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

The investigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following offenses (of which I am suspected/accused): 20 UCMJ Article 17, Failure to obey order or regulation before he/she asked me any questions about the offenses; 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 Uniform Code of Military Justice (UCMJ): I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

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

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

**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)**

<table>
<thead>
<tr>
<th>1a. NAME (Type of Print)</th>
<th>3. SIGNATURE OF INTERVIEWEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2a. NAME (Type of Print)</td>
<td></td>
</tr>
</tbody>
</table>

| 4. SIGNATURE OF INVESTIGATOR |
| 5. TYPED NAME OF INVESTIGATOR |

**Section C. Non-waiver**

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

2. SIGNATURE OF INVESTIGATOR

**NAME**: ____________  
**DATE**: ____________  
**TIME**: ____________  
**LOCATION**: SF Bitters, Tikrit, Iraq

**ORGANIZATION OF INVESTIGATOR**: AR 
**ADDRESS**: Tikrit, Iraq

**ORGANIZATION OR ADDRESS**

**DATE**: ____________  
**TIME**: ____________  
**FILE NO.**: ____________

**ADDRESS AND PHONE**:  
**AGENCY**: United States Army

**NON-WAIVER CERTIFICATE**

**WSW**: ____________  
**WSW**: ____________  
**OFFICE**: ____________  
**LOCATION**: Tikrit, Iraq

**FORM 3881**, NOV 89 EDITION OF NOV 84 IS OBSOLETE

**USAFA 2.01**

**DOD-044874**
**PART I - RIGHTS WAIVER/ NON-WAIVER CERTIFICATE**

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army at Tikrit, Iraq as the First Sergeant/SSG, and wanted to question me about the following offense(s) of which I am suspected/accused:

- Informant concerning the death of an Iraqi Detainee

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

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

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

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.

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)

1. ORGANIZATION OR ADDRESS AND PHONE

1a. NAME (Type or Print)

1. ORGANIZATION OR ADDRESS AND PHONE

**SIGNATURE OF INTERVIEWEE**

3. SIGNATURE OF INTERVIEWEE

4. SIGNATURE OF INVESTIGATOR

5. TYPED NAME OF INVESTIGATOR

**Section C. Non-waiver**

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

**SIGNATURE OF INTERVIEWEE**

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

*A FORM 3881, NOV 89*  
EDITION OF NOV 84 IS OBSOLETE

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**LOCATION** Tikrit, Iraq  
**DATE** 20030912  
**TIME** 1600  
**FILE NO.** 08-2

---

**NAME (Last, First, MI)**

**SSN**

**RANK/STATUS** E5/AD

**ORGANIZATION OR ADDRESS**

E CO 4th FSB, 41D  
UNIT # 22697  
APO AE 09323

---

**Comments (Continue on reverse side)**

Have you been read your Rights in the past 30 days? **NO**

---

**Signature of Investigator**

---

**Address for Correspondence**

DOD-044875
**DATA REQUIRED BY THE PRIVACY ACT**

**Title 10, United States Code, Section 3012(g)**

To provide commanders and law enforcement officials with means by which information may be accurately identified. Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your Social Security Number is voluntary.

---

**PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE**

**Section A. Rights**

The Investigator whose name appears below told me that he/she is an official of the United States Army at Tikrit, Iraq as the First Sergeant (1SG) and wanted to question me about the following offense(s) of which I am suspected/accused:

**Information concerning the death of Iraqi Detainee**

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

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

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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.

**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)**

1. **NAME (Type or Print)**

2. **ORGANIZATION OR ADDRESS AND PHONE**

3. **SIGNATURE OF INTERVIEWEE**

4. **SIGNATURE OF INVESTIGATOR**

5. **TYPED NAME OF INVESTIGATOR**

6. **ORGANIZATION OF INVESTIGATOR**

**Section C. Non-waiver**

I do not want to give up my rights

☐ I want a lawyer

☐ I do not want to be questioned or say anything

**SIGNATURE OF INTERVIEWEE**

**TACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2623) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED**

**FORM 3881, NOV 89**

**EDITION OF NOV 84 IS OBSOLETE**

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**USAPA 2.01**

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**DOD-044876**
PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

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

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

Death of a detainee on 11 September 2003

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

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

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

ACKNOWLEDGMENT

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

Date 12-Sep-03

Signature

Printed Name and Rank

Social Security Number

End II C

DOD-044877
PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

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

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

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ACKNOWLEDGMENT

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

Date 12 Sep 2003

[signature]

Printed Name and Rank

[redacted]

Social Security Number

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

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

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of the death of a detainee on 11 September 2003.

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Date 13 SEP 03

66-4

67C-4

Signature

Printed Name and Rank

Social Security Number

End II C
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(5 U.S.C. 522a)

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

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of death of detainee on 11 September 2003.

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Date: 12-Sep-03

Signature

Printed Name and Rank

Social Security Number

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

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

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

\[ \text{Death of a detainee on 11 September 2003} \]

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ACKNOWLEDGMENT

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

Date 12 Sept 03

[Signature]

[Printed Name and Rank]

[Social Security Number]

[End II C]
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(5 U.S.C. 522a)

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

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ACKNOWLEDGMENT

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

Date: 15 Sep 03

Signature

Printed Name and Rank

Social Security Number

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

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

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

[Death of detainee on 11 September 2003]

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ACKNOWLEDGMENT

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

Date 13 SEP 03

Signature

Printed Name and Rank

Social Security Number

End II C 6418
PRIVACY ACT STATEMENT
(5 U.S.C. 522a)

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

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of the death of a detainee on 11 September 2003.

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

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ACKNOWLEDGMENT

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

Date: 13 Sep 03

Signature
Printed Name and Rank: CPT.
Social Security Number

End II C

6419
AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose of this solicitation is to gather facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to allegations of the death of a detainee on 11 September 2003.

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ACKNOWLEDGMENT

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

Date 12/30/03

Signature

Printed Name and Rank

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

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

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

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ACKNOWLEDGMENT

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

Date 12 Sept 03

Signature

Printed Name and Rank

Social Security Number

END IIIC 6421
MEMORANDUM FOR MAJ [Redacted], HHC, 720th MP Battalion 4ID(M), Tikrit, Iraq

SUBJECT: Appointment as a 15-6 Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6, paragraph 4-3, to conduct an informal investigation into the 11 September shooting death of an Iraqi detainee, Obeed Hethere Radad, [Redacted]. Specifically, you will determine the facts and circumstances surrounding the cause of death. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.

2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. All witness statements will be sworn and recorded on DA Form 2823.

3. Before proceeding with the investigation, contact CPT [Redacted], 4ID DMAIN, OSJA, at 534-4042 for an initial legal briefing. CPT [Redacted] will serve as your primary legal advisor.

4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than ten days from the date you receive this memorandum. Submit any requests for delay to me either orally or in writing. You will obtain a written legal review prior to submitting the completed investigation.

FOR THE COMMANDER:

[Signature]

COL, GS
Chief of Staff
Subject: SIR Number (WILL BE PROVIDED BY G3 OPS)

1. Category
2. Type of Incident: Death of Detainee
3. Date/Time of incident: 112315SEP03
4. Location: 1BCT detainee collection point, FOB Packhorse, TIKRIT, IZ
5. Other information: Obeed Hethere Radad was detained during a 4-42 FA raid VlC (AD DWAR) on 31AUG03. OBEED is suspected of having ties to SADDAM'S. His father-in-law is [redacted] who is the nephew of Saddam Hussein. The detainee was delivered to the 1st Brigade collection point on 8 Sep 03. The detainee was instructed upon his arrival by an interpreter that he was to remain seated and to stay away from the concertina wire or he would be shot.

6. Personnel Involved
   a. Subject Name: SPC [redacted]
      1. Pay Grade: SPC/E4
      2. SSN: Number [redacted]
      3. Race: UNK
      4. Sex: M
      5. Position: Guard Duty
      6. Security Clearance: UNK
      7. Units and Station of Assignment: 4FSB / 1BCT / 41D
      8. Duty Status: UNK
      9. Age: UNK
   
   b. Victim Name: Obeed Hethere Radad
      1. Pay Grade: N/A
      2. SSN: Number [redacted]
      3. Race: Iraqi
      4. Sex: M
      5. Position: Detainee
      6. Security Clearance: None
      7. Units and Station of Assignment: Held by 4FSB 1BCT 41D
      8. Duty Status: N/A
      9. Age: UNK

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

Throughout the guard shift SPC [redacted] reported that the detainee was "fiddling" with his hand cuffs and attempting to speak to the other detainee in the adjacent holding cell. At approximately, 112315SEP03, SPC [redacted] momentarily turned away from the detainee, Obeed Hethere Radad. While SPC [redacted] was turned away from the detainee, the detainee stood up from a sitting position and moved approximately 4-5 feet through the detainment cell doorway. After 2-3 seconds SPC [redacted] turned back to face the detainee. As SPC [redacted] turned back facing the detainee he was surprised to see the detainee standing with his upper
torso leaning over the single strand of concertina wire. SPC stated that he leveled his weapon, moved the selector switch from safe to semi and fired one un-aimed round in the direction of the detainee. The detainee was struck in the abdomen. SPC moved into the isolation area and rendered first aid to the detainee. The detainee was evacuated to E Company, 4th FSB Medical Aid Station where medical aid was rendered. The detainee died after all efforts to revive him had failed.

8. Remarks The Chain of Command reviewed the incident and conducted an investigation. 4th FSB reviews all TTPs for use of deadly force within the Brigade Collection Facility. The current collection facility is a temporary facility that is limited in its capability to hold large numbers of detainees, especially detainees in isolation. The current detention material for the isolation cells, concertina wire, is adequate but more permanent facilities should be expedited to mitigate the risk posed by the temporary nature of the facility. A contract to establish a permanent facility has been provided to the Division Comptroller for funding. This facility will increase the security of the detainees and improve the safety for the guards.

9. Publicity
10. Command Reporting
11. POC CPT BN S-3 at 534
12. Downgrading Instructions
13. Approved/Released By: MA. Battalion XO

BREEZE WAY

ISOLATION CELLS

MAIN CELL

LOCATION OF GUARD WHEN HE FIRED THE SHOT

KITCHEN/OFFICE
MEMORANDUM FOR RECORD

SUBJECT: Serious Incident Report

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

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

3. Reviewing Officer: MAJ [redacted] Battalion XO
5. POC is the 4th FSB TOC at 534 [redacted]
Narrative: On 11 Sep 03, 1LT [redacted], SPC [redacted], and SPC [redacted] were performing guard duty at the FOB Packhorse detention facility. 1LT [redacted], the Officer of the Guard, was standing less than twenty feet away from SPC [redacted] in the breezeway portion of the facility facing into the facility's back yard when he heard a shot fired (Exhibit A). SPC [redacted], a member of the guard force, was standing between 1LT [redacted] and SPC [redacted] when the shot was fired. SPC [redacted] was standing in the hallway of the isolation cell portion of the facility. At some point, SPC [redacted] looked away from the detainees in isolation in order to speak to SPC [redacted] (Exhibit B). Within a few seconds of turning back to see the detainees, SPC [redacted] raised his rifle, placed the selector on fire, and shot Obeed (Exhibit C). Obeed was handcuffed with plastic "flexicuffs" at the time he was shot. Neither 1LT [redacted] nor SPC [redacted] saw SPC [redacted] pull the trigger. They were not in a position to see Obeed's activity. The other detainee in the isolation cell, [redacted], saw SPC [redacted] fire his weapon, but did not see Obeed's activity either (Exhibit D). Upon hearing the shot, 1LT [redacted] moved to SPC [redacted] to assess the situation. According to 1LT [redacted] stated, "He was standing right up next to the wire." Initially, 1LT [redacted] did not see any blood on the fallen Obeed, and asked SPC [redacted] if he had indeed shot the detainee. SPC [redacted] stated again that he had shot Obeed because he was standing next to the wire (Exhibit A). When 1LT [redacted] noticed that Obeed was bleeding, he moved to the radio in the breezeway and called the 4th FSB T.O.C. for assistance. SPC [redacted], who was guarding prisoners at a building directly across from the detention facility entrance, left his position to assess the situation at the main detention facility. Upon arriving at the scene, SPC [redacted] asked for a combat lifesaver's bag and SPC [redacted] went to the storage closet in the interview office to retrieve it (Exhibit E). SPC [redacted] and SPC [redacted] performed first aid on Obeed at this time. SPC [redacted] went into the interview office and sat down. At around 2320, SSG [redacted] and SGT [redacted] medics, arrived. They assessed Obeed's condition and transported him by ambulance to the aid station (Exhibit F). Upon Obeed's arrival at the aid station, more life-saving steps were taken. 1LT [redacted] the physician's assistant on duty at the time, declared Obeed dead at approximately 2330 hrs (Exhibit G). The body was photographed by CPT [redacted] with 1LT [redacted] assisting, as part of the 4th FSB's initial inquiry.

Facts:

a. Obeed Hethere Radad was a detainee at the FOB Ironhorse Detention Facility when he died of a gunshot wound to the abdomen on 11 Sep 01 at approximately 2315 hours. He had turned himself to FOB Arrow on 02 Sep 03 upon learning that he was a targeted individual from Operation Arrow Sky, conducted by TF 4-42 (Exhibit H). He and his companions were in separate isolation cells at the detention facility. Obeed had been incarcerated in the isolation cell since 8 Sep 03. Obeed had been seen by
medics earlier in the day on 11 Sep. He had complained of joint and back pain and couldn’t sleep. The medics advised the guards, SPC, included, that the detainee should be allowed to get up and walk around in order to reduce his back and joint pain. Furthermore, the detainees in isolation had been told not to speak and to stay away from the concertina wire or they would be shot. According to 1LT, he did not see any indication that the concertina wire had been moved at the time of the shooting. According to INTSUM reporting, the were alleged Saddam loyalists (Exhibit H).

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

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

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

e. The guard force had wooden clubs readily available in order to deal with belligerent detainees using less than lethal force (Exhibit J). Upon initial set-up of the detention facility, the guard force did not have weapons inside of the detention facility. At some point between the initial set-up of the facility and 11 Sep 03, the 1st BCT Commander instructed the 4th FSB to have guards carry weapons inside of the wire to ensure the presentation of authority (Exhibit K).
f. The guard force has no written instructions and there is no written battalion guidance for the operation of the detention facility. Guards received their instructions verbally by the shift leader, in this case, 1LT (Exhibit A).

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

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

i. The other isolated detainees in the detention facility, stated that he received no warnings about what would happen if he tried to escape. He stated that none of the other prisoners provided the information. One prisoner held in the general population cell, stated he had received a briefing on what would happen if he tried to escape (Exhibit D).

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

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

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

a. Statements reveal that there is sufficient cause to believe that SPC, knowingly or not, was in violation of Army use of force policy and TF Ironhorse directives governing the use of deadly force. No verbal warning was given, and no lesser means of force was considered before applying deadly force. Furthermore, the fact that Obeed was handcuffed and his position on the floor in his cell once he was shot provide sufficient doubt about Obeed’s intent to escape (Exhibits A, B, C, and V).
b. There are insufficient instructions for guards in performing their duties. There are no written SOPs or post instructions for guards ( Exhibits A and K). Instructions are given verbally by the shift leader, and the guards on-duty that evening had a different understanding of their responsibilities. For example, SPC_ and PFC did not have a round chambered in their weapons prior to the shooting—even though they were guarding isolated detainees—while SPC_ and SPC_ did. 1LT did not have a round chambered in his weapon, either. SPC_ and PFC_ had an understanding of the use of force as it applied to the application of deadly force (Exhibit E and N). SPC_ had not heard of graduated force or differing levels of force, nor did he remember receiving a briefing which covered verbal warnings prior to shooting an escaping detainee (Exhibit C).

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

Furthermore,

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

e. Based on comments by the interviewees, the detention facility had been visited on numerous occasions by leaders in the chain of command. Shift leaders were either a senior NCO or an officer. The officer in charge of detainee operations was on site daily. The battalion commander had inspected on numerous occasions. The brigade commander had inspected the facility and provided guidance in handling the detainees. Detainees were adequately fed, had plenty of water, and received adequate medical attention. Detainees were allowed to conduct hygiene and had access to latrines.
Report by AR 15-6 Investigating Officer on Shooting Death of Iraqi Detainee, FOB Packhorse, Tikrit Iraq, 11 Sep 03

Recommendations:

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

b. 

c. 

d. 

e. 

f. 

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

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

MAJ, MP
Investigating Officer

5
I, [REDACTED], want to make the following statement under oath:

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

NOTHING follows

AFFIDAVIT

I, [Name], 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.

[Signature of Person Making Statement]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [day] day of [month], 19[year].

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[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/alternative means of identification to facilitate filing and retrieval.

**DISCLOSURE:**
Disclosure of your social security number is voluntary. It is used to identify you for the purpose of identifying information. Your signature for this purpose is voluntary.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>DATE</th>
<th>FILE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tibet, Iraq, FOB, Pick House</td>
<td>2003-09-13</td>
<td>0205</td>
</tr>
</tbody>
</table>

**NAME:**

**SSN:**

**GRADE/STATUS:**

8. **ORGANIZATION/OFFICE ADDRESS**

Dec 4th 83B

9. **WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:** This statement is in regard to a shooting incident of an EPW being held at the 1st Brigade holding facility. The incident occurred approximately at 2310 on the 11th of Sept 2003. Initial atmosphere coming on to shift. My shift as night shift supervisor begins at 1800 and continues till 0600 the next morning. As I came on shift that afternoon the atmosphere at the holding facility seemed normal in most regards, the day shift supervisor and the guards on shift at that time greeted me upon my arrival and all seemed calm. Brief before assuming the official change of responsibility. Approximately 1900 on shift, I assigned Spec 44 to guard the two EPW's that we had in our two right cells. It is only temporary. With our original 50 and facility layout it was all the prisoners that we put in to our collection center. Three years ago brigade was not set up to handle isolation prisoners in our current facility. All these rooms, but both of these doors connect out to a multi cell holding. These rooms have no door, and because of our need to supervise the prisoners, we could not close the wooden doors. These rooms, as it would not be able to see the prisoners, we went inside a building with mirror floors. We could not place pickets to secure the end of the wire to a large hedge. While on our right and to the side, we conned Spec 44 to go and make the wire to be as straight as possible. We then directed Spec 44 to the top of the wire to be as straight as possible. We then directed Spec 44 to the top of the wire to be as straight as possible. We then directed Spec 44 to the top of the wire to be as straight as possible. We then directed Spec 44 to the top of the wire to be as straight as possible. We then directed Spec 44 to the top of the wire to be as straight as possible.
9. STATEMENT (Continued)

When we had additional isolated prisoners, at that time we had 8 isolated prisoners. Spc. [redacted] asked me where he had injured. I told him Spc. [redacted] had shot a prisoner, and that the other in the bathroom, down the hallway. I was still talking on the radio at this time. Spc. [redacted] asked if we had a C&L Bag, I told him we did, and it was kept in the closet in the main office. The two went and retrieved the C&L Bag and began giving first aid to the prisoners. Spc. [redacted] seemed stunned and kind of shocked at first but Spc. [redacted] shot a prisoner. Spc. [redacted] remained standing in the doorway, looking down the hallway at the prisoners, after I finished talking on the radio I went to see what I could do to help the prisoners. By this time Spc. [redacted] had left the room and Spc. [redacted] had arrived on the scene. They quickly surveyed the prisoners condition and asked on the radio and called Echo Mike and informed them that they were in route back to Echo Mike. Time seemed to be flying by, by this time it was approximately 1:35 hours, Spc. [redacted] and Sgt. [redacted] worked on the prisoner for a couple of minutes and the ambulance arrived.

Q: Was the prisoner unconscious?
A: Yes, the prisoner was unconscious.

Q: Did you hear Spc. [redacted] give a warning to the detainee?
A: No, no verbal warnings were given before he fired.
9. STATEMENT (Continued)

Q: How far away from SPC [redacted] were you when the shot was fired?
A: I was approximately 20 ft. from SPC [redacted], and approximately 13 ft. from SPC [redacted] or anyone else that the detainees were allowed to stand in order to stretch.

Q: Did you ever tell SPC [redacted] or anyone else that the detainees were allowed to stand in order to stretch?
A: Yes, I told both SPC [redacted] and SPC [redacted] several hours before the shooting was stressed or fearful because of the circumstances surrounding his duty that night.

Q: Were there any indications that SPC [redacted] was stressed or fearful because of the circumstances surrounding his duty that night?
A: Yes, as I wrote in this statement all of the guards were "on edge" when dealing with DOD-044901, only one strand of wire between the guards and the detainees. [redacted] used.

Q: Why was only one strand of concerning wire used?
A: We told the S-2 and S-3 to work to accept these two detainees and the only reason the floor.

Q: How long had the deceased been a detainee at the facility?
A: Two full days and about 15 hours into the third day.

Q: Are the guards given written instructions for their duties?
A: No, I have given verbal instructions in all the duties. Therefore, I am still working with respect to the use of deadly force.

Q: What do those instructions tell guards to do with respect to the use of deadly force?
A: Our verbal instructions are given for detainees in our common holding cell, as
STATEMENT OF ____________________ TAKEN AT Rob Rock Horse DATED 2003.09.13

9. STATEMENT (Continued)

Continued:

A: I stated we are not setup for holding isolation type prisoners. Specifically, the

"Drop" instruction. There is to be a verbal warning to "Stop" or "get down" on

all guards have been briefed on our Division level "ROE" policies. Specifically,

the use of graduated force up to and including "deadly force if necessary"

Q: So, Spec ____________________ had been briefed on the

use of graduated force?

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

by a detainee in isolation?

Q: What would constitute an attempt to escape?

A: Attempting to remove any barrier, if the detained, also, removal of restrictions to keep the offenders

secure, if possible.

Q: How was the deceased Detained Bound?

A: He was wearing flexi-cuffs on his wrists, and they were in front of him so he could

drink, and eat, use the latrine.

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

A: Just verbal drills talk out with the guards

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

A: We had 30 prisoners at the detention facility

Q: Did Spec ____________________ have a adequate rest prior to assuming his duties on the evening

of the shooting?

INITIALS OF PERSON MAKING STATEMENT ____________________

PAGE 2, DA FORM 2823, DEC 1998

DOD-044902
STATEMENT OF ... TAKEN AT ... DATED 2003.09.27

9. STATEMENT (Continued)

Continued:

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

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

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

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

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

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

A: The day prior to the shooting he was yelling at the prisoners for very minor things.

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

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

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

A: No, not to my knowledge.
9. STATEMENT (Continued)

Q: Do you have anything to add?

A: After thinking about the incident over the past 24 hours, I do not think that SPC [redacted] should have shot, prior to giving a verbal warning. He did not give any warning to anyone, the prisoner, myself, or SPC [redacted] just after SPC [redacted] had fired. I entered that hallway, no more than 5 seconds by virtue of where the detainees fell. I do think he was standing near the time to not approach the inmate over the course of the two days prior. Also, prisoners until the other level next door is complete. Having these types of prisoners on-site now places them at risk as well as the guards.

Nothing follows.
I, [redacted], having been duly sworn, do hereby depose and say:

[Redacted text]

I, [redacted], do solemnly swear that the foregoing is true and correct to the best of my knowledge and belief.

[Redacted signature]

[Redacted date and place]

[Redacted name and title]

[Redacted text]

INITIALS OF PERSON MAKING STATEMENT

PAGE 9 OF 85 PAGES
Bates Pages 6441 depicts a photo which is nonresponsive and has not been provided based on application of the Judge's in camera rulings (tourist-type photos)
**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**A UTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2851; 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.

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**LOCATION**

- [ ] 1. Location
  - [ ] Dc 4658

**DATE (YYYYMMDD)**

- [ ] 2. Date
  - [ ] 2003 09 11

**TIME**

- [ ] 3. Time
  - [ ]

**FILE NUMBER**

- [ ] 4. File Number
  - [ ]

**SSN**

- [ ] 6. SSN
  - [ ]

**I.D. CARD NUMBER**

- [ ] 5. Last Name, First Name, Middle Name
  - [ ]

**ORGANIZATION OR ADDRESS**

- [ ] 7. Grade/Status
  - [ ]

**B RACKETED INSTRUCTIONS**

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On September 11 2003 at 1800 I assumed duty at the Backwood Prison Facility. I was briefed that my responsibilities as guard was to ensure that prisoners were to be escorted to and from their cells. However, two prisoners in particular the ones in the office area were treated without the upmost security. They were allowed to stand and search for the wiper and take off their handcuffs.

Through my short appearance in particular the one in the far left cell sat suspiciously speaking to the other. He wore his handcuffs sometimes speaking aloud in Arabic. I told him repeatedly not to speak to me. I was aware the only words he were allowed to say were "WC" (water closet) indicating he desired to go to the latrine. The other indicated he wanted to talk with this prisoner using sign language (NANO and arm signals).

I told him to stop as well. At 11:15 the prisoner in the far left cell said something in Arabic. I put my finger to my lips and addressed him to be quiet. I then asked for a lighter. He was standing at the far end of the corridor. Assisting him was a man...
STATEMENT OF TAKEN AT DATED 9.
STATEMENT (Continued)

I, WITNESS going to the cell, when I turned the corner, the prisoner was standing with the doorway, touching the wall. When I saw this, it was apparent to me that the prisoner was trying to escape. I was across the room & I had no idea what course I was taking. The prisoner I raised my weapon & shot the prisoner.

- END STATEMENT -

WITNESSES:

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Disclaimer to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

PAGE 3, DA FORM 2823, DEC 1998

DOD-044908
Bates Pages 6444-6445 depict photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

Disclosure of your social security number is voluntary.

1. LOCATION
   SOUTH TIER AIRPORT PRISON

2. DATE (YYYYMMDD)
   2003/09/11

3. TIME
   23:15

4. FILE NUMBER
   64-2 / 67-2

5. LAST NAME, FIRST NAME, MIDDLE NAME
   [REDACTED]

6. ORGANIZATION OR ADDRESS
   [REDACTED]

7. GRADE/STATUS
   E-4

8. INITIALS
   [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

all 64-2 / 67-2

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE
On 11 SEP 03 at approximately 2330 I was woken up by the TOC NCO and informed that a detainee was shot while trying to escape. I immediately dressed and drove out to the Detention Center to find out what happened. By the time I arrived the body of detainee was removed and taken to the aid station. First I asked 1LT [redacted] what happened and he told me he was standing in the archway looking at the latrine at the time of the shooting. He did not hear any warning prior to the shot being fired.

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

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

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

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

Q: MAJ [redacted]?
A: CPT [redacted]

Q: Who made the determination that detainees were to be shot if they got up and approval the concertina wire?
A: It was my call if the detainees attempted to exit their cells they could be shot. This was my decision based on the correct RCE.

Q: "Attempted to exit their cells" means, what, specifically?
A: Any attempt to leave the cell without permission. Ex: Moving the wire, going over, under, or around it, going through the window

Q: Do you have a written order or instruction that directs a guard's action during an escape?
A: No, all instructions are verbal until we establish TTP's for the

EXHIBIT
INITIALS OF PERSON MAKING STATEMENT

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

STATEMENT (Continued)

OPERATION OF THE DETAINEE FACILITY. THIS IS A WORK IN PROGRESS.

Q: What kind of Rules of Engagement and Use of Force Training has the detainee Security Force Conducted?
A: NONE, OTHER THAN A BRIEF RECEIVED FROM TF 1/22 WHEN WE TOOK OVER THE DETAINEE TASKING ON 26 AUG 03.

Q: How many soldiers were detailed to conduct Detainee Security Duties?
A: THERE WERE A TOTAL OF 5 SOLDIERS ON DUTY

Q: How long have you known SRC?
A: 2 DAYS

Q: Do you have anything to add?
A: NO

END OF STATEMENT
STATEMENT OF [redacted] TAKEN AT For An Hr. DATE 2003-09-13

9. STATEMENT (Continued)

AFFIDAVIT

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

[Signature of Person Administering Oath]

[Signature of Person Making Statement]

WITNESSES:

[Redacted]

401 St. and Lc

ORGANIZATION OR ADDRESS

[Redacted]

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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U. Selected Photos of Deceased, Obeed Hethere Radad
V. Diagram of Facility

except as noted 64-2/67c.2
Bates Pages 6452-6457 depicts photos which are nonresponsive and have not been provided based on application of the Judge's in camera rulings (tourist-type photos)
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

SECTION I - APPOINTMENT

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

on 11 September, 2003
(Date)

(Appendix)

SECTION II - SESSIONS

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

on 12 SEp 03
(Date)

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

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

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

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

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

Inclusions (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?
    ![Yes/No/NA](Yes)
  b. Copy of notice to respondent, if any? (See item 9, below)
    ![Yes/No/NA](No)
  c. Other correspondence with respondent or counsel, if any?
    ![Yes/No/NA](No)
  d. All other written communications to or from the appointing authority?
    ![Yes/No/NA](No)
  e. Privacy Act Statements (Certificate, if statement provided orally)?
    ![Yes/No/NA](No)
  f. Information as to sessions of a formal board not included on page 1 of this report?
    ![Yes/No/NA](No)
  g. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?
    ![Yes/No/NA](No)

OOTNENT: ![Yes/No/NA](Yes) Explain all negative answers on an attached sheet.

![Yes/No/NA](Yes) 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.

A FORM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE.
### Exhibits (para 3-16, AR 15-6)

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
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</thead>
<tbody>
<tr>
<td>a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?</td>
<td></td>
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<tr>
<td>b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?</td>
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<tr>
<td>c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?</td>
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<tr>
<td>d. Are copies, descriptions, or depictions [if substituted for real or documentary evidence] properly authenticated and is the location of the original evidence indicated?</td>
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<tr>
<td>e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-2d, AR 15-6)?</td>
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<tr>
<td>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?</td>
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<tr>
<td>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)?</td>
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</table>

### COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
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<tbody>
<tr>
<td>a. Is the method and date of delivery to the respondent indicated on each letter of notification?</td>
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<tr>
<td>b. Was the date of delivery at least five working days prior to the first session of the board?</td>
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<td>c. Does each letter of notification indicate –</td>
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<tr>
<td>(1) the date, hour, and place of the first session of the board concerning that respondent?</td>
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<td>(2) the matter to be investigated, including specific allegations against the respondent, if any?</td>
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<td>(3) the respondent's rights with regard to counsel?</td>
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<tr>
<td>(4) the name and address of each witness expected to be called by the recorder?</td>
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<td>(5) the respondent's rights to be present, evidence, and call witnesses?</td>
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<td>d. Was the respondent provided a copy of all unclassified documents in the case file?</td>
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<td>e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?</td>
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<tr>
<td>If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):</td>
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<tr>
<td>a. Was he properly notified (para 5-5, AR 15-6)?</td>
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<tr>
<td>b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4e, AR 15-6)?</td>
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</table>

### Counsel (para 5-6, AR 15-6)

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
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<tbody>
<tr>
<td>a. Was each respondent represented by counsel?</td>
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<tr>
<td>b. Was respondent's counsel present at all open sessions of the board relating to that respondent?</td>
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<tr>
<td>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)?</td>
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<tr>
<td>If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):</td>
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<tr>
<td>a. Was the challenge properly denied and by the appropriate officer?</td>
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<tr>
<td>b. Did each member successfully challenged cease to participate in the proceedings?</td>
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</table>

### COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
<th>NA</th>
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</thead>
<tbody>
<tr>
<td>a. Did the respondent give an opportunity to (para 5-8a, AR 15-6):</td>
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<tr>
<td>b. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?</td>
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<tr>
<td>c. Examine and object to the introduction of real and documentary evidence, including written statements?</td>
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<td>d. Object to the testimony of witnesses and cross-examine witnesses other than his own?</td>
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<td>e. Are calls and otherwise introduce evidence?</td>
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<tr>
<td>f. Make a or have his counsel make a final statement or argument (para 5-9, AR 15-6)?</td>
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<tr>
<td>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)?</td>
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<tr>
<td>Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclusion or exhibit to it (para 5-11, AR 15-6)?</td>
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</table>

### OTNOTES:

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

**Image Information:**
- Page: 2 of 4
- Form: DA Form 1574
- Date: Mar 83

**Handwritten Notes:**

6459
(investigating officer) (board), having carefully considered the evidence, finds:

The incidents surrounding the shooting of detainee, Obeed Hethere Radad at the 1st Brigade Collection Facility was a result of the detainee playing intent to breach the concertina barrier of the isolation cell. The collection facility consists of a single detention cell with a fifty detainee capacity and limited isolation rooms/cells. The detainee was delivered to the 1st Brigade collection point on 8 Sep 03. He was

in the vicinity of Ad Dwar. The detainee was instructed upon his arrival by an interpreter that he was to remain seated to stay away from the concertina wire or he would be shot. Throughout the guard shift SPC reported that the detainee was “fiddling” with his hand cuffs and attempting to speak to the other detainee in the adjacent holding cell. At approximately, 1315SEP03. SPC was turned away from the detainee, Obeed Hethere Radad. While SPC was turned away from the detainee, the detainee stood up from a sitting position and moved approximately 4-5 feet through the detainment cell doorway. After 2-3 seconds SPC turned back to the detainee. As SPC turned back facing the detainee he was surprised to see the detainee standing with his upper to

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

except as noted

b4-5/b7c-5

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

In view of the above findings, the (investigating officer) (board) recommends:

FSB reviews all TTPs for use of deadly force within the Brigade Collection Facility. Limit the number of detainees held in isolation to the current wire, is adequate but more permanent facilities should be expedited to mitigate the risk posed by the temporary nature of the facility. A contract to establish a permanent facility has been provided to the Division Comptroller for funding. This facility will increase security of the detainees and improve the safety for the guards.
SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

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

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

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

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)

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

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

LOCATION: TIKRIT, IRAQ
DATE: 12 SEPT 03
TIME: 1530
FILE NUMBER:

LAST NAME, FIRST NAME, MIDDLE NAME
SOCIAL SECURITY NUMBER
GRADE/STATUS: E-6/RA

ORGANIZATION OR ADDRESS: E CO 4TH FSB, UNIT# 92697, APO AE 09323

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 Sept. 2003 at or about 2315 hours, I was conducted roving guard duties with SGT [redacted], while I was checking on guard point 14 (while I was outside the vehicle) SGT [redacted] told me he heard over the radio that one of the prisoners at the detention center was trying to escape and was shot in the chest. I asked him if he was joking and when he said no, I told him to go to the Aidstation and grab an aid bag and some gloves. We went to the Aidstation, grabbed the items and went to the detention center. When we arrived at the detention center, SSG [redacted] and SGT [redacted] was already on the scene with a wheeled ambulance. When we pulled in, SSG [redacted], SGT [redacted] and two other individuals were on their way out of the detention Building and heading to the ambulance with the casualty on the litter. The casualty had a field dressing over his left mid-epigastric area and was not responsive at all. SSG [redacted] said that one of us needed to ride in the ambulance with them. I jumped in and SGT [redacted] said he (the detainee) does not have a pulse. I began chest compressions and SGT [redacted] started bagging him. I looked at the casualties face and his eyes looked glazed and dilated. When we arrived at the Aidstation we carried him into the treatment room and continued chest compressions until 1LT [redacted] said he is gone at approximately 2320.
I, [Redacted], have read or have had read to me this statement which begins on page 1 and ends on page [Redacted]. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

Witnesses:

[Redacted]

Organization or address:

[Redacted]

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

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

AR 600-20 Comissioned Officer

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

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)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

USAPPC V2.00
12 Sep 03

Investigating Officer’s Timeline

1800—Met with 1BCT XO (MAJ [redacted]) and 1BCT Legal Advisor (CPT [redacted]) concerning appointment and duties. Appointment was VOCO awaiting orders from appointing authority.

1900—Met with 4th FSB XO (MAJ [redacted]) to arrange for gathering of witnesses and statements taken during the initial inquiry conducted by 4th FSB.

1930—Returned to FOB Ironhorse (4th ID) to gather other materials for use in the investigation.

2045—Arrived FOB Packhorse (4th FSB) and prepared to conduct interviews. Identified personnel to be interviewed and organized the process.

2130—Met with LTC [redacted] 4th FSB Commander, and advised him of my task and purpose. LTC [redacted] put resources of the battalion at my disposal—very cooperative.

2130—Received original copy of 4th FSB initial inquiry. Continued to take statements from individuals (see list of interviewed personnel).

2300—After reviewing the initial inquiry, determined that possible violations of the UCMJ existed, to wit: Article 92, Failure to Obey a Lawful Order or Regulation (re: TF Ironhorse FRAGO 422, Maintenance of Law and Order, ROE/Use of Force) and Article 119, Manslaughter.

2314—Contacted CPT [redacted], 1BCT Legal Advisor, and requested a conference at FOB Packhorse.

2335—CPT [redacted] arrived, and we discussed my concerns about the possible violations of the UCMJ and the fact that a statement had been taken from SPC [redacted] (Suspect) during the 4th FSB initial inquiry without a rights advisement. CPT [redacted] opined that the statement was not voluntary, and that I requested assistance from CPT [redacted] in getting control of the victim’s body in order for me to conduct an examination of it before burial.

13 Sep 03

0500—Examined detention facility (night time) with LT [redacted] SPC [redacted], SPC [redacted] and PFC [redacted].

DOD-044925
0545—Returned to FOB Ironhorse for refit.

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

1300—Continued interviews at FOB Packhorse.

1600—Completed all interviews.

1630—Returned to FOB Ironhorse and conducted research.

2030—Research complete, commence report writing.

14 Sep 03

0100—Refit.

0700—Continued writing narrative

1330—Narrative complete; organizing products and proofing.

1800—Report complete and submitted to 41D SJA.
On the evening of 11 Sep 2003 at 18:00 hours me and SPC_ arrived at the prison on South Tiberia - Field For duty. We were instructed the day before on the rules for the General population prisoners and the detainees in solitary which were any of them try to escape shot them. The briefing was done by 1st list. the two prisoners in solitary were instructed to face the wall sitting down, not stand up without being told to and to not approach the wire or they would be shot.

10 Sep 2003 was the first day we started Guarding prisoners. On the evening of 11 Sep 2003 the Shift started out smoothly with the normal routines of the prisoners going to the latrine and washing up. During the entire time up to the incident the Shift was smooth except for the actions of the two solitary prisoners. The prisoners were acting suspicious all night by...
STATEMENT OF TAKEN AT __ __ __ __ DATED __ __ __ _

9. STATEMENT (Continued)

trying to communicate to each other by speaking Arabic. Also the prisoner that was shot was trying to loosen his cuffs when the power went out. I do not recall the exact time the prisoner was messing with his cuffs, up to the event was quiet, until around 11:45 or so when I started walking towards SPC __ __ __ __. I do not remember at all what I was doing before I started walking towards SPC __ __ __ __. But I remember before I could reach the doorway SPC __ __ __ __ turned around lifted his weapon and fired one single shot, SPC __ __ __ __ stood in the doorway somewhat dazed until I told him to go sit down. I stood in the hallway for a brief moment. Looking at the prisoner until SPC came from the other building and saw what happened. Pulled the Cointina wire back and told me to get the CLS Bag. At the same time SPC __ __ __ __ was calling medic Horse Mike for Aid, me and SPC __ __ __ __ started to render Aid to the prisoner by applying a Field dressing and sitting the prisoner up. The medics arrived shortly and took the prisoner away. Those are the facts of in my opinion SPC __ __ __ __ acted correctly almost reflex. None of the prisoners in solitary should not have been in.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 7 PAGES
those rooms. For the space and the area it was to close for comfort, I myself felt threatened turning my back on the prisoners for 1 second, and I know I would of acted the same way not just they were orders, but because they area and space allowed the prisoners to get out and possibly overpower us.

Q: Maj
A: Spc
Q: How far away were you from Spc [redacted] when he fired his weapon?
A: 4 Feet
Q: Did you hear Spc [redacted] give a verbal warning before shooting?
A: No, he just turned and raised his weapon and fired automatically.
Q: Did the deceased detainee ever move or cross over the concertina wire at any time?
A: I was not close enough to the doorway to see the distance when the incident happened so I can not answer the question.
Q: Were you aware if the deceased detainee ever attempted to move the wire or cross over it during any time prior to the shooting, including the days prior to the shooting?
A: No.
Q: What kind of training or briefing did you receive on the rules or Spc [redacted] use of force or rules of engagement?
A: The day prior to the incident when we started prison detail the briefing we got was, the general population prisoners...
We were not allowed to approach the wire or if that was deemed trying to escape so we had the right to shoot on the two solitary detainees. We were told that they were told in Arabic that they were to sit down and face the wall, they were to not communicate with each other. If they were only to stand up if told to and if they were to approach the wire they would be shot. The briefing was given by LT [REDACTED] at the prison. JFO.

Q: Were you aware if the detainees had been told by anyone that they were permitted to stand up and stretch?
A: No.

Q: So to clarify, if a detainee ever got up and approached the wire, it was ok to shoot him?
A: That was my understanding.

Q: Have you ever heard of the terms, "Graduated Force" or "Levels of Force."
A: No.

Q: Was a verbal warning required, if possible, before shooting a detainee trying to escape?
A: The briefing that we had did not mention anything like that.

Q: What kinds of statements did you hear just prior to and after the shooting?
A: Nothing at all he was silent before and after the incident.

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 7 PAGES

JBRRA 1/00

6471
Q: How long have you known Spec Blum?
A: No, I do not know Spec Blum.

Q: Have you ever known Spec Blum?
A: No, I do not know Spec Blum.

Q: Did you know Spec Blum before he was killed?
A: No, I do not know Spec Blum before he was killed.

Q: Where were you when you heard the shot?
A: I heard the shot from a distance.

Q: In front of or behind the house?
A: I am not sure.

Q: What kind of shots did you hear?
A: I heard a loud noise.

Q: Were you alone or with others?
A: I was alone.

Q: How far away was Spec Blum?
A: I do not know.

Q: How long was Spec Blum dead before you saw him?
A: I do not know.

Q: Describe the location where you found Spec Blum.
A: I found Spec Blum in a nearby field.

Q: Did anything happen to Spec Blum before he was killed?
A: I do not know.

Q: Did you see anyone around when Spec Blum was killed?
A: I did not see anyone around.

Q: How was Spec Blum killed?
A: I do not know.

Q: Is there anything else you remember about the day Spec Blum was killed?
A: I do not remember anything else.
Q: Do you know if Spec had enough rest before going on duty?
A: Being on OOD we're on 24 hour call plus we have shifts. Shifts for the front gate and the person I believe the night prior we got about four hours steady sleep.

Q: Did Spec ever have any problems with the deceased Detained before going on shift on the night of the shooting?
A: No.

Q: Do you anything to add?
A: No.

END OF STATEMENT

except as noted (b)(6)-2
AFFIDAVIT

I, [Redacted], have read or have had read to me this statement which begins on page 1, and ends on page 4, and I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[Signature of Person Making Statement]

WITNESSES:

[Redacted]

[Redacted]

ORGANIZATION/ADDRESS

[Redacted]

[Redacted]

ORGANIZATION/ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 2003 at Fort Meade, Maryland, as

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oaths]

INITIALS OF PERSON MAKING STATEMENT: [Redacted]

PAGE 7 OF 7 PAGES
What is your name?

38

Where do you live?
Outside Tikrit in a village called

As the man that was shot your brother?

Yes

Did he live near you or with you?

Yes

What kind of destruction were you getting given when you first came?

They don't tell me nothing.

Was he ever given warnings on what would happen if you would escape?

No

Did they tell you that you would be shot if you tried to escape?

No

Did any of the other prisoners tell you what would happen if he tried to escape?

No

Can you describe the man who shot your brother? Or what happened before the shooting?

My brother had heart problems and he wanted to get some air. The guard started yelling at him and used a stick on the door.

Did the guard who shot your brother say anything before he shot him?

He was talking but the only thing I could understand was don't look at me.

Was there a soldier at or did you see the man shot your brother?

He was sitting in the corner and he stood up and to shoot.

Was this the last thing that you saw to your brother?

We have been apart for seven days, that was last time.

Is there any other guards that could see the shooting?

Not that I could see.

G475
not kind of restraints other than what you had on did your brother have on?
They were the plastic kind.

Your brother requested a doctor what was it for?
He has a bad back, shoulder and he has heart problems also.

How many times did he come?
2 times in seven days.

What did the soldiers reaction that shot your brother?
He stayed in place.

What did the other soldiers do?
They came in and did first aid and there was running around.

Was he laying down or sitting up?
He was sitting up.

Is there anything else to add?
Since the day he came in he was kicking the cage and yelling and talking to me that I could not understand. The day before the shooting the dog was kicking the door and keeping us awake the whole night.

Do you swear that this statement is truthful?
Yes.

Witnessed by

(b)(6) 2
SWORN STATEMENT

For use of this form, see AR 150-45; 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
disclosed. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: TIKRIT, IRAQ
2. DATE (MM/DD/YYYY): 09/23/2003
3. TIME: 0420
4. FILE NUMBER: 2-1/3PC
5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
6. SSN: [redacted]
7. GRADE/STATUS: [redacted]
8. ORGANIZATION OR ADDRESS: [redacted]

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 11 SEPT 03, PFC [redacted] AN MYSELF REPORTED TO GUARD
AT 1800 HOURS. AROUND 2100 HOURS, WE HAD BEEN VISITED BY
CPT. [redacted]. WE EXPRESSED OUR CONCERN TO HIM ABOUT THE SKILL
ATTITUDES OF THE 4FSB GUARDS. THAT THEY LACKED PROFESSIONAL
ATTITUDES THAT IS NEEDED FOR DEALING WITH EPWS.
LATER THAT NIGHT, AROUND 2200 HOURS, PFC [redacted] AND MYSELF WERE CONDUCTING OUR ROUTINE CHECKS ON THE EPWS.
WHEN WE HEARD A LOUD BANG FROM OUTSIDE. WE THOUGHT
THAT IT WAS THE 4FSB GUARDS BANGING ON OUR DOOR WITH
A PICK HANDLE FROM THE OTHER GUARD SHACK/CELL BLOCK.
ONLY BECAUSE ON 10 SEPT 03, THE TWO 4FSB GUARDS LEFT
THEIR POST TO COME OVER TO OURS AND STARTED BANGING ON
THE EPWS CELL DOORS. I WENT OUTSIDE TO SEE WHAT WAS GOING ON. PFC [redacted] REMAINED IN THE
CELL BLOCK AT HIS POST. WHEN I WAS GOING TO THE OTHER
JAIL HOUSE, I SAW THAT THE TWO 4FSB GUARDS HAD THEIR
M16S AT THE READY AND POINTED DOWN THE HALLWAY.
AS I WENT UP THE STAIRS I DREW MY M9. I THEN
LOOKED DOWN THE HALLWAY TO SEE WHAT HAPPENED AND SAW
LAYING ON THE FLOOR WITH HIS HAND ZIPPED CUFFED AND OVER HIS FACE. HE WAS LETTING
A TYPE ON EXHALE YELL/SCREAM. I TURNED TO THE 4FSB
GUARDS AND ASKED WHAT HAPPENED. SRP. [redacted] REPLIED
WITH "HE STOOD UP AND WAS NEXT TO THE WIRE. I LOOKED
OVER THE WIRE AND PUT MY M9 BACK INTO ITS HOLSTER.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [redacted]

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.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Except as noted (b)(6) 2

4477

DOD-044936
STATEMENT OF TAKEN AT Tikrit, IRAQ DATED 2003 09 13

9. STATEMENT (Continued)

LT. [redacted] was on the radio, calling for the medics. I asked for a CLS bag and SPC. [redacted] went into the office to get it. I then took SPC. [redacted] weapon and told him to go and sit in the office. SPC. [redacted] handed the CLS bag to me as I was moving the wire to get a better look at the wound. As I was putting on gloves, I asked SPC. [redacted] to cut the zip-cuffs. I proceeded to rip the shirt to expose the wound. At that time I noticed a bullet hole threw his forearm, of the right arm. There was no blood from that wound. The other wound was just left from center and below the rib cage. There also was no blood from that wound. At that time he gasp for air a couple of times. The pulse was very faint, no response to our voices and no response from his eyes. We thought there was a exit wound, but when I check using my hands, there was none. LT. [redacted] by this had called the medics and told us that they were on their way. LT. [redacted] asked SPC. [redacted] why he shoot him and he replied with the same answer, “he stood up and was by the wire.” Then I heard LT. [redacted] say that he had given permission to him to stand up. We thought that it might have hit the lung, so we roll him over to let the blood come out of the lung. At that time, when we rolled him, that the wound on the body started to bleed. So we applied a field dressing to it, and kept pressure on it. At this time I do not see SPC. [redacted] anywhere, but I saw the LT. and he said that it might be better to sit the body up right, so we did, and kept pressure to field dressing on the wound. Soon after that, the medics show up. They look at the body, take a pulse, said they didn’t find one, and called for the stretcher. SPC. [redacted] went and got the stretcher. I helped the medics put him on and in the back of their ambulance.
STATEMENT OF _______ TAKEN AT TIKRIT, IRAQ DATED 20030913

9. STATEMENT (Continued)

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

Q. How far were you from _______ when the shot was fired?
A. I WAS INSIDE THE OTHER BUILDING, AROUND 100 FEET.

Q. Did you ever get briefed that the detainees were allowed to stand in order to stretch?
A. AS LONG THEY HAD PERMISSION AND A GUARD WAS THERE WATCHING.

Q. Were there any indications that _______ was stressed or fearful because of the circumstances surrounding his duty that night?
A. HE HAD NO REASON TO BE FEARFUL BECAUSE IT'S A CONTROLLED AREA, AND I DON'T THINK HE WAS STRESSED BECAUSE I WENT OVER EARLIER TO GET LIGHTS FOR THAT NIGHT AND CHATTED A LITTLE WITH THEM. HE SEEMED ANNOYED WITH HIS WEAPON IN HIS HAND, AT ALL TIMES. LIKE HE WAS EXPECTING SOMETHING TO HAPPEN OR NOTING THAT SOMETHING WOULD HAPPEN TO GIVE HIM A REASON TO SHOOT SOMEBODY.

Q. Did he make any direct comments about harming the detainees prior to the shooting?
A. WHEN I HAD THE CHANCE TO TALK TO HIM, WHILE GETTING THE CORDER LIGHTS, HE EXPRESSED A VESPER ADDITUTE TOWARDS THE DETAINES LIKE HE TOOK IT PERSONAL.

Q. Why was there only one strand of concertina wire used?
A. IT WAS THERE WHEN I ARRIVED AND I DON'T THINK ANYMORE WOULD BE NEEDED.

Q. How long had the deceased been a detainee at the facility?
A. AS MY KNOWLEDGE ABOUT 5 TO 6 DAYS.

Q. Are the guards given any written instructions for their duties?
A. WE HAD A TASK OF THE AREA WHEN WE FIRST GOT THERE, THEN ON THE FIRST SHIFT THEY EXPLAINED WHAT THEY WANTED AND EXPECTED US TO DO DAILY.

INITIALS OF PERSON NOTING STATEMENT

PAGE 2 OF 5 PAGES
Q. WHAT DID THEY EXPLAIN TO YOU TO DO WITH RESPECT TO THE USE OF DEADLY FORCE?
A. WHEN AND ONLY DEADLY FORCE IS THE LAST RESORT, YOU CAN USE OTHER MEANS TO INCLUDE DE公关E FORCE, LIKE USE A CLUB, HAND TO HAND, VERBAL WARNINGS, OR JUST SHOT IN THE LEG NOT TO KILL.

Q. YOU MENTIONED THAT GUARDS HAD A CLUB ONE NIGHT, IS IT CUSTOMARY TO HAVE A CLUB, AS A GUARD, FOR NONLETHAL MEANS OF FORCE?
A. THE CLUBS ARE AT THE GUARD SHACK EVERY NIGHT AND ARE AVAILABLE TO ALL GUARDS.

Q. HOW LONG HAVE YOU WORKED WITH SPC (b)(6)?
A. I HAVE NEVER WORK WITH HIM, THAT WAS THE FIRST NIGHT WITH HIM ON MY SHIFT.

Q. PLEASE CHARACTERIZE HIS PERFORMANCE UP UNTIL THE EVENING OF THE SHOOTING?
A. HE WAS VERY VULNERABLE WITH A BAD ATTITUDE TOWARDS THE EPW'S.

Q. DID THE DECEASED EVER TRY TO ESCAPE BEFORE?
A. NO

Q. DID THE DECEASED EVER TRY TO MOVE THE CONCERTINA WIRE PRIOR TO THE EVENING OF THE SHOOTING?
A. NO (b)(6)

Q. HAD SPC (b)(6) BEEN BRIEFED ON THE USE OF GRADUATED FORCE?
A. I DON'T KNOW.

Q. WHAT WOULD CONSTITUTE AN ATTEMPT TO ESCAPE BY A DETAINEE IN ISOLATION?
A. MAKING ATTEMPT LIKE JUMPING THE WIRE OR AGRESSING A GUARD, AND MAKING A RUN FOR IT.

Q. HOW WAS THE DECEASED DETAINEE BOUND?
A. HANDS ZIP TIED IN THE FRONT.

Q. WHAT KIND OF REHEARSALS, DRILLS WERE DONE PRIOR TO THE SHOOTING TO DEAL WITH ATTEMPTED ESCAPES?
A. THERE ARE DRILLS OR REHEARSALS DONE. DETAINEE KNOW PRETTY MUCH NOT TO EVEN TRY.

Q. HOW MANY PRISONERS/DETAINEES WERE IN CUSTODY AT THE FACILITY WHERE THE SHOOTING TOOK PLACE?
A. ABOUT (b)(6)

Q. DID SPC (b)(6) HAVE ADEQUATE REST PRIOR TO ASSUMING HIS DUTIES ON THE EVENING OF THE SHOOTING?
A. AS FAR AS I KNOW, I'S SURE.

INITIALS OF PERSON MAKING STATEMENT: EXCEPT FOR (b)(6)
AFFIDAVIT

I, have read or have had read to me this statement which begins on page 1, and ends on page __. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

(Signature of Person Making Statement)

WITNESSES:

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

(Handwriting of Person Administering Oath)

3SG/MP

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

PAGE 3, DA FORM 2823, DEC 1998

(648)
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

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

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternatemeans of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
2. DATE (MMDY)
3. TIME
4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION/ADDRESS

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

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

all (6)(6) 2 6482
Dressing on his abdomen. The soldier stated that he (the prisoner) had been shot in the arm and stomach and he had a weak pulse. I felt for a pulse in the pts left wrist and felt none. I then told SGT [redacted] to not give the IV here we would try in route. Go get a litter, I felt for a carotid pulse in neck and SGT [redacted] beat me to it. I placed my hand near his mouth and felt no air movement. The litter came we put the prisoner on it and got him to the back of the ambulance. SGT [redacted] loaded him in the back with him. SGT [redacted] also started CPR. In route back I drove quickly to the BHS where he was taken in and Doc [redacted] took control the O2 was hooked up and CPR continued till Doc said Stop. While inside the hall leading back to the prison one soldier stood while 2 others where in the room with the injured prisoner. One stood back while the other held the first aid dressing on the wound on his abdomen. There was a sense of urgency in all three of the soldiers there at the scene. A combat lifesaver bag was open and on the outside of the door he was leaning against. They seemed like the where trying to help and they wanted to help.
9. STATEMENT (Continued).

Q. Was there an exit wound on the victim?
A. None that I seen

Q. Was the injury to the forearm and to the torso from one single shot?
A. I do not know

Q. Was the victim subdued in any manner when you arrived?
A. Not that I seen

Q. Did the victim have any signs of maltreatment?
A. I did not examine his whole body because I was more worried about airway breathing and circulation.

Q. Did anyone conduct a preliminary exam of the victim after he expired?
A. Not that I know of.

Q. What was the mood of each of the guard force members at the facility?
A. One of the soldiers in the room was holding the bandage giving me the scene assessment and injuries, the others were quiet.

Q. What was the mood of the other detainees?
A. Quiet and concerned possibly

Q. Did the victim respond in any way while you were present?
A. No response not even a breath

Q. Did the guards mention the victim making any utterances?
A. No none

Q. Was there sufficient light within the cell area to see from one side to the other side of the victim's cell?
A. Upon entry I could see the rear wall of the cell, but did not give it much attention.

END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES
STATEMENT OF TAKEN AT JIRKAIT, IRAQ DATED 20030913

9. STATEMENT (Continued)

AFFIDAVIT

I, ____________________________, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND CONTINUES 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 131 day of September, 2003 at JIRKAIT, IRAQ.

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[Redacted]

(Typed Name of Person Administering Oath)

ART 136 (D)(4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES
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

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
   /Kirti, Iraq

2. DATE (YYYYMMDD)
   2003-09-13

3. TIME
   14:53

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
   O-2 E6/A1

8. ORGANIZATION/ADDRESS
   ECO 4th RPB

9. (I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   AT APPROXIMATELY 2310-2315 hrs I was awoken by my
   medics informing me that an EUP/Detained had
   been shot in the chest at the detention center.
   My medics and I quickly began preparing our clinic
   and treatment team for the casualty's arrival.
   At approx. 2330 the casualty arrived via ambulance
   and was then receiving CPR by my medics. CPR
   was continuing while the patient's initial vital
   signs were being recorded and monitored and
   IV lines established. I proceeded to expose
   and examine the body, observing CPR being performed,
   and noticed the casualty appearing lifeless. His
   wounds consisted of a through and through gunshot
   to the mid-left forearm and an odd looking
   entrance wound to the left chest wall just
   below the left ribs. I believed the entrance
   wound on the chest to be oblong from the
   projectile tumbling after first striking the
   patient's left arm. There were no exit wounds on
   the casualty.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE BE INDICATED.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

all (6) 6486
THE POSTERIOR (BACK) OF THE PATIENT. THERE WAS NO ACTIVE BLEEDING FROM EITHER WOUND. CPR WAS CONTINUING WHILE I NEXT PROCEEDED TO THE CASUALTY'S HEAD NOTICING THAT HIS EYES WERE FIXED, DILATED, AND HAZY INDICATING DEATH/MOUNDING DEATH. I INSTRUCTED MY MEDICS TO THEN STOP CPR WHILE I CHECKED FOR A CAROTID PULSE OR SIGNS OF SPONTANEOUS BREATHING. I COULD SEE NO PULSING SIGNS OF BREATHING OR FEEL A PULSABLE PULSE AND THEN CALLED AN END TO ANY FURTHER ATTEMPTS AT CPR AND DECLARED THE CASUALTY DECEASED.

Q: [Redacted]
A: [Redacted]

Q: Did you notice any indications of abuse on the body during your examination?
A: No

Q: Can you describe the condition of the body's wrists?
A: I [Redacted]

Q: Did you ever examine the deceased before for any reason?
A: No, I did not

Q: Who would normally do routine sick call visits to the detention facility?
A: Myself, [Redacted], [Redacted], [Redacted], [Redacted]
9. STATEMENT (Continued)

Q: Were you ever advised that the deceased might have had heart problems?
A: No.

Q: Is that because an interpreter was not available for the past 4 or 5 days?
A: No.

Q: Did you see [REDACTED] during the night of the shooting or since then for medical reasons?
A: No.

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

MY MEDICS THAT INITIALLY RESPONDED [REDACTED] LATER INFORMED ME THAT UPON THEIR ARRIVAL THE CASUALTY WAS FOUND IN A BUNK ROOM WITH NO ONGOING FIRST AIDbeing provided TO THE VICTIM. AGAIN LATER I WAS INFORMED THAT THE CASUALTY'S HANDS WERE BOUND IN FRONT OF HIM WHICH SEEMED TO GIVE REASON HOW WHY THE BULLET FIRST STRUCK HIS ARM AND THEN PROCEEDED TO ENTER THE CHEST CAVITY AS IF HE WERE HOLDING HIS ARMS UP IN FRONT OR BY THE NATURE OF THEM POSSIBLY BEING BOUND.

(End of Statement)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

PAGE 2, DA FORM 2823, DEC 1998

except as noted (b)(6) 6488
STATEMENT (Continued)

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 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 means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   Tikrit, Iraq

2. DATE (MM/DD/YY)
   26-03-09-13

3. TIME
   15:40

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
   [Redacted]

6. SSN
   [Redacted]

7. GRADE/STATUS
   E-5/SGT

8. ORGANIZATION/ADDRESS
   Co 4/145 AB

9. INITIALS OF PERSON MAKING STATEMENT
   [Redacted]

10. EXHIBIT
   [Redacted]

11. INITIALS OF PERSON MAKING STATEMENT
    [Redacted]

ADDITIONAL PAGES MUST CONTAIN THE HEADING “STATEMENT” TAKEN AT ___ DATED ___

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE BE BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V.0.0

all (b)(6) 2

6490
What ever complaint that may have. On the way out the building SFC [redacted] informed me there were two more prisoners who needed to be screened in the next building across the cell which house the majority of the felons. He informed me the deceased prisoner, requested to see the medics and SFC [redacted] didn't know how the deceased prisoner knew we were there. So myself, SPC [redacted], SFC [redacted] and an leagi interpreter went over to talk to him. He began to complain about joint pain, back pain and he couldn't eat. The 80mm mortar[3] that SFC [redacted] gave him previously were on the floor unused. We informed him he has to try and take the medication we gave him in order to be relieved from the pain cause the only other thing we could do was give him something stronger which wouldn't make sense cause he hadn't taken the meds, were given him the first time. We explained to him he has to eat to keep up his strength and drink the four bottles of water he is given everyday. SPC [redacted] recommend to the guards on duty to pay close attention to the prisoner and ensure he gets the opportunity to walk.
9. STATEMENT (Continued) Around his little cell sometimes, on rare
occasion, the prisoner began to complain about how
he was being treated while in prison but I really
couldn't make out exactly what the translator was
saying. I think it was something regarding the
size of the room he was in. We also told the prisoner
that sleeping on the concrete floor would cause his
joints and back to ache. We also noticed pieces
of bloody tissue on the floor in the cell but when
we inquired to the translator was answering why
the tissue was there I was turned around talking
to one of the guards, but SPC [redacted] heard the
answer.

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

A: SPC [redacted], SFC [redacted], SPC [redacted] was
in the room when the suggestion was made.

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

A: No, I didn't notice any signs.

Q: Do you have anything else to add?

A: No.

END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES
STATEMENT OF TAKEN AT Tikrit, Iraq DATED 203 09/13

9. STATEMENT (Continued)

AFFIDAVIT

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 33, 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 MISTAKE.

[Signature of Person Making Statement]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of September, 203 at Tikrit, Iraq

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oaths]

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 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 2851; 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.

<table>
<thead>
<tr>
<th>1. LOCATION</th>
<th>2. DATE (YYYYMMDD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
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<tbody>
<tr>
<td>Tikrit, Iraq</td>
<td>20030913</td>
<td>15:29</td>
<td></td>
</tr>
</tbody>
</table>

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS: CPT

8. ORGANIZATION/ADDRESS: HQ 4TH FSB

9. __________________________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the night of Sept. 11, 2003, SP C [redacted] was on guard duty at the Brigade Detainee Collection Point specifically guarding detainees in one of the isolation areas. I was woken up at approx. 11:20 hrs and told that a prisoner was shot while attempting to escape. Upon notification, I rushed down to the TOC, stopping first at the Aid Station and observed the deceased prisoner. I then proceeded to the TOC to start information gathering. At approx. 11:45 hrs, a SPOT report was sent up to the 1BCT TOC by myself with the preliminary information. After completing the spot report, I then went to take digital photos of the remains. The remains were then loaded into a body bag and placed in an FMTV. Ice was then brought in and I helped pack bags of ice on the body.

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

<table>
<thead>
<tr>
<th>10. EXHIBIT</th>
<th>11. INITIALS OF PERSON MAKING STATEMENT</th>
<th>PAGE 1 OF 5 PAGES</th>
</tr>
</thead>
</table>

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT ______ DATED ________

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.
isolation areas and providing basic essential items to the prisoners. At the time of the incident, there were 56 prisoners in the facility with eight in isolation. We were mandated by BDE to hold no more than 50 but due to not having an interpreter, we were forced to hold onto individuals longer than necessary. The deceased individual was in isolation and due to lack of space, he was placed in an a bathroom across from the main holding cell, locked in by concertina wire and guarded by a guard. I do not know the purpose of the isolation but it was thought that he had a connection to the wife of [redacted]. In this particular isolation cell, there was little room and the prisoner had his hands tied. Believing he was trying to escape by approaching the wire, he shot and killed him.

Q: Why were guards carrying loaded weapons inside of the detention facility?
A: [Redacted] instructed us to carry weapons inside the wire to ensure the presence of authority.

Q: What were the wooden sticks to be used for?
A: The wooden sticks were used when walking around the...
9. STATEMENT (Continued)

The guard force is a rotating duty provided primarily by the maneuver battalions. Upon arrival at the beginning of the duty, new guards are briefed on procedures consisting of, food, latrine, bathing, force, uniform requirements, and shift hours. The 186T or 420 never gave the 4th MRPS any formal training as to how to handle prisoners. 200 ops visited and gave recommendations. The prisoners in isolation were told by the interpreter to not stand up or approach the wire or they risk being shot.

Q: How long were you without an interpreter?
A: about 4-5 days.

Q: Were you present during the interpreter in-briefing of detainees, or are you describing the process for in-briefing?

The I was not there. The Detention center OIC, LT [redacted], SPC [redacted] or the BN Sgt, CPT [redacted] hand the briefings of incoming personnel and give instructions to the prisoner via an interpreter.

Q: Why were only five guards on duty for more than 50 Detainees?
A: The most recent radio BDE report states that the

due to having prisoners, we augmented the guard force with additional personnel from 4 AR.

All guards pull 12 hour shifts and when there is no isolation, and under personnel, most people guard the prisoners at one time. 

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

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

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

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

Q: Who gave the order to shoot detainees if they approached the perimeter without permission?
AFFIDAVIT

I, [REDACTED], having been duly sworn, do solemnly swear that I will tell the truth, the whole truth, and nothing but the truth, so help me God.

I, [REDACTED], having been duly sworn, do hereby certify that I have read and fully understand the contents of the entire statement made by me, the statement being 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.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this [DAY] day of [MONTH], [YEAR], at [PLACE], [STATE].

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oaths]

PAGE 5 OF 5 PAGES

DOD-044957
Chapter 3
Use of Force

3–1. Procedures for use of force
a. DA military and civilian personnel engaged in law enforcement or security duties will avoid the use of force where they can carry out their duties without resorting to its use. In such cases where the use of force is warranted, DA personnel will use the minimum amount of force necessary to reach their objective. Only as a last resort will deadly force be used and only as described in this regulation.

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

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

3–2. Deadly force
a. Principles defined in this regulation on the use of deadly force with firearms will be applied equally to personnel using a weapon or equipment which, when properly employed in their intended application, would exert deadly force.

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

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

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

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

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

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

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

(3) Assets not involving national security but inherently dangerous to others. When deadly force reasonably appears to be necessary to prevent the actual theft or sabotage of resources, such as operable weapons or ammunition, that are inherently dangerous to others; such as assets that, in the hands of an unauthorized individual, present a substantial potential danger of death or serious bodily harm to others. Examples include high risk portable and lethal missiles, rocketers, arms, ammunition, explosives, chemical agents, and special nuclear material.

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

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

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

g. Additional requirements for the use of firearms.

(1) Give an order to halt before firing.
(2) Warning shots are prohibited.

(3) When a firearm is discharged, it will be fired with the intent of rending the person(s) at whom it is discharged incapable of continuing the activity or course of behavior prompting the individual to shoot.

(4) Shots will be fired only with due regard for the safety of innocent bystanders.

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

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

Chapter 4
Carrying Firearms While Aboard Commercial and Military Aircraft

4–1. Procedures
DA personnel authorized to carry firearms aboard commercial and/or military aircraft will follow the rules specified in this paragraph. These rules satisfy both Federal Aviation Administration regulations and military directives for DOD personnel who carry firearms aboard commercial and/or military aircraft, and ensure the safety of aircraft and the personnel on the aircraft.

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

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

4–2. Firearms not required in flight
If the firearm is not required during the flight, the person carrying the firearm will—

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

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

c. Place ammunition in an ammunition pouch or other suitable...
**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2051; 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 and consistently 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.

**LOCATION:** Tikrit, Iraq

**DATE (YYYYMMDD):** 2003/09/13

**TIME:** 0415

**FILE NUMBER:**

**LAST NAME, FIRST NAME, MIDDLE NAME:**

**SSN:**

**GRADE/STATUS:**

**ORGANIZATION/ADDRESS:** 299th ENG NTH Inf Div

---

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

guard shift. We (I and spc. [redacted]) replied by saying no because it could cause confusion and thought it was better for us to guard that certain area. Spc. [redacted] then left. Around 23:00, Spc. [redacted] and I were doing our routine checks and routes when we heard a loud bang followed by a scream. Spc. [redacted] and I ran to the door to investigate. When I looked out, I saw spc. [redacted] and the other guard with their weapons fixed on the solitaire room. I then heard Lt. [redacted] ask Spc. [redacted], "Why did you shoot him?" Spc. [redacted] then ran over to administer any kind of help he could while I...
continued to man my post. A few minutes later Lt. [redacted] called the incident into Pack Horse Mike, the task too. I also noticed that Spc. [redacted] had sat down and started smoking a cigarette. About 10 minutes later, the medics showed up and ran to the door. Moments later, I seen 4 soldiers carrying the EPW out on a litter. The medics then rushed off. A few minutes later, Spc. came and guarded his post. He informed me that the EPW had been shot through the arm and entered the EPW's lower chest/upper abdomen. He also stated that he took Spc. [redacted] weapon and had him set down. He also stated that he asked except as noted (6)(6)2
why he shot the EPW. And Spc. [redacted] replied with saying "He was standing by the wire." We continued to guard our post until 00:00 hours when our relief came.

Q: SGT. [redacted]
A: PFC [redacted]
Q: Do you know if Spc. [redacted] had been briefed on the use of graduated force?
A: No
Q: Are you normally briefed on the use of graduated force?
A: Yes. We are briefed to use minimal force as possible, but whatever the situation requires.
Q: What is your weapons status while working in the facility?
A: Amber
Q: Do you know what would constitute an attempt to escape by a detainee in isolation?
A: The detainees know not to touch the wire, they are handcuffed and told not to make any sudden moves. Also, to face the wall.
Q: Are there written instructions in Arabic or a translator to tell them the rules of the facility?
A: Yes. There is an [redacted] translator to tell the EPW’s the rules.
Q: How was the deceased detainee bound?
A: By his hands. I assume.
Q: What kind of rehearsals, drills were done prior to the shooting to deal with attempted escapes?
A: They are just talked through, no examples or anything.
Q: When they briefed you on attempted escapes what kind of actions did they explain you to do?
A: Use as little force as needed. Use a club or if need be, shoot EPW in the

except as noted (b)(6)


DOD-044962
<table>
<thead>
<tr>
<th>Q: Did you ever get briefed that the detainees were allowed to stand in order to stretch?</th>
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<tbody>
<tr>
<td>A: It wasn’t in the briefing, but there is always an NCO/IC or OIC to make that call.</td>
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<thead>
<tr>
<th>Q: Was the NCO/IC or OIC present at the scene or around the resolution facility?</th>
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<tbody>
<tr>
<td>A: Yes. He is always within 100ft of the other guards.</td>
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<thead>
<tr>
<th>Q: Where there any indications that ____ was stressed or fearful because of the circumstances surrounding his duty that night?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: No</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Q: Do you know how long the deceased detainee was at the facility?</th>
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<tbody>
<tr>
<td>A: 20-45 minutes. I don’t know. He was there before I was.</td>
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<tr>
<th>Q: Why was only one strand of concertina wire used?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: I don’t know. I assume so it could be opened to allow the EPW to be able to use the bathroom.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Q: Why did it take the LT so long to call in the shooting?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: It didn’t. By the time he saw the EPW and controlled the situation he called it in.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Q: Are the guards given any written instructions for their duties?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A: No</td>
</tr>
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<tr>
<th>Q: Do the instructions tell guards to do with respect to the use of deadly force?</th>
</tr>
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<tbody>
<tr>
<td>A: Except as noted (b)(6) 2</td>
</tr>
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DOD-044963
A. Yes

Q. How long have you worked with Spc [redacted]?  
A. I never have. I had guard at the same time, but not with him.

Q. Had you ever made comments of causing harm to detainees?  
A. Yes, I really don't remember what it was. Just some off-collars.

Q. Did the deceased ever try to escape before?  
A. No, not that I know of.

Q. Did the deceased ever try to move the concertina wire prior to the evening of the shooting?  
A. No.

Q. What did [(6)(6)]5 mean by changing up the guard?  
A. He wanted myself and Spc [redacted] to switch places with him and Spc [redacted].

Q. Do you think he has a short fuse or a temper?  
A. I don't know him well enough to say, but I do think he wasn't fit for the job.

Q. Have you ever heard him yell or harm the detainee?  
A. Yes, he yells a lot and has been warned for it. It wouldn't surprise me if he did other harmful things on his guard shift.

Q. After the incident happened, what was the reaction that Sec [redacted] made?  
A. He sat down and smoked a cigarette.

Q. Did you make any statement at the incident?  
A. I don't know.

Q. Briefly describe the demeanor of the soldier who guarded the dead detainees from Det 953.  
A. The guards from Det 953 are too inexperienced to take on the responsibilities of EDP guard. They seem a little hostile and...
confused about the consequences of some of their actions. Not all of them, just a couple.
Q: What kind of actions do they do towards the detainees?
A: They beat on the cages, yell all the time, and other small actions that are not needed all the time.
Q: Do you have anything else to add to this statement?
A: Not at this time.

/// ENDOFSTMTMENT ///

all (b)(6) 2

---

AFFIDAVIT

I, [Redacted], have read or have had read to me this statement which begins on page 1 and ends on page 7. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

______________________________________________
(Witnesses: [Redacted])

_________ ________
(Signed by Person Administering Oaths)

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

[Redacted]

Authority To Administer Oaths

INITIALS OF PERSON MAKING STATEMENT

PAGE 7 OF 7 PAGES

6506
What is your full name? 
18

Are you a student or work? University of T, knit

Why are you here? They found some mines, RPGs, and weapons in my backyard.

Did you know the man who was shot?

No

Did you ever talk to him?

Yes, twice when the doctor came

What was he complaining about to the doctor?

He could not move because his shoulder was in pain.

Which guards knew of the complaint?

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

A couple of days before the shooting was there yelling?

Yes, it was between the guy that shot him and the deceased.

What did he yell?

He told him to shut up, called him a motherfucker.

Did he use a stick or ever touch them?

No, he never touched them.

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

Yes, the same as we do.

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

That we could not talk to the soldiers.

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

That they would shoot at me if I ran or escaped.
I think that the deceased was told the same?
Yes I believe so, but I don't know.

I asked the LT if I could get some water. The soldier
shot the detainee was leaned up against the wall and he
almost over talked to another soldier. When I looked and
asked the LT again I heard the shot. 
Did the detainee say anything?
He just said at 3 times and was shaking.

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

You see what the man did after he shot the detainee?
Saw some other guard from the other side come and take the weapon
on him and brought him to the side room.

Diagram

[Diagram showing a layout with labels such as "Lieutenant", "Deceased", "Spec", and "(b)(6) 5" and "(b)(6) 4" within a redacted area.]
I swear that this statement is the truth.

Signature

3-8/9/14
Date

11:04
Time

all (6) (6) 4
On 11 Sept 03 I was monitoring FRA 917 because I was the E Company SOG. At approx. 2300 a medic at the EPW camp for a gunshot wound to the chest. I notified SSG and SFC and SSG and I got into the FLA and went to the EPW camp. When we arrived aprox 3-4 minutes after the call was made, SSG got out of the vehicle and ran up the stairs. I got the aid bag and SSG called for my help. When I went up the stairs I noticed EPWs locked in a cell facing the scene of the shooting, and a bright light facing them. To the left of right was SSG with the patient and two other soldiers. SSG was checking for a pulse when he stated he couldn't feel one. There was a soldier holding a field dressing to the left upper quadrant of the patient with minimal bleeding. There was also blood on the left forearm of the patient. A combat life saver bag was laying next to the patient. When SSG stated that he didn't feel a pulse, I felt for one and couldn't find one either. We directed the SPC that was there to get a litter out of.
the back of the FLA, and directed the LT to get
in contact with Echo Mike to inform the Aid Station
that an urgent patient was en-route. When we
layed the litter in the hallway SSG moved
him from the sitting position against the door
where we found him to the laying position
to maneuver him onto the litter. SSG grabbed him from behind, and I took his
legs as we slid put him on the litter. SSG
and the soldiers on scene moved the patient
on the litter to the back of the FLA. I followed
with the aid bag and other equipment. I
got into the back of the FLA and we loaded the
patient. SSG and SGT arrived on
scene and SSG got into the back of the
FLA with me. We checked again for a pulse
and didn’t feel one. The patient’s eyes were
also fixed and dilated. We initiated CPR
with use of a bag valve mask. We continued
CPR during transport to the Aid Station.
No pulse was detected during transport. However
the wound. En route the Bullet wound was
exposed on his abd. It was approx quarter size,
and had fatty tissue exposed. The wound on
his arm was a flesh wound to his left
forearm that had both entrance and exit
markings. When we arrived to the aid station,
we unloaded the patient and continued CPR.
9. STATEMENT (Continued)

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

Q: SGT[redacted]
A: SGT[redacted]

Q: When you arrived on scene, what was the mood of the soldiers?
A: Worried, scared, hyperactive.

Q: Did you know who was treating the detainee when you arrived?
A: 2 soldiers a SPC & another one with unknown rank.

Q: Could you make a determination if there was only one shot taken at the detainee?
A: No.

Q: Did you notice any cuts or bruising on the detainee?
A: No.

Q: Did the detainee say anything to you while you were working on him?
A: He was unresponsive.

Q: How was LT[redacted] when you arrived on scene?
A: Calm, helpful.

Q: Did you notice how the SPC[redacted] was behaving while you were working on the detainee when you arrived on scene?
A: I did not see him.

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES
9. STATEMENT (Continued)

Q: Was there any other detainees in the immediate area that incident occurred?
A: No.

Q: When you were working with the detainee did you feel you had the lighting needed in the incident area?
A: Yes.

Q: Did any of the other guards around say anything about the shooting?
A: Only where he was shot and what his injury was.

Q: Did any of the detainees that were on the area say anything or start yelling at anytime?
A: No.

Q: Do you have anything else to add to your statement?
A: No.

/// END OF STATEMENT ///

all (b)(6) 2

INITIALS OF PERSON TAKING STATEMENT

PAGE 2, DA FORM 2823, DEC 1998
I, [redacted], have read or have had read to me this statement which begins on page 1, and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

[Signature of Person Making Statement]

Witnesses:

[Signature of Person Administering Oath]

(Typed Name of Person Administering Oath)

(Article 134 (b)(4))

(Authority to Administer Oaths)
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 (SSW).

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
   FOR BACK HOUSES, TIKIN AIR FIELD

2. DATE (YYYYMMDD) 20030912

3. TIME 0100

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS
   DC, 4TH FSB

7. GRADE/STATUS
   LT 10-2

8. LOCATION J2.
   DATE (YYMMDD) 20030912

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
   This in regards to the shooting of an ESF at the Brigade detention facility on the night of Sept. 11th 2003 at approx 2310. I did not see the incident happen. I was standing approx. 20 feet from Spec.
   facing north. Spec. was behind me standing in the doorway of our office/tem isolation cell holding any... (redacted)
   He was guarding two prisoners in two different isolation areas. Spec. was standing to my right a few feet behind me. Spec. looked out of the doorway and toward Spec. and myself and asked Spec. if he had a light. Maybe two seconds later I heard Spec. shout one round. I turned around and approached Spec.
   I walked in the doorway asking Spec. what was happening. The guards was known to the prison in the room holding area had been standing night next to his single stand of constant wine that was holding him in his isolation area. I observed the prisoners on the floor menwaring and said something in Arabic. I then asked Spec. if he had shot the prisoners, because I did not see any blood at first glance at the prisoners. Spec.
   denied he had shot the prisoners because he was standing night next to the wine and thought he was trying to escape. I looked at the prisoners, and this time saw a little bit of blood on the prisoners chest in the area of his left lung. I went immediately to the radio and called Echomade and relating the status of the injury to Echo house Mike asking for Echo med and relating the status of the injury to Echo house Mike. While I was on the radio, Spec. came out from the great building to inquire about the shot he heard. Upon finding out what had happened, he got the CJS log for the office and began administering first aid to the prisoners. Upon completing the radio call to Echo house Mike I went in to see
   the prisoners. Upon completing the radio call to Echo house Mike I went in to see
   the prisoners. Upon completing the radio call to Echo house Mike I went in to see
   the prisoners. Upon completing the radio call to Echo house Mike I went in to see
   the prisoners. Upon completing the radio call to Echo house Mike I went in to see
   the prisoners. Upon completing the radio call to Echo house Mike I went in to see

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

END OF STATEMENT

DA FORM 2823, DEC 1998
STATEMENT OF
TAKEN AT DATED

STATEMENT (Continued)

9. STATEMENT

CONCLUDED

<table>
<thead>
<tr>
<th>WITNESSES:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

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.

(Signature of Person Making Statement)

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998

all (6) (6) 2

45 16

DOD-044975
For use of this form, see AR 190-45; the proponent agency is ODCSQPS

LOCATION
DATE
FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME
SOCIAL SECURITY NUMBER
GRADE/STATUS
ORGANIZATION OR ADDRESS
A CO. 299th ENGR BN

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

ON 11 SEP 03, TIME 03:20, PFC [REDACTED] AND MYSELF WERE WALKING THE
LINE, CHECKING ON THE EPW'S. WHEN THEN HEARD A LOUD BANG
FROM OUTSIDE. I PROCEEDED TO THE OTHER JAIL HOUSE TO FIND OUT
WHAT WAS GOING ON. PFC [REDACTED] STAYED AND PULLED SECURITY ON
THE EPW'S IN OUR CELL BLOCK. AS I WALKED OVER TO THE OTHER
CELL BLOCK, I SAW SPC. [REDACTED] AND PVT. [REDACTED] WITH
WEAPONS (M16'S) AT THE READY, POINTING INTO THE SMALL HALLWAY.

I DREW MY M9 (BERETTA) AS I WALKED UP THE STAIRCASE. AFTER
I looked around, I noticed that

was laying on the ground, with a exhal scream. I looked at

SPC. [REDACTED] and asked, "WHAT HAPPENED?" HE RESPONDED WITH;

HE STOOD UP AND WAS BY THE WIRE. I THEN PROCEEDED TO HOLD THE M9

AND LOOK AT THE BODY TO SEE THE WOUND. I HEARD LT. [REDACTED] ASK SPC

WHAT HAPPENED. SPC. [REDACTED] RESPONDED WITH THE SAME ANSWER. LT.

THEN SAID HE GAVE EPW BR2 PERMISSION TO STAND UP. AS THEY SAID THAT, AT THE

SAME TIME I MOVED THE WIRE TO GET A CLOSER LOOK. PVT.

Brought me the CIS bag. I took the bag and knelt beside the

body. I ripped open the clothes expossing the wound. PVT.

Body, I ripped open the clothes expossing the wound. PVT.

same time I removed the wire to get a closer look. PVT.

cut the zip tie cuffs like I ask him to do. As I pulless out a

pair of rubber gloves to put on, I noticed a bullet hole thren

just left of center and belon the rib cage. At that time I checked

with my hands for a exit wound, but there was none. The pulse was

faill and the body gasp for air a couple of times. He didn't

respond to our voices and his eyes were not moving or responding. We

had rolled him to his side to let blood leak out of the lungs, in case

had rolled him the gun shot

the bullet hit the lung. When we rolled him the gun shot

wound started to leak blood PVT.

held a field dressing

wound over the wound. By this time the LT had came over and told

us that he called the medics and they were on their way. We

then directed us to set the body up to help let blood come out

of the lungs, if it was a lung wound.

EXHIBIT
INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF __ 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 SUPERSEDES DA FORM 2823, 1 JAN 88, WHICH WILL BE USED.

except as noted (6)(6) Z

6517

DOD-044976
On the evening of Sept 11th, I PFC [redacted] and Spc. [redacted] came onto EPW guard at 18:00. Around 23:00, we were making our routine bathroom checks, when we heard a loud bang come from outside toward the other EPW building. At first, we thought it was one of the guards banging on the gate with a club. We ran to the door to investigate it. Once we were at the door, I seen the two guards standing with their weapons fixed on the solitary EPW room. Spc. [redacted] then ran over to investigate the situation. I continued to man my post while observing out the door. I then seen Lt. [redacted] ask Spc. [redacted] why did he shoot the Epw. From that point I continued to observe at my post. Spc. [redacted] then sat down outside and smoked a cigarette. About 10 to 15 minutes later...

EXHIBIT

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

all (6) (6) Z

PFC

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.

(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT

(Authority To Administer Oaths)
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 COL [Redacted] (Appointing authority)

on 24 AUGUST 2003 (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 POB Carpenter, Salaman Pak, Iraq at 1445

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

MAJ [Redacted] Investigating officer

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

1700 on 30 AUGUST 2003

The (investigating officer) (board) finished gathering/hearing evidence at and completed findings and recommendations at 1340

on 3 SEPTEMBER 2003

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.
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?
      YES NO NA
   b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?
      X
   c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?
      X
   d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?
      X
   e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?
      X
   f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?
      X
   g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?
      X

3 Was a quorum present when the board voted on findings and recommendations (para 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)?
   X

5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?
   X

6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?
   X

7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?
   X

8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclusion describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?
   X

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?
      X
   b. Was the date of delivery at least five working days prior to the first session of the board?
      X
   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?
      X
   e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?
      X

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)?
      X
   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)?
      X

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 □)
   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?
      X
   b. Did each member successfully challenged cease to participate in the proceedings?
      X

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?
      X
   b. Examine and object to the introduction of real and documentary evidence, including written statements?
      X
   c. Object to the testimony of witnesses and cross-examine witnesses other than his own?
      X
   d. Call witnesses and otherwise introduce evidence?
      X
   e. Testify as a witness?
      X
   f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?
      X

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)?
   X

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)?
   X

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

Page 2 of 4 pages, DA Form 1574, Mar 83

DOD-044980
SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

See enclosure II. Memorandum of findings and recommendations.

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

In view of the above findings, the (investigating officer) (board) recommends:

See enclosure II. Memorandum of findings and recommendations.
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)

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

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

(Member)

(Member)

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

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

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

RECEIVED
09 SEP 2003

RAYMOND T. ODIERNO
Major General, USA
Commanding

Page 4 of 4 pages, DA Form 1574, Mar 83
DOD-044982
Enclosure I: Appointment Orders
Enclosure II: Findings and Recommendations
Enclosure III: III Corps Memorandum of Report of alleged Law of War violation
Exhibit 1: Sworn statement of SPC
Exhibit 2: Sworn statement of SSG
Exhibit 3: Sworn statement of SPC
Exhibit 4: Sworn statement of SPC
Exhibit 5: Sworn statement of SSG
Exhibit 6: Sworn statement of SFC
Exhibit 7: Sworn statement of SGT
Exhibit 8: Sworn statement of SPC
Exhibit 9: Sworn statement of SPC
Exhibit 10: Sworn statement of SPC
Exhibit 11: Sworn statement of SSG
Exhibit 12: Sworn statement of CPL
Exhibit 13: Sworn statement of SPC
Exhibit 14: Sworn statement of SPC
Exhibit 15: Sworn statement of PFC
Exhibit 16: Sworn statement of SPC
Exhibit 17: Sworn statement of SPC