At least eight Iraqi Nationals were wounded in the course of the engagement. They were (see Exhibits A, D-G):

- Haider Ali Ismael ✓
- Sha'laan Aki Nadham ✓
- Hussein Yaasir Hraish ✓
- Amaad Rahim Sultaan ✓
- Mou'id Halaatah Hamid ✓
- Haazim Wahaab Hamid ✓
- Ali Aidam Asak ✓
- Kadhim Mou'ih Muftan ✓
- ~~Imad Rahim Saad~~ ✓
- ~~Abdul Majid Hassan~~ ✓

F. All three trucks involved in the incident were owned by a Mr. Ali Ismael, who has a contract with the Zoza company and the Amanat of Baghdad to collect solid waste in various parts of Baghdad, to include the 9 Nissan area (see exhibits D-H). All of the dead and wounded Iraqi Nationals were employees of his firm.

G. The trucks and associated personnel were performing their contracted solid waste collection duties on 17 and 18 August 2004 in the usual area at the usual times (see Exhibits D, E, and H). Normally, the workers collect trash between 23:00 and 07:00 in this area to accommodate the business hours of the commercial section (see Exhibit E).

H. The U.S. units involved had all been fighting heavily in Sadr City the previous 24 hours. They were given a mission of occupying Route Predators to secure it from IED implantation in order to allow free use of the route by other units the next day (see Exhibits L, O, S, and X). They had been warned to watch for enemy activity and especially the emplacement of Improvised Explosive Devices (IED's) (see Exhibits C, L, Q, S, and X).

I. The units were in position by 2400 on 17 AUG 2004. The first unit that noticed significant activity was B/2-14 IN, which had the southernmost position of the units involved along Route Predators (see Exhibits I and K). At about 2030, they noted "children" sweeping and otherwise picking up trash along the route with brooms, shovels,

SUBJECT: Findings of Investigation

27 AUG 2004

and wheel barrows (see Exhibit I). Around 2130, 2/B/2-14 received small arms fire and returned fire at targets at "extreme range." At approximately 22:50, the Company Commander ordered his elements to open fire on a small vehicle traveling at high speed that left the area to their North from which small arms fire had been coming. The unit had tried to get the vehicle to stop with gestures and other communications methods, but it did not stop, which the soldiers interpreted as hostile intent. At approximately 23:00, the same unit encountered three (3) dumptrucks, which backed up and tried to maneuver away from the unit. They chased down and inspected the dump trucks and found in them only garbage and "children" wearing road guard vests. The dump trucks were ordered to turn away and this unit encountered no other incidents that night (see exhibits H and I).

K. North of B/2-14 on Route Predators was 2nd Platoon, C/1-41 Infantry, which had been cross-attached to C/2-70 Armor. The platoon had 4 Bradley vehicles in two locations 800 meters apart. One pair of Bradleys was south of an intersection and the other pair was north of the intersection. Each pair was oriented on Route Predators and had patrolled the route before settling into position around 2030. At approximately 2400, the platoon received information that dump trucks were being used to transport personnel north into Sadr City to reinforce enemy personnel there. The northernmost team of Bradleys observed two dump trucks with personnel in the back move North through their sector, but they did not engage them because they committed no hostile acts (see Exhibit L and O). At approximately 0200, a dump truck passed the Platoon Leader's position and was observed to throw some sort of burning or smoldering object out of the truck, vicinity MB 533890. The section engaged the objects, but not the truck, and some seemed to explode, both after being struck by 7.62mm fire and without being struck by fire (see Exhibits P). Shortly afterwards, another dump truck was seen near the Platoon Leader's position apparently throwing objects out of the back of the vehicle. As it passed the Platoon Sergeant's section (B-section), the Platoon Sergeant's gunner engaged the truck with High Explosive rounds while the other Bradley and the detached security element also engaged the truck. Secondary explosions were noted inside the truck (see Exhibits L-T and AL-AN).

L. North of C/1-41 Infantry was a section of M-1 Abrams tanks from C/2-70 Armor, vicinity MB 550919, led by the Platoon Leader and oriented along Route Predators. They heard the reports of dump trucks tossing out exploding packages by 2/C/1-41 Infantry on the radio, and they witnessed the engagement of one of the dump trucks approximately 1,000 meters to their south. The section noticed a dump truck heading north along Route Predators towards them, also apparently throwing objects out of the back of the truck. Based on the events reported by the Mechanized platoon, they perceived the truck as hostile and began to engage with 7.62mm coaxial machine gun fire to slow it down or disable it. The truck stopped for 2 or 3 minutes and then began to move again. The tank commander notified the Company Commander of C/2-70, who then gave the order to fire the tank's main gun because of the 600 meter range to the truck. The tank fired a HEAT round at the front grille of the truck and stopped it dead. It then caught on fire (see Exhibits U-X and AE-AG).

M. After engaging the trucks as late as 0230 on 18 August 2004, the Commander of C/2-70 Armor notified the Tactical Operations Center of 1-41 Infantry. An EOD report was received by the 20th Engineer Battalion Tactical Operations Center at 0230 and passed to an Engineer/EOD response team of 2 x EOD technicians led by an Engineer 2LT (see Exhibits Y, AA, AB, AC, and AD). The team arrived at the scene and was escorted by the unit to the site of some boxes on the road, thought to be IED's by the soldiers there. The EOD team had originally heard that the unit had encountered mines. The members of 2/C/1-41 were now saying that there were no mines, but that there were, instead, boxes with possible IED's inside. The EOD team deployed its robot and looked at 2 boxes that were scattered on the road. They determined that they were all empty boxes or box lids. They reloaded the robot and went to the sight of the second truck, further north on Route Predators. The EOD team noted that vehicles from C/2-70 and its attached Bradley platoon were driving very near the boxes in the road, rather than keeping a distance. At the second site, they saw more boxes on the road. The robot failed to deploy, so the EOD arranged for tanks from C/2-70 to shoot each of the boxes with coaxial machineguns. After each box had been shot, it was inspected by EOD and no boxes were found to contain IED's or any other explosive (see Exhibits Y, Z, and AA - AC). There were no indications of any bombs at the site nor was there an indication that anything had actually exploded (see Exhibit Y).

N. Wounded Iraqi Nationals who remained on the scene were treated by U.S. personnel and by U.S. medical personnel, to include hospitalization of at least 1 of the wounded at the 31st Combat Support Hospital in Baghdad and at least 4 of the wounded at the 31st Combat Support Hospital in Balad, Iraq. At least one Iraqi, Sa'ad Sultan, left the scene in an unknown condition and another, Haider Ali Ismael, lost three fingers and sustained a head wound, but made his way home and then to the Al-Kindi Hospital, from which he was released (see Exhibits E and H).

4. Determination. As the investigating officer, I determine that it is more likely than not that the Iraqis involved in this incident are innocent employees of Mr. Ali Ismael who were performing their routine duties as solid waste collectors on the evening of 17 - 18 August 2004. The United States Army forces in the area that night were performing their duties in an unfamiliar area after having spent the last 24 hours in intense combat only a few kilometers away. They were tired, under strain to conduct operations, and had reason to believe that any unusual activity in their immediate area may be hostile in nature. Each of the three encounters between the Iraqis and the U.S. forces fed upon the last until a series of chance encounters was interpreted by U.S. forces as a concerted hostile effort. While efforts were made on the part of the employees of Mr. Ismael to not let trash escape the truck, some activity finally took place which was interpreted by U.S. personnel to be the detonation of explosive devices. Despite having been stopped and searched once by U.S. forces, those forces failed to track the vehicle as a non-threat as he continued on with his business. Likewise, the Iraqi drivers panicked or did not understand how to react when they came across U.S. unit on Predators, and they undertook actions (such as driving fast and continuing to drive despite instructions to stop) which were interpreted as hostile by the U.S. forces. The vague environment contributed to each party's suspicion of the other

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party; the result was a decision to open fire on targets that were not hostile.

5. Recommendation. I recommend that units identify, track, and pass off non-hostile vehicles and people as they move about in a combat unit's AO. Such actions will not only prevent the shooting of innocent civilians, it will also preclude the time-consuming effort needed to re-inspect a vehicle or person every time he encounters another element from the unit in control of that AO. I also recommend that information be given to the local population describing the actions expected when they encounter U.S. forces on patrol in their area. The information should be based on the SOP's of the unit for conducting security operations. An education will alert the local populace to which actions are interpreted as hostile so that they do not inadvertently bring fire upon themselves. Finally, a reiteration of the Rules of Engagement to the chain of command of 1st Battalion, 41st Infantry would be in order, to both clarify what those rules are and the conditions under which they change, and to instill confidence in the chain of command that they are uniformly understood.

(b) (6)

MAJ, IN
Investigating Officer

000000420 6 U - 97-00002

DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG					PAGE NO.		NO. OF PAGES			
For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans					1		4			
					ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED	
TF 1-41 IN TOC					CAMP VICTORY NORTH MB 2881 8446		FROM		TO	
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.				ACTION TAKEN			
	IN	OUT					HOUR	DATE	HOUR	DA
1	1050		OPENED NEW LOG				LOGGED			
2	1051		1BCT FRAGO 209 READY FOR PICK-UP				NOTIFIED TOC			
3	1111		COBRA SP'D FROM DAC IN ROUTE TO IRONHORSE				LOGGED			
4	1112		TF 1-41 IN CURRENT SLAT IS 5/12 M-1 4/6 M2 10/10 M113 20/21 M1114 3/3 MORTARS 8/10 SCOUTS				NOTIFIED XO			
5	1120		RECEIVED 3 MECHANICS FROM HHC AND 3 DELTA MAINT FROM CAMP VICTORY NORTH.				NOTIFIED S-1			
6	1130		COBRA CLOSED ON CAMP QUERVO				LOGGED			
7	1134		COBRA 7 ARRIVED AT CAMP QUERVO				LOGGED			
8	1135		BDE CALLED STATED THAT THE 39 TH BDE HAD A POO AT MB 483901				NOTIFIED TOC			
9	1200		BARBARION6 REPORTS BEING POSITIONED AT MB 537898				LOGGED			
10			Computer lost information from 1200-2300				LOGGED			
11	2303		COBRA 6 REPORTS STOPPING DUMP TRUCKS LOADED WITH PERSONNEL @ 545932 vic NA19B <i>Truck accident</i>				LOGGED			
12	2309		BARBARIAN 6 REPORTS AUDIO CONTACT WITH ONE SHOT FIRED <i>S Fatalya Highway</i>				LOGGED			
13	2352		TWO 1114S, 1x M113, SP W/ BARBARAIAN 5 FROM CUERVO				LOGGED			
14	2355		BARBARIAN 6 REPORTS KIDS PICKING UP TRASH ON THE SIDE OF THE ROAD				LOGGED			
15	0001		CLOSE LOG				LOG CLOSED			
16	0015		LANCER REPORTS 1XM2/3x1114 GOING THROUGH LIGHTNING CP				LIGHTNING NOTIFIED			
17	0039		BCT INFORMS OF 2 POSSIBLE VBIED ORANGE IN COLOR IN AO, MIGHT BE TAXIS				LOGGED			
18	0051		COBRA REPORTS RPG FIRED MB 541905, NO CASUALTIES OR DAMAGE TO EQUIPMENT <i>2 RPGs</i>				LOGGED			
19	0119		BARBARIAN 6 REPORTS TRACER AND EXPLOSIONS TO THE NORTH <i>vic 550917</i>				LOGGED			
20	0121		COBRA SIX REPORTS HIS ATTACHED BRADS ENGAGED AND DESTROYED A DUMP TRUCK PLACING IEDs ON ROAD AT MB 536898 <i>vic CP5 3 Exploding boxes / people</i>				LOGGED			
21	120		BARBARIAN 6 REPORTS SAF AT CP CHARLIE, MB 5274 8841 BY MG AT EXTREME RANGE FROM NORTH <i>throwing trash</i>				LOGGED			
22	0126		COBRA SIX REPORTS SECOND DUMP TRUCK PLACING IEDs ON ROAD AT MB 536898. TRUCK ENGAGED AND DESTROYED MB 550913				LOGGED			
23	133		REDCROSS MESSAGE RECEIVED FOR SPC <i>(b) (6)</i>				LOGGED			
24	0137		<i>(b) (6)</i> B CO, <i>(b) (6)</i> <i>SBS 5966</i> COBRA 6 REPORTS THE MG FIRE THAT BARBARIAN				LOGGED			

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY: *(b) (6)* SSG SIGNATURE: _____

DA FORM 1594

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ACLU-RDI 5867 p.106

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112 Form

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ORGANIZATION OR INSTALLATION TF 1-41 IN TOC	LOCATION CAMP VICTORY NORTH - MB-2881-8446 <i>Iron Horse</i>	PERIOD COVERED			
		FROM		TO	
		HOUR 0000	DATE 17 Aug 04	HOUR 0001	DATE 18 Aug 04

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL
	IN	OUT			
			OBSERVED AS HIS FIRE		
25	0138		COBRA 6 REPORTS THAT THE OBJECTS BEING THROWN FROM TRUCKS WERE MINES	LOGGED	(b) (6)
24	0139		BOUNTYHUNTER 6 REPORTS OBSERVING TRUCKS W/ SQUARE AND ROUND OBJECTS IN BED OF TRUCK	LOGGED	(b) (6)
25	0143		BARBARIAN ENGAGED TRUCK MOVING AT A HIGH RATE OF SPEED <i>BDA - 1 TRK 1 KIA 1 WIA</i>	LOGGED	(b) (6)
26	0156		BOUNTYHUNTER 6 OBSERVING 2 TRUCKS POSSIBLY EMPLACING IEDS <i>MB 22876</i>	LOGGED	(b) (6)
27	0210		BARBARIAN OBSERVES 4 PEOPLE DISMOUNTING FROM A VEHICLE AND LINGERING NEAR THE ROADSIDE	LOGGED	(b) (6)
28	0230		2 TRUCKS TURN AROUND AT COBRA;S CHECK POINT VIC SILVERS AND PREDATORS	LOGGED	(b) (6)
28	0223		BARBARIAN STOPS TRUCK FULL OF PEOPLE, <i>Evaded into</i> INDIVIDUALS SCATTER, MB 5388 <i>Kids side street</i>	LOGGED	(b) (6)
29	0237		COBRA 6 REPORTS 3x ENEMY KIA AND 7x EWIA AT MB 536 898	LOGGED	(b) (6)
30	0241		LUMBERJACK IS NOTIFIED OF POSSIBLE IEDs/Mines	LOGGED	(b) (6)
31	0242		IRONHORSE 5 CALLS FOR SITREP, STALWART 5 REPORTS CURRENT SITREP	LOGGED	(b) (6)
32	0248		SCORPION AND STALWART 19 NOTIFIED TO PREPARE TO MOVE	LOGGED	(b) (6)
33	0300		APACHES CALLSIGN VAMPIRE 16 ARE SENT TO REINFORCE COBRA AND BARBARIAN FROM BRIGADE	LOGGED	(b) (6)
34	0316		EOD LEAVES FOB ON RTE GOLD, THEN LEFT ON PREDATORS	LOGGED	(b) (6)
35	0335		SCORPION AND BANDAID SP TO GET ENEMY WOUNDED	LOGGED	(b) (6)
36	0342		ECHO MEDIC CALLS TO CONFIRM THAT EWIA EN ROUTE	LOGGED	(b) (6)
37	0415		COBRA REPORTS 2/2 AT TRUCK 1, 2/2 AT TRUCK 2, 0/2 AT PREDATORS/GOLD	LOGGED	(b) (6)
38	0450		BCT S2 REQUESTS DETAINEE INFORMATION	LOGGED	(b) (6)
39	0455		SCORPION 4 REPORTS 3 WW, 7xKIA (2 burning on truck), 6x LOADED ON M113 (2 CRITICAL, 1 IMMEDIATE w/ MASSIVE HEAD TRAUMA NOT EXPECTED TO LIVE) INDIVIDUALS ARE WEARING CIVILIAN CLOTHING, NO UNIFORMS	LOGGED	(b) (6)
40	0507		SSG (b) (6) CALLS FROM BALAD ASKING FOR DETAINEE PAPERWORK OF WOUNDED PERSON MEDEVAC	LOGGED	(b) (6)
41	0525		SCORPION 4 REPORTS THAT HE WILL BE READY TO MOVE OUT IN 10 MINUTES WITH ALL WOUNDED PERSONEL, RECOMMENDS THAT COBRA 6 KEEP ROAD CLOSED UNTIL THE TRUCKS AND ENEMY KIA CAN BE REMOVED FROM SCENE	LOGGED	(b) (6)

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY (b) (6) SSG	SIGNATURE
--	-----------

DA FORM 1594

PREVIOUS EDITION OF THIS FORM IS OBSOLETE

Electronic Form

ORGANIZATION OR INSTALLATION: TF 1-41 IN TOC
 LOCATION: CAMP VICTORY NORTH MB 2881 8446
 PERIOD COVERED: FROM 0000 17 Aug 04 TO 0001 18 Aug 04

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INI
	IN	OUT			

42	0535		BARBARIAN 5 IS REQUESTED TO MOVE UP ROUTE PREDATORS TO CLEAR ENEMY KIA	LOGGED	(b)(6)
43	0539		STALWART 19F IS TASKED TO GO TAKE THE 3 BODIES TO CAMP QUERVO	LOGGED	(b)(6)
* 44	0553		WHITE PLT ENGAGED 1X VEHICLE IMPLACING AN IED AT MB 549919 SUV HAD 3 PAX ALL PAX FLED THE AREA. <i>Pl observed man digging in middle of road</i>	NOTIFIED BDE	(b)(6)
45	0603		BANDAID AND SCORPION RETURNS TO CAMP IRONSIDES	LOGGED	(b)(6)
46					(b)(6)

5 KIA 4 WIA 4 NI detainees

*3 Dump TRKS
1 PU TRK*

All military aged men

7/6

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY: (b)(6) SC SIGNATURE

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: Camp Iron Horse Baghdad, Iraq
2. DATE (YYYYMMDD): 20040823
3. TIME: 1542
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. GRADE/STATUS: O3

8. ORGANIZATION OR ADDRESS: Task Force 1-4 IN

9. (b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In regards to the events on the morning of 18 AUGUST 2004,

I cannot recall de[redacted]inating any intelligence to my supervisors, Commander, or subordinate units in regard to dump trucks. I have not recommended engaging dump trucks with direct or indirect fires prior to nor since the incident have I recommended engage dump trucks nor that Dump trucks were used by hostile forces along RTE Predators.

To my knowledge I do not know if any of my subordinates recommended similar action.

I found out about the incident approximately 10 min after it happened. My AS2, 2LT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) woke me up at approximately 0830 on 18 AUG. He informed we had had a possible Friendly KIA. I dressed and went to the TOC.

10. EXHIBIT: B
11. (b)(6), (b)(7)(C) KING STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT 1452 DATED 23 AUG 04
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 1542 DATED 23 AUG 04

9. STATEMENT (Continued)

The Battle Captain told me that a patrol from B/2-14 had engaged a ~~group~~ a group of Local Nationals in a dump truck that were placing boxes on the road. Prior guidance from the Commander was that the ROE in IBCT AD allowed for the engagement of personnel putting tires in the road or any other objects to block the road or harm U.S. soldiers. The placing of boxes (PIEDs) I believed fell into this category. I wasn't sure if the Local Nationals knew about this but I at the time believed we were within the ROE and worst case scenario it was an AIF attempt to discredit CF. End of Statement

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

NFF NFF NFF
NFF

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

AFFIDAVIT

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

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

WITNESSES:

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

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

PAGE 2 OF 2 PAGES

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
2. DATE (YYYYMMDD) 20040823
3. TIME 2100
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME
6. (b)(6), (b)(7)(C)
7. GRADE/STATUS 0-1
8. ORGANIZATION OR ADDRESS HHC 1-41 IN

9. I, 2LT (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the late night hrs of 16 Aug, C-2-70 reported seeing dump trucks working in the vicinity of RT Predators. 2LT (b)(6), (b)(7)(C) (ASZ TF 1-41) immediately reported that information to the 1st BCT S-2 and asked if it was normal to see dump sanitation services working during such irregular hours. Their response was that it was not normal and that we should be cautious of dump trucks working during late hours. 2LT (b)(6), (b)(7)(C) and I passed this information down to the units on the ground and told them that AIF will be attempting to emplace IEDs on RT Predators during times of little visibility.

On the night of 17 AUG through the early morning of 18 Aug. there was a lot of suspicious activity going on on RT Predators. We tend to be extra vigilant on RT Predators for mortar, IED, and RPG attacks are a nightly occurrence. For that reason, when C 2-70 informed the TF 1-41 TOC that they were observing

10. EXHIBIT C
11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)
PAGE 1 OF 2 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 BE INDICATED.

9. STATEMENT (Continued)

a dump truck throwing circular objects that appeared to look like mines. We immediately suspected that it was AIF emplacing mines onto RT Predators. C 2-70 engaged and destroyed the vehicle. Then, when C 2-70 attempted to approach the vehicle to detain the personnel and tend to the wounded, they reported seeing multiple secondary explosions, possibly due to the explosive material that the dump truck was carrying. ~~It~~ ~~is~~ We immediately notified EOD to clear the area so that C 2-70 could evacuate the casualties.

Our suspicions that the dump truck was carrying mines and IEDs were supported when an OH-58 (Bounty Hunter 6) flew over the area. The pilot also reported seeing suspicious items, that could be IEDs, on the road of RT Predators. When IED finally arrived, they reported not finding any IEDs or mines. TF 1-41 immediately tended to the wounded and transported all detainees and casualties to Camp Cuervo.

AFFIDAVIT

I, 2LT _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ 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 (b)(6), (b)(7)(C)

- 1- Waheed Khalifa
 - 2- Yassin Khalifa
 - 3- Yassir Maged
- Killed Persons Names

This morning between 1:30-2:30 AM
 3 of our vehicles (Truck Trucks) got
 attacked by U.S. Army, they opened fire
 on our vehicles and they killed 7
 of our employees and several of
 them got wounded but unknown
 number, and this is night shift
 cleaning workers and they
 got attacked during their daily work
 they do same job every morning
 they pick up the trash and deliver to
 dumping location but this morning
 they got attacked. 3 vehicles got
 burned we have the name of 5
 killed persons and 1 wounded, all
 this happened at Fadliya area
 The procedure of the work is we have
 group of people working together with
 some of them collecting the garbage
 trash and others dumping into the
 trash vehicle, we don't have any
 boxes or plastic bags the only
 tool using is shovel.

The account was given by Yassir
 Soudi, the general manager of
 Nissan Balaqa Phone# [REDACTED]

4 - Malik Thamir
5 - Malik Hashim

Wounded Persons - So far
1 - Hayder Ali Esmail

20th Engineers

Belend Alqassab

Interpreter

Belend Alqassab

Aug-18-04

Exhibit 31

Pages 121 and 124 referred to:

FOIA OFFICE (IMWE-HOD-HRA),
BUILDING 4230,
78TH STREET & SANTA FE AVENUE,
FORT HOOD, TEXAS 76544-5000

0330-04-010237-0000

Headquarters, 1st Brigade, 1st Cavalry Division
Camp Ironhorse, Baghdad, Iraq
APO AE 09373

24 August 2004

MEMORANDUM FOR RECORD

SUBJECT: Interview with Mr. Ali Ismael

1. On 22 August 2004, I interviewed a Mr. Ali Ismael, a subcontractor of the Zoza Company, which has a contract with the Amanat of Baghdad to collect solid waste in the Sadr City and 9 Nissan districts. Mr. Ismael was accompanied by Mr. Yussef Souadi, the General Manager of the 9 Nissan district.
2. Mr. Ismael explained that the three trucks engaged by elements of Task Force 1-41 in the early hours of 18 August all belonged to him. He produced two documents from the 9 Nissan District Office of Baghdad City Administration (the Amanat Baghdad) dated 22 August 2004. These documents contain similar information, to include the names of those workers killed and wounded in the incident as well as identifying information for the three trucks. He also produced 13 photographic prints of the three trucks involved, showing damage and license plates. See attachments.
3. Mr. Ismael stated that he has been doing business as a solid waste contractor for more than fourteen years. He employs between 300 and 350 workers who collect solid waste all over Baghdad, and he claims that these workers are known to the people of the neighborhoods in which they collect. He stated that the workers in the area in which the engagement took place usually collect between 2300 and 0700 daily. This schedule is used because it better suits a commercial area to collect trash after the business day is complete.
4. Mr. Ismael stated that he was happy to see U.S. patrols in the area, but that he did not expect his workers to be in danger while working in the 9 Nissan area. He related that one of his trucks was collecting trash in New Baghdad the previous week and found a box with an IED in it which exploded and killed one of his workers. All of his trucks have "9 Nissan" printed on the exterior in large Roman letters. Mr. Ismael stated that "units from outside" are not familiar with the Sadr City area and its daily routines. He stated that one of the trucks had been stopped and inspected by U.S. soldiers, who talked with the workers before the truck continued on the road to Fadhiliya towards the Trash Collection Point. While en route, it was engaged.
5. Mr. Ismael maintains that he has worked long and closely with U.S. personnel here, especially Majors (b) (6) and (b) (6) from the 20th Engineer Battalion. However, people from the Jeish-al-Mahdi and some families pressure him and say he is collaborating with the U.S. He claims that some members of the deceased's families blame him for the incident.
6. The meeting concluded with a promise on the part of the investigating officer to visit his

Ismael's damaged trucks, which he had retrieved for fear of looting.

(b) (6)

MAJ, IN
15-6 Investigating Officer

Encl: List of dead and wounded from 18 AUG incident
List of vehicles involved in 18 AUG incident and their identifying information

Enclosure 1 to MFR, SUBJECT: Interview with Mr. Ali Ismael

Mr. Ali Ismael provided the following names of his employees involved in the 18 AUG incident and their status at the time of the interview, 22 August 2004.

<u>Vehicle</u>	<u>Name</u>	<u>Status</u>
N-39661	Yaseen Khalifa Abbaas, driver	Dead
	Haider Ali Ismael	Wounded (lost 3 fingers; head wound; released 20 AUG from Al-Kindi Hospital)
B-15591	Sha'laan Ali Nadham, driver	Wounded (released 20 AUG from 31 st CSH, Balad)
	Hussein Yaasir Hraish	Wounded (released from 31 st CSH, Balad)
B-12872	Amaad Rahim Sultaan, driver	Wounded (whereabouts unclear)
	Mou'id Halaatah Hamid	Wounded (at 31 st CSH, Baghdad)
	Haazim Wahaab Hamid	Wounded (at 31 st CSH, Balad)
	Sa'ad Sultaan	
	Ali Aidam Asal	Wounded (released 20 AUG from 31 st CSH, Balad)
	Kadhim (Kazim) Mou'ih Muftan	Wounded (released 20 AUG from 31 st CSH, Balad)
	Waleed Khalifa Abbaas	Dead
	Yasir Majeed Yaseen	Dead
	Hussein Hassan Dishar	Dead
	Maalik Thamir Obeid	Dead
Ali Halaatah Hamid	Dead	
Qaasim Hasaan Najim	Dead	
Ahmad Majeed Yaseen	Status unclear	

Enclosure 2 to MFR, SUBJECT: Interview with Mr. Ali Ismael

Mr. Ali Ismael provided the following identifying information concerning the vehicles involved in the 18 AUG incident and their status at the time of the interview, 22 August 2004.

<u>License Plate Number</u>	<u>Manufacturer</u>	<u>Year</u>	<u>Status</u>
Nenewah 39661	Scania	1987	Evacuated to Sharmwa Um Jither
Baghdad 15591	Scania	1971	Evacuated to Sharmwa Um Jither
Baghdad 12872	Scania	1970	Evacuated to Sharmwa Um Jither

20 059

Exhibit 31

Page(s) 129 referred to:

FOIA OFFICE (IMWE-HOD-HRA),
BUILDING 4230,
78TH STREET & SANTA FE AVENUE,
FORT HOOD, TEXAS 76544-5000

Headquarters, 1st Brigade, 1st Cavalry Division
Camp Ironhorse, Baghdad, Iraq
APO AE 09373

22 August 2004

MEMORANDUM FOR RECORD

SUBJECT: Interview with Mr. Haazim Wahaab Hamid

1. On 22 August 2004, I interviewed a Mr. Haazim Wahaab Hamid, an employee of Mr. Ali Ismael who had been collecting solid waste in the 9 Nissan district in the morning of 18 AUG 2004 at the time of the incident in question. He has worked for Mr. Ismael for the last few years. Mr. Ali Ismael is in charge overall, but Mr. Hamid says they only see him in the mornings.
2. Mr. Hamid stated that he is a sweeper and usually works in the Baladiat or Quds areas. He was wearing gray pants and shirt with yellow sandals and an orange reflective vest. He stated that he was still nervous because "the Americans" have been disregarding their precautions to be conspicuous since the fighting with the Mahdi Army began. On the morning of 18 AUG, he was in the truck with 10 other people who all work together. Two people were sitting in the cab and the rest were in the back of the truck, sitting on the refuse. Another truck went to dump its solid waste first. The truck he was on was coming from Quds on the way to empty its trash when they were stopped by two U.S. trucks, told to get out of their truck, and were searched. After nothing was found, they remounted the truck and proceeded toward their dumping area.
3. The workers in the back of the truck were "paying attention to prevent" trash from escaping from the rear of the truck. Mr. Hamid stated that they were definitely not throwing things out of the back of the truck. Waleed Abbas was in charge of the truck and would not allow them to do so.
4. Mr. Hamid stated that about 15 minutes after being inspected, his truck suddenly came under fire. He didn't understand what was happening; everything had been quiet and no warnings were given. He thought he was shot by a tank. His truck began to burn, so the workers began to abandon it. Three of those in the back did not get up; Qaasim Hasaan Najim, Waleed Khalifa Abbas, and Hussein Hassan Dishar appeared to be already dead and were burned in the truck. Mr. Hamid stated that Maalik Thamir Obeid was also killed in the attack. The survivors included Mr. Hamid, Ahmad Majeed Yaseen, Sa'ad Sultaan, and Ali Aidam Asal. He stated that Sa'ad Sultan ran from the scene. The wounded were treated by U.S. soldiers and later by U.S. medical personnel.

(b) (6)

MAJ, IN
15-6 Investigating Officer

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: Camp Cuervo
2. DATE (YYYYMMDD): 2004 0819
3. TIME: 1721
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: O3

8. ORGANIZATION OR ADDRESS: B CO, 2-14 IN

9. (b)(6), (b)(7)(C)

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On or about 2200 17 August 2004, I ordered my company to engage an unknown vehicle that accelerated towards our position and showed no signs of slowing down. I perceived the vehicles speed and the fact that it did not slow on signal as hostile act.

Events as I remember them, that evening:
children with orange & yellow road guard vests

1 ~ 2030 saw children picking up trash w/ brooms, shovels, and wheel barrows. Reported it to Battalion, allowed the kids to clean the road because it may help w/ the ID of IEDs. Saw no dump trucks.

2 ~ 2150 Linked up with my XO and began familiarizing him with our new sector. We proceeded to my CPC (Predators (Gold intersection) and saw my 2nd plt being engaged w/ small arms at extreme range (tracers were burning out). My platoon reflexively returned fire and I ordered cease fire on arrival.

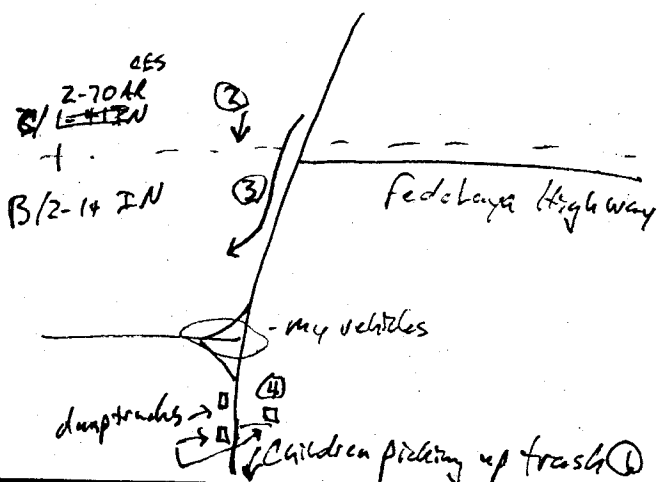
3 ~ 2150 a vehicle vicinity of where we received small arms pulled out on the south bound lane of predators. The vehicle quickly accelerated to its maximum speed. Immediately, given the previous engagement, I perceived this as a hostile act. We screamed and signaled with our tac lights for it to stop, but the vehicle only continued at us at a high speed. In my nervousness I hesitated, wondering what to do, and the vehicle continued towards us. I ordered "fire at the truck", or "fire it up" or something like that and all my vehicles that had a shot engaged. After the initial burst I screamed cease fire, but my gunners continued to engage. Probably (just disabled the vehicle) for not being able to hear the order, cease fire was ordered 2x more times and the shooting stopped.

10. EXHIBIT: I
11. INIT (b)(6), (b)(7)(C)
PAGE 1 OF 2 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.

9. STATEMENT (Continued)

(4) about 30 minutes after the engagement of the vehicle three dump trucks approached my road block on Predator's vicinity ^{South of the} Predator/Gold Junction. Two of the dump trucks tried to pull away from my road block and this alarmed my soldiers who chased the vehicles down on foot. With much screaming and use of the lights (no shooting) the dump trucks were stopped and searched. We found nothing but trash and children wearing road guard vests in the back. We ordered the dump trucks to turn away and the remainder of the evening was uneventful.



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

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ 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 2 OF 2 PAGES

SWORN STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: CAMP CUERVO
2. DATE (YYYYMMDD): 2004 08 19
3. TIME: 1220
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN (b)(6), (b)(7)(C):
7. GRADE/STATUS: O-1
8. ORGANIZATION OR ADDRESS: B Co 2/14 IN 2 BCT 10TH MEN CVN 09303

9. (b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

THE EVENTS OF THE EVENING OF THE 17TH OF AUGUST AND THE EARLY MORNING OF 18 AUGUST HAVE OCCURRED AS BEST AS I CAN DESCRIBE AS FOLLOWS. DURING THE EARLY MORNING HOURS MY PLATOON WAS FIRED ON BY AN UNKNOWN NUMBER OF PEOPLE. ROUNDS HIT ONE VEHICLE AN M113 AND HIT THE SURROUNDING AREA. MY PLATOON OPENED FIRE IN THE DIRECTION OF THE ENEMY TRACKER ROUNDS BEING FIRED AT THEM/US. NOT LONG AFTER THAT WE OBSERVED A UNIT TO THE NORTH HEAVILY ENGAGED IN A FIRE FIGHT. DUE TO THE AMMOUNT OF CONTACT WE MONITORED THE RAIDO AND CONTINUED TO MAN OUR POSITION WORD SEEN CAME THAT A DUMP TRUCK OR SEVERAL DUMP TRUCKS WERE THROWING SOMETHING OUT OF THE BACK. NOT LONG AFTER THAT A DUMP TRUCK HEADED SOUTH ON ROUTE PREDATORS AT A HIGH RATE OF SPEED. MY CLOSEST SQUAD 2ND SQUAD OBSERVED IT AND REPORTED WHEN WE TRIED TO WAIVE IT OFF WHICH DIDNT WORK MY COMMANDER TOLD ME TO ENGAGE IT. I ORDERED THE PLATOON AND 2 SQUADS 1ST & 2ND OPENED FIRE FOR APPROX 45 SECONDS. AFTER WE CEASED I TOOK A GROUP OF SOLDIERS TO INVESTIGATE. I FOUND 2 PEOPLE WHO WERE WOUNDED AND PLACED THEM UNDER CARE OF MY MEDIC. WE STABILIZED THE MOST SERIOUS ONE AND MOVED THEM BOTH TO CAMP CUERVO. BEFORE THAT WE SEARCHED THE TRUCK AND FOUND TRAGS OF TRASH AND NOTHING ELSE DURING THE ENTIRE INCIDENT I REPORTED WHAT I SAW TO MY COMMANDER AS THE EVENTS UNFOLDED AND RECEIVED AND FOLLOVED HIS GUIDANCE

SEE BACK FOR DIAGRAM

10. EXHIBIT: K
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 2 PAGES

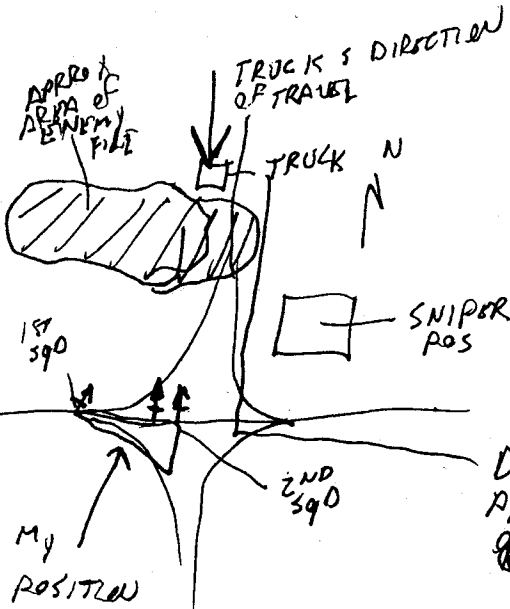
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF [REDACTED]

TAKEN AT CAMP GUERVO

DATED 19 AUG 04

9. STATEMENT (Continued)



LOCATION INTERSECTION of
Route 601 and PREDATORS

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

DISTANCE
APPROX - 450 - 600 METERS
(b)(6), (b)(7)(C)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND (b)(6), (b)(7)(C) STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND (b)(6), (b)(7)(C) PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE WITHOUT

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me and authorized by law to administer oaths, this _____ day of _____, 2004, at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Cuervo
2. DATE (YYYYMMDD): 2004 08 20
3. TIME: 1445
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-7

8. ORGANIZATION OR ADDRESS

C Co 1-41 IN (M)

9. (b)(6), (b)(7)(C)

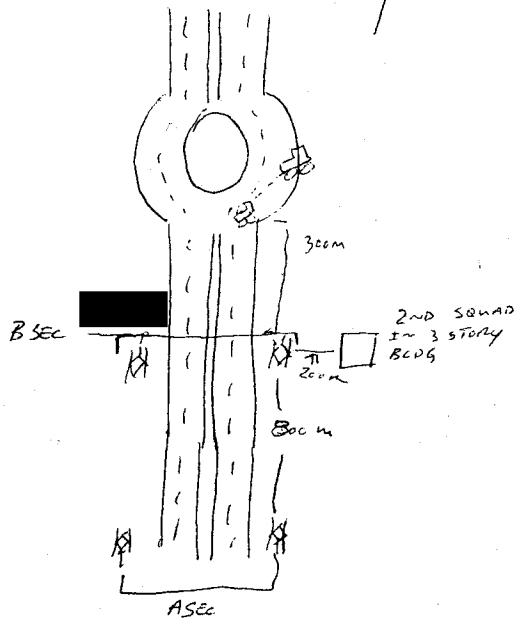
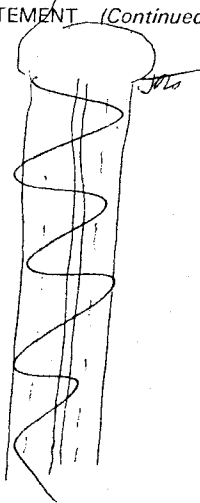
WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 17 AUG 04 AT APPROXIMATELY 1830, 3RD PLT C Co 1-41, WHO IS ATTACHED TO C Co 2-70th AB, WAS GIVEN THE ORDER TO MOVE TO OUR SECTOR AND PATROL ROUTE PREDATOR. WE PATROLED ROUTE PREDATOR FOR APPROXIMATELY 4 HOURS; WHEN WE THEN SET INTO SECURITY POSITIONS ALONG THE ROUTE. A SEC WAS SET APPROXIMATELY 800 METERS TO OUR SOUTH AND WERE ORIENTED SOUTH WITH B SECTION ORIENTED NORTH. UPON APPROACH FROM HIGHER, I HAD MY 2ND SQUAD SET IN SECURITY ON TOP AN ABANDONED 3 STORY BUILDING APPROXIMATELY 200 METERS TO OUR EAST. IT WAS APPROXIMATELY 2030 BEFORE THE 2ND SQUAD SET INTO THEIR POSITION. AT APPROXIMATELY MIDNIGHT WE RECEIVED AN INTEL UPDATE THAT DUMP TRUCKS WERE BEING USED TO TRANSPORT PERSONNEL NORTH INTO SADR CITY SO THE ENEMY COULD FORTIFY THEIR NUMBERS TO ENGAGE FRIENDLY FORCES WITHIN SADR CITY WE WERE TOLD TO BE CAUTIOUS OF THE DUMP TRUCKS WITH PERSONNEL IN THE BACK OF THEM AND TO ENGAGE IF THEIR WAS ANY ACTS OF AGGRESSION. BETWEEN THE HOURS OF MIDNIGHT TO 0200 18 AUG 04, A COUPLE DUMP TRUCKS HAD MOVED NORTH THROUGH OUR SECTOR WITH PERSONNEL IN THE BACK OF THEM. WE DID NOT ENGAGE THEM BECAUSE THEY DID NOT COMMIT ANY HOSTILE ACTS TOWARDS US. WE INFORMED HIGHER OF THE VEHICLES SO THAT OTHER SECURITY POSITIONS NORTH OF US COULD MONITOR THEM. AT APPROXIMATELY 0200 IN THE MORNING, A SECTION INFORMED US THAT THEY HAD A DUMP TRUCK WITH PERSONNEL IN THE BACK OF IT AND THEY WERE THROWING WHAT APPEARED TO BE TRASH OUT OF IT AND THAT THE TRASH WAS SOME OF THE TRASH WAS EXPLODING WHEN IT HIT THE GROUND. SINCE THE VEHICLE WAS MOVING NORTH AND B SECTION WAS LOCATED NORTH OF THEM THEY COULD NOT ENGAGE SO WE IDENTIFIED THE TARGET WHEN IT WAS APPROXIMATELY 200 METERS TO OUR REAR THE VEHICLE PASSED US AND WHEN THE VEHICLE WAS APPROXIMATELY 300 METERS TO OUR FRONT B SECTION ENGAGED WHILE WE WERE ENGAGING, THERE WERE SMALL EXPLOSIONS COMING FROM INSIDE THE BED OF THE TRUCK AND FROM THE TRASH THAT LANDED ON THE GROUND BESIDE THE TRUCK. A SECTION MOVED FORWARD THROUGH US SO THEY COULD SECURE THE FAR SIDE OF THE ENGAGEMENT AREA. DURING THE MOVEMENT UP TO THE ENGAGEMENT AREA, THEY HAD TO DETONATE SOME OF THE IED'S WITH THEIR COAX. WHEN THEY GOT TO THE ENGAGEMENT AREA, THEY ENGAGED A IED THAT I OBSERVED EXPLODE. ONCE THE ENGAGEMENT AREA WAS SECURE, B SECTION WAS ORDERED TO MOVE FORWARD AND SECURE AN ENGAGEMENT AREA THAT WAS NORTH OF US. A TANK TO OUR NORTH HAD ENGAGED A DUMP TRUCK PRIOR TO OUR ENGAGEMENT. WHEN WE GOT TO THE ENGAGEMENT AREA I NOTICED THAT THE SAME TRUCK HAD MOVED THROUGH OUR SECTOR PREVIOUSLY. WE DID NOT IDENTIFY THE VEHICLE BECAUSE HE HAD A SHOVEL STUCK UP SIDE DOWN REAR IN THE CAB, IN ONE OF THE BED STAKES.

10. EXHIBIT: L
1. NAME OF PERSON MAKING STATEMENT:
PAGE 1 OF 2 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.

9. STATEMENT (Continued)



AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(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

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

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 Camp Coervo
2. DATE (YYYYMMDD) 20040820
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN (b)(6), (b)(7)(C)
7. GRADE/STATUS E-5 / SGT

8. ORGANIZATION OR ADDRESS
CEO 1-41 INF

9. I, SGT (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 18 Aug 04 we was set up in a support by Fire Position on Route Predator. When there was a call on the radio saying watch for truck transporting people to Sadre City. There was some trucks that went by. I wasn't observing them that much because I was down in the gunners hatch. A section reported a dump truck moving through the sector that was throwing stuff out the back that was exploding. As the dump truck went by B-section and was safe to fire we engaged the vehicle. After the vehicle was engaged and destroyed A section moved up and secured the site. B-sec was called up to go and secure a second site where a truck was engaged by a tank.

10. EXHIBIT M
11. INITIALS (b)(6), (b)(7)(C) MAKING STATEMENT
PAGE 1 OF 2 PAGES

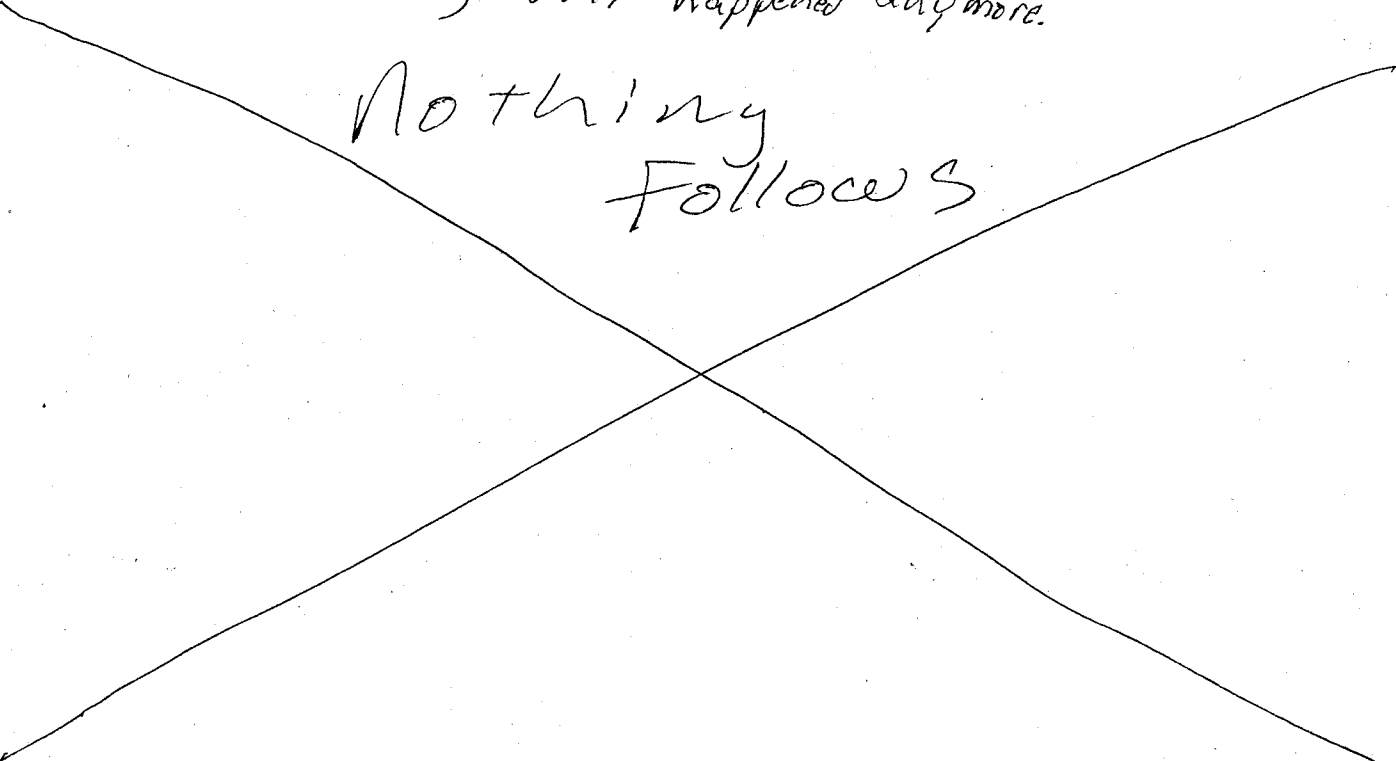
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6), (b)(7)(C) ON AT _____ DATED _____"

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)

On the way to the second site ^{B-section} our ~~se~~ [redacted] was engaged with small arms fire and RPG's down the Ally ways. After we secured the site there was nothing that happened anymore.

Nothing Follows



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

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.

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

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)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 2 PAGES

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: Camp Cuervo
2. DATE (YYYYMMDD): 2004 20 08
3. TIME: 1442
4. FILE NUMBER:
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-6 / Bradley Commander
8. ORGANIZATION OR ADDRESS: Eco Yui Int
9. (b)(6), (b)(7)(C)

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 17 Aug 2004 there were intell reports of anti Iraqi forces moving to Sadr City in the back of dump trucks. Between the hours of 2400 and 0200 a dump truck was spotted by SSG (b)(6), (b)(7)(C) moving north through their position toward the C33 + C34 vehicles. SSG (b)(6), (b)(7)(C) reported the vehicle as a dump truck with personnel in the back throwing objects from the vehicle. Three of the objects exploded and he advised that we engage the vehicle. As the vehicle approached our position I alerted my gunner, Spc (b)(6), (b)(7)(C) to select HE 25mm and prepare to engage. When the vehicle was in our kill zone I gave him the command to fire. He fired 8-10 HE rounds until the vehicle stopped. The vehicle was also engaged by our dismount OP to our right flank. After the vehicle stopped there were secondary explosions. A section moved 4 or 5 (b)(6), (b)(7)(C) up to secure that sight and render 1st Aid to the wounded. Our section moved north to secure another vehicle site where the trucks had engaged a truck 1000m to our north on RTE Pocolators where we were located for the entire time span.

End of Statement

10. EXHIBIT: N
11. INITIALS: (b)(6), (b)(7)(C)
PAGE 1 OF 1 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 BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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 (b)(6), (b)(7)(C) WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE (b)(6), (b)(7)(C)

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS (b)(6), (b)(7)(C) STATEMENT

PAGE 2 OF 2 PAGES

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: Camp Cuervo
2. DATE (YYYYMMDD): 20040820
3. TIME: 1442
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN (b)(6), (b)(7)(C): [REDACTED]
7. GRADE/STATUS: E-4

8. ORGANIZATION OR ADDRESS: [REDACTED]

9. (b)(6), (b)(7)(C) [REDACTED]

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

On Aug 17th 3rd platoon was called to patrol Route Preditor near Sadr City. When we did our initial IED sweeps we sat in an over watch around 2030. My sectors of fires were to the North. as we sat in this overwatch position C Tank gave reports that dump trucks were traveling southbound on Preditors with 15-20 people in the back. They also reported that they tried to search one of these trucks and the occupants in the bed took off running. between 2100 and 2400 I saw about 4 or 5 dump trucks with occupants in the back of them. They were not doing anything suspicious so no actions were taken except we reported it to the 1 element. between 2400 and 0200 alpha section to the south of us (800 meters behind us) reported a dump truck with trash and occupants in the back

10. EXHIBIT: 0
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C) [REDACTED]
PAGE 1 OF 2 PAGES

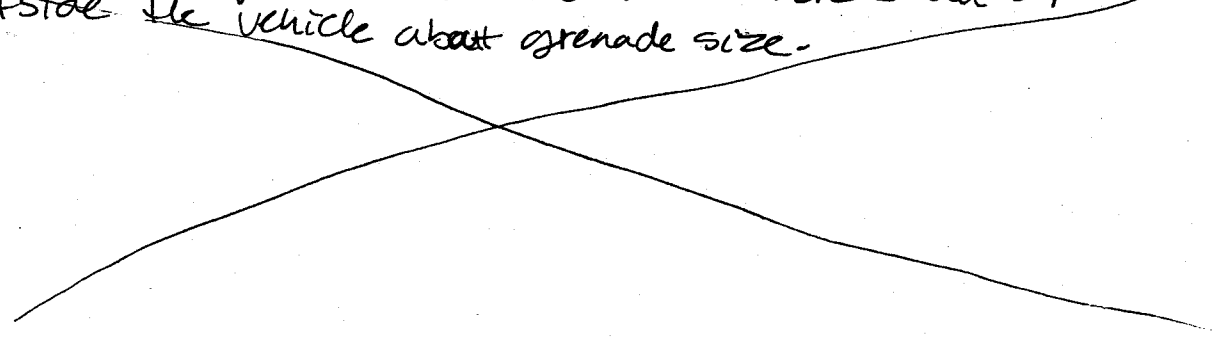
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

throwing ~~IED~~'s out the back. They also said what they were throwing some of them he exploded. The one track told us to engage the vehicle. by the time I traversed to get eyes on the vehicle it was about 100 to 300 meters behind us. I got on target and waited for the target to get in front of me so I could engage it safely. after it got about 150m in front of me I engaged it. After I engaged and destroyed the vehicle there were small explosions outside the vehicle about grenade size.



AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS (b)(6), (b)(7)(C) _____ STATEMENT

PAGE 2 OF 2 PAGES

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 Camp Cuervo
2. DATE (YYYYMMDD) 2004 08 21
3. TIME 1000
4. FILE NUMBER
5. [Redacted]
6. SSN (b)(6), (b)(7)(C) [Redacted]
7. GRADE/STATUS O-1 / 2LT

8. ORGANIZATION OR ADDRESS
3rd PLT C Co 1-41 IN

9. I, 2LT [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The night started off with a report that an element of COBRA tried to stop a Dump Truck with people in the back. They were unsuccessful because when they pulled out to stop it the dump truck turned and sped away. Shortly after that a dump truck drove past our OP position, via MB 533 890, which was throwing objects into the road. Some of the objects appeared to be a fire or some burning. Off to the left front of my position my gunner was monitoring one of the objects the truck stopped where it exploded. At that time I called higher for permission to use cans to destroy another bus to the front of my position. We engaged and destroyed a subject to the front of my position. After these explosions another dump truck approaches our sector. This truck was doing the same as the first. People were in the back throwing thousands objects into the road. Once we identified this B-sic engaged & destroyed the vehicle. After the engagement A-sic moves into the road to go across the BSA. As soon as we

10. EXHIBIT P
11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) [Redacted]
PAGE 1 OF 2 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.

9. STATEMENT (Continued)

remains the corner & second subject explodes. As we move further down the street it appeared that my 32 track was going to engage another subject. Before he was ready to shoot this bus/object explodes also. There were a total of three explosions. Once we got to the burning vehicle we observed 7 WIA & 3 KIA. The WIA were treated by PLT medics & CTS qualified personnel. At this time the Co/Bus medics were treating casualties and they were then taken to the hospital.

- The explosions I witnessed were between the size of a 155 IED and a smaller hand grenade. The explosions were of average size.
END OF STATEMENT.

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

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.

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

MAKING STATEMENT

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).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Cuervo
2. DATE (YYYYMMDD) 20040821
3. TIME 1044
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)
6. SSN (b)(6), (b)(7)(C)
7. GRADE/STATUS E-4/SFC
8. ORGANIZATION OR ADDRESS Cco 1-41 IN 3rd plt

9. (b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 20040818 shortly after 2400, 3rd plt c co was set in an OP vicinity MB 533890, on route predators. I was gunning for the C31 track, platoon leader's track, monitoring company net. Cobra X-ray passed intel to the company about militia using dumptrucks to shuttle fighters into Sadar city. Our platoon started scanning the backs of dump trucks for personnel. I observed a truck moving north with people in back throwing objects into the road. Some objects were on fire. We relayed the info but the truck passed our platoon before we could stop it. I was monitoring one of those boxes/suspected IED's white 2LT (b)(6), (b)(7)(C) was asking Cobra X-Ray for permission to fire coax at the box to try to detonate. As I prepared to fire I observed a second truck throwing boxes on the road. The truck blew past our alpha section and C32, SSG (b)(6), (b)(7)(C) called to our B section C33 and C34 who engaged and destroyed the truck in vicinity CP 5. A sec (b)(6), (b)(7)(C) white this was happening I engaged one of the boxes and it exploded. A sec was called to perform BDA on the truck so we started to move north. C32 halted our section movement, reporting he was blocked by boxes, and was going to blow them with coax. Before he could engage the box in front of him it exploded.

10. EXHIBIT Q
11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)
PAGE 1 OF 2 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.

STATEMENT OF [REDACTED] TAKEN AT Camp Cuervo DATED 31 2004 0821 (b)(6), (b)(7)(C)

9. STATEMENT (Continued)

2LT [REDACTED] told him to avoid the boxes and proceed north to the truck. As we were moving north in the southbound lane another box exploded in the northbound lane. We quiked at the truck and assisted 4 KIA and 2 WIA. EOD ArNew on site and cleared the route for BW medics to evac the WIA's who had been treated by our platoon medic and CLS personnel.

The explosion I witnessed was aproximstly slightly more powerful than an RPG Blast, It left no craters, and the only doobries left was remenants of the box. nothing follows

[REDACTED] (b)(6), (b)(7)(C)

[REDACTED] (b)(6), (b)(7)(C)

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] (b)(6), (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ 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 [REDACTED] (b)(6), (b)(7)(C)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION C0141in	2. DATE (YYYYMMDD) 20040822	3. TIME 1630	4. FILE NUMBER
5. NAME [REDACTED]	(b)(6), (b)(7)(C)	7. GRADE/STATUS E-4	

8. ORGANIZATION OR ADDRESS
C0141in

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

While on patrol of Route Predator I witnessed a Dump truck going north throwing boxes out of the back [REDACTED] We were told to engage the boxes before our 32 track could engage the boxes one box exploded so we left the area. ^{T.O.} ~~nothing follows~~ Explosions - were about RPG size Did not see Engagment of truck nothing follows

[REDACTED]

21 Aug 04

10. EXHIBIT R	11. [REDACTED] MAKING STATEMENT	PAGE 1 OF 1 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.

147

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

BLANK

PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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).
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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: CAMP CUERVO SKI BARRACKS
2. DATE (YYYYMMDD): 20040827
3. TIME: 1045 HRS
4. FILE NUMBER:
5. [Redacted]
6. SSN (b)(6), (b)(7)(C): [Redacted]
7. GRADE/STATUS: E-6/ACT

8. ORGANIZATION OR ADDRESS: C CO 1/41 IN BN FORT RILEY KS 66442

9. I, SS6 [Redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE NIGHT OF 17 AUG 04, MY PLATOON (3RD PLT C CO 1/41) CONDUCTED SECURITY ROUTE PRELATORS VIC SADR CITY. OUR ORDERS WERE TO ENGAGE & DESTROY ENEMY THAT WOULD SHOW ANY SIGN OF HOSTILITY WITHIN OUR SECTOR, LOCATE & REPORT I.E.D'S & SECURE ROUTE PRELATORS TO ALLOW FRIENDLY FORCES DEPLOY SOUTH FROM CAMP EAGLE TO CONDUCT A MAJOR ATTACK THE FOLLOWING MORNING 1200 HRS IN SADR CITY. SHORTLY AFTER MIDNIGHT MY UNIT RECEIVED AN INTEL REPORT THAT ENEMY FORCES WERE USING BUMP TRUCKS TO DEPLOY IED'S & CONDUCT DRIVE BY ATTACKS. MY PLATOON WAS LOCATED VIC CP5 ON ROUTE PRELATORS. BRAVO SECTION AT CP5 & ALPHA SECTION BETWEEN 400 AND 600 METERS SOUTH OF THAT. A DUMP TRUCK, TRAVELING SOUTH, DROPPED A BOX BY ALPHA SECTION. THE BOX EXPLODED & CAUGHT ON FIRE. C31 (LT [Redacted]) ENGAGED THE BOX WITH 7.62 (COAX), THE BOX EXPLODED & SHOT TRACERS IN THE OPPOSITE DIRECTION FROM IT WAS ENGAGED. WHEN C31 WAS ENGAGED THE MENTIONED BOX, A SECOND DUMP TRUCK TRAVELING NORTH CROSS MY POSITION, I OBSERVED FOR HOSTILE ACTIVITY & SAW THAT SEVERAL PERSONNEL WERE DEPLOYING BOXES (POSSIBLE IED'S) ONTO THE ROAD. ONE OF THOSE BOXES CAUGHT ON FIRE. I IMMEDIATELY RECOGNIZED THE [Redacted] TREAT & ORDER BRAVO SECTION (C33, C34) TO INTERCEPT, ENGAGE & DESTROY THE TRUCK. BRAVO SECTION ENGAGED & DESTROYED THE TRUCK. C33 REPORTED SECONDARY EXPLOSIONS COMING FROM INSIDE THE TRUCK. ALSO THEY REPORTED SEVERAL CASUALTIES (ENEMY). ALPHA & BRAVO SECTION SECURED THE SITE. OUR DISMOUNTED PERSONNEL COLLECTED CASUALTIES

10. EXHIBIT: S
11. INITIALS OF PERSON MAKING STATEMENT: [Redacted]
PAGE 1 OF 2 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.

9. STATEMENT (Continued)

AND GAVE MEDICAL TREATMENT. ON MY WAY TO SECURE THE SITE. C31 REPORTED 3 EXPLOSIONS FROM BOXES ON THE ROAD. OUR PLATOON SECURED THE SITE UNTIL ALL CASUALTIES WERE PROPERLY REMOVED. ~~(b)(6), (b)(7)(C)~~ END OF STATEMENT. (b)(6), (b)(7)(C)

[REDACTED] (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I, 566 [REDACTED]

AFFIDAVIT

[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.

(b)(6), (b)(7)(C) [REDACTED]

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON TAKING STATEMENT (b)(6), (b)(7)(C)

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 MB 533890
2. DATE (YYYYMMDD) 20040821
3. TIME 1042
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN (b)(6), (b)(7)(C)
7. GRADE/STATUS E-4 Bradley Gunner
8. ORGANIZATION OR ADDRESS Cco 1BN 41INF

9. (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The night we engaged the truck, I had been scanning the road when a Dump truck came into view. I continued to follow the truck when I saw People in the back of the truck. I informed my BC which is Staff Sergeant (b)(6), (b)(7)(C) I continued to track the dump truck when they started throwing objects out of it. Two of the objects as I was still tracking the vehicle exploded. SSG (b)(6), (b)(7)(C) then called up 33 and 34 to engage the dump truck. C33 and C34 Engaged the dump truck with Coax and 25mm. C33 Gunner is SPC (b)(6), (b)(7)(C) and the B.C. is SSG (b)(6), (b)(7)(C). C34 Gunner is SGT (b)(6), (b)(7)(C) and the B.C. is SFC (b)(6), (b)(7)(C). The Exploion from the objects were very loud and bright compared to like 2 grenades exploding. Nothing Follows or End of Statement

10. EXHIBIT T
11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)
PAGE 1 OF 1 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 BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 1 PAGES

SWORN STATEMENT

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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: Camp (Venus) Iraq
2. DATE (YYYYMMDD): 20040818
3. TIME: 1730 1940
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: O2

8. ORGANIZATION OR ADDRESS: C/ 2-70 AR Ft Riley, KS 66442

9. (b)(6), (b)(7)(C)

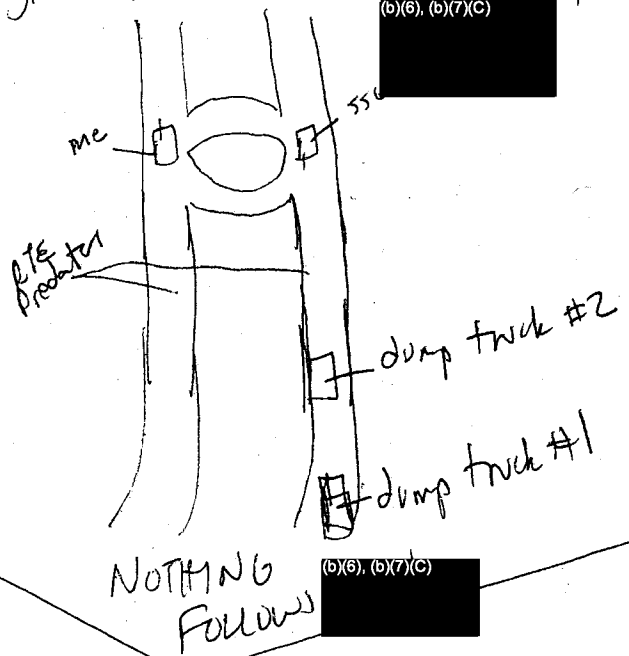
I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On or about 2359 110604, myself and my wingman, SSB (b)(6), (b)(7)(C) began conducting operations on Route Predators vicinity grid (b)(6), (b)(7)(C) At about 0230, a Bradley section to the south of us reported seeing a dump truck with people in the back throwing boxes out of the back. As the Bradley's moved to investigate, the packages began to explode. At this point my commander, CPT (b)(6), (b)(7)(C) told the Bradley's to engage the truck. They did and it was destroyed about 1,000 m south of my position. As they were investigating other packages on the ground, a second dump truck passed through their position also with people throwing boxes out the back. This truck came into our view at which point my wingman began to engage it with coax machine gun fire. I attempted to engage with my tank but could not because my gun tube was oriented over the back deck. CPT (b)(6), (b)(7)(C) then told SSB (b)(6), (b)(7)(C) to engage the truck with a HEAT main gun round. SSB (b)(6), (b)(7)(C) engaged and destroyed the truck about 600 m south of our position. At this point the infantry platoon (b)(6), (b)(7)(C)

10. EXHIBIT: U
11. INITIALS (b)(6), (b)(7)(C) STATEMENT
PAGE 1 OF 02 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
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9. STATEMENT (Continued)

Came to search the crash site, finding no survivors. At about 0515 my tank developed a CL III hydraulic [REDACTED] tank and CPT [REDACTED] told me and my wingman to head back to Camp Cuervo.



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 IN [REDACTED] STATEMENT.

(Taking 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 [REDACTED]

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Camp Suelvo
2. DATE (YYYYMMDD): 20040819
3. TIME: 1823
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS: C Co. 2-70 AR

9. (b)(6), (b)(7)(C) I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 18 Aug 2004 at 0000 hours my tank section took up an observation position on Route Pradatas. Our mission was to look for any emplaced IED's and any person placing IED's. At approx. 0300 hours I witnessed an explosion which appeared to be two to three kilometers from our position. I immediately notified my tank commander, SSG (b)(6), (b)(7)(C) and as he looked into the sight we saw two to three secondary explosions. SSG (b)(6), (b)(7)(C) called up to higher what we saw and the Bradley's that were observing another area called up saying they had destroyed a large truck which was dropping boxes, about the size of MRE boxes, on the road which contained IED's. Approx 30 minutes after the first truck was destroyed I observed a large truck moving in our direction. I saw somebody throwing boxes out from the truck onto the road which were about the size of MRE boxes. I notified SSG (b)(6), (b)(7)(C) he immediately called it up and we were told to engage. On that order I engaged with coax attempting to disable the truck. While engaging Cpt. (b)(6), (b)(7)(C) came over the radio saying we need to put a Heat round into the truck so SSG (b)(6), (b)(7)(C) told me to fire Heat. I fired a Heat round which destroyed the truck and as the truck burned I observed two to three secondary explosions resembling explosives in the truck. Once the truck burned down EOD was called in to investigate but they determined there was too much damage to gather any evidence or information. At approx 0600 hours we were relieved with no further incidents.

10. EXHIBIT: V
INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 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 BE INDICATED.

9. STATEMENT (Continued)

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AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ 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 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB CEURVO
2. DATE (YYYYMMDD): 20040819
3. TIME: 15:25 hrs
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN (b)(6), (b)(7)(C):
7. GRADE/STATUS: E-6
8. ORGANIZATION OR ADDRESS: C CO 2-70 AR TF 1-41 INF
9. (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE EARLY MORNING OF 18 AUG 04 MY TANK WENT OUT ON A MISSION FROM (FOB) CEURVO TO SECURE ROUTE PREDATORS. WE DEPARTED AT 2330 HRS AND ARRIVED IN SECTION AROUND 0015 HRS. AT AROUND 0200 HRS WE HEARD A RADIO TRANSMISSION BETWEEN COBRA 6 AND THE BRADLEY PLATOON LEADER ABOUT A DUMP TRUCK TOSsing IEDs OUT OF THE BACK. VIEWING THROUGH OUR THERMAL SITES WE SAW THE BRADLEYS ENGAGE THE FIRST DUMP TRUCK AND SAW 2 OR 3 SECONDARY EXPLOSIONS. AFTER THE FIRST TRUCK WAS ENGAGED MY GUNNER SPOTTED A SECOND TRUCK WITH PEOPLE THROWING BOXES OUT OF THE BACK. I NOTIFIED COBRA 6 OF THE SITUATION AND I FIRED A BURST OF COAX AT THE TRUCK AS WARNING SHOTS. THE TRUCK STOPPED FOR ABOUT 2-3 MINUTES AND PROCEEDED IN MY DIRECTION AGAIN. I CALLED COBRA 6 AGAIN AND HE GAVE THE ORDER TO FIRE MAIN GUN. MY GUNNER THEN FIRED THE HEAT ROUND AT THE TRUCK. AT THE LEFT SIDE OF THE TRUCK AS I WAS FACING IT THERE WAS A BOX THE SIZE OF AN MRE BOX. WE FIRED AT THE BOX WITH COAX AND IT EXPLODED ALSO AS THE TRUCK WAS BURNING THERE WERE SECONDARY EXPLOSIONS. THE BRADLEY PLATOON LEADER NOTIFIED COBRA 6 THAT AS THEY WERE GETTING READY TO ENGAGE THE BOXES IN THEIR SECTION THEY STARTED TO EXPLODE ON THEIR OWN. AFTER THE SECOND TRUCK WAS BURNING FOR AROUND 1 HOUR OR 2 THE INFANTRY CAME TO MY SECTION TO EXAMINE THE SCENE AND CHECK FOR ANY SURVIVORS. I REALLY DIDNT HEAR WHAT THEY HAD FOUND. I KNOW AT THE FIRST TRUCK THEY REPORTED SEVEN WOUNDED IN ACTION AND ONE KILLED IN ACTION. MY SELF AND MY PLATOON LEADER DEPARTED THE AREA AT AROUND 0500 AND WENT TO JAVITENSE BASE FOR FUEL THEN WE PROCEEDED TO FOB CEURVO TO GET REST AT THE END OF OUR MISSION.

END OF STATEMENT

10. EXHIBIT: W
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 1 PAGES

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

[REDACTED]

TAKEN AT FOB COUNVO

DATED 19 AUG 84

9. STATEMENT (Continued)

[Large area crossed out with a large X]

AFFIDAVIT

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

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

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

[REDACTED]

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 2 PAGES

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: Baghdad
2. DATE (YYYYMMDD): 2004 08 19
3. TIME: 1921
4. FILE NUMBER:
5. GRADE/STATUS: C3 / AD

8. ORGANIZATION OR ADDRESS: C/2 70 AR

9. (b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 17th of Aug 04 (about 500 hrs) I received the mission from the TF 1-41 IN commander to secure RTE Predators NLT 171800 AUG 04. It was explained to me that keeping RTE Predators open and free of IEDs & obstacles was critical to 1-72 CAV Lancers attack into Sadr City on 18 AUG 04. I was briefed to expect contact and possibly heavy contact on Predators north of CPS due to past events when AIF managed to barricade portions of Predators within 30 mins. To accomplish my mission of securing RTE Predators I placed one tank section @ (b)(6), (b)(7)(C), one tank section at CP556 (b)(6), (b)(7)(C) one Bradley section @ (b)(6), (b)(7)(C) & one bradley section @ (b)(6), (b)(7)(C)

I was located with one tank & 3 M114s & 1 sniper team at (b)(6), (b)(7)(C) to observe MAI 9b. Initially the evening passed without event. At approximately 181230 AUG 04 one of my tank sections (which A) at CP556 require maintenance & the tank located at my location (C33) required fuel. SO I order all three tanks to Iron Horse to refuel, with the intent that once refueled they would escort my single tank back

10. EXHIBIT: X
1. MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
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9. STATEMENT (Continued)

to my location and that White A section would return to Camp Cuervo for repairs. At Approx. 181230 Aug-180100AUG as White A & C33 moved to Iron Horse they were engaged vic CP 556 with RPGs. Both RPGs missed, ~~within~~ Within 30 minutes of the RPG attack my Pathfinder 1 element (attacked Bradley Platoon leader) reported that he was engaging a dump truck ~~that~~ that he observed throwing packages/boxes onto the road and that one of the boxes had exploded. I acknowledged his engagement and did not attempt to stop him as his reported warranted deadly force. Initially Pathfinder 1 reported that he observed the dump truck throwing mines onto the road. I was very concerned that the ATF was attempted to disrupt CF traffic on predators. ~~within~~ Within 5 minutes of Pathfinder one reporting that he ~~was~~ had engaged and destroyed a truck

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

continued page 3

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

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREE OF 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 _____ day of _____ 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 2 OF 6 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Baghdad
2. DATE (YYYYMMDD): 2004 08 19
3. TIME: 1821
4. FILE NUMBER
7. GRADE/STATUS: O3/AD

8. ORGANIZATION OR ADDRESS: 12-70AR

9. Page 3, I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

distributing mines on the MSR my Red 1 element (LT) reported observing a dump truck north of his position engaged in the same activity. LT reported that the dump truck was throwing round objects onto the road. My initial assessment was that we were observing a coordinated mining effort by AIF to disrupt an attack on Sadr City. I ordered Red 1 to destroy the dump truck with a HEAT because it was over 600 meters away. I did not believe 7.62 would stop the truck. LT wing man Red 3 SSG quickly destroyed the Dumptruck. I then ordered both elements to secure the truck sites. I designated the truck destroyed by pathfinder 1 as Truck #1 & the truck destroyed by SSG as Truck #2. As Pathfinder moved the secure Truck #1 LT reported that several of the packages dropped by the truck continued to explode. This reinforced my belief that these were some type of mine/IED. Pathfinder I did not get very close to truck #1 initially because he could

10. EXHIBIT X
11. MAKING STATEMENT PAGE 3 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" DATED
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9. STATEMENT (Continued)

observe several other objects dropped by the truck in the road. LT (b)(6), (b)(7)(C) also reported several objects in the road via Truck #2. I then ordered Pathfinder 4 (SFC (b)(6), (b)(7)(C)) ~~to~~ to move north on Predators and support LT (b)(6), (b)(7)(C) in securing Truck #2. All of this I reported to Stalwart X-Ray. Stalwart X-Ray called me and told me that EOD and Medics were enroute to the truck sites. I ordered my forces to escort the EOD personnel. EOD then reported that the first packages they investigated were empty. ~~The~~ EOD then reported that their robot had malfunctioned and wanted to know if ~~they~~ could use 25mm to recon by fire. I told EOD they could use one of my Brads to clear IEDs as long as they fire perpendicular to Predators. By ~~the~~ morning, I'd established that there were 4 EKIA + 7 EWIA. I never saw the wounded & only provide Body Bags for the deceased.

(Continue page 5)

AFFIDAVIT

I, (b)(6), (b)(7)(C), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND (b)(6), (b)(7)(C) CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 6 PAGES

SWORN STATEMENT

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

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Baghdad
2. DATE (YYYYMMDD) 2004 08 19
3. TIME 1821
4. FILE NUMBER
7. GRADE/STATUS O3/AD

8. ORGANIZATION OR ADDRESS C/2-70 AR

9. Page 5

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At the time (and I still do) I believed the Route to have been under attack. My mission was to secure predators and prevent its interdiction by the AIF. The hostile intent that I believed relevant was the near simultaneous reports of vehicles dropping objects onto the MSR. This is a method consistent with established AIF VTP. I believed that the enemy knew something was eminent in Sadr City and that distributing a large number of real & false IEDs on RTE Predator would have seriously disrupted 1-12 CAVs attack. What sealed the deal was the objects that exploded after being dropped from the truck. My soldiers don't shoot litterers, if a convo stopped on the side of the road and threw out a big bag that under the current ROE is grounds for lethal force, we observed trucks dropping many objects on the road. I felt

10. EXHIBIT X
11. (b)(6), (b)(7)(C)
PAGE 5 OF 6 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.

9. STATEMENT (Continued)

That was sufficient grounds to warrant lethal force. The fact that ~~the~~ some of the objects exploded simply reinforced my decision.

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

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

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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 Ironhorse Base, Baghdad, Iraq	2. DATE (YYYYMMDD) 2004/08/20	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS 01	
8. ORGANIZATION OR ADDRESS A&O, A Co., 20th EN BN, 1CD APO AE 09573			

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 18 AUG 04 my platoon was tasked with EOD escort. We received a 9 line IED report at approximately 0230. The report stated that 1-41 IN had encountered two pickup trucks with two personnel inside each that were driving along RTE Predators and throwing land mines and boxes containing land mines onto the road, some of which had spontaneously exploded in the road. The report also stated 1-41 IN units had destroyed one of the trucks and had possibly seen two more north of the Cameleya area. Although there were no grid coordinates for the land mines, I was told in the 20th EN BN TOC by CPT (b)(6), (b)(7)(C) that the reason for this was that units on the ground were in the process of determining the grid coordinates, as well as using a picture reference book to determine the types of mines. When the grids were given to me, they consisted of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C).

When we arrived at the site, we were escorted to the first set of boxes in the road, which consisted of 2-3 boxes in the center of the northbound lane of RTE Predators. The EOD team deployed their robot and determined that all of these boxes were empty. While they were inspecting the boxes a Bradley moving south, in the south bound lane of RTE predators arrived at our position on RTE Predators. The TC came over to our position and I began to question him on the details of what had happened and to find out the location of any other boxes. He told me that he had called in the report of land mines being thrown from the vehicle. I asked him if he had seen any actual mines and he said no and that his reason for thinking there were mines was that he had seen cylindrical objects coming off of the truck. I then asked him whether his 9 line IED report stated there were mines or boxes. He said that initially he reported they were mines but later realized they were boxes and had called in this correction. However, he noted that two boxes had exploded after they came off of the truck and before they could be inspected. I questioned him on whether or not they had exploded or burned and he said they had exploded.

After this I asked him to lead us to the next set of boxes for the EOD team to inspect. Approximately 200m down the road, we reached the next group of 2-3 boxes. At this point the EOD robot stopped working and the EOD team suggested that we begin shooting the boxes. This was due to the possibly large volume of boxes and to expedite the process as we were in a very dangerous area. The TC that I had spoken to previously, began driving down the road and shooting the boxes. We followed behind with the EOD team and as we passed each box the EOD team got out to inspect each one. The team searched approximately 5 boxes before we reached the truck that had been destroyed by 1-41 IN. The EOD team reported that they had found nothing in any of the boxes and there were no signs of any explosions.

As we reached the truck I noticed one body lying in the road and the truck smoldering in the middle of the road. It appeared to be a large truck with a large closed in bed, a type I have often seen hauling garbage and carrying large numbers of civilians throughout Baghdad. As we moved through the area I saw 4-5 people sitting on the median being treated by the medics who had arrived on site and my soldiers reported to me that they saw several dead bodies that had been badly burnt lying in the bed of the truck. A short time after arriving at the truck, Cobra 6, our cordon element to the north, informed me that there were no more boxes between our positions and therefore we could leave the area when we were ready. While we were waiting in the area for authorization to return to the FOB, I heard a casualty report on the Stalwart net that specified there were at least seven KIA and four WIA. After receiving authorization from Lumberjack Mike, we returned to Ironhorse Base. *Nothing Follows*

10. EXHIBIT Y	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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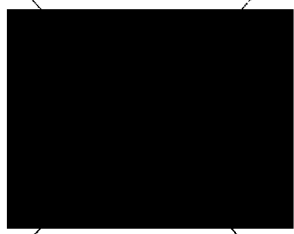
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

1691

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



INITIALS OF PERSON MAKING STATEMENT

(b)(7)(q) (b)(7)(q)

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)



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

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Person Making Statement)

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of August, 2004 at A CO, 20th ENG BN, 1 CD, Inhose Base

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

APD AE 09272

ORGANIZATION OR ADDRESS

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

(Administering Oath)

A CO, 20th EN BN, 1 CD, Inhose Base APD AE 09272

SSG (EN)

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

(Typed Name of Person Administering Oath)

1st Lieutenant, Executive Officers
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

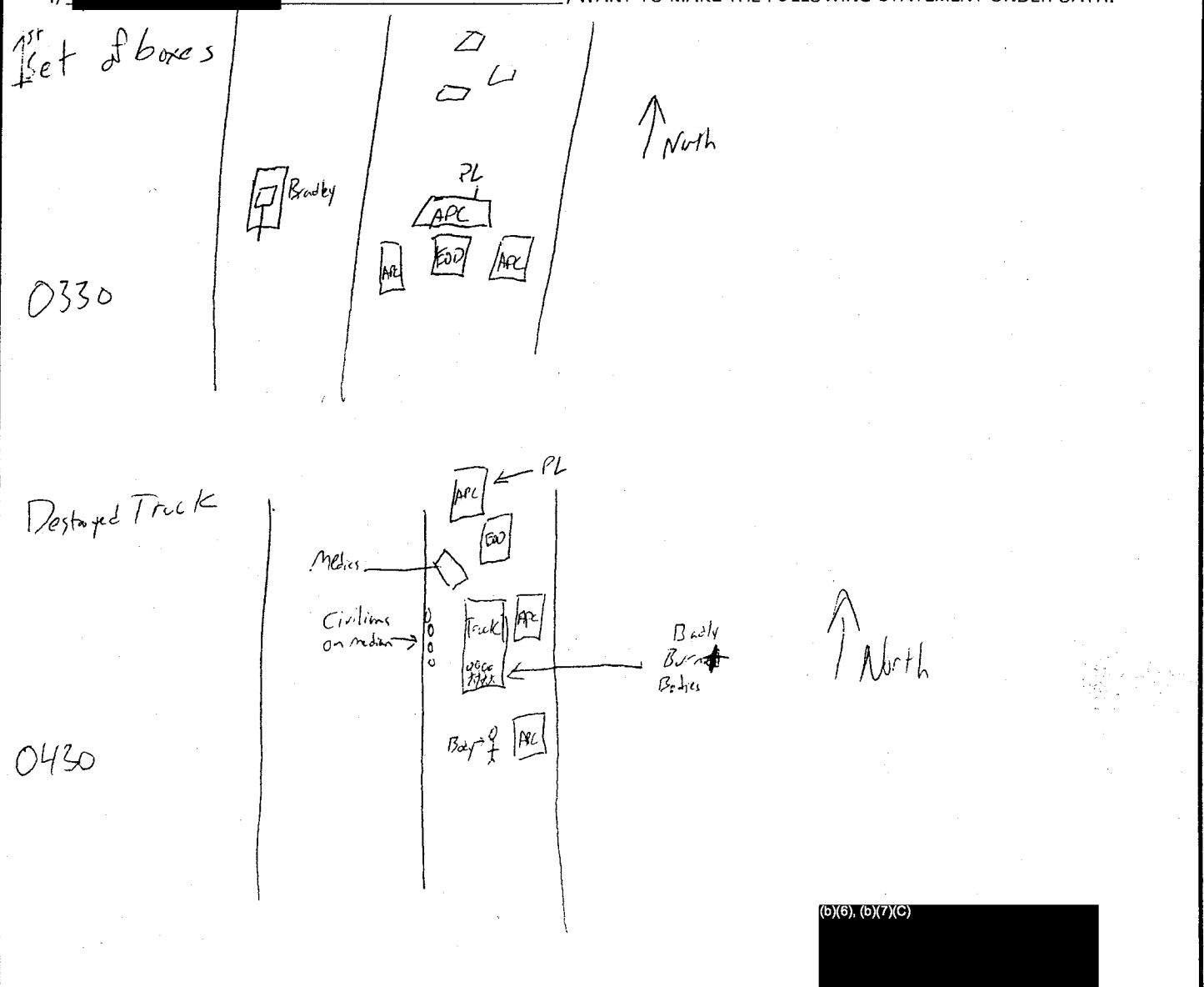
PRIVACY ACT STATEMENT

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 <i>Ironhorse Base, Baghdad, Iraq APOAE 09373</i>	2. DATE (YYYYMMDD) <i>2004 08 21</i>	3. TIME <i>1015</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN (b)(6), (b)(7)(C)	7. GRADE/STATUS <i>01</i>	

8. ORGANIZATION OR ADDRESS
AC, JOENBN, (C)

9. I, (b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:



10. EXHIBIT <i>Z</i>	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF <i>1</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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: Camp Iron Horse Baghdad, Iraq
2. DATE (YYYYMMDD): 20040821
3. TIME: 0950
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6), (b)(7)(C)
7. GRADE/STATUS: E-4
8. ORGANIZATION OR ADDRESS: 763rd Ord. Co.

9. (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
SSG (b)(6), (b)(7)(C) had came and woke me up and told me we had an incident. Once I got over to our shop where we work he informed me that there were two trucks on Predator that had been shot up while tossing landmines out of the back. So once our security was ready and we were ready we began to roll out towards the sight. Once we got to the link up site with the unit on the ground we turned left onto Predator and drove a ways down the road then we stopped probably about 150-100 meters from the first site, but none got out of their vehicle immediately. It seemed like we waited for 10-15 minutes for someone to decide that this was the right spot, so then our security element set up our inner perimeter while SSG (b)(6), (b)(7)(C) spoke to someone from the ground unit about where exactly the landmines were supposed to be. That was when he returned to the truck and told me that they weren't landmines, but boxes with IED's in them. So SSG (b)(6), (b)(7)(C) and I got our robot out and ready then proceeded to drive it down range towards the boxes. We had to attach a flash light to the arm of the robot before driving it down because it was so dark. But for added light, I began to shine our teams spot light on the first box so that SSG (b)(6), (b)(7)(C) could drive it towards the box. Once the robot was down range SSG (b)(6), (b)(7)(C) orientated the camera to see down into the box, then he called me over to show me that it was empty. Then I went back and shined the light on the second box while he drove it over to the box. I couldn't tell what exactly he was doing, but it took a little longer for him to say that it was empty. While we were working, there was still tanks, and I think HMWV's driving on the other lane until either SSG (b)(6), (b)(7)(C) or one of our security guys told me that it wasn't a good idea if these were IED's. After clearing the first two boxes SSG (b)(6), (b)(7)(C) and I loaded the robot back into our truck then waited for someone to show us the next set of boxes. Then when we arrived at the next site we got our robot back out to send it down range, that is when our robot stopped working. So with that SSG (b)(6), (b)(7)(C) began to try to find out if there was a way to get the tank to shoot the remaining boxes so that we could see if they were empty or not. So they began to shoot a couple

10. EXHIBIT: AA
NAME OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 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 BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

of rounds into each box. Then I would pull up next to the box, SSG [redacted] would look out the window, verify that it was empty, then he would move it off the road. We made our way down the street like that to the first burning truck. We stopped about 4-5 times for boxes along the way. Once we got there I continued to follow the lead vehicle in our convoy around the truck and bodies. There was a group of people sitting on the opposite side of the truck quiet and not moving. When we stopped we were next to another HMWV and SSG [redacted] got out of our truck and went over to the other HMWV and began talking to the driver while I listened to our security talk on the radio to find out if we still needed to be there. Once SSG [redacted] returned to the truck he told me that they hadn't found anything in the truck so we sat there for what seemed like forever while our Security tried to get [redacted] to let us return to the F.O.B. since there wasn't anything else. Initially they wouldn't let us leave the site, but eventually they said we could go. So we circled back around and began heading back towards our starting point, but down the other lane. We arrived back at the F.O.B. around 0600. End of statement.

AFFIDAVIT

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

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

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

f 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)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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: Camp Iron Horse, Baghdad Iraq
2. DATE (YYYYMMDD): 20040821
3. TIME: 1023
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME:
6. SSN (b)(6), (b)(7)(C):
7. GRADE/STATUS: SSG
8. ORGANIZATION OR ADDRESS: 763rd Ord Co (F00)

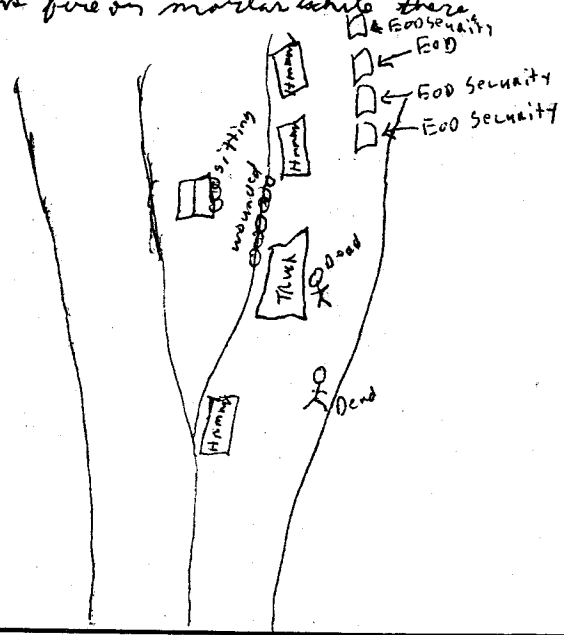
9. (b)(6), (b)(7)(C)
I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
I responded to a 9-Line call of 3 landmines at 2 different locations along route predator. Prior to departure the 9-Line was received. We waited until compass call was stopped. We left the FOB at approx 0330. Arrived onsite about 0345. Linked up with other the OIC or NCO IC. I asked about the landmines. He stated that they initially reported landmines but later called in that they were boxes. My team then were escorted to about 100 to 150 meters from the 1st 2 boxes. The IRobot was used to check out the first two boxes. Through the Recon camera the first box was the bottom portion of a banana box. Open end facing up, empty. 2nd box was a box with a flip lid. Used robot to open the box, empty. Brought robot back and stowed it for the next site. Upon moving about 100 to 200 meters down the road to the next box, attempted to redeploy the robot, it did not work. I made the call to have the Bradley vehicle with their 7.62mm rifle shoot 2-3 rounds at the boxes to remotely disrupt them. My team stayed back approx 150 meters behind the track vehicle. I watched through NVG's as they shot the boxes. I chose 2-3 rounds for them to shoot so it would be more controlled. As they advanced and were about 100 to 200 meters past the boxes we drove by and checked out the boxes. Boxes were manually inspected and removed from road. A total of 6 to 7 boxes were inspected, that includes the two that the robot inspected. We arrived to where a truck was shot up and the back of it was stuff burning in it. There were 2 dead bodies outside the truck. About 6 local nationals sitting on the curb by the truck with U.S. forces giving them 1st aid. 3 other local nationals were sitting on a monument in the median between the two roads. I asked the driver of one of the HMMWV's that was on scene and asked him if any IED's, Ordnance or anything like that was found on the people or the truck. He replied no they did not. The 3 local nationals did not look injured and just looked tired. The 6 on the curb were give 1st Aid by the U.S. forces there. I was about 30 to 40 meters from them. I did not notice any weapons on the dead

10. EXHIBIT: AB
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(7)(C)
PAGE 1 OF 2 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 BE INDICATED.

9. STATEMENT (Continued)

Head bodies or any separated away from the local nationals. ~~The~~ Our security element asked about the next site. Our security element told us that the on scene people said there were no IEDs or landmines at the other site, just also empty boxes. We called back to Lumbayoch make to come back we were told to standby. During this time vehicles were coming down the road. Our security told me the far side security let them through. Our security stopped them from advancing and held them at about 50 meter to 75 meters away while waiting for [REDACTED] to release us, I looked at my watch and commented to SPC ^{(b)(6), (b)(7)(C)} how slow open up soon; it was about 5:20 we left at about 0540-0545. We received no small arms fire or mortar while there.



AFFIDAVIT

I, ^{(b)(6), (b)(7)(C)} _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

^{(b)(6), (b)(7)(C)} _____
(Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS _____

ORGANIZATION OR ADDRESS _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT ^{(b)(6), (b)(7)(C)} _____

Exhibit 31

Pages 172 and 173 referred to:

FOIA OFFICE (IMWE-HOD-HRA),
BUILDING 4230,
78TH STREET & SANTA FE AVENUE,
FORT HOOD, TEXAS 76544-5000

IMPROVISED EXPLOSIVE DEVICE (IED) REPORT

LINE 1: DATE/TIME GROUP REPORTED

180230AUG04

LINE 2: UNIT REPORTING (INCLUDING CALLSIGN AND FREQ)

(b) (6)

Fm 646

LINE 3: GRID LOCATION AND SITE DESCRIPTION

Fm 646

LINE 4: DESCRIPTION OF IED

Land Mines x 3

MB 547 915
549 916
531 887

LINE 5: DETONATED (YES/NO)

NO

LINE 6: INJURIES (# BY TYPE)

NO

LINE 7: SITE SECURED AND CORDON ESTABLISHED (YES/NO, HOW)

effecting RT predators / cordoned s.

LINE 8: REPORT #

I	Z	I	C	B	0	4	0	8	1	8	0	1				
Y Y M M D D																

LINE 9: EOD TEAM DISPATCHED (TM AND DTG OF SP)

Debrief Results DTG Mission Completed

Summary of IED Procedures

Receive report (complete lines 1-7), Submit Spot report to 1BCT Battle CPT and S2, Alert EOD and escorts, Track IED current Ops through completion, Complete report and submit to BC and S2

Debrief 6
OTBla
48 of 59

FOR OFFICIAL USE ONLY

E O I O

2 TRUCKS w/ T
2 PER

THROWING OUT TRUCKS
CORROK PREPFORM & GOLD

SPONTANEOUSLY EXPLODING

2 MB 522 876 ON PREP.

2 ADD CURRENTLY THROWING OUT

1/41/
STACWART / FRISA
141-1239 PMVT
141-3395

~~FOR OFFICIAL USE ONLY~~
~~Law Enforcement Sensitive~~



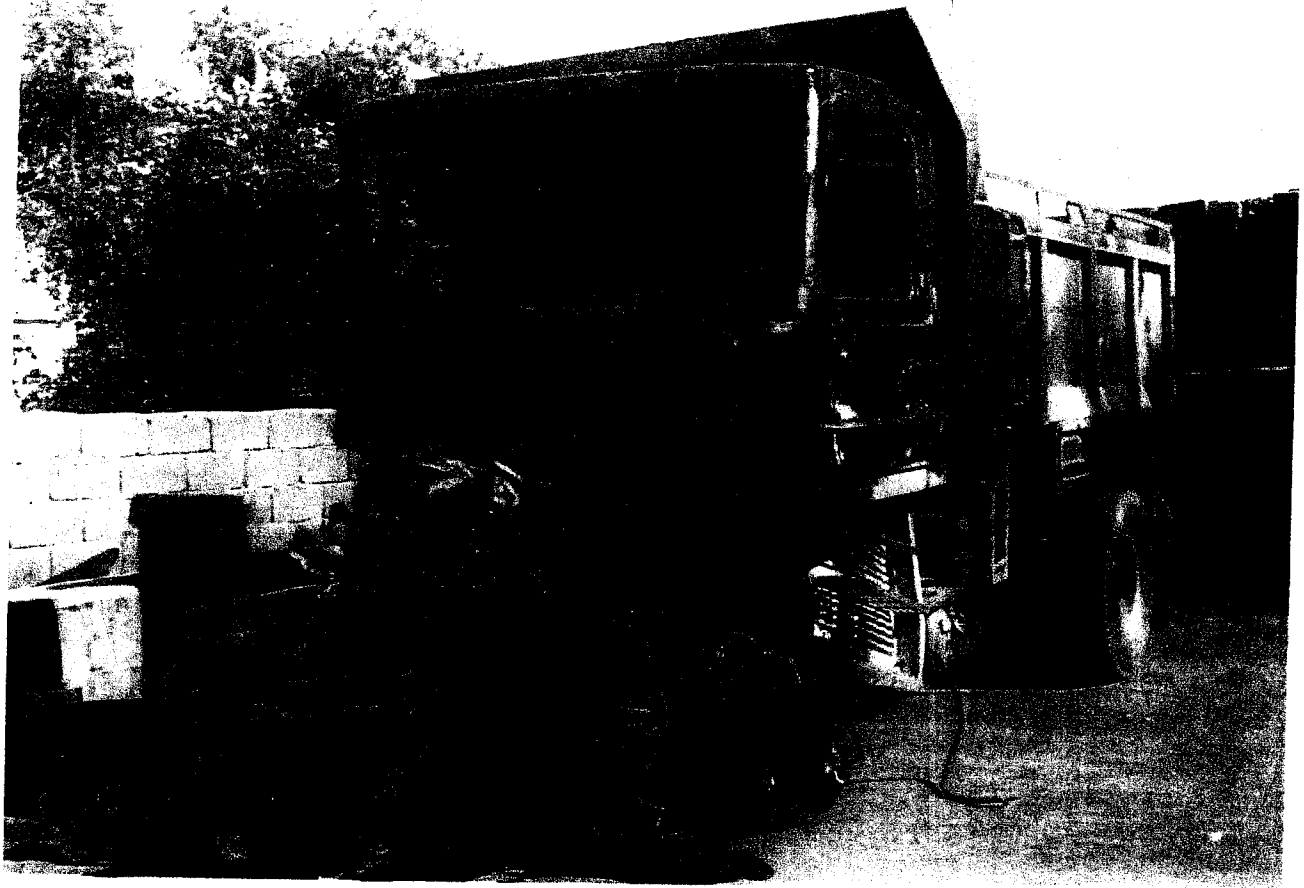
FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

Truck: Nenevah 39661, 1987 Scania

ACLU-RDI 5867 p.167

10-L-0126-ACLU DD III (CID ROT) 1999

50 of 59
EXHIBIT 1746
TT
31-50



FOR OFFICIAL USE ONLY
ACLU DD III (CID RO) 10-L-0126
Truck: Nenewah 39661, 1987 Scania
Law Enforcement Sensitive

51 of 59
175
EXHIBIT #
31-51



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Law Enforcement Sensitive

Truck: Nenewah 39661, 1987 Scania

ACLU-RDI 5867 p.169

10-L-0126 ACLU DD III (CID ROI) 2001

52 of 59
EXHIBIT 176
31-52



FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

Truck: Nenevah 39661, 1987 Scania

ACLU-RDI 5867 p.170

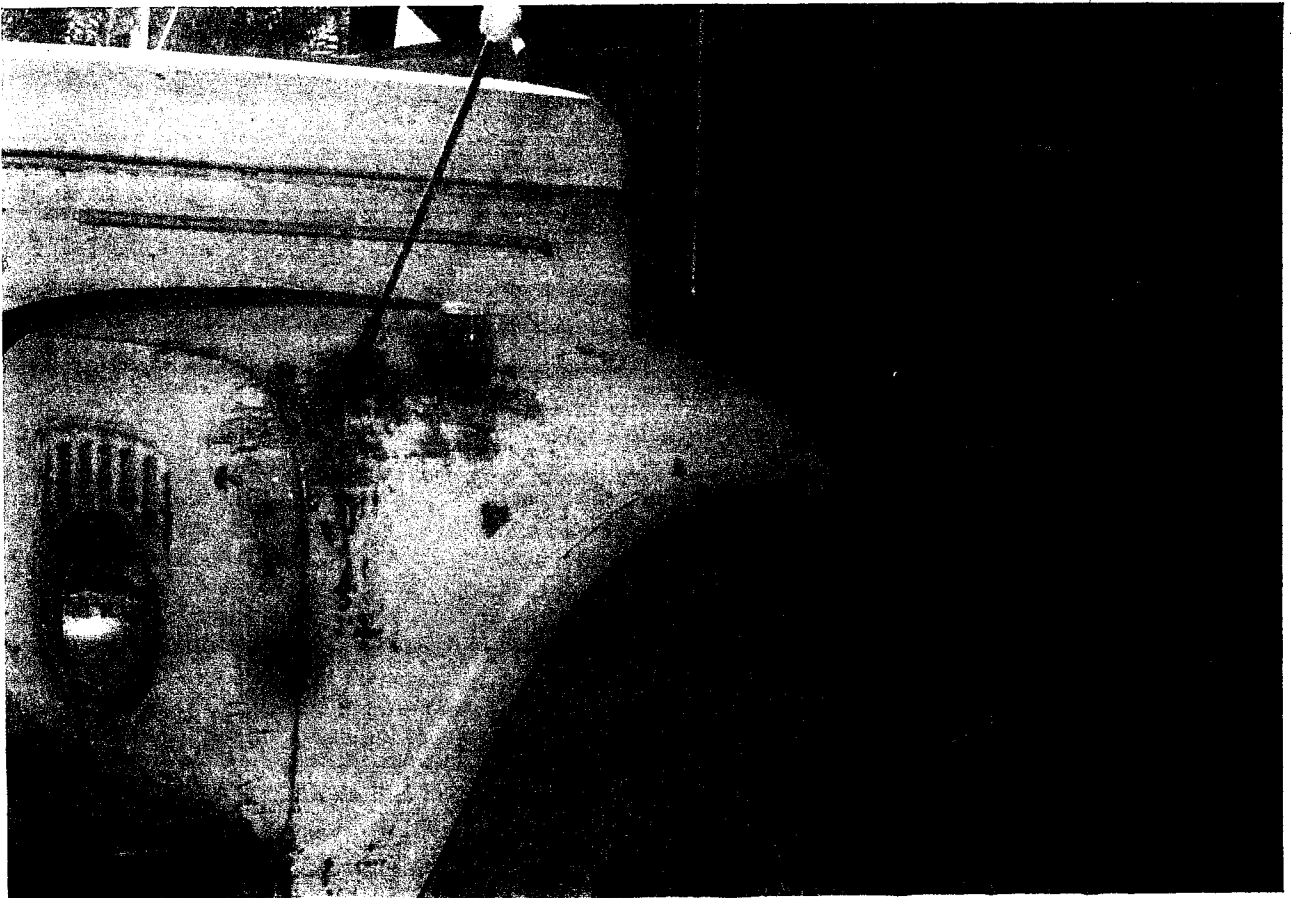
10-L-0126-ACLU DD III (CID ROI) 2002

EXHIBIT #

53 of 59

177

31-53



Truck: Baghdad 15591, 1971 Scania

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

10-L-0126 AGLU DD III (CID ROI)

EXHIBIT #

54 of 59
178
31-54



FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

Truck: Baghdad 15591, 1971 Scania

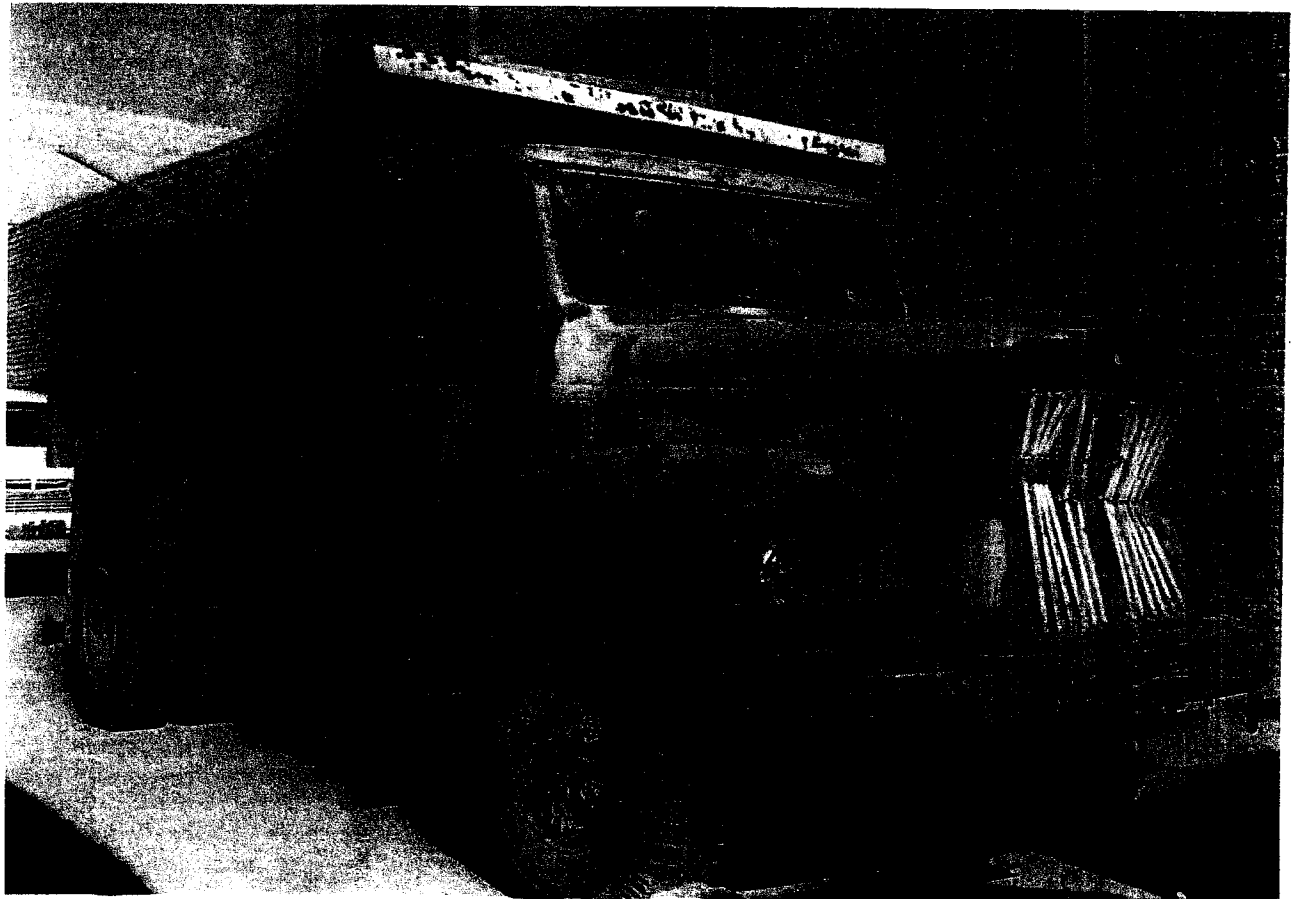
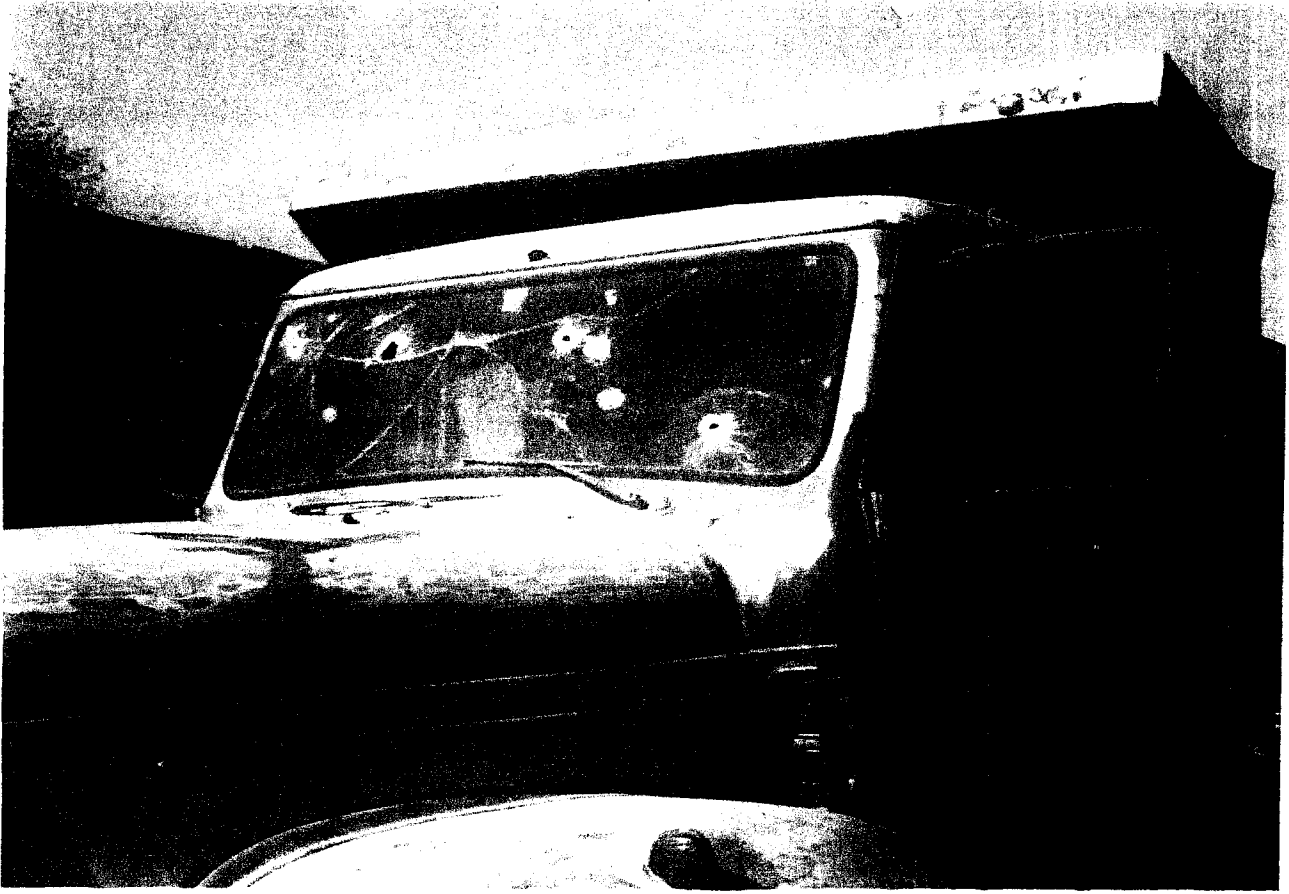
ACLU-RDI 5867 p.172

10-L-0126 **AGLU DD III (CID ROI) 2004**

EXHIBIT 179

31-55

55 of 59



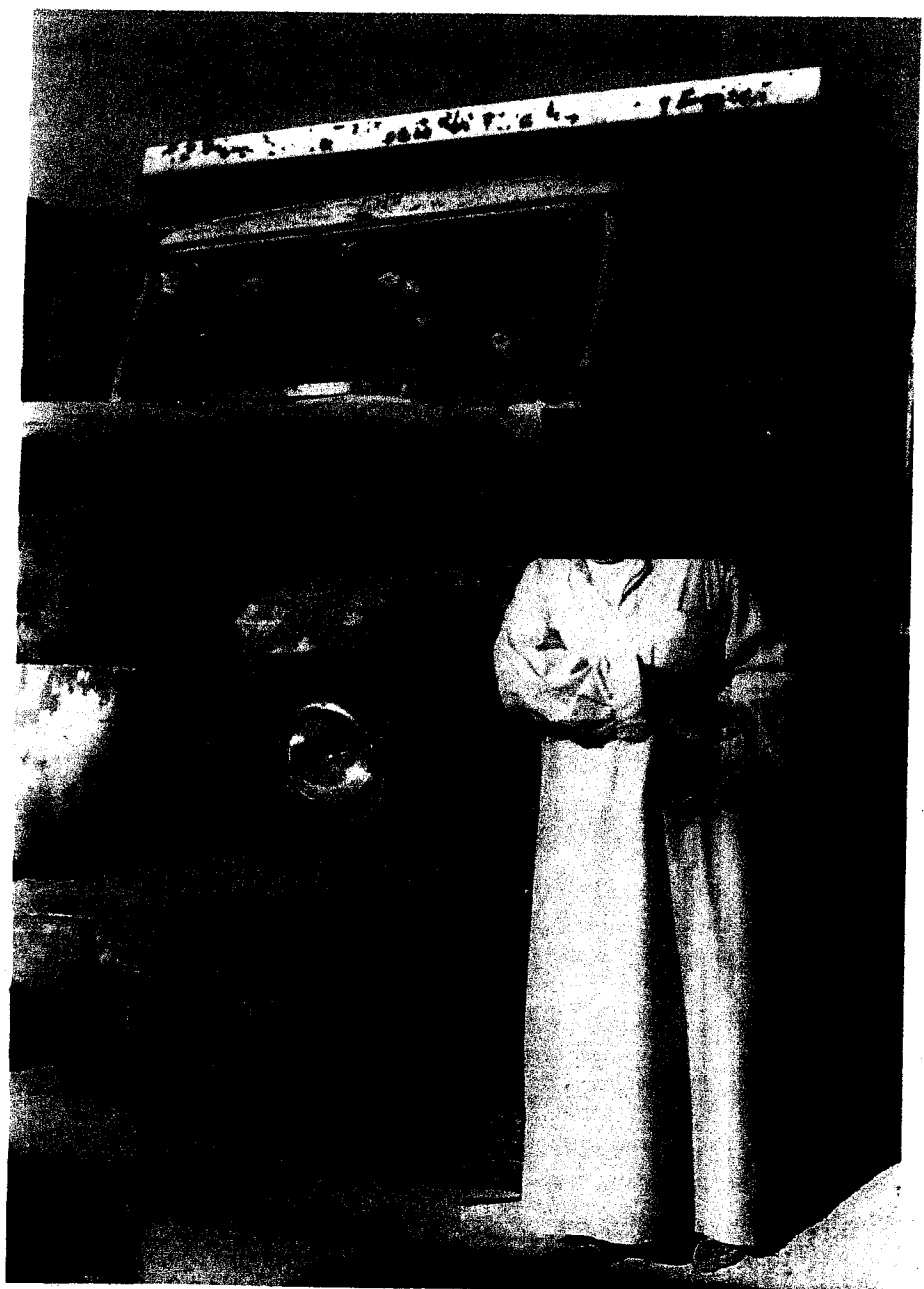
FOR OFFICIAL USE ONLY Law Enforcement Sensitive
Truck: Baghdad 12872, 1970 Scania
ACLU-RDI 5867 p.173

EXHIBIT

10-L-0126 ACLU DD III (CID ROT) 2003

56 of 59
180

31-54



FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

Truck: Baghdad 12872, 1970 Scania

ACLU-RDI 5867 p.174

10-L-0126 ACLU DD III (CID RO) 2006 #

57 of 59
EXHIBIT 181 #
31-57



Exhibit 31

Page(s) 183 referred to:

FOIA OFFICE (IMWE-HOD-HRA),
BUILDING 4230,
78TH STREET & SANTA FE AVENUE,
FORT HOOD, TEXAS 76544-5000



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE (IRON HORSE), 1ST CAVALRY DIVISION
APO AE 09373



FIVA-1BDE-CDR (15-6)

18 Aug 2004

MEMORANDUM FOR (b)(6) (b)(7)(C) HHC, 1st Brigade, 1st Cavalry
Division (WAEOT0)

SUBJECT: Appointment as 15-6 Investigating Officer

1. I hereby appoint you as an investigating officer under the provisions of Army Regulations 385-40 and 15-6 to conduct an investigation into the TF 1-41 IN engagement of dump trucks loaded with personnel.
2. Conduct a formal investigation in accordance with the procedures set out in AR 15-6. Take the statements of witnesses in writing and under oath whenever possible. If circumstances preclude obtaining a sworn statement, summarize the witness' statement in a memorandum for record and attest to the accuracy of your summary. If, during the course of your investigation, you come to suspect that someone committed a criminal offense, advise them of their rights under Article 31, UCMJ or the Fifth Amendment as appropriate.
3. Address the following points, at minimum, in your investigation:
 - a. When did this incident take place? Who were the persons involved? What were the involved persons doing before, during, and after the incident?
 - b. Describe the incident, including, but not limited to, its causes and contributing factors. Describe why this incident occurred and site specific exhibits as evidence of your findings and recommendations.
 - c. Recommend any liability or responsibility and indicate if there were any administrative factors, i.e. violations of 1st Cavalry Division, III Corps or CJTF-7 and DA policies, regulations and pamphlets, which may have contributed to this incident.
4. Contact the Brigade staff judge advocate in order to obtain legal advice prior to beginning your investigation. Submit your completed report, including all of the evidence marked as exhibits, in two copies to me through the SJA not later than 21 August 2004.
5. The Brigade Commander, Colonel (b)(6) serves as the appointing authority for this investigation. The point of contact for this memorandum is MAJ (b)(6) 1st Brigade S-1.

FOR THE COMMANDER:

(b)(6)

Major, Armor
Brigade S-1

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~~Law Enforcement Sensitive~~
Enclosure 1

About 1400, 22 Sep 04, this office received a Category 1 Request For Assistance (RFA) (0330-04-CID259-80335) through the Fort Belvoir, VA Resident Agency, and the 10th Military Police Battalion, Fort Bragg, NC from the 78th Military Police Detachment (CID)(FWD), Baghdad, Iraq APO AE 09342. The RFA requested this office contact LTC (b)(6), (b)(7)(C) 497th Intelligence Group, Langley Air Force Base, VA and collect Predator video or camera footage for the period 17-18 Aug 04 to grid coordinates (b)(6), (b)(7)(C)

Agent's Comment: The telephone number, provided within the RFA, was incorrect and verified to be DSN: (b)(6), (b)(7)(C)

Dispatched, via email, 1st Information Report, indicating receipt of CAT I RFA, the case number assigned and an estimated completion date.

On 22 Sep 04, SA (b)(6), (b)(7)(C) this office, coordinated with LTC (b)(6), (b)(7)(C) and briefed him on all aspects of this RFA and the data requested. A meeting with LTC (b)(6), (b)(7)(C) was scheduled for 0830, 24 Sep 04, at his office on Langley AFB to determine if the video footage is available and when it can be collected.

About 0830, 24 Sep 04, SA (b)(6), (b)(7)(C) met with LTC (b)(6), (b)(7)(C) Deputy Commander, 497th Intelligence Group, Langley AFB, VA 23665 and LTC (b)(6), (b)(7)(C) USAF, same unit. LTC (b)(6), (b)(7)(C) stated his office did monitor U2 and Predator footage for the area from which it is being requested. LTC (b)(6), (b)(7)(C) stated the footage is maintained for a period of 6 months before it is archived and that, if available, would still be on hand. LTC (b)(6), (b)(7)(C) stated he would assign two personnel to locate the footage and transfer it to electronic media (CD/DVD). Both LTC (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) discussed options available to transport the data, since it would be classified as "Secret". LTC (b)(6), (b)(7)(C) stated the process should take no more than a few days and that he will contact this office when ready.

Dispatched 2nd Info Report, indicating the time and date the data should be collected and the available options with transporting it to the originating office.

On 27 Sep 04, SA (b)(6), (b)(7)(C) received a call from LTC (b)(6), (b)(7)(C) who advised that, after reviewing all video footage on hand, his office did not have data for the grid coordinates listed within the RFA.

Dispatched 3d Info Report. Advised by originating office to close RFA; no further investigative activity requested. ///Last Entry///

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

12TH MP DET (CID)
3D MP GP (CID), USACIDC
FORT EUSTIS, VA 23604-5534

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

Signature

Date:

29 SEP 04

Exhibit:

CID F

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AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

CID Regulation 195-1
Law Enforcement Sensitive

PAGE 1 OF 1 PAGE

DETAILS

About 1015, 4 Oct 04, SA [REDACTED] interviewed SA [REDACTED] who provided a sworn statement, in which he elaborated on his previous statement, dated 17 Sep 04, pertaining to the rights advisal and interview of SSG [REDACTED] (See Sworn Statement for details)

AGENTS COMMENT: The aforementioned sworn statement was taken per the request of CPT [REDACTED] Trial Counsel.

About 1025, 7 Oct 04, SA [REDACTED] interviewed CPL [REDACTED] Headquarters and Headquarter Company (HHC), 1 / 41st Infantry Regiment, Camp Cuervo, IZ (Fort Riley, KS), who provided a sworn statement, in which he detailed his treatment and assessment of the wounded and killed near the dump truck. (See Sworn Statement for details)

AGENTS COMMENT: CPL [REDACTED] related the killed and wounded Iraqis were left on the scene and transported to Camp Cuervo, IZ, respectively.

About 1034, 15 Oct 04, SA [REDACTED] interviewed SGT [REDACTED] HHC, 1-41st Infantry Regiment, Camp Ironhorse, IZ (deployed to Iraq), who provided a sworn statement elaborating on his previous verbal statement on 26 Sep 04. SGT [REDACTED] stated he saw one Iraqi male with an open abdominal wound lying in the road behind the dump truck. SGT [REDACTED] stated the dump truck on the scene was Baghdad 12872. SGT [REDACTED] stated they left the killed Iraqi civilians on the scene and transported the wounded. (See Sworn Statement for details)

About 1052, 15 Oct 04, SA [REDACTED] obtained from SPC [REDACTED] HHC, 1-41st Infantry Regiment, Camp Ironhorse, IZ (deployed to Iraq), a rough sketch depicting the locations of the Iraqi, his vehicle, and the dump truck. (See rough sketch for details)

About 1108, 15 Oct 04, SA [REDACTED] interviewed SPC [REDACTED] who provided a sworn statement, in which he detailed his knowledge of the incident. SPC [REDACTED] stated he saw an Iraqi with an open abdominal wound. (See Sworn Statement for details)

About 1600, 15 Oct 04, SA [REDACTED] conducted a review of the newspaper, The Army Times, dated 11 Oct 04, which disclosed on 27 Sep 04, 1st Cavalry Division, had announced SSG [REDACTED] and SSG [REDACTED] both from C Company, 1st Battalion, 41st Infantry Regiment from Fort Riley, KS, been charged with murder in the death of an Iraqi civilian. (See newspaper article for details)

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] 78 th MI Det (CID), Camp Victory, IZ	SIGNATURE [REDACTED]	DATE 15 Oct 04
--	-------------------------	-------------------

CID FORM 94-E
1 OCT 95

FOR OFFICIAL USE ONLY
PROTECTIVE MARKING IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)

EXHIBIT 33

185

SWORN STATEMENT

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

LOCATION 78 th MP Det (CID) (FWD), Baghdad, IZ	DATE 4 Oct 0 [redacted] 2013	FILE NUMBER 0330-04-CID259-80335
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	RANK/STATUS WO1/RA
ADDRESS/ORGANIZATION 78th MP Det (CID)(FWD), Baghdad, IZ		

(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During the interview of SSG (b)(6), (b)(7)(C) [redacted] he related the following: SSG (b)(6), (b)(7)(C) [redacted] stated he attempted to pull out a young Iraqi male who was burning in the dump truck after many failed attempts SSG (b)(6), (b)(7)(C) [redacted] was finally able to reach his hand in and move the wounded Iraqi male. When SSG (b)(6), (b)(7)(C) [redacted] moved the Iraqi, SSG (b)(6), (b)(7)(C) [redacted] stated "the mans guts spilled out". SSG (b)(6), (b)(7)(C) [redacted] subsequently left the man in the burning vehicle figuring he was dead. Shortly after he saw that the same Iraqi male was still alive and had managed to get out of the truck on his own. According to SSG (b)(6), (b)(7)(C) [redacted] the Iraqi male was burned and his entire midsection was removed. SSG (b)(6), (b)(7)(C) [redacted] related "I could see the guy's spinal cord, abdominal cavity and the mans lungs". Further, SSG (b)(6), (b)(7)(C) [redacted] stated the Iraqi was spitting frothy blood from his mouth. SSG (b)(6), (b)(7)(C) [redacted] stated he then didn't know what to do. SSG (b)(6), (b)(7)(C) [redacted] went and grabbed (b)(6), (b)(7)(C) [redacted] and (b)(6), (b)(7)(C) [redacted] said he wasn't comfortable with using his weapon to kill the man and SSG (b)(6), (b)(7)(C) [redacted] said he wasn't either and that he wasn't asking (b)(6), (b)(7)(C) [redacted] to actually do it. SSG (b)(6), (b)(7)(C) [redacted] then exchanged weapons with (b)(6), (b)(7)(C) [redacted] and attempted to load a single round in the 240B. SSG (b)(6), (b)(7)(C) [redacted] state he did not shoot him at that time and gave the weapon back to (b)(6), (b)(7)(C) [redacted] and (b)(6), (b)(7)(C) [redacted] SSG (b)(6), (b)(7)(C) [redacted] put (b)(6), (b)(7)(C) [redacted] and (b)(6), (b)(7)(C) [redacted] in a security position and at some point talked with LT (b)(6), (b)(7)(C) [redacted] and showed LT (b)(6), (b)(7)(C) [redacted] the wounded Iraqi's condition. SSG (b)(6), (b)(7)(C) [redacted] and LT (b)(6), (b)(7)(C) [redacted] discussed the situation and LT (b)(6), (b)(7)(C) [redacted] told SSG (b)(6), (b)(7)(C) [redacted] to do what you want to do, and SSG (b)(6), (b)(7)(C) [redacted] said he wanted to put the guy out of his misery. LT (b)(6), (b)(7)(C) [redacted] said do it and walked away. Shortly after SSG (b)(6), (b)(7)(C) [redacted] came up with his port fire weapon, SSG (b)(6), (b)(7)(C) [redacted] turned around and heard a burst from (b)(6), (b)(7)(C) [redacted] weapon, when SSG (b)(6), (b)(7)(C) [redacted] turned back around he saw the guy was still alive and he then fired one round from his M16 into the mans head and killed him. SSG (b)(6), (b)(7)(C) [redacted] was adamant that he talked with LT (b)(6), (b)(7)(C) [redacted] and LT (b)(6), (b)(7)(C) [redacted] saw the body and LT (b)(6), (b)(7)(C) [redacted] gave him the OK to shoot the man. Further, SSG (b)(6), (b)(7)(C) [redacted] stated he pulled several other Iraqi's out of the burning vehicle and he and his men had performed 1st Aid on the wounded. SSG (b)(6), (b)(7)(C) [redacted] stated he attempted to get the man he shot out of the vehicle earlier; however, the flames were to hot and he was unable to retrieve him. SSG (b)(6), (b)(7)(C) [redacted] stated when he saw that the mans "guts" were out of the man he did not think the man would make it, and in addition to the burning vehicle he was unable to get the man out of the vehicle. SSG (b)(6), (b)(7)(C) [redacted] stated if he had wanted to just shoot the man, he could have done it then. SSG (b)(6), (b)(7)(C) [redacted] stated the man was in severe pain and the only thing he could do for the man was to end his suffering. SSG (b)(6), (b)(7)(C) [redacted] was then asked to give a written statement, at which time he stated he wanted to talk to a lawyer before providing a written statement. The interview was then terminated. /// END OF STATEMENT /// (b)(6), (b)(7)(C) [redacted]

EXHIBIT	INITIALS (b)(6), (b)(7)(C) [redacted] MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)
NOT USED ///

AFFIDAVIT

(b)(6), (b)(7)(C) SA (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFULENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(7)(C)

WITNESSES:

(b)(6), (b)(7)(C)
at 76th MP Det (CID) (FWD), Baghdad, IZ

ORGANIZATION OR ADDRESS

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

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION Camp Victory, IZ	DATE 07 October 10 25	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E4 1RA

ORGANIZATION OR ADDRESS
HHC, 1-41st Infantry Regiment, Fort Riley, KS (Deployed to Iraq)
(b)(6), (b)(7)(C)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

In August of 2004 I was waken to go on a mission to pick up some injured and KIA Iraqi nationals. When we arrived on scene there was a burning dump truck, with bodies on the ground around the truck and approx. 4 other civilians standing around. The scouts secured the civilians and Sgt. **(b)(6), (b)(7)(C)** started tripping the patients while I turned the truck around and began down loading our gear. As I came out of the back of the 113 I noticed a adult male on the ground with avisorated abdomen. When I checked he had no pulse so I continued over to help Sgt. **(b)(6), (b)(7)(C)**. When I got to Sgt. **(b)(6), (b)(7)(C)** he had already checked all the casualties around the truck and said that there was only 5 kids left alive and one was in critical condition and probably wouldn't survive. So we started treating as fast as we could to get the patients evaced. One of the kids had a possible femur fracture and a dislocated knee. We splinted his legs together put him on a litter then loaded him. The other 2 patients had minor head injuries and shrapnel wounds on their body. We then went to work on the expectant kid. We made sure he had a patent airway and started to check the rest of his body. We noticed upon checking his scalp he had many skull fractures. So we made the decision to do a rapid transport. We loaded him on a litter then we loaded the walking wounded and transported to guerzo. We transferred care to the 1115th FHS. But before we left the scene we made one last check to be sure we didn't leave any

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

FILE NUMBER:

STATEMENT OF [REDACTED]

TAKEN AT Camp Victory, 12 DATED 7 Oct 04

CONTINUED

patients on the ground. As I went to the passenger side of the truck I noticed a adult male ~~being~~ ^{(b)(6), (b)(7)(C)} secured security. Then we went back around to the driver side and I noticed the feet of a child hanging out of the side of the truck and there was also feet of another child hanging out of the rear. When we returned ~~to~~ ^{(b)(6), (b)(7)(C)} ~~where~~ we transferred care to 115th field hospital. ~~There~~ ^{(b)(6), (b)(7)(C)} where there Sgt. Leblanc filled out a sworn statement while the medics continued treatment. PFC ^{(b)(6), (b)(7)(C)} got his gear and went with the patients ^{(b)(6), (b)(7)(C)} the cash because they were transported as POW's. After Sgt. ^{(b)(6), (b)(7)(C)} filled out the statement me and him returned to ~~where~~ ^{(b)(6), (b)(7)(C)} Iron Horse.

Q: SA ^{(b)(6), (b)(7)(C)}

[REDACTED] ^{(b)(6), (b)(7)(C)}

Q: ~~Did~~ when you arrived at the scene, did you observe any treating any casualties?

A: No. ^{(b)(6), (b)(7)(C)}

Q: Did you recall when you arrived on the scene, did you see anyone (soldier) around the truck?

A: No.

Q: I am showing you a copy of the 15-6 investigation pertaining to photographs of the three dump trucks: ^{(b)(6), (b)(7)(C)} ~~near~~ ^{(b)(6), (b)(7)(C)} Newenah 39061, Baghdad 12872, and Baghdad 15591. ~~Do you~~ ^{(b)(6), (b)(7)(C)} can you identify the truck in which was saw regarding this incident?

A: I believe it was Baghdad 12872

Q: When you arrived at the scene, who pulled security?

A: It was the scouts, who escorted us.

Q: Do you recall seeing any bullet wounds in the man with the avulsated abdomen?

A: Not that I recall.

Q: Where was the man with the avulsated abdomen located in relation to the dump truck?

A: Approximately 20 yards in the rear of the dump truck.

[REDACTED] ^{(b)(6), (b)(7)(C)}

INITIALS OF PERSON MAKING STATEMENT

ACLU-RDI 5867 p.183

10-L-0426-ACLU DD III (CID ROP-2015) Law Enforcement Sensitive

PAGE 2 OF 3 189 PAGES

EXHIBIT #35

FILE NUMBER:

STATEMENT OF [REDACTED] TAKEN AT Camp Victory DATED 7 Oct 04 CONTINUED:

STATEMENT (Continued)

Q: Do you recall seeing ~~any~~ any other Iraqi civilians w/ an aviatorated abdomen near ~~or~~ in the general vicinity of the dump truck?

A: No.

Q: Do you have any idea of what had happened or why the dump truck was engaged? [REDACTED]

A: I heard the dump truck ran ~~at~~ a checkpoint. Also, while at the field hospital, one of the kids told an interpreter that they were picking up trash.

Q: Is there anything else you wish to add to this statement?

A: No. /// END of Statement /// [REDACTED]

[REDACTED] (b)(6), (b)(7)(C)

AFFIDAVIT

[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]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of October, 20 04 at Camp Victory, 13

ORGANIZATION OR ADDRESS

[REDACTED] (b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

Article 136

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

LOCATION Camp Victory, 12	DATE 15 OCT 04 10 34	FILE NUMBER
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LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(7)(C)	GRADE/STATUS E-5 / Active
--	-------------------------------------

HHC 141 TN APO-4E 09303

_____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning in question, I was awakened at approximately 0330 and told we were going to be escorted to some patients. My driver, SPC (b)(6), (b)(7)(C) was readied as well as my dismount, SPC (b)(6), (b)(7)(C) to be escorted by 141 scouts to the location. Upon leaving Ironhouse we made our way north on route Predators. About half way to our location we were delayed by E.O.D. while they were checking on a possible I.E.D. After the scene was cleared we proceeded to the patients location. Upon arrival we backed our M113A3 into a traffic circle so it would be easier to leave and make it easier to load patients. I exited the truck and told my driver SPC (b)(6), (b)(7)(C) PFC at the time, to stay with the truck. I was then led by one of the 141 scouts to a body in the road. The body was at least 50 meters south of the dump truck lying face down. Around the body was this persons organs lying on the road. They were protruding about 15" on both sides. There was an even larger pool of blood around the body. After looking towards the dump truck that was on fire I determined that there was no chance of me being able to help this guy so I went to the dump truck to check on the other patients. When I approached the dump truck I saw a very small child's foot protruding from the flames. At the front of the truck I could see a small wound coming from the flames. On the drivers side I had four children that were injured, one grown or adult male KIA, and 3-4 adult males that were uninjured. The uninjured men were taken to the middle of the medicen and I began treating the wounded. Three of the children did not want me to touch them. The fourth had possible skull fractures and he was put on a litter on board. After several minutes

EXHIBIT	INITIALS (b)(6), (b)(7)(C)	STATEMENT	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF: [REDACTED]

TAKEN AT: Camp Victory, IZ

DATED: 15 Oct 04

of arguing with these children I convinced them to let me take them to the hospital. SPC [REDACTED] and I took them one by one to the truck while [REDACTED] and one of the scouts loaded them. After having them loaded we were ready for evacuation to camp Cuervo. We waited for approximately 20 minutes before anything happened. I then informed our scout platoon Sargeant that these kids would die if I didn't get them to the hospital. I then heard on the radio a call to 1-41 T.D.C. that said the same thing that I had just told the scout platoon sargeant, SFC [REDACTED], and we were then instructed to continue the evacuation. From the sight we took the patients to Cuervo for medical treatment. I had to send [REDACTED] with one of the patients for security and SPC samples and I were escorted back to Ironhorse.

(b)(6), (b)(7)(C) SA [REDACTED]

A: SGT [REDACTED]

Q: What's your military occupational specialty?

A: Healthcare Specialist

Q: Did you remove any KIA from the scene?

A: No.

Q: Do you know who removed the KIA's from the scene?

A: No. [REDACTED]

Q: Do you recall seeing any bullet wounds on the ~~wounded~~ Iraqi, who was in the road?

A: No.

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 4

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ACLU-RDI 5867 p.186

10-L-0126 ACLU DD III (CID ROI) 2018

EXHIBIT: 192

STATEMENT OF: [REDACTED]

TAKEN AT: Camp Victory, 12

DATED: 15 Oct 04

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

Q: I am showing you excerpts of photographs, depicting three different dump trucks, which was engaged on 17-18 Aug 04. The aforementioned photographs are excerpted from the 15-6 Investigation (Findings of Investigation) dated 27 Aug 04. Can you identify the dump truck, in which you saw the Iraqi, who was laying in the road with the associated open abdominal wound?

A: I recognize Truck: Baghdad 12872 from the incident.

Q: Is there anything you wish to add to this statement?

A: No. /// End of Statement ///

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

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 4

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EXHIBIT: 193

FILE NUMBER:
CONTINUED:

STATEMENT OF [REDACTED] TAKEN AT Camp Victory

STATEMENT (Continued)

Not Used

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

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

AFFIDAVIT

[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.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of Oct, 2004 at Camp Victory, 12

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

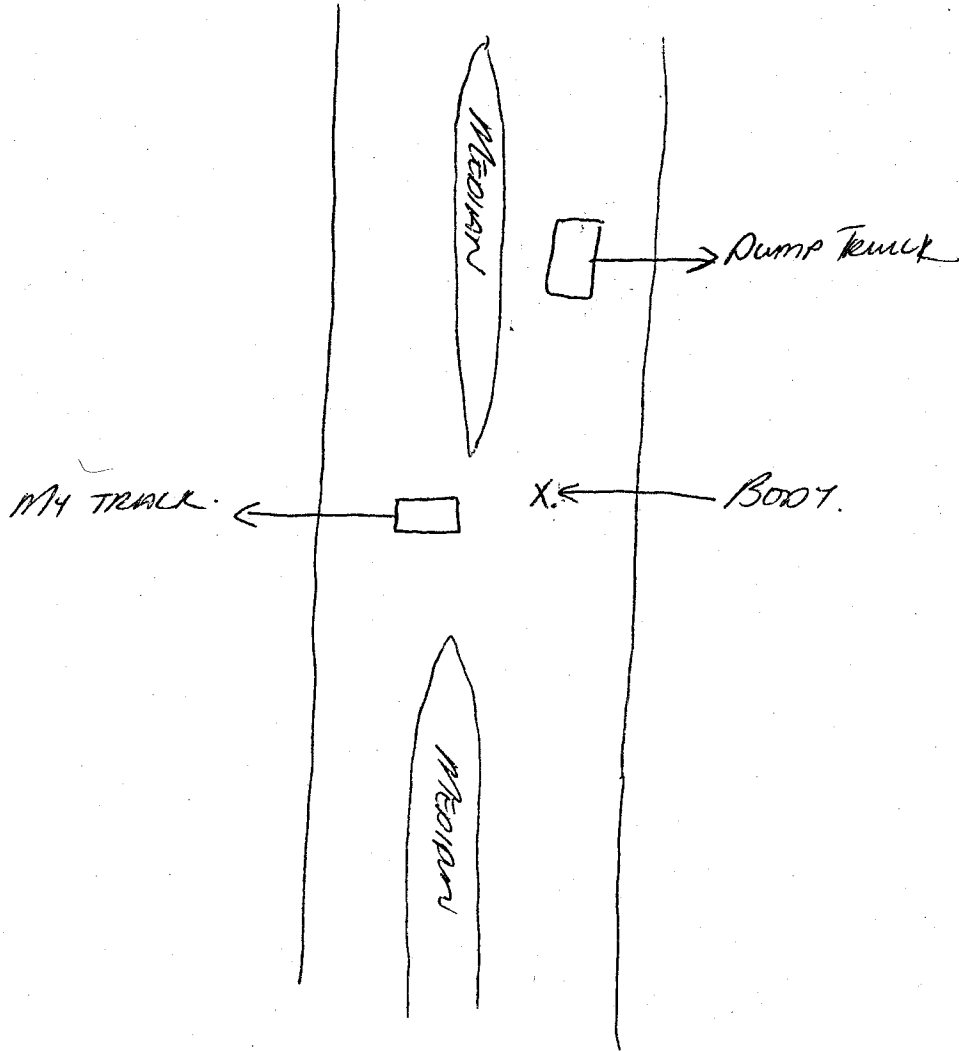
Article 136

(Authority To Administer Oaths)

INITIALS OF [REDACTED]

AGENT

PAGE 4 OF 4 PAGES



Sketched By:

[Redacted]

Printed:

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

Date / Time:

10-15-04 / 10:52

Witnessed By:

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

Printed:

SA [Redacted]

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

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

LOCATION Camp Victory, 12	DATE 10/15/04	TIME 11:08	FILE NUMBER (b)(6), (b)(7)(C)
------------------------------	------------------	---------------	----------------------------------

LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)	GRADE/STATUS E-4
---	---	---------------------

ORGANIZATION OR ADDRESS
HHC 1-A INFANTRY MEDICAL PLATOON

(b)(6), (b)(7)(C) _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE MORNING QUESTIONED I WAS IN THE AIDSTATION WHEN SSG (b)(6), (b)(7)(C) CAME IN AND TOLD ME THAT THERE WAS SOME IRAQI CASUALTIES THAT THE MEDICS HAD TO GO PICK UP. SGT (b)(6), (b)(7)(C) (TRUCK COMMAND) AND CPL (b)(6), (b)(7)(C) (DISMOUNT MEDIC) LEFT WITH A M113A3 ESCORTED BY OUR SQUADS TO THE SCENE. ON OUR WAY THERE WE MADE A STOP AT SOME INTERSECTION, CAUSE EOD WAS WORKING AT SOMETHING THEY THOUGHT WAS AN IED. WE CONTINUED ON ON ROUTE PREDATOR DRIVING ON THE LEFT SIDE OF THE ROAD HEADING TOWARDS THE INCIDENT SITE. WHEN WE ARRIVED AT THE SITE, SGT (b)(6), (b)(7)(C) GOT OUT AND WAS TAKEN TO SOME CASUALTIES LAYING CLOSE TO THE BURNING TRUCK. CPL (b)(6), (b)(7)(C) GUIDED ME WHILE I WAS BACKING OUR VEHICLE UP WITH THE RAMP FRUNG TOWARDS THE INCIDENT. CPL (b)(6), (b)(7)(C) LEFT TO GO ASSIST SGT (b)(6), (b)(7)(C) WITH THE CASUALTIES, WHILE I STAYED WITH OUR VEHICLE, WHICH WAS THE DRIVERS DUTY. AT THIS TIME I WAS WEARING MY NIGHT VISION GOOGLES, AND SAW SOMETHING LAYING ABOUT 20 FEET BEHIND MY TRUCK IN THE MIDDLE OF THE ROAD. ~~THE~~ IT WAS STARTING TO SLOWLY GET LIGHT, SO I DECIDED TO TAKE THE GOOGLES OFF. ABOUT 30 MINS LATER SGT (b)(6), (b)(7)(C) CAME TO THE TRUCK AND TOLD ME THAT WE WERE GOING TO START LOADING THE FOUR CASUALTIES, AND THAT I SHOULD GET THE TRUCK READY. I GOT OUT OF THE CAB OF THE VEHICLE, AND AT THIS TIME IT WAS LIGHT ENOUGH FOR ME TO CLEARLY SEE THE BODY LYING IN THE MIDDLE OF THE ROAD, HAVE PAIN IN ANKLE AND WHAT LOOKED LIKE HIS GREAT INTESTEN. SINCE NOBODY HAD ANY ATTENTION TO HIM, I ASSUMED HE WAS DEAD. WE STARTED LOADING THE CASUALTIES ONE-BY-ONE. AFTER LOADING ALL CASUALTIES, THERE

EXHIBIT	INITIALS OF (b)(6), (b)(7)(C) _____ MENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF: [REDACTED]

TAKEN AT: Camp Victory, 12

DATED: 15 Oct 04

WAS SOME TIME BEFORE WE FINALLY GOT THE GREEN LIGHT ON
EVALUING THE PATIENTS BACK TO CAMP CURVED. AT THIS STAGE
SFC [REDACTED] (SLOW) WAS BLOCKING OFF TRAFFIC IN FRONT OF THE
DEAD PERSON LAYING BEHIND MY TRUCK. HE FINALLY GOT
SOMEONE ELSE IN POSITION TO ASSUME THE RESPONSIBILITY, GOT IN
HIS HUMMER, AND ESCORTED US TO CAMP CURVED, WHERE
WE UNLOADED THE CASUALTIES AT THE FSB.

Q: SA [REDACTED]

SFC [REDACTED]

Q: What's your military occupational specialty?

A: Healthcare Specialist

Q: Do you recall seeing the [REDACTED] Iraqi with an open abdominal wound
near the or in the vicinity of the dump truck?

A: Yes.

Q: How far was the Iraqi from the dump truck?

A: 40-50 ft from the rear of the dump truck.

Q: Do you recall seeing or heard any reports of any additional Iraqi
KIA's with abdominal wounds near the truck?

A: No

Q: Do you know who removed the Iraqi KIA's from the scene?

A: No. They were there when we left.

Q: I am showing you a copy of the 15-6 investigation pertaining to
photographs of the three dump trucks: Nenevah 39661, Baghdad 12872,
and Baghdad 15591. Can you identify the truck, that was you saw the
night of the incident?

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3

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STATEMENT OF

TAKEN AT Camp Victory

FILE NUMBER:

DATED 15 Oct 04 CONTINUED:

STATEMENT (Continued)

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

No. The truck was still on fire. And the back of the truck was open because I could see the garbage.

Q: Is there anything else you wish to add to this statement?

A: No. /// END of Statement ///

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

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

AFFIDAVIT

WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of October, 20 04 at Camp Victory, 12

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

(th)

SA

(Typed Name of Person Administering Oath)

Article 136

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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NEWS BREAKS

SHORTER TOURS DEBATED

A congressional leader on military issues is asking the Pentagon to consider shortening the length of deployments for Army troops.

Rep. Ike Skelton, senior Democrat on the House Armed Services Committee, urged Les Brownlee, acting Army secretary, to consider reducing the one-year deployment for soldiers.

"If the Marines are able to manage their forces on a seven-month rotation, then surely the Army should be able to do so as well," Skelton, a Missouri lawmaker, wrote Brownlee in a letter dated Sept. 30.

When the Marine Corps was asked to deploy to Operation Iraqi Freedom again, that service held to its plan of sending troops to a war zone for no more than seven months. Rumsfeld reportedly asked the Army back then, and again a month ago, to justify why it couldn't do the same.

"Shorter tours aren't feasible at this time," said Lt. Col. Michael Negard, spokesman for Army Chief of Staff Gen. Peter Schoomaker.

"Although the Army will periodically evaluate the policy, expect it to remain in effect through FY05 and beyond if the situation requires it," he said.

"We've done the analysis. Current operational requirements in Iraq and Afghanistan, and the need to transform the force, preclude the Army from changing the policy in the immediate future."

MORE SOLDIERS ACCUSED OF MURDER IN IRAQ

Two soldiers have been charged with murder in the death of an Iraqi civilian, the 1st Cavalry Division announced Sept. 27.

A military statement identified the soldiers as Staff Sgt. Johnny Horne Jr. and Staff Sgt. Cardenas Alban, both from C Company, 1st Battalion, 41st Infantry Regiment from Fort Riley, Kan.

Fort Riley spokeswoman Sam Robinson said Horne and Alban were both on their second tour of duty in Iraq with the unit.

The statement said the alleged incidents are not related to murder charges recently filed against Sgt. Michael Williams and Spc. Brent May, from the same unit. They were charged in the deaths of three Iraqis.

Robinson referred all other questions to officials in Iraq, adding that Fort Riley has learned little about the two incidents since they were first reported.

NAVY KEEPS ID OF ACCUSED SEALS SECRET

It wasn't long before the public learned the names and backgrounds of soldiers seen grinning in photos taken at Iraq's Abu Ghraib prison, and when Marines were implicated last year in the abuse of Iraqi detainees at a makeshift lockup outside Nasiriyah, their names were quickly released.

But the Navy is keeping a tighter lid on the identity of seven of its SEAL commandos charged with assaulting Iraqi prisoners. Few details have been released since charges were first announced Sept. 2.

Navy Capt. Raul A. Pedrozo, the judge advocate for Naval Special Warfare Command in Coronado, Calif., where the SEALs are based, denied a Freedom of Information Act request filed by The Associated Press seeking the identities of the accused and additional details. Among the reasons Pedrozo cited was that U.S. law exempted identities of members of "sensitive units" from disclosure.

Charges against the SEALs include aggravated assault with intent to cause death or serious bodily harm, obstruction of justice and conduct unbecoming an officer.

SOLDIER ON LEAVE STABBED TO DEATH

A Holyoke, Mass., man has been charged with murdering a Springfield father of five who was on leave.

Pablo Vargas, 26, pleaded innocent at his arraignment Sept. 24. Vargas is accused of stabbing Trayvone King, 27, a former National Guardsman who recently joined the Army. King was on leave from training at Fort Drum, N.Y., when he was killed.

ArmyTimes

A GANNETT PAPER

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AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

CID Regulation 195-1
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PAGE 1 OF 3 PAGES

DETAILS

About 1400, 6 Nov 04, SA [REDACTED] interviewed LT [REDACTED] B CO, 2/14 Infantry Regiment, Camp Liberty, IZ (Fort Drum, NY), who provided a sworn statement documenting his actions of recovering the deceased Iraqi's from around the dump truck. (See Sworn Statement for details)

AGENTS COMMENT: The date on the sworn statement was incorrect and should reflect 6 Nov 04.

About 1407, 6 Nov 04, LT [REDACTED] prepared a rough sketch depicting the location of the bodies on the scene. (See sketch for details)

AGENTS COMMENT: The date on the sketch was incorrect and should reflect 6 Nov 04.

About 1444, 6 Nov 04, SA [REDACTED] interviewed PV2 [REDACTED] B Company, 2/14th Infantry Regiment, Camp Liberty, IZ (Fort Drum, NY), who provided a sworn statement documenting his actions of recovering the deceased Iraqi's from around the dump truck. (See Sworn Statement for details)

AGENTS COMMENT: PV2 [REDACTED] stated he did not move any killed Iraqis with CPT [REDACTED]

About 1502, 6 Nov 04, PV2 [REDACTED] prepared a rough sketch depicting the location of the bodies on the scene. (See sketch for details)

About 1505, 6 Nov 04, SGT [REDACTED] B Company, 2/14th Infantry Regiment, Camp Liberty, IZ (Fort Drum, NY), prepared a rough sketch depicting the location of the bodies on the scene. (See sketch for details)

About 1507, 6 Nov 04, SA [REDACTED] interviewed SGT [REDACTED] who provided a sworn statement documenting his actions of recovering the deceased Iraqi's from around the dump truck. (See Sworn Statement for details)

About 0950, 10 Nov 04, SA [REDACTED] coordinated with Mr [REDACTED] Iraqi Police Liaison, PM JCC, Camp Liberty, Baghdad, IZ, who was briefed on all aspects of this investigation. SA [REDACTED] requested Mr [REDACTED] assistance in the retrieval of digital imagery and other pertinent documents pertaining to the killed Iraqis, who was brought to the Iraqi Police station by LT [REDACTED] PV2 [REDACTED] and SGT [REDACTED] on 18 Aug 04. Mr [REDACTED] related he would notify this office when task was completed.

About 1456, 10 Nov 04, SA [REDACTED] briefed CPT [REDACTED] Trial Counsel, SJA, on all aspects of this investigation.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]
78 Mr Det (CID), Camp Victory, IZ

SIGNATURE

[REDACTED]

DATE

30 Nov 04

CID FORM 94-E

1 OCT 95

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(When Date Is Entered)

EXHIBIT 40

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

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PAGE 2 OF 3 PAGES

DETAILS

About 1130, 17 Nov 04, SA [REDACTED] interviewed CPT [REDACTED] Commander, C Company, 2-70 Armor Battalion, Fort Riley, Kansas (deployed to Iraq), who described the night as strange. CPT [REDACTED] related his platoon was Green platoon (3/C/1-41), who reported observing a dump truck throwing boxes/packages off the back onto RTE Predators. CPT [REDACTED] related green platoon then reported that one of the packages thrown off the dump truck exploded. CPT [REDACTED] related he authorized Green to engage the dump truck and they did so. CPT [REDACTED] related at the same time his Red Platoon observed another dump truck dropping off packages/boxes onto RTE Predators, north of Green's position. CPT [REDACTED] related he authorized Red to engage the dump truck as Red observed what it believed to be an exploding box as well. CPT [REDACTED] related there were two dump truck sites. CPT [REDACTED] related he was not certain if he ever saw the dump truck site that Green engaged. CPT [REDACTED] related he saw the dump truck site that Red destroyed. CPT [REDACTED] related he was actually part of a mission to observe an NAI vic [REDACTED] so I did not initially respond to the destroyed dump trucks. CPT [REDACTED] related the TF commander LTC [REDACTED] had sent elements from B/2-14 to secure the sights. CPT [REDACTED] related he only got involved when I heard the Task Force start asking about body bags. CPT [REDACTED] related he could tell that TF was trying to get some body bags to bag up the KIA Iraqis. CPT [REDACTED] related he told TF that I had 5 Body Bags that I would drop off the bags with the B/2-14 guys securing the dump trucks. CPT [REDACTED] related it was just after first light when I arrived on the scene of what I believed to be the northern most dump truck sight (the dump truck destroyed by my Red platoon). CPT [REDACTED] related he stopped at the site of the still burning dump truck. CPT [REDACTED] related there were 4 very dead IZ men lying on the ground near the dump truck. CPT [REDACTED] related all of the IZ were very torn up, he mean that literally. CPT [REDACTED] related he distinctly remembered one IZ. He had no guts. CPT [REDACTED] related PFC [REDACTED] dismounted the truck with me to help bag the IZ men. CPT [REDACTED] related he recalled seeing killed Iraqi with an open abdominal wound near the dump truck. CPT [REDACTED] related the guy was literally shredded and his guts were smeared all over the road. He wasn't pleasant to look at and he smelled awful. The soldier with me (PFC [REDACTED]) was doing at that he could do to not wretch. CPT [REDACTED] related he knows 2LT [REDACTED] SSG [REDACTED] and SSG [REDACTED] CPT [REDACTED] related the night in question was pretty screwed up. CPT [REDACTED] related to this day he's not exactly certain of what happened. CPT [REDACTED] related he wasn't sure of is that there was at least one dump truck shooting and very possibly two. CPT [REDACTED] related he saw one scene complete with burning dump truck and 4 KIA IZ's. CPT [REDACTED] related the dead IZ's he saw were definitely dead as a result of massive trauma consistent with having been killed by a HEAT round from a 120mm tank cannon. CPT [REDACTED] related all of the IZ's were shredded. CPT [REDACTED] related one had no guts and he looked like he had been gutted like a buck. CPT [REDACTED] related he knew this because I had to scoop everything into a body bad. CPT [REDACTED] related all the other IZ's been equally torn-up but in different ways one guy had not shoulder and his ribs were exposed. CPT [REDACTED] related one guy was shredded by fragments. CPT [REDACTED] related one thing I do remember was that all the IZ's were very stiff with rigor. This meant they'd been dead for a while. CPT [REDACTED] related he talked with LT [REDACTED] a little bit about the incident, nothing significant, the usual gallows humor that accompanies witnessing something that still gives

TYP [REDACTED]	R	SIGNATURE [REDACTED]	DATE
SA [REDACTED]		[REDACTED]	30 Nov 04
78 th MP Det (CID), Camp Victory, IZ			

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1 OCT 95

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EXHIBIT 40

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AGENT'S INVESTIGATION REPORT

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PAGE 3 OF 3 PAGES

DETAILS

me bad dreams. CPT [REDACTED] related it looked like things might have transpired differently originally thought (i.e. his guys might have killed a wounded IZ) LT [REDACTED] and I talked more seriously. CPT [REDACTED] related he told LT [REDACTED] that he was right to consult a lawyer and that the truth was the only way out of his situation.

About 1510, 29 Nov 04, SA [REDACTED] interviewed CPT [REDACTED] Commander, B Company, 1-41st Infantry Regiment, Camp Liberty, Baghdad, IZ, who provided a sworn statement, in which he stated he overheard LT [REDACTED] and SSG [REDACTED] talking in the latrine about this incident. (See Sworn Statement for details)

About 1314, 30 Nov 04, SA [REDACTED] interviewed 2LT [REDACTED] HHC, 1-41st Infantry Regiment, Camp Liberty, Baghdad, IZ, who provided a sworn statement, in which he stated SSG [REDACTED] related 2LT [REDACTED] did not give him the order to shoot the Iraqi near the dump truck. (See Sworn Statement for details)

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

TY [REDACTED]
S [REDACTED]
78 [REDACTED] Mr Det (CID), Camp Victory, IZ

SIGNATURE
[REDACTED]

DATE
30 Nov 04

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EXHIBIT 40

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is (b)(6), (b)(7)(C)

LOCATION Camp Victory South	DATE 05 NOV 2004	TIME 1400	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(7)(C)	SOCIAL SECURITY NUMBER (b)(6), (b)(7)(C)		RANK/STATUS 01/Platoon Leader
ADDRESS/ORGANIZATION B CO 2-14 IN 2 nd BCT 10 th MTN DIV APO AE 09303			

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 During the early morning hours of the 18th of August, 2004, I was dispatched about 1 Kilometer north from my position on route Predators to assist Charlie Company, 2-70 Armor in the recovery of the remains of some dead AIF fighters after an engagement they had during the same day. I took a squad plus an engineer detachment with me to assist in the task. When I arrived to the scene, I saw one truck with three AIF bodies surrounding it. One of the bodies was near the drivers side door, one was near the tailgate Approx 6 feet off the bumper, and one was about the same distance from the tailgate face down on the passengers side of the vehicle. The individual, who was faced down, was turned over by PV2 (b)(6), (b)(7)(C) and CPT (b)(6), (b)(7)(C) Charlie Company's commander. The individual was heavier set than the others and it took a little effort to get him placed on his back. When they did, we all saw that he had a severe abdominal wound and that his intestines were protruding out. Due to the condition of the bodies, I was unable to determine what specific weapon system caused his death. All three of the individuals, and the truck, were heavily damaged from the engagement.

- Q. Did you type the above statement?
- A. Yes.
- Q. What else can you describe about the Iraqi males wounds?
- A. Just that his entire abdomen section had his intestines coming out. We were not in a good area, so we did not want to stay long.
- Q. Who were the bodies released to?
- A. The IP Station on route Predators.
- Q. Do you know any of the IP's names?
- A. No.
- Q. Did anyone tell you about how that man died?
- A. No.
- Q. Did you collect any other bodies from that area?
- A. The only ones we collected were around the vehicle.
- Q. Is there anything else you want to add to this statement?
- A. No. /// END OF STATEMENT/// (b)(6), (b)(7)(C)

EXHIBIT	INITIALS OF P (b)(6), (b)(7)(C) STATEMENT	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.

AFFIDAVIT

I, LT (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1. 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 WITH NO REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 6th day of Nov, 2004

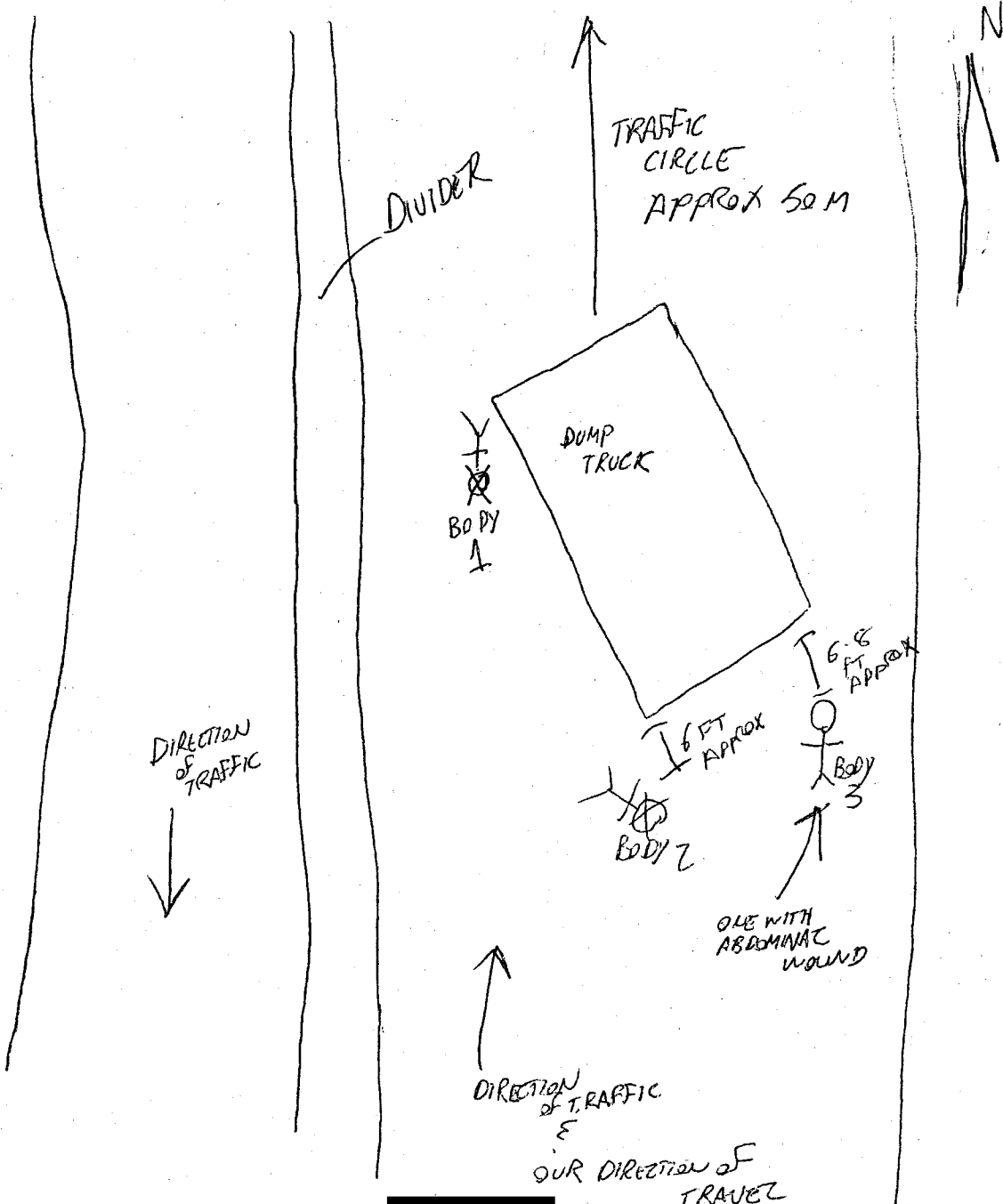
at 78th MP Det (CID), Baghdad, IZ

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES



Sketched By: ZGT [REDACTED]
 Printed: (b)(6), (b)(7)(C)
 Date / Time: 05/20/24 / 14:27
 Witnessed By: SA (b)(6), (b)(7)(C) [REDACTED]
 Printed: SA (b)(6), (b)(7)(C) [REDACTED]

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SWORN STATEMENT

File Number : 0330-04-CID259-80335
Location : Camp Victory, IZ
Date : 11/14/04
Time : 1444
Statement of : (b)(6), (b)(7)(C)
Grade/Status : E-2 1 RA
SSN : (b)(6), (b)(7)(C)
Org/Address : Bco 2-14 Inf. Fort Drum, NY (Deployed to Iraq)

(b)(6), (b)(7)(C), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) P12

Q: What is your military occupational specialty (MOS)?

A: 11B Infantry.

Q: How long have you been deployed for Operation Iraqi Freedom II to Iraq?

A: 5 months.

Q: Do you recall ~~the~~ your actions near a dump truck on 17/18 Aug 04?

A: yes.

Q: Elaborate?

A: My Lt. called for some soldiers to ride up the road aways and help police up some bodies. My team leader's vehicle was the one chosen to go up the road and I went with. Our vehicle pulled up to a totally destroyed and charred section of the road. My team leader, Sgt. (b)(6), (b)(7)(C) and myself got out of the vehicle. I made my way to the closest casualty and he didn't really look that bad. Then they flipped him over. His entire right side was split open with his intestines and other organs hanging out. He was a good sized male and older looking. I'd say somewhere

around 180 to 190 pounds. It was kind of overwhelming and I looked over at my Lt., Lt. [REDACTED] with this bottomless feeling. He gave me the same look and then he told me to go and help my team leader police up this kid by a dump truck. Our medic gave me some rubber gloves and I was also given a black body bag. I looked at the dump truck and there was a child no older than probably 14 laying in the fetal position on the ground. It looked as if he had tumbled out of the passenger side door and landed on the ground. I moved closer to the boy. He was pretty much completely burnt up. All of his clothes were almost gone and his skin looked like it had melted off some. I took the body bag, layed it out, and made it flat on the ground. I grabbed the kids feet and my team leader grabbed his arms. We put him in the bag and I dragged him to the back of a 113 vehicle. By the time [REDACTED] I was done with the kid, the other two bodies were already in body bags. I helped drag the other two bodies to the 113. It was the male that I had first seen and a second male. I never really saw the other male though. He did feel lighter than the first male that I saw though. Once the bodies (3) were on the 113 we went back the way we had come from and headed

towards the IP station. Once we reached the IP station the 113 let the ramp down and I helped drag the bodies out into the front of the IP station. There were IP's everywhere. The IP's opened up the body bags and looked in dismay. They were crying and looked completely shocked and eventually angry. The IP's also took pictures of the bodies. After all of that we left and that was pretty much it. I don't recall seeing any defined gunshot wounds to any of the bodies. The two bodies that I got a very good look at, were pretty much unrecognizable. They were burnt and bloody. They could have been hit by anything.

Q: Was there anyone else (other unit) on the scene upon your arrival?

A: Honestly, everything was a big confusion and I didn't pay enough attention.

Q: Who flipped the Iraqi male over?

A: Can't recall.

Q: Do you have any knowledge of any other killing of Iraqi (unarmed) during cordon searches?

A: No.

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

A: No. /// End of Statement ///

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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

PAGE 3 OF 4

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STATEMENT OF: [REDACTED]

TAKEN AT: Camp Victory, 12

DATED: 6 Nov 04

AFFIDAVIT

(b)(6), (b)(7)(C) [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. (b)(6), (b)(7)(C) [REDACTED]

(b)(6), (b)(7)(C) [REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oath, this 6 day of NOV, 2004, at Camp Victory, 12.

(b)(6), (b)(7)(C) [REDACTED]

Signature of Person Administering Oath)

SA (b)(6), (b)(7)(C) [REDACTED]

Typed Name of Person Administering Oath)

ARTICLE 136 (b) (4) UCMJ (Military)
(or 5 USC 303 (Civilian)

Authority to Administer Oath)

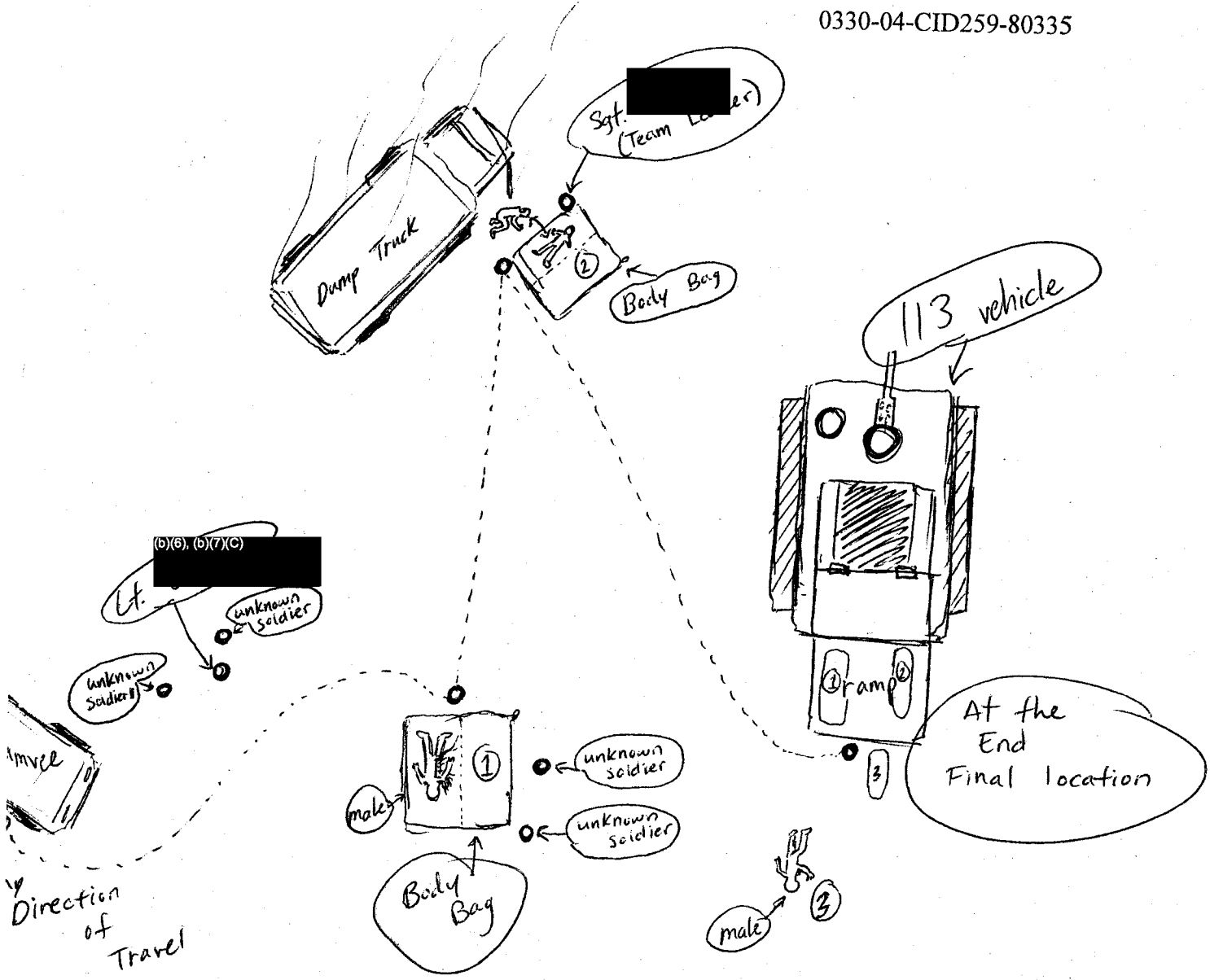
EMPRESSES:

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C) [REDACTED]

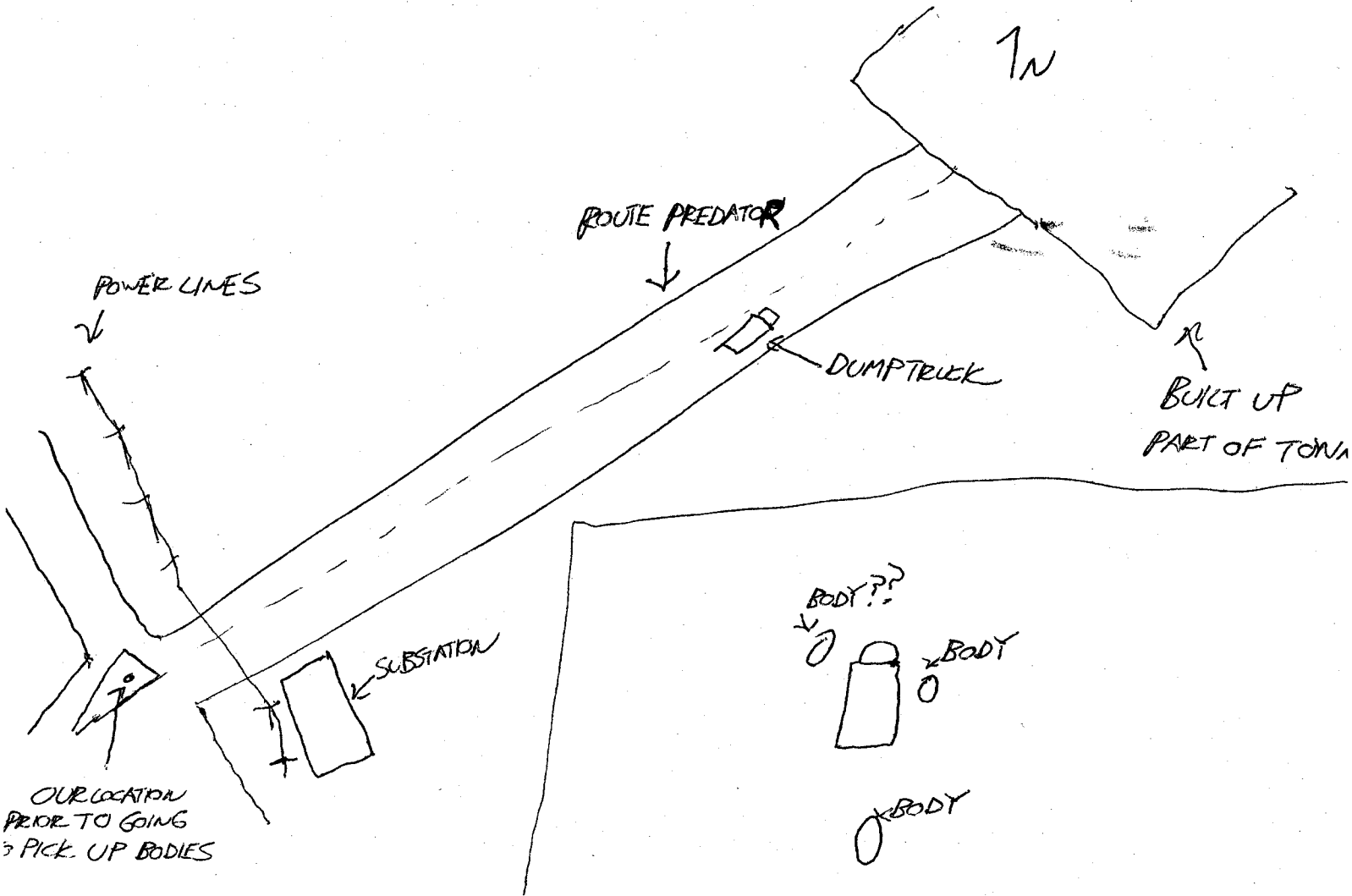
PAGE 4 OF 4

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Law Enforcement Sensitive



Sketched By: (b)(6), (b)(7)(C)
 Printed: _____
 Date / Time: 11/16/04 1:50Z (b)(6), (b)(7)(C)
 Witnessed By: (b)(6), (b)(7)(C) _____
 Printed: SA (b)(6), (b)(7)(C) _____

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 LAW ENFORCEMENT SENSITIVE



Sketched By: JET
 Printed: [REDACTED]
 Date / Time: 6 NOV 2011 1505
 Witnessed By: SA
 Printed: SA

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LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

FILE NUMBER : 0330-04-CID259-80335
LOCATION : Camp Victory, Iraq
DATE : 6 Nov 2004 TIME: 1507
NAME :
SSAN : Grade/Status: SGT / RA
ORG/ADDRESS : B Company, 2-14th Infantry Regiment, Camp Liberty, IZ (deployed to Iraq)

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: In August, our patrol was tasked to pick up some bodies off of route Predator. We were at an intersection between route Predator and another road by a power line and a substation. We drove about one kilometer or a little more up route Predator to the location of the bodies. The site was just before the built up part of town next to an open area to the left and right of the road. The dump truck was sitting on the east side of the road facing to the northeast. The bodies were around the truck. I think that the first body was on the driver's side to the front of the vehicle. The second body was to the passenger's side, right next to the truck. The third body was to the rear of the truck about 10 meters away. The third body was an older male about 30 years old that weighed about 180-200 lbs. The second body was a younger male, 16-18 that weighed about 110-120 lbs. The first body was a male that weighed about 150 lbs. He was about 25. The third body that was to the rear of the truck was blown open in the midsection area. The body had no obvious bullet wounds that I could tell. I could not determine what caused the abdominal injury. The second body next to the passenger side was in the best shape. I think he had just a few wounds but he was not blown apart. The first body was hit in the head and some wounds in the upper chest region. We policed up the bodies and put them into body bags. We then put the bags into a M113 and moved them down route Predator to the IP station. The IP's looked at the bodies and the MP's at the station took some digital pictures for identification purposes. We loaded the bodies back into the M113 and due to some confusion drove back to our checkpoint and then back to the IP station where we turned the bodies over to the IPs.

Q. SA (b)(6), (b)(7)(C)

A: SGT (b)(6), (b)(7)(C)

Q: Who type the narrative portion of this statement?

A: I did.

Q: What is your military occupational specialty

A: I am an 11B Infantryman

Q: Do you recall seeing anyone else on the scene at or near the dump truck?

A: I remember that there was one Abrams tank and one Bradley at the site of the dump truck. I don't recall exactly how many personnel were on the ground but one of the dismounts from the Bradley did say something to me about the bodies. I remember him saying something because I was pretty pissed off at having to clean up their mess.

Q: Do you recall the names or unit identifiers of the personnel, who was the scene?

A: No.

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

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“Statement of [REDACTED] taken on 6 Nov 04, at Camp Victory, Iraq Continued:”

Q: Do you recall who flipped over the killed Iraqi with abdominal wound?

A: I don't remember.

Q: Do you know of any other incident regarding the killing of unarmed Iraqis during cordon searches?

A: No.

Q: Do you recall the location of the IP station?

A: The IP station was located on route Predator. I don't remember the name of the town but it was in the built up part of town between the route we used to get between Camp Quervo and Sadr City and the intersection where the power lines were located.

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

A: No. ///End of Statement/// (b)(6), (b)(7)(C) [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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

Page 2 of 3 Pages

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“Statement of [REDACTED] taken on 6 Nov 04, at Camp Victory, Iraq Continued:”

AFFIDAVIT

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

[REDACTED] HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [REDACTED]

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of November 2004 at Camp Victory, Iraq.

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

(Signature of Person Administering Oath)

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

SA

(Typed Name of Person Administering Oath)

ART 136 UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Page 3 of 3 Pages

FOR OFFICIAL USE ONLY

SWORN STATEMENT

FILE NUMBER : 330-04-CID259-80335
LOCATION : Camp Rustamiyah, Iraq
DATE : TIME:
NAME :
SSAN : Grade/Status: 03 / CPT / RA
ORG/ADDRESS : C Company, 2-70 Armor Battalion, Fort Riley, Kansas (deployed to Iraq)

I, (b)(6), (b)(7)(C) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: SA (b)(6), (b)(7)(C)

A: CPT (b)(6), (b)(7)(C)

Q: Do you recall the dump truck incident which occurred between 17-18 Aug 04 in Saddr City, Baghdad, Iraq pertaining to the removal of the killed Iraqis?

A: Yes, I remember.

Q: If so, please elaborate?

A: It was a strange night. My Green platoon (3/C/1-41) reported observing a dump truck throwing boxes/packages off the back onto RTE Predators. Green Platoon then reported that one of the packages thrown off the dump truck exploded. I authorized Green to engage the dump truck and they did so. At the same time my Red Platoon observed another dump truck dropping off packages/boxes onto RTE Predators, north of Green's position. I authorized Red to engage the dump truck as Red observed what it believed to be an exploding box as well. To my knowledge there were TWO dump truck sites. I'm not certain I ever saw the dump truck site that Green engaged. I did see the dump truck site that Red destroyed.

Q: What actions did you conduct on the scene?

A: I was actually part of a mission to observe an NAI vic MB 547934 so I did not initially respond to the destroyed dump (b)(6), (b)(7)(C) the TF commander LTC (b)(6), (b)(7)(C) had sent elements from B/2-14 to secure the sights. I only got involved when I heard the Task Force start asking about body bags. I could tell that TF was trying to get some body bags to bag up the KIA Iraqis. I told TF that I had 5 Body Bags that I would drop off the bags with the B/2-14 guys securing the dump trucks. It was just after first light when I arrived on the scene of what I believed to be the northern most dump truck sight (the dump truck destroyed by my Red platoon). I stopped at the site of the still burning dump truck. There were 4 very dead IZ men laying on the ground near the dump truck. All of the IZ were very torn up, I mean that literally. I distinctly remember one IZ. He had no guts.

Q: Who else was there with you on the scene?

A: PFC (b)(6), (b)(7)(C) dismounted the truck with me to help bag the IZ men.

Q: Do you recall seeing a killed Iraqi with an open abdominal wound near the dump truck?

A: Yes

Q: Do you recall seeing any gunshot type injuries sustained on the aforementioned deceased?

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

INITIALS OF PERSON MAKING STATEMENT

Page 1 of 2 Pages

USE ONLY

A: No I did not. To be honest I wasn't really looking too hard. The guy was literally shredded and his guts were smeared all over the road. He wasn't pleasant to look at and he smell awful. The soldier with me (PFC (b)(6), (b)(7)(C)) was doing at that he could do to not wretch.

Q: Where was the killed Iraqi with the open abdominal wound located in relationship to the dump truck?

A: Honestly I don't really remember. I was interesting only in Scooping this guy into his bag and leaving.

Q: Do you know 2LT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C)

A: Yes

Q: Did 2LT (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) or SSG (b)(6), (b)(7)(C) ever confided in you regarding their actions during on the scene? If so, elaborate.

A: LT (b)(6), (b)(7)(C) and I talk a little bit about the incident, nothing significant, the usual gallows humor that accompanies witnessing something that still gives me bad dreams. When it looked like things might have transpired differently originally thought (ie his guys might have killed a wounded IZ) LT (b)(6), (b)(7)(C) and I talked more seriously. All I told him is that he was right to consult a lawyer and that the truth was the only way out of his situation.

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

A: Yes, I'll speak/write candidly. The night in question was pretty screwed up. To this day I'm not exactly certain of what happened. What I'm sure of is that there was at least one dump truck shooting and very possibly two. I saw one scene complete with burning dump truck and 4 KIA IZ's. The dead IZ's I saw were definitely dead as a result of massive trauma consistent with having be killed by a HEAT round from a 120mm tank cannon. All of the IZ's were shredded. One had no guts, he looked like he been gutted like a buck. I know this because I had to scoop everything into a body bad. All the other IZ's were equally torn-up but in different ways one guy had not shoulder and his ribs were exposed. One guy was shredded by fragments. One thing I do remember was that all the IZ's were very stiff with rigor. Which meant they'd been dead for a while./// End of Statement ///

AFFIDAVIT

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

I, _____, HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, COERCION, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law

INITIALS OF PERSON MAKING STATEMENT: _____

Page ___ of ___ Pages

FOR OFFICIAL USE ONLY

"Statement of _____, taken on _____, at _____, _____, Continued:"

to administer oaths, this _____ day of November 2004
at _____, Baghdad, Iraq.

ORGANIZATION AND ADDRESS

(Signature of Person Administering Oath)

SA _____

(Typed Name of Person Administering Oath)

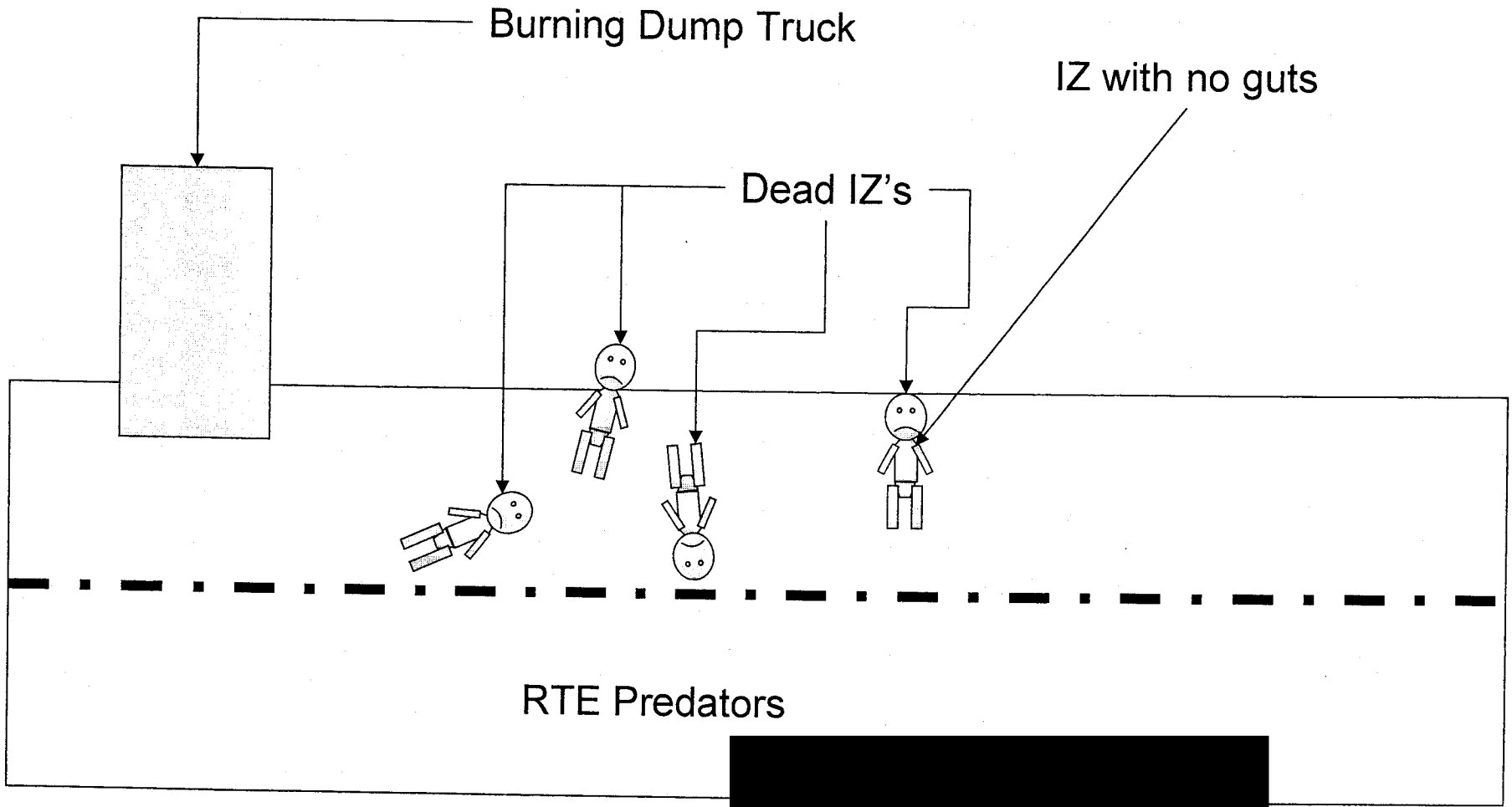
Article 136 UCMJ

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT: _____

Page ___ of ___ Pages

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Sketch By (signature) _____
 Print Name (Last, First) _____
 Date / Time: 7 Feb 04 1 1047
 Witnessed By: _____
 Printed: _____

Memorial service to commemorate four fallen in Iraq

Command sergeant major, three soldiers to be honored in service

Stars and Stripes

VILSECK, Germany — The memorial service Wednesday in Vilseck for the command sergeant major of the 2nd Battalion, 2nd Infantry Regiment, will include three more of the battalion's soldiers who were killed in Fallujah last week.

The service originally was planned for Command Sgt. Maj. Steven Faulkenburg, 45, of Huntingburg, Ind. Faulkenburg was killed Nov. 9 during fighting in Fallujah.

The unit had sent a team of grief counselors last week to help soldiers and families deal with the loss of Faulkenburg, who was active in the Vilseck community, according to Maj. Brian Maddox, executive officer for the 3rd Brigade, 1st Infantry Division Rear

Since then, three more 2-2 Infantry soldiers have died in Fallujah, according to Spc. Rebecca Sharpton, a 1st Infantry Division spokeswoman.

First Lt Edward Iwan, 28, of Albion, Neb., was killed Friday when a rocket-propelled grenade struck his Bradley fighting vehicle.

Sgt. James Matteson, 23, of Celoron, N.Y., also died Friday when a rocket-propelled grenade struck his Bradley.

Sharpton did not know if the two soldiers were in the same Bradley.

The name of the third Vilseck-based soldier killed in Iraq was not been released, pending notification of his next of kin.

Additional details regarding the deaths of the three

Security wall to be constructed

BAYJI, Iraq — Soldiers from the 411th Civil Affairs Battalion have organized and funded the construction of a security wall around one of Iraq's largest power plants in the city of Bayji, according to a news release from the Tikrit-based Task Force Danger.

The 12-foot security wall now encircles the entire 500-acre site, which previously had been guarded only by a chain-link fence or, in some places, nothing at all. The new wall has a controlled-access gate, and has drastically reduced looting and sabotage at the plant. The Army paid an Iraqi contractor \$450,000 to build the wall, while combat engineers from the 1st Infantry Division provided security.

The 411th Civil Affairs Battalion, an Army Reserve unit based in Danbury, Conn., has begun a \$100,000 project to build guard towers along the wall. Bayji is near the Tigris River, about 50 miles southwest of Kirkuk.

Soldier charged with wrongful killing

BAGHDAD — A U.S. soldier has been charged in connection with wrongful killing of Iraqis, the U.S. military said Monday.

The 1st Cavalry Division announced it has leveled charges of premeditated murder and conspiracy to commit premeditated murder against 2nd Lt. Erick J. Anderson of Company C, 1st Battalion, 41st Infantry Regiment of Fort Riley, Kan.

Anderson is serving with Task Force Baghdad, the military said, adding that details of the incidents related to the charges cannot be disclosed because of an ongoing investigation.

Italian troops won't stay in Iraq

ROME — Italian troops will not remain in Iraq if the new government elected in January can quell violence in the country on its own, Italy's defense minister said Sunday.

officials would decide after the election when and how Italian troops would pull out.

"If the new government is in a position to confront terrorism by itself, we won't stay one day longer," he was quoted as saying by the ANSA news agency. Martino spoke in Venice on the sidelines of a NATO meeting.

The minister has said in the past that coalition forces in Iraq can be "gradually" reduced after the January elections if Iraqi troops and police can stabilize the country.

Italy, with some 3,000 troops in Iraq, is one of the biggest contributors to the U.S.-led military coalition there. Italy sent in troops as part of reconstruction efforts.

Hungary to vote on troops' stay

BUDAPEST, Hungary — Hungary's Parliament was expected to reject a government proposal on Monday to extend the stay of the country's 300 non-combat troops in Iraq by three months, to the end of March.

The plan needs the support of two-thirds of the parliamentary deputies to gain approval, but the two center-right opposition parties, which control almost half the seats, have said they will vote against it.

Socialist Prime Minister Ferenc Gyurcsany said the extension was needed so Hungary could be present in Iraq during elections set to be held there at the end of January.

"We need three months to be able to say that we kept our word, that the sacrifices made by 300 Hungarian soldiers made sense," Gyurcsany said about the extension. "We need 90 days," so we can be proud to say that Hungary does not abandon its allies."

But the opposition, led by Viktor Orban's Fidesz-Hungarian Civic Union, says the soldiers should come home as soon as possible because Hungarian voters do not support the mission and because the torture of Iraqi prisoners at the Abu Ghraib prison "shook the moral foundation

SWORN STATEMENT

FILE NUMBER : 0330-04-CID259-80335
LOCATION : Camp Liberty, Baghdad, IZ
DATE : 29 NOV 2007 TIME: 1545
NAME :
SSAN :
Grade/Status: 03 / CPT / RA
ORG/ADDRESS : B Company, 1-41st Infantry Regiment, Fort Riley, KS (deployed to Iraq)

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q. SA

A. CPT

Q. Do you know LT

A. Yes

Q. How long have you known LT

A. Since January of 2004

Q. Do you know LT

A. Yes

Q. How long have you known LT

A. Since March 2004

Q. Do you know what duty LT is currently performing in relation to LT

A. LT is currently acting as LT escort officer.

Q. Do you know how long LT has been performing this duty?

A. Since LT was relieved of his platoon leader and sent back to Camp Liberty.

Q. What knowledge do you have of this investigation?

A. Just what I have read Army times and what overheard SSG tell LT in the latrine. SSG was talking to LT about the shooting incident that he was involved in. What I heard SSG say was that after the truck was shot up, they saw the guy laying there all messed up and moaning. SSG saw him and walked around while thinking about this guy all messed up lying there, and he decided to finish him off, so he shot him, the Iraqi National.

Q. Do you remember exactly what was said, word for word?

A. No, just the content of what was said.

Q. Do you recall SSG telling LT that he consulted with LT and SSG regarding the guy laying there messed up and moaning near the dump truck?

A. There was no mention of LT

Q. Do you recall the date of the aforementioned conversation?

A. I don't remember the date.

Q. Do you recall how long was the conversation between LT and SSG

INITIALS OF PERSON MAKING STATEMENT

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"Statement of [REDACTED] taken on 29 Nov 04, at Camp Liberty, Baghdad, IZ Continued:"

A. I was in the latrine for about 2 minutes washing my hands and face, they were talking about it before I got in and after I left, so I don't know how long they were talking.

Q. Do you recall the location of the conversation between SSG [REDACTED] and LT [REDACTED]

A. In the latrine, vicinity 1-41IN FTCP, Pad 16, Camp Liberty.

Q. Do you know why SSG [REDACTED] told LT [REDACTED] about the circumstances surrounding the incident?

A. I originally thought the LT [REDACTED] was SSG [REDACTED] escort officer and asked him about it later, and LT [REDACTED] told me that he just ran into him in the latrine and asked SSG [REDACTED] about the incident, LT [REDACTED] then told me that SSG [REDACTED] just started to tell him.

Q. Do you recall the tone of the conversation between LT [REDACTED] and SSG [REDACTED]

A. They were just talking back and forth between one another.

Q. Do you recall LT [REDACTED] demeanor during the conversation?

A. From what I could tell, they were just talking.

Q. Did you physically see the conversation between LT [REDACTED] and SSG [REDACTED]

A. I did see the conversation between the two.

Q. Where were you located within the office/room in relation to the conversation between LT [REDACTED] and SSG [REDACTED]

A. I had walked into the latrine while SSG [REDACTED] was finishing up a shower.

Q. Was there anyone else present who may have heard the conversation between LT [REDACTED] and SSG [REDACTED]

A. I didn't see anyone else in the latrine.

Q. Was LT [REDACTED] present during the conversation between LT [REDACTED] and SSG [REDACTED]

A. No, he was not present.

Q. When was the last time you spoken to LT [REDACTED]

A. I talked to him yesterday, 28 November, but nothing relating to this event.

Q. When was the last time you spoken to LT [REDACTED]

A. Saturday, 27 November. LT [REDACTED] was at the 1-41IN FTCP CQ desk, while I had a phone call.

Q. Do you know why SSG [REDACTED] told LT [REDACTED] about the shooting?

A. I asked LT [REDACTED] why they were talking about it and he told me, he just asked SSG [REDACTED] and he told him what happened.

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

A. No./// End of Statement [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

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"Statement of [REDACTED] taken on 29 Nov 04, at Camp Liberty, Baghdad, IZ Continued:"

AFFIDAVIT

I [REDACTED] (b)(6), (b)(7)(C) HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. [REDACTED] (b)(6), (b)(7)(C)

WITNESSES:

[REDACTED] (b)(6), (b)(7)(C)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29th day of November 2004 at Camp Liberty, Baghdad, IZ.

[REDACTED] (b)(6), (b)(7)(C)

(Signature of Person Administering Oath)

SA [REDACTED] (b)(6), (b)(7)(C)

(Typed Name of Person Administering Oath)

ART 136 UCMJ

(Authority to Administer Oath)

ORGANIZATION AND ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED] (b)(6), (b)(7)(C)

Page 3 of 3 Pages

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SWORN STATEMENT

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

LOCATION

78th mp Det CID, Baghdad, IZ

DATE

30 Nov 04 1314

FILE NUMBER

GRADE/STATUS

O-2 / 1 LT

ORGANIZATION OR ADDRESS

1-41 HHC

1 LT

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On or about 31 Oct 04, SSG [redacted] and I were in the latrine on Pad 16. SSG [redacted] went into detail of the incident. He went on to say that 2LT [redacted] did not give him the order to shoot the civilian. He said that his deal involved him having to say the 2LT [redacted] gave him the order. He said his time would be shortened if his deal was accepted. He also said that he did not want to do anything to hurt 2LT [redacted] so he wasn't sure if he could go through with it [redacted].

On 29 Nov 04, SSG [redacted] came into my room and asked me if I knew why CID was looking for me. He asked me to say I did not know anything, when I was questioned.

Q. Did you write the above statement?

A. Yes.

Q. On 31 Oct 04, how did this conversation with SSG [redacted] start?

A. I don't remember exactly, I think he just started talking to me.

Q. Do you remember what exactly he said?

A. Not word for word but, he started talking about the case, he said they were in Sadr City, a dump truck was engaged and his platoon got out to assess the damage.

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 6 PAGES

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

DA FORM 2823, JUL 72

SUPERSEDED DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

STATEMENT OF:

TAKEN AT:

DATED:

SSG (b)(6), (b)(7)(C) said he stepped over human flesh and to get to the truck. He said he pulled some people out and he said he could save a few. But he said that when he saw the civilian in question, he was unable to save him. I do not remember exactly but, SSG (b)(6), (b)(7)(C) asked SSG (b)(6), (b)(7)(C) what he should do. I do not remember what was said. But then I asked, "so LT (b)(6), (b)(7)(C) wasn't involved" and SSG (b)(6), (b)(7)(C) said no. He said they just want me to say he ^{was} did. I said "that's messed up". SSG (b)(6), (b)(7)(C) said yeah it is, he said the deal he had, involved him saying that #2LT (b)(6), (b)(7)(C) was gave him the order. He said he did not want to get 2LT (b)(6), (b)(7)(C) in trouble but this would guarantee him less time in prison.

Q. Why is ^{there} two styles of handwriting in the above answer.

A. Special Agent started to write but I finished the writing.

Q. Did SSG (b)(6), (b)(7)(C) mention who "they" were?

A. No

Q. Did anyone tell you to make this up to help out 2LT (b)(6), (b)(7)(C)?

A. No (b)(6), (b)(7)(C)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(7)(C)

PAGE 2 OF 6

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ACLU-RDI 5867 p.218

10-L-0126 ACLU DD III (CID ROI) 2050

EXHIBIT

224
51

Q. Why did it ^{take} so long to come forward?

A. I told 2LT [REDACTED] the day after but he brushed it off. When 2LT [REDACTED] was preferred he asked me to speak to his lawyer, Cpt [REDACTED]. I told him the story. The Spc. [REDACTED] came to ask me about the incident, but I said I wanted to talk to either CID or the prosecution. Cpt [REDACTED] called me back and said it was ok for me to talk to SPC [REDACTED]. I gave Spc. [REDACTED] a summary of what happened and he said CID or the prosecution would be in contact with me. That was two weeks ago.

Q. Was there anything else said to you by SSG [REDACTED]

A. SSG [REDACTED] always mentions the case and how he feels betrayed by the Army, and his chain of command. He feels this way because no one is sticking up for him. He has served in the military proudly and he's hurt because it has to end like this.

29 Nov SSG [REDACTED] asked me not to say anything to CID. He asked me if I knew why CID was looking for me. I said I [REDACTED]

didn't know. That's when he asked me if to say "I didn't know anything."

Q. Did 2LT (b)(6), (b)(7)(C) tell you anything about this case?

A. When I first started watching him, he told me that he was getting in trouble for something he said over the radio. He never went into detail of what happened, as far as I can remember. I asked him ^{a couple} ~~one~~ times if he had anything to do with it and he said no.

Q. Have SSG (b)(6), (b)(7)(C) SSG (b)(6), (b)(7)(C) and 2LT (b)(6), (b)(7)(C) ever talked about the case to each other?

A. They asked me if I was a juror if I would convict. They have talked on numerous occasions but usually it is a whisper.

SSG (b)(6), (b)(7)(C) and SSG (b)(6), (b)(7)(C) do not associate themselves with 2LT (b)(6), (b)(7)(C) since 2 months ago. We would go to chow or the gym together, but all of a sudden they stopped and ^{they} either go by themselves or with each other.

Q. Did 2LT (b)(6), (b)(7)(C) ever tell you what he called up over the radio?

A. NO

Q. Did you ever hear that 2LT (b)(6), (b)(7)(C) asked for permission to put the guy out of his misery

STATEMENT OF:

TAKEN

DATED:

A. NO

Q. Did 2LT (b)(6), (b)(7)(C) ever admit or deny he gave the Green light?

A. He denies it.

Q. Did you ever hear 2LT (b)(6), (b)(7)(C) confront SSG (b)(6), (b)(7)(C) about the allegations?

A. No

Q. Why do you think 2LT (b)(6), (b)(7)(C) never confronted SSG (b)(6), (b)(7)(C)?

A. If he did, it wasn't in front of me.

Q. Is there anything you want to add to your statement?

A. No / End of Statement

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 5 OF 6

FOR OFFICIAL USE ONLY

Law Enforcement Reporting

Not Used

[Redacted]

AFFIDAVIT

I, (b)(6), (b)(7)(C) HAVE READ OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OR BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 30th day of Nov, 2004 at 78th MP (CID) (FWD), Baghdad, IZ

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

ORGANIZATION OR ADDRESS

[Redacted]

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

(Typed Name of Person Administering Oath)

Article 136 (b)(4) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 6 OF 6 PAGES

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

CID Regulation 195-1
Law Enforcement Sensitive

PAGE 1 OF 1 PAGE

DETAILS

On 21 Jan 05, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) this office, coordinated with CPT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) JAG, Commando Brigade Trial Counsel, North Camp Victory, Baghdad, IZ, who stated this investigation should remain open pending the trial of SPC (b)(6), (b)(7)(C) 1/41 Infantry Regiment (subject of investigation 0330-04-CID259-80336). CPT (b)(6), (b)(7)(C) stated SPC (b)(6), (b)(7)(C) possibly has further testimonial evidence of 2LT (b)(6), (b)(7)(C) and that this evidence would have to be compelled from SPC (b)(6), (b)(7)(C) after his trial on or about 30 Jan 05.

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

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

TYPER, AGENT'S NAME AND SEQUENCE NUMBER
S (b)(6), (b)(7)(C), (b)(7)(F)
48 MP Det (CID), Camp Victory, IZ

DATE
21 JAN 05

EXHIBIT 58

CID FORM 94-E
1 OCT 95

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

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

*CID Regulation 195-1
Law Enforcement Sensitive*

PAGE 1 OF 1 PAGE

DETAILS

On 7 Feb 05, SA [REDACTED] coordinated with CPT [REDACTED] C Company, 2-70th Armor Battalion, 1/41 Infantry Regiment, Fort Riley, KS, regarding a statement that was provided to him by SA [REDACTED] this office, to complete. CPT [REDACTED] explained that he did not arrive to the scene until the morning of 18 Aug 04. He stated upon his arrival to the scene, he dismounted near the northern most dump truck destroyed by Red Platoon, and observed four dead Iraqi's. CPT [REDACTED] stated he remembered observing a deceased Iraqi who was literally shredded and that his entrails were smeared all over the road. CPT [REDACTED] stated the only conversation regarding the incident he had was with 2LT [REDACTED] but that it was nothing significant and that he told 2LT [REDACTED] that if things didn't transpire as first reported he (2LT [REDACTED]) should consult an attorney (NFI). (See statement and sketch for details)

AGENT'S COMMENT: The statement CPT [REDACTED] provided was not witnessed by an agent of this office but coincided with an oral interview conducted between SA [REDACTED] and CPT [REDACTED] on 17 Nov 04, and documented on SA [REDACTED] AIR dated 30 Nov 04. CPT [REDACTED] did not provide the statement in person, but had it delivered by a member of his unit.

8 Feb 05, On this date, SA [REDACTED] coordinated with CPT [REDACTED] Staff Judge Advocate (SJA), Trial Counsel, Commando Brigade, 10th Mountain Division, Camp Liberty, Baghdad, IZ, [REDACTED] SJA, and provided him with a copy of the statement CPT [REDACTED] provided to this office. Further, [REDACTED] briefed CPT [REDACTED] on the AIR by SA [REDACTED] documenting the interview conducted with CPT [REDACTED] on 17 Nov 04. CPT [REDACTED] stated he had already seen the statement of CPT [REDACTED] to include the AIR of SA [REDACTED] and stated that it would not change the outcome of the case against [REDACTED] and [REDACTED] ///LAST ENTRY///

[REDACTED]

TY [REDACTED] SA [REDACTED] 48 MP Det (CID), Camp Victory, IZ

DATE

16 APR 05

CID FORM 94-E
1 OCT 95

FOR OFFICIAL USE ONLY

EXHIBIT 53

PROTECTIVE MARKING IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)

AGENT'S INVESTIGATION REPORT

0330-04-CID259-80335

*CID Regulation 195-1
Law Enforcement Sensitive*

PAGE 1 OF 1 PAGE

DETAILS

About 1000, 21 Mar 05, SA [REDACTED] met with MAJ [REDACTED] (b)(6), (b)(7)(C) 3rd Infantry Division, SJA, Trial Counsel, Camp Liberty, Baghdad, Iraq (IZ), and CPT [REDACTED] (b)(6), (b)(7)(C) SJA, Trial Counsel, Commando Brigade, 10th Mountain Division, Camp Liberty, Baghdad, IZ, who provided a copy of a DA Form 4430, Results of Trial, regarding SSG [REDACTED] (b)(6), (b)(7)(C) SSG [REDACTED] (b)(6), (b)(7)(C) received three years confinement, reduction to pay grade E-1, forfeiture of all pay and allowances, and dishonorably discharged from the service for Premeditated Murder and Conspiracy to Commit Murder. ///LAST ENTRY///

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

TYP (b)(6), (b)(7)(C), (b)(7)(F) R
SA [REDACTED]
48th MP Det (CID), Camp Victory, IZ

DATE

ZIMAROS

CID FORM 94-E
1 OCT 95

FOR OFFICIAL USE ONLY
PROTECTIVE MARKING IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)

EXHIBIT 54

Exhibit 55

Page(s) 232 referred to:

FOIA OFFICE (IMWE-HOD-HRA),
BUILDING 4230,
78TH STREET & SANTA FE AVENUE,
FORT HOOD, TEXAS 76544-5000

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

TO: Commander, Headquarters, 1st Cavalry Division, Camp Al-Tahreer, Iraq APO AE 9344

1. Notification under R.C.M. 1101 and AR 27-10 is hereby given in the case of the United States v STAFF SERGEANT/E6 (b) (6) C Company, 1st Battalion, 41st Infantry Regiment, 2nd Brigade Combat Team (Mountain Division (Light Infantry)), 1st Cavalry Division, Camp Victory North, Iraq, APO AE 09303.

2. Trial by GENERAL court-martial on 10 December 2004, at Camp Al-Tahreer, Iraq, convened by: CMCOs Number 4 and 7, HQ, 1st Cavalry Division, Camp Victory (North), Iraq, dated 21 May and 9 December 2004.

3. Summary of offenses, pleas, and findings:

CH	ART UCMJ	SPEC	BRIEF DESCRIPTION OF OFFENSES(S)	PLEA	FINDING
I	118	THE	Premeditated murder	G*	G*
II	81	THE	Conspiracy to commit premeditated murder	G*	G*
III	134	THE	Wrongful solicitation	NG	NG

* - Guilty, excepting the words "with premeditation".

4. SENTENCE: **To be reduced to the grade of E1, to forfeit all pay and allowances, to be confined for 3 years, and to be dishonorably discharged from the service.**

5. Date sentence adjudged and effective date of any forfeiture or reduction in grade (YYYYMMDD): 20041210. (See UCMJ Articles 57-58b and R.C.M. 1101.)

6. Contents of pretrial agreement concerning sentence, if any: The convening authority agrees to disapprove any sentence of confinement in excess of one hundred twenty (120) months.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge-ordered administrative credit for presentence confinement or restriction found tantamount to confinement, if any: None.

9. Total presentence confinement credit toward post-trial confinement: None.

10. Name(s) and SSN(s) of companion accused or co-accused, if any: SSG (b) (6)
2LT (b) (6)

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

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

CF: Unit Commander
Confinement Facility

SJA SPCMA

TDS CID

MJ Post-trial
CDR, 15th Finance

MJ: COL (b) (6)
TC: CPT (b) (6)

DC: 1LT (b) (6)
CR: SPC (b) (6)

(b) (6)	(b) (6)
RANK CPT	JA

DA FORM 4430

W/M

FOR OFFICIAL USE ONLY

AGENT'S INVESTIGATION REPORT	ROI NUMBER 0330-04-CID259-80335
CID Regulation 195-1	PAGE 1 OF 1 PAGES

DETAILS

About 1645, 16 Apr 05, SA [REDACTED] this office, coordinated with CPT [REDACTED] SJA, Commando Brigade, Camp Liberty, Baghdad, Iraq (IZ) in regards to the re-interview of SPC [REDACTED] 282-86-1387, C Company (CO), 1-41st Infantry Regiment (IR), Camp Cuervo, IZ. CPT [REDACTED] related [REDACTED] had no further pertinent information to add to this investigation; an interview with [REDACTED] would not be necessary by CID. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER (b)(6), (b)(7)(C), (b)(7)(F) [REDACTED]	ORGANIZATION 48 th MP Detachment (FWD) (CID) Baghdad, Iraq APO AE 09342	
SIGNATURE (b)(6), (b)(7)(C) [REDACTED]	DATE 16 Apr 05	EXHIBIT 56

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER

0330-04-CID59

For use of this form see AR 190-45 and AR 195-5: the proponent agency is US Army

CRD REPORT/CID ROI NUMBER

0330 50335

RECEIVING ACTIVITY

78th MP Det (CID) (FWD)

LOCATION

Baghdad, IZ

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

ADDRESS (Include Zip Code)

OWNER

SFC

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

Camp Victory, Baghdad, IZ

OTHER

C Co 141 Inf.

(Fort Riley, KS)

LOCATION FROM WHERE OBTAINED

From SFC

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

REASON OBTAINED

Evidence

TIME/DATE OBTAINED

0915 24 Sep 04

RECORDED AND EVIDENCE AND MAY BE DESTROYED BY US GOVERNMENT

DESCRIPTION OF ARTICLES

(Include model, serial number, condition and unusual marks or scratches)

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES
1	1	Rifle, M4, serial # W007468 with a butt stock number of 306. Black in color, metal and plastic type construction. Weapon assigned to SFC (b)(6), (b)(7)(C) Sep 04, 2004. Weapon MFIID 0915 24 Sep 04.
2	1	Rifle M4, serial # 10011505, with a butt stock number of 305. Black in color, metal and plastic type construction. Weapon assigned to SFC (b)(6), (b)(7)(C) Sep 04, 2004. Weapon MFIID 0915 24 Sep 04.
3	1	Rifle, M4, serial # 10011530, with a butt stock number of 309. M203 Grenade launcher was removed prior to allocation as evidence. Lower half guard removed. Black in color, metal and plastic type construction. Weapon assigned to SFC (b)(6), (b)(7)(C) Sep 04, 2004. Weapon MFIID 0915 24 Sep 04.
Last ITEM		

CHAIN OF CUSTODY

ITEM NO.	DATE	NAME, GRADE OR TITLE RELEASED BY	NAME, GRADE OR TITLE RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-3	24 Sep 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	EVALUATION AS EVIDENCE
		SFC (b)(6), (b)(7)(C)	SA (b)(6), (b)(7)(C)	
1-3	24 Sep 04	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	RECEIVED BY EVIDENCE CUSTODIAN
		SA (b)(6), (b)(7)(C)	SA (b)(6), (b)(7)(C)	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137

Replaces DA FORM 4137, 1 Aug 74 and

ACLURDI 586 p 29

DA FORM 4137, Privacy Act Statement

26 Sep 25

10-10926-01 (CID) (EXHIBIT) 2081

Law Enforcement Sensitive

EXHIBIT 2081-0234

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