

Allegations

30 June – 1 July 2007 Shooting Death of

(b)(6)

The Coalition (US) account of the shooting of Mr. (b)(6) provided on 28 July 2007 is in conflict with, or lacking, events that need to be documented.

The US military account that the family has to date is that the First Platoon, Delta Company, First Battalion, Fifth Cavalry Regiment was on an overwatch mission looking for Improvised Explosive Device activity near Mr. (b)(6) home in (b)(6) on the night of 30 June 2007 when the

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The military account is that the American unit shot "1 x AIF" and that this enemy had engaged the American unit with a weapon, drawing return fire. According to the military account, the enemy received multiple gunshot wounds to his abdomen, and was treated by a medic on scene before being transferred for further medical attention, and that he died of his wounds enroute to Camp Cropper hospital. The military account says that Coalition Forces confiscated 1 x shotgun and 1 x AK 47 multiple magazines.

The family version is as follows: Mr. (b)(6) who was (b)(6) years old, and a (b)(6) supported his family in (b)(6) based on a generator outside his home. The family informs that the generator failed sometime shortly after 11 p.m. on 30 June 2007, causing Mr. (b)(6) to go outside to check the generator. Having done so, he returned to his house to collect a battery, which he then carried outside to the generator. It was then that he took fire. The family claims he had no weapon with him when he was shot, and thus he could not have opened fire on the Americans. They say the American unit then entered the home, where an American Soldier, whom they describe as African American, told them that he had fired the shot (or shots) that had struck Mr. (b)(6). The family says that the American unit then searched the home, breaking windows and doors and firing at the clasp of a small box containing family possessions. They say that the AK 47 was found in the house, as well as a shotgun, which had a linen cloth stuffed down the barrel and had not been fired in many years. They also say that money and gold jewelry was missing after the Soldiers departed. Mr. (b)(6) was taken by the American unit for medical care. It is not clear what type of contact information was taken from the family or what contact information the unit left with the family, but the family was contacted by telephone by the Interpreter within hours after the shooting.

The Interpreter who was with the unit on the raid is crucial in all of this. Mr. (b)(6) relatives say that the Interpreter apologized to the family in the house immediately after the shooting for what had happened, saying that it was terrible or something to that effect. This man, the Interpreter, telephoned the family twice later that night, the last time at 3:40 a.m., to say that Mr. (b)(6) had undergone "surgery" and would be okay. The family says the Interpreter asked them not to reveal that he had called, saying that he was afraid for what would happen to him if the Soldiers knew he had made the calls. The family has the impression that the Interpreter was frightened, since he stated that he would lose his job for giving them even that information about the status of (b)(6) and they took from his behavior while in the house after the shooting that he shared the family's sense that an injustice had been done.

The Interpreter gave the family his American nick name, (b)(3),(b)(6) but not his real name. The family believes (b)(3),(b)(6) witnessed the shooting. Although the family understood (b)(3),(b)(6) to inform them that (b)(6) was undergoing surgery and would be okay, the family subsequently learned from personnel at the Baghdad morgue upon recovering the body that cross-shaped surgical incisions were made by forensic experts and that there were no other signs of surgical intervention.

This raises a question whether the Interpreter was misinformed or instructed to make the phone call by others. The family says (b)(3),(b)(6) sounded frightened on the phone and told them that he would be fired if anybody knew he was making the call, so the likelihood of (b)(3),(b)(6) being instructed to call does not seem great, they believe.

In the days after the shooting, the family approached several US military installations (Joint Security Stations and a Forward Operating Base) in the Ameriya area, seeking information about what had become of Mr. (b)(6), and the family had been told that no information was available. This lack of information suggests some type of systemic failure. Even if it was judged to be security sensitive information, could not the family have been told that Mr. (b)(6) case was sealed pending investigation, or something that would have assured them that he hadn't simply disappeared without a trace?

Prior to the recovery of (b)(6) body, he was last known by the family to be in the custody of Coalition Forces for medical care at a medical facility, either Riva Ridge or the Camp Cropper Medical Facility. It is now believed he died of wounds in the early hours of 1 July 2007 either while enroute or at the Coalition medical facility.

(b)(6) body turned up at the Medical City morgue in Baghdad, with an “id unknown” tag on his toe. It is suspected that inquiries with Coalition Forces caused the body to be delivered to the morgue, since the family had found no trace of him during their visits several times in the previous two weeks in mid July. Based on inquiries by the family at the morgue, Ministry of Health officials at the morgue called the family to identify the body, which they did and they collected the body for proper burial.

The family of Mr. (b)(6) took photographs of the body before burial, showing the bullet exit wound, and will be happy to give the investigating officer copies of the photographs.

Mr. (b)(6) posted a photo and “missing person” which includes the photograph of Mr. (b)(6) and makes it hard to believe that he would have been an enemy target. Less credible still is that he, acting alone, would have opened fire on a US unit.

The website is: (b)(6)

After requesting an inquiry (through a family friend, employed by the New York Times, who had contacts with officials in the Multi-National Force), the family was visited in late July by three US Soldiers at the family home in Ameriya between midnight and . The US Soldiers asked them to identify the website photo of Mr. (b)(6) and to write his name in Arabic and English beneath it. At the time there were two adult women, (b)(6) daughter and his widow, who returned from (b)(6) site death.

One of the three Soldiers – said by the family to be a member of the unit that raided the house on the night of Mr. (b)(6) death – went to the refrigerator and noted that it had been changed the night of the raid. The family says they informed the Soldier the refrigerator had been damaged during the raid and had to be replaced and that the damaged model was out in the yard. The family thought it was odd that the Soldier would note this.

The family was under the impression that an investigation was being conducted, but the operational reports lack many details. The family’s initial concern was the lack of information regarding (b)(6) fate. There must have been a communication failure that caused the family to have no notification of Mr. (b)(6) death while in American custody. Beyond this, there is a question after the body was handed to into Iraqi police custody by the BIAP morgue; there was no record of what happened to

the body (we were told by one US military source that there is no formal tracking of bodies after they are transferred to the Iraqi police).

We know from our own experiences in war that events are often subject to widely varying accounts in the aftermath, and that versions given are often confused and distorted either innocently due to point of view and basis of knowledge. In this case, however, specific questions arise that need to be clarified. It may be that there are answers to the questions that will clear the matter up satisfactorily. It may well be that what we are dealing with here is an unfortunate accident of a kind that occurs in all wars. Or it may be that the unit's own account of the incident is not accurate. We cannot know without further inquiry.

Why did the US sniper fire at (b)(6) what did he see that caused him to target (b)(6)

How was (b)(6) assessed – the process -- as a threat before firing?

Did the unit actually receive fire immediately preceding the engagement of (b)(6)

Did anyone authorize the shooting or was this an individual decision?

When the soldiers went to the scene of the shooting in the street outside the (b)(6) home, was a weapon found beside (b)(6) Was there a battery beside

If a battery and/or a weapon beside him, should that have been reported too, in the after action review and the operational report?

How and why did the Soldiers know to raid the (b)(6) home?

Did the family explain to the Soldiers why Mr. (b)(6) was outside the house at that hour?

Was there any theft of personal possessions?

Why, if the unit believed Mr. (b)(6) to be an enemy operative, was there no follow-up questioning of family members in the days that ensued or seizure of documents from the home?

Did the Soldiers realize that a mistake had been made?

Was some kind of local unit report or after action review made that is not reflected in the operational reports?

What does the interpreter have to say about the whole incident?

What medical care was provided at the scene?

Who provided the medical care and what information can he provide about the subsequent care?

Who can explain the medical treatment and care of the body at Coalition medical facilities?

Why was Mr. (b)(6) taken for medical care but the family not informed, directly or formally through military channels, of his status?

Lastly, did Mr. (b)(6) or the nature of the incident fit with any believable profile of enemy aircraft? How could this have been a mistake?

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