

SWORN STATEMENT

SIR,
PER CONVERSATION, THIS
IS BAD.

File Number : (b)(2)High (b)(3), (b)(6)
Location : Tikrit, Iraq APO AE 09323
Date : 23 Jan 2004 Time:
Statement Of: (b)(3), (b)(6)
SSN : Grade/Status: SGT
Org/Address : A Company, 1/8th Infantry, Ft. Carson, CO 80913

I, (b)(3), (b)(6) want to make the following statement under oath:
I (b)(3), (b)(6) is about to tell you everything that I know about the two Iraqi's going in the river. It was on 3 Jan and that night we were going to do a patrol in (b)(6) which we did, we walked around the streets for about 1 hour-1 1/2 hour, but before we did the patrol I overheard somebody say "Yeah we are going to do a patrol and then pick somebody up for a swim". So we did the patrol and I assumed that we were going back to Brassfield so we get back in the Bradley's and took off when the Bradley's stopped. My team and myself get out of the Bradley and there was a car right in front of it, so we told the guys in the car to get out. We searched them and the car. I thought that we stopped them for curfew violations at first, so we ask them for ID's. The skinny guy was legit and the chunky guy gave us a fake ID. We called it up to the LT and he said to detain him and place them in the back of the Bradley, so we did. So the Bradley starts moving and when it stopped we were by a ICDC checkpoint I believe. So the LT told us to get back in the Bradley's, so we did and when it stopped we were by the bridge and I believe the LT said if you don't feel good throwing them off of the bridge just throw him by the shore. So I walked by the shore and called the guys over. (b)(3), (b)(6) had one and SPC (b)(3), (b)(6) had one and (b)(3), (b)(6) SGT (b)(3), (b)(6) came walking with them. They asked if we were going to throw them in the water with their hands tied up and I said hell no, cut them loose. So I told one guy, the skinny guy to jump and he didn't so I kicked him in the butt and told him to jump and he still didn't. And somehow during all that commotion I believe that (b)(3), (b)(6) pushed him off the bridge and right when I was about to look over the edge I got bum rushed from my left side so I turned around and grabbed a hold of (b)(3), (b)(6) because I thought that he was going to fall too and that's when the chunky guy win. After that everybody went back to the Bradley's and me and (b)(3), (b)(6) saw the chunky guy swim to the shore and the skinny guy was still on the water saying something and that's when me and (b)(3), (b)(6) went back to the Bradley's. When we got back to Brassfield I heard that the (b)(6) truck the guys were in was crushed by a Bradley and that was it for the night. A couple of days had gone by when the LT came to talk to me about that night. He said that it's gotten big, that the Iraqi's send an e-mail saying that we killed this man in the river and that we must not tell nobody about this, because the CO could lose his company and the LT could lose the platoon and who knows what else might happen. So the next day they told us that CID wanted to talk to us about it but we had to stick to the story that we dropped them off on the road. The LT, CO, plt SGT, and a Maj, took us back to the bridge during daylight hours to find out what really happened. So we told him and my LT jumps in the water to see how deep it is and they said it was impossible for those for those two guys to be saying the truth when the LT and SFC (b)(3), (b)(6) saw them out of the water. So they told us again to stick to the story because CID is bad, they are out to get us and that everybody knew the truth but they are out to get us.

EXHIBIT _____ INITIALS: _____ PAGE __ OF __ PAGES

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Q: Who did you hear say "someone was going for a swim"?

A: The LT.

Q: What time did he say that?

A: I heard it a couple of times during the night.

Q: What time did you detainee the two Iraqi's?

A: 2300.

Q: Can you provide me with a location or grid coordinate where you detained the two Iraqi's?

A: No.

Q: Why do you think the one guys ID was fake?

A: Because the photo did not look like him.

Q: Were the two men released and then re-detained prior to moving them?

A: No.

Q: When you say their car, what were they driving?

A: A white truck.

Q: Where was their vehicle parked when they were detained?

A: I am not sure, I think it was parked on the road near the side of the road. I do not know what direction it was facing.

Q: Did you see anyone move their vehicle?

A: No.

Q: What and from whom did you hear about running over their vehicle?

A: I don't remember who, I just know that someone ran over the vehicle. I think it was when we got back in the Bradley's and were leaving that area when one of our Bradley's ran it over. I didn't feel anything.

Q: Once they were detained, how long did you drive before the convoy stopped and they were forced into water?

A: About 15 minutes, maybe.

Q: Did you hear anyone say anything about throwing any curfew violators into the water earlier in the night?

A: Not just curfew violators, but he said we were going to pick someone up for a swim.

Q: Who?

A: The LT.

Q: Did anyone else hear this?

A: I don't know.

Q: Explain to me exactly what was said and by whom when the convoy stopped and the detainees were off loaded?

A: Before we got to the bridge, we stopped once and off loaded. But we were told to get back on and we drove again for a few minutes. This is when we had the detainees exited the vehicle. We were all standing outside the Bradley and looked up to the LT, who was standing in the turret. This is when he said if we were not comfortable with throwing them over the bridge we could throw them by the shore. Nothing else was said.

Q: Who heard the LT order you guys to throw them into he water?

A: I don't know who else heard it other than me, but [REDACTED] (b)(3), (b)(6) were standing there also. I think [REDACTED] (b)(3), (b)(6) was still in the Bradley.

Q: Explain to me how many people were in your vehicle and who got out?

EXHIBIT _____ INITIALS: _____ PAGE __ OF __ PAGES

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SWORN STATEMENT OF SGT [REDACTED] (b)(3), (b)(6) TAKEN AT TIKRIT, IRAQ, APO AE 09323, 23 Jan 04. CONTINUED

A: There were a total of nine people in our Bradley. Myself, SPC [REDACTED] (b)(3), (b)(6) the LT, the doctor, the gunner [REDACTED] (b)(3), (b)(6), the driver (unknown) and the two detainees. six of us exited the vehicle initially, myself, SPC [REDACTED] (b)(3), (b)(6) SPC [REDACTED] (b)(3), (b)(6) the [REDACTED] (b)(3), (b)(6) and the two detainees. [REDACTED] (b)(3), (b)(6) later got out himself. That left only the LT and the driver in the vehicle.

Q: Where was SGT [REDACTED] (b)(3), (b)(6) during this time?

A: In another Bradley.

Q: Explain to me in detail what happened after you exited the vehicle until you re-entered it and departed?

A: After the LT made that statement I walked down to the barrier by myself and told the guys to come over here. Everyone, except [REDACTED] (b)(3), (b)(6) walked to where I was standing. This is the time when [REDACTED] (b)(3), (b)(6) jumped down and walked with the other guys. They asked me if we were going to throw them with the cuffs on and I said no. Then [REDACTED] (b)(3), (b)(6) cut the cuffs from both detainees. We told them to jump, but they did not. I told them again, and kicked one of them (skinny one) in the butt. I don't remember if anyone else said anything or not. When I kicked the guy he did not go into the water. This is when I believe [REDACTED] (b)(3), (b)(6) pushed him into the water and almost at the same time I got hit by both [REDACTED] (b)(3), (b)(6) and his detainee. I grabbed [REDACTED] (b)(3), (b)(6) to prevent him from falling into the water. When they were both in the water, everybody but myself and [REDACTED] (b)(3), (b)(6) went back to the Bradley [REDACTED] (b)(3), (b)(6) and I stood there and looked over the edge, this is when I heard the skinny guy saying something, shouting and I saw the chunky guy swimming towards the shore, he was near the shore. Then the two of us go back to the Bradley, got loaded up and we left.

Q: Did you ever see either one of the detainees exit the water?

A: No.

Q: How far was the drop to the top of the water?

A: 10 to 12 feet.

Q: What was the one detainee saying in the water?

A: I do not know.

Q: When you say LT, whom are you referring to?

A: 1LT [REDACTED] (b)(3), (b)(6) he is my platoon leader.

Q: When you say CO, whom are you referring to?

A: Captain [REDACTED] (b)(3), (b)(6) my Company Commander.

Q: When you say MAJ, whom are you referring to?

A: Major [REDACTED] (b)(3), (b)(6) the Battalion Executive Officer (XO).

Q: When you walked to the river where was SPC [REDACTED] (b)(3), (b)(6)?

A: He stayed by the Bradley.

Q: Do you know why he stayed there instead of going to the river with you?

A: He did not want to come.

Q: Did he say anything or just stay behind?

A: He did not say anything.

Q: Did anybody say anything to him for not participating in the incident?

A: Yes, I told him when I tell him to do something he has to do it.

Q: Where was the LT positioned when this was taken place?

A: On top of the Bradley.

EXHIBIT _____

INITIALS: _____

PAGE ___ OF ___ PAGES

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SWORN STATEMENT OF SGT [redacted] (b)(3), (b)(6) TAKEN AT TIKRIT,
IRAQ, APO AE 09323, 23 Jan 04. CONTINUED

Q: Could he observe what was going on from his vantage point?

A: I do not know.

Q: Other than the individuals you described as being at the water, did anyone else observe the two detainees go into the water?

A: I do not know.

Q: Who gave the order to have the detainees pushed into the river?

A: LT [redacted] (b)(3), (b)(6)

Q: Did you personally hear the LT give the order to push the detainees into the river?

A: Yes.

Q: Who told the detainees to jump into the river first?

A: I did.

Q: Did you witness both detainees go into the river?

A: Yes.

Q: Did you witness either of the two detainees exit the river?

A: No.

Q: Did you ever see the detainees again?

A: No.

Q: Did your platoon return to the scene of the incident a few days later, and why?

A: It was just part of the platoon. It was SGT [redacted] (b)(3), (b)(6) the CO, the LT, the BN XO, [redacted] (b)(3), (b)(6) and [redacted] (b)(3), (b)(6) and myself. I am not sure if [redacted] (b)(3), (b)(6) was there this day or not. The officers wanted to see how deep the water was. This is when the LT jumped into the water. The CO was going to jump in but the LT said No, I will do it. While we were standing there, we told Major [redacted] (b)(3), (b)(6) how we forced them into the river and this is when he told us we would say we just dropped them off on the road side and not tell anyone (CID) about the water. Then he gave us a big speech about how CID is bad. Later the CO and the LT said the same thing about our story and about CID.

Q: Other than the LT, CO, and XO, did anyone else talk to you about what to say?

A: SFC [redacted] (b)(3), (b)(6)

Q: Who did they speak with?

A: They spoke with me initially then they spoke with my team and me.

Q: When did they speak with you?

A: Several times. Before we went back to the river, at the river and several times after that but before we spoke with CID. They would ask us individually, Okay what are you going to say and we would answer them. They even had us practice in the Bradley where we would sit and rehearse how and who got out. After we were initially interviewed by CID we were told not to talk about it again by the LT and SFC [redacted] (b)(3), (b)(6)

Q: Did the XO know that you guys threw the detainees into the water?

A: Yes, the BN XO did. I never spoke with the Company XO.

Q: Who in your chain of command knows that these two detainees were forced into the water that night?

A: My LT, my platoon SGT, the CO, the BN XO I know for sure because I spoke with them. I was told everyone in our chain of command knew the truth and that we were told to lie about it.

Q: How do you know for sure that they knew what happened?

A: The Company Commander and BN XO were at the bridge that day when we

EXHIBIT _____

INITIALS: _____

PAGE ___ OF ___ PAGES

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SWORN STATEMENT OF SGT [REDACTED] (b)(3), (b)(6) TAKEN AT TIKRIT, IRAQ, APO AE 09323, 23 Jan 04. CONTINUED

discussed it. The Battalion Commander and the Brigade Commander was not there that day but I have been told by my chain of command that they know everything.

Q: Have you or any members of your team talked to the Brigade Commander about this?

A: No.

Q: What is his name?

A: COL [REDACTED] (b)(3), (b)(6)

Q: Do you know of any other incidents where you unit threw Iraqi's into the river?

A: Yes, once. In Balad and SFC [REDACTED] (b)(3), (b)(6) made the plan to pick somebody up and throw them in to the river. We stopped near a store and SFC [REDACTED] (b)(3), (b)(6) said "Yes, this guy looks good". We (Myself, with another squad) took him, threw him in the Bradley and stopped by a bridge somewhere. The ramp came down and we exited the vehicle with the detainee. We uncuffed him and threw him off of the bridge. SGT [REDACTED] (b)(3), (b)(6) was the other guy that helped me. SFC [REDACTED] (b)(3), (b)(6) gave the order to do it and [REDACTED] (b)(3), (b)(6) pushed him over the edge. I don't remember if the LT was there that day or not.

Q: Why did you guys detain this man and throw him into the water?

A: SFC [REDACTED] (b)(3), (b)(6) said so. He did not do anything, the Plt SGT said to pick him up.

Q: Did you see this guy exit the water?

A: No. SFC [REDACTED] (b)(3), (b)(6) started screaming at us and called us stupid fucks, because we did not do it the way he wanted us to.

Q: Can you describe the location where this took place?

A: In Balad.

Q: When?

A: I do not know.

Q: Do you know of any other incidents?

A: No.

Q: Do you know of any other platoons that have thrown people into the river?

A: No.

Q: Do you know anything else about either of these two incidents that we have not discussed?

A: No.

Q: Why did you not come forward and report this earlier?

A: I was scared.

Q: Did you voluntarily waive your legal rights and agree to speak with us today?

A: Yes.

Q: How were you treated today during this interview?

A: Good.

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

A: Yes.

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

A: Yes.

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

A:

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

A:

EXHIBIT _____

INITIALS: _____

PAGE __ OF __ PAGES

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SWORN STATEMENT OF SGT (b)(3), (b)(6) TAKEN AT TIKRIT,
IRAQ, APO AE 09323, 23 Jan 04. CONTINUED

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

A: Yes, I did this because I was following orders. I felt that if my team saw me not obey orders from my chain of command then they would think that it is okay to not obey me. I do not want to go back to my unit. I need to PCS from Ft. Carson to get away from everybody and to protect my family.

Q: Anything else?

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

EXHIBIT _____

INITIALS: _____

PAGE __ OF __ PAGES

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AFFIDAVIT

I, SGT [redacted] (b)(3), (b)(6) 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, 23 January 2004, at Tikrit, Iraq.

(Signature of Person Administering Oath)

SA [redacted] (b)(3), (b)(6)

(Typed Name of Person Administering Oath)

ARTICLE 136, UCMJ

(Authority To Administer Oaths)

WITNESS:

EXHIBIT _____

INITIALS: _____

PAGE __ OF __ PAGES

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DATE: 23 JAN 2004

FROM: SAC, 43RD MILITARY POLICE DET (CID)(FWD)

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, USACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID)(ABN)(FWD) //OPS//
CDR, 3D MP GROUP (CID)(FWD) //OPS//
PROVOST MARSHAL //PM// //4ID//
CDR, 1/8TH INF BN //4ID//
CDR, 3RD BDE//4ID//
CHIEF OF STAFF //4ID//

SUBJECT: CID REPORT – INITIAL/SSI – 0011-04-CID469-79630-5H1/5H7/5H3L/5P2/5X1/5X5

DRAFTER: [REDACTED]
RELEASER: [REDACTED] (b)(3), (b)(6)

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 03 JAN 2004/2245 – 03 JAN 2004/2330; VIC GRID COORDINATE

[REDACTED] (b)(2)High ADJACENT TO A BRIDGE, [REDACTED] (b)(6) IRAQ

2. DATE/TIME REPORTED: 13 JAN 2004, 1011

3. INVESTIGATED BY: SA [REDACTED] (b)(3), (b)(6); SA [REDACTED] (b)(3), (b)(6)
(b)(3), (b)(6) SA [REDACTED] (b)(3), (b)(6)

SUBJECT: 1. [REDACTED] (b)(3), (b)(6) 1LT; [REDACTED] (b)(3), (b)(6) [REDACTED] (b)(6)
KILMARNOCK, VA; M; [REDACTED] (b)(6) CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE
OFFICIAL STATEMENT][CONSPIRACY]

2. [REDACTED] (b)(3), (b)(6); SGT; [REDACTED] (b)(3), (b)(6) [REDACTED] (b)(6) NEW
YORK, NY; M; [REDACTED] (b)(6) CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE
OFFICIAL STATEMENT][CONSPIRACY]

3. [REDACTED] (b)(3), (b)(6) SPC; [REDACTED] (b)(3), (b)(6) [REDACTED] (b)(6); PLEASANT
HILL, MO; M; [REDACTED] (b)(6) CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT;
[INVOLUNTARY MANSLAUGHTER] [AGGRAVATED ASSAULT][FALSE
OFFICIAL STATEMENT][CONSPIRACY]

007051

4. (b)(3), (b)(6) SPC (b)(3), (b)(6) (b)(6) LIMA, OH; M; (b)(6) CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [FALSE OFFICIAL STATEMENT][CONSPIRACY]

5. (b)(3), (b)(6) CPT; (b)(3), (b)(6) (b)(6) (b)(6) M; (b)(6) CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. (b)(3), (b)(6) SFC; (b)(3), (b)(6) (b)(6); SULLIVAN, MO; M; (b)(6) CO A, 1/8 IN, 3D BCT, 4ID, APO AE 09391; CT; [INVOLUNTARY MANSLAUGHTER][OBSTRUCTION OF JUSTICE] [CONSPIRACY]

7. (b)(3), (b)(6) MAJ; M; HHC, 1/8 IN BN, 3D BCT, 4ID, APO AE 09391; CT; (NFI); [OBSTRUCTION OF JUSTICE][ACCESSORY AFTER THE FACT][CONSPIRACY]

5. VICTIM: 1. (b)(6) (DECEASED); CIV; (b)(6) IRAQ; M; (b)(6) IZ; (NFI) [INVOLUNTARY MANSLAUGHTER][FALSE OFFICIAL STATEMENT][CONSPIRACY][OBSTRUCTION OF JUSTICE]

(b)(6) CIV; (b)(6) IRAQ; M; (b)(6); (b)(6) IZ; (NFI) [AGGRAVATED ASSAULT][FALSE OFFICIAL STATEMENT] [CONSPIRACY]

U.S. GOVERNMENT [FALSE OFFICIAL STATEMENT][OBSTRUCTION OF JUSTICE][CONSPIRACY][ACCESSORY AFTER THE FACT]

6. INVESTIGATIVE SUMMARY: THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY CHANGE PRIOR TO THE COMPLETION OF THE INVESTIGATION.

“THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION”.

2D STATUS:

FURTHER INVESTIGATION DISCLOSED SGT (b)(3), (b)(6) AND SPC (b)(3), (b)(6) ON THE INSTRUCTIONS OF 1LT (b)(3), (b)(6) PUSHED MR (b)(6) AND PROMPTED MR (b)(6) TO JUMP INTO A BODY OF WATER ADJACENT THE BRIDGE CITED, RATHER THAN ESCORT THEM TO A DETENTION FACILITY AFTER BEING TAKEN INTO CUSTODY FOR CURFEW VIOLATION. (b)(3), (b)(6) REFUSED TO PARTICIPATE, BUT PROVIDED FALSE INFORMATION TO INVESTIGATORS IN COLLUSION WITH THE OTHERS. NO EVIDENCE WAS UNCOVERED THERE WAS EVER ANY INTENTION ON THEIR PART TO MURDER MR (b)(6) OR MR (b)(6)

ON 21 JAN 04, SPC (b)(3), (b)(6) WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEW. FURTHER, HE IDENTIFIED SGT (b)(3), (b)(6) AND SPC (b)(3), (b)(6) AS BEING RESPONSIBLE FOR PUTTING MR (b)(6) AND MR (b)(6) INTO THE WATER AS INITIALLY ALLEGED. HE DENIED DIRECT PARTICIPATION AND CHOSE TO REMAIN WITH THE VEHICLES, BUT RELATED HEARING A SPLASH AFTER 1LT (b)(3), (b)(6) SPOKE WITH SGT (b)(3), (b)(6) AND SPC (b)(3), (b)(6) ABOUT THE DETAINEES. SPC (b)(3), (b)(6) FURTHER RELATED THE PLATOON AS A WHOLE DISCUSSED THROWING DETAINEES CAUGHT OUT AFTER CURFEW IN THE RIVER ON A FEW OCCASIONS, BUT THE EVENING OF THIS INCIDENT, THE PLATOON SERGEANT, SFC (b)(3), (b)(6) REMARKED THAT "SOMEBODY'S GOING TO GET WET TONIGHT!" OVER THE PLATOON FREQUENCY.

SPC (b)(3), (b)(6) FURTHER RELATED HE WAS PARTY TO A GATHERING AFTERWARD OF SGT (b)(3), (b)(6), SPC (b)(3), (b)(6), 1LT (b)(3), (b)(6), SFC (b)(3), (b)(6) AND CPT (b)(3), (b)(6) WHERE THEY DISCUSSED WHAT STORY TO TELL REGARDING THIS INCIDENT BEFORE CID WAS NOTIFIED. SPC (b)(3), (b)(6) RELATED HE AND THE OTHER SOLDIERS WERE COACHED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. THESE INSTRUCTIONS CAME FROM CPT (b)(3), (b)(6) 1LT (b)(3), (b)(6) AND SFC (b)(3), (b)(6), ACCORDING TO SPC (b)(3), (b)(6)

ON 22 JAN 04, 1LT (b)(3), (b)(6) WAS INTERVIEWED, BUT DECLINED TO ANSWER PERTINENT QUESTIONS PERTAINING TO THIS INCIDENT AND DENIED ANY WRONGDOING.

ON 22 JAN 04, SPC (b)(3), (b)(6) WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SPC (b)(3), (b)(6) ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AFTER INSTRUCTIONS FROM 1LT (b)(3), (b)(6) AND SEEING SGT (b)(3), (b)(6) PROMPT THE OTHER DETAINEE TO GO INTO THE WATER. SPC (b)(3), (b)(6) FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC (b)(3), (b)(6) AND INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SPC (b)(3), (b)(6) IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM CPT (b)(3), (b)(6), SFC (b)(3), (b)(6) AND 1LT (b)(3), (b)(6)

ON 23 JAN 04, SGT (b)(3), (b)(6) WAS INTERVIEWED AND ADMITTED HE PROVIDED FALSE INFORMATION DURING HIS INITIAL INTERVIEWS. SGT (b)(3), (b)(6) ADMITTED PROMPTING ONE OF THE DETAINEES TO JUMP INTO THE WATER AND KICKED THE DETAINEE IN THE BUTTOCKS IN AN EFFORT TO MAKE HIM JUMP. SGT (b)(3), (b)(6) IMPLICATED SPC (b)(3), (b)(6) IN THE SAME ACTS REGARDING THE OTHER DETAINEE AND FURTHER ADMITTED OBSERVING THE TWO DETAINEES IN THE WATER. ONE SWAM BACK TO SHORE AND THE OTHER WAS TRYING TO KEEP HIS HEAD ABOVE WATER

AND SCREAMING. SGT (b)(3), (b)(6) RELATED THEY THEN WALKED BACK TO THE VEHICLES, MOUNTED AND DEPARTED.

FURTHER, SGT (b)(3), (b)(6) FURTHER RELATED HE WAS LATER A PARTY TO A GATHERING AS DESCRIBED BY SPC (b)(3), (b)(6) AND SPC (b)(3), (b)(6) AND THEY WERE INSTRUCTED ON WHAT TO SAY AND WHAT NOT TO SAY IN ORDER TO OBSTRUCT ANY INVESTIGATION. SGT (b)(3), (b)(6) IDENTIFIED THOSE INSTRUCTIONS AS COMING FROM MAJ (b)(3), (b)(6) (BATTALION EXECUTIVE OFFICER), CPT (b)(3), (b)(6) SFC (b)(3), (b)(6) AND 1LT (b)(3), (b)(6)

INVESTIGATION CONTINUES BY THE USACIDC.

INITIAL:

THE DELAY IN REPORTING WAS DUE TO LOGISTICAL SUPPORT AND THE INABILITY TO HAVE THE VICTIM AND WITNESSES AVAILABLE FOR QUESTIONING BY CID PERSONNEL IN A MORE TIMELY MANNER.

THIS OFFICE WAS NOTIFIED BY CPT (b)(3), (b)(6) HHC, 1/66 ARMOR BATTALION, FORWARD OPERATING BASE (FOB) BRASSFIELD/MORA, SAMARRA, IRAQ, APO AE 09323, WHO REPORTED THE ALLEGED MURDER OF AN UNKNOWN LOCAL NATIONAL.

PRELIMINARY INVESTIGATION DISCLOSED MR. (b)(6) REPORTED TO THE IRAQI CIVIL DEFENSE CORP (ICDC) AT A CHECK POINT IN (b)(6) THAT HE AND MR. (b)(6) HIS COUSIN, WERE DETAINED BY US AMERICAN SOLDIERS WHILE ON THEIR WAY HOME FROM BAGHDAD, FOR REASONS UNKNOWN, AND TRANSPORTED A SHORT DISTANCE, THEN RELEASED AT A BRIDGE APPROXIMATELY 15 MINUTES LATER. AFTER THE US SOLDIERS REPORTEDLY CUT THEIR BINDINGS AND RELEASED THEM, MR. (b)(6) REPORTED THE RELEASING SOLDIERS PUSHED HIM AND MR. (b)(6) OFF THE BRIDGE AND INTO THE RIVER WHERE MR. (b)(6) DROWNED AS A RESULT OF NOT KNOWING HOW TO SWIM.

ON 16 JAN 04, MR. (b)(6) WAS INTERVIEWED AND STATED HE AND HIS COUSIN, MR. (b)(6) WERE ATTEMPTING TO GET HOME FROM BAGHDAD BEFORE CURFEW WHEN THEY ARRIVED AT AN ICDC CHECKPOINT AT APPROXIMATELY 2230 HOURS. MR. (b)(6) STATED ICDC PERSONNEL SEARCHED THEM BOTH AND FURTHER SEARCHED THEIR VEHICLE, A (b)(6) KIA PICK-UP TRUCK, WHICH REVEALED NO CONTRABAND OR WEAPONS. HE STATED THEY CONTINUED TO DRIVE HOME WHEN AN ONCOMING US MILITARY CONVOY STOPPED AND DETAINED THEM. HE STATED IT WAS BEFORE CURFEW AND DID NOT UNDERSTAND WHY THEY WERE DETAINED. HE STATED THEY WERE BOTH HANDCUFFED WITH FLEXIBLE CUFFS AND PLACED IN THE BACK OF A BRADLEY FIGHTING VEHICLE (BFV), AT VIC GRID COORDINATE (b)(2)High WITH FIVE OTHER US

SOLDIERS. MR. (b)(6) CONTINUED THAT THEY WERE DRIVEN TO THE INCIDENT LOCATION, A BRIDGE IN (b)(6) WHERE THE SOLDIERS REMOVED THEM FROM THE VEHICLE, CUT THEIR HANDCUFFS AND TOLD THEM TO JUMP INTO THE RIVER. HE STATED THEY BOTH REFUSED TO JUMP, BUT ONE SOLDIER PUSHED MR. (b)(6) INTO THE WATER. ANOTHER SOLDIER THEN PUSHED HIM INTO THE WATER. (b)(6) STATED THE SOLDIERS STOOD BY AND LAUGHED AT THEM BEFORE LEAVING THE AREA. HE STATED HE ATTEMPTED TO RESCUE MR. (b)(6) BUT WAS UNABLE TO REACH HIM AS HE HIMSELF WAS NOT A GOOD SWIMMER. HE STATED HE WAS ABLE TO GET OUT OF THE WATER AND HIDE UNTIL HE SAFELY REPORTED THE INCIDENT TO THE ICDC CHECK POINT APPROXIMATELY 800 METERS AWAY.

ON 16 JAN 04, THE ICDC PERSONNEL WERE INTERVIEWED AND STATED THEY DID SEARCH MR. (b)(6) AND MR. (b)(6) WHEN THEY CROSSED THE ICDC CHECK POINT AT APPROXIMATELY 2240. THEY STATED THEY DID NOT WITNESS ANYONE BEING PUSHED INTO THE RIVER AS THEY WERE NOT CLOSE ENOUGH TO SEE; HOWEVER, THEY DID WITNESS A CONVOY STOP ON THE BRIDGE FOR APPROXIMATELY 2-3 MINUTES, THEN PROCEED THROUGH THE CHECK POINT. THEY STATED ABOUT 10-15 MINUTES AFTER THEY SAW THE CONVOY STOP ON THE BRIDGE THEN PROCEEDED ONWARD, MR. (b)(6) WAS SEEN WALKING TOWARD THE CHECK POINT AND HE REPORTED THE INCIDENT TO THEM. THE ICDC PERSONNEL STATED MR. (b)(6) WAS COLD, WET AND SEEMED TO BE CONCERNED FOR MR. (b)(6) WHEN HE REPORTED THE INCIDENT. THEY FURTHER RELATED A SEARCH PARTY WAS ASSEMBLED, BUT THE SEARCH WAS UNABLE TO LOCATE MR. (b)(6).

ON 16 JAN 04, SGT (b)(3), (b)(6) 1ST PLATOON, A COMPANY, 1/8TH INFANTRY BN, 3RD BDE, SAMARRA, IRAQ, APO AE 09323, WAIVED HIS RIGHTS AND STATED HIS PLATOON WAS CONDUCTING ROUTINE PATROL IN (b)(6) AT THE TIME OF THIS REPORTED INCIDENT AND HE REMEMBERED PICKING UP MR. (b)(6) AND MR. (b)(6) FOR VIOLATING CURFEW. THEY WERE ALSO FOUND IN POSSESSION OF A FALSE IDENTIFICATION CARD. (b)(3), (b)(6) STATED THEY WERE PICKED UP SHORTLY AFTER 2300, BUT THEN ABOUT 15 MINUTES LATER HE WAS GIVEN AN ORDER BY LT (b)(3), (b)(6) (NFI), PLATOON LEADER, TO RELEASE THEM. HE STATED HE WITNESSED SPC (b)(3), (b)(6) (NFI) AND SPC (b)(3), (b)(6) (NFI) REMOVE THE HANDCUFFS AND LEAVE THE TWO INDIVIDUALS ON THE SIDE OF THE ROAD. HE STATED IT WAS DARK AND HE HAD NO IDEA THEY WERE NEAR A RIVER OR ON BRIDGE. HE STATED NO ONE PUSHED THE TWO DETAINEES OR MALTREATED THEM IN ANY WAY. HE DENIED HAVING ANY INVOLVEMENT WITH PUSHING MR. (b)(6) AND MR. (b)(6) OFF A BRIDGE. HE STATED MR. (b)(6) WAS MAKING THE STORY UP.

ON 16 JAN 04, LT [REDACTED] (b)(3), (b)(6) PLATOON LEADER, 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAS INTERVIEWED AND STATED HE WITNESSED HIS SOLDIERS SEARCH MR. [REDACTED] (b)(6) MR. [REDACTED] (b)(6) AND THEIR VEHICLE AS A RESULT OF A CURFEW VIOLATION AROUND 2320. HE STATED THE LOCAL CIVIL MILITARY OPERATIONS CENTER (CMOC) DID NOT HAVE ANYONE AVAILABLE TO PROCESS THE TWO INDIVIDUALS AND HE MADE THE DECISION TO RELEASE THEM. THEY WERE RELEASED TO WALK TO THEIR VEHICLE, WHICH WAS APPROXIMATELY 2-3 KILOMETERS AWAY. HE FURTHER RELATED HE WITNESSED MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(3), (b)(6) STANDING ON THE SIDE OF THE ROAD AS THE CONVOY WAS DEPARTING THE AREA.

ON 16 JAN 04, SPC [REDACTED] (b)(3), (b)(6) 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(6) WERE RELEASED ON THE NORTH END OF THE BRIDGE IN [REDACTED] (b)(6). HE STATED HE WITNESSED SPC [REDACTED] (b)(3), (b)(6) (NFI) CUT THE HANDCUFFS OFF WITH A KNIFE AND MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(6) WERE THEN LEFT ON THE SIDE OF THE ROAD. HE STATED NO US SOLDIERS HARMED MR. [REDACTED] (b)(6) OR MR. [REDACTED] (b)(6) IN ANY WAY. HE DENIED BEING INVOLVED WITH PUSHING MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(6) OFF THE BRIDGE.

ON 16 JAN 04, SPC [REDACTED] (b)(3), (b)(6) 1ST PLATOON, A COMPANY, 1/8TH IN BN, 3D BDE, 4ID, WAIVED HIS RIGHTS AND STATED HE WAS PRESENT WHEN MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(6) WERE DETAINED, AND LATER RELEASED. HE STATED HE CUT BOTH MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(6)'S HANDCUFFS OFF WHILE THEY WERE ON A ROAD NEAR A BRIDGE IN [REDACTED] (b)(6). HE STATED NO ONE HARMED MR. [REDACTED] (b)(6) OR MR. [REDACTED] (b)(6). HE DENIED BEING INVOLVED WITH PUSHING THEM OFF THE BRIDGE. HE FURTHER STATED HE WITNESSED MR. [REDACTED] (b)(6) AND MR. [REDACTED] (b)(6) STANDING ON THE SIDE OF THE ROAD WHEN THE RAMP WAS BEING CLOSED ON THEIR BFV WHILE DEPARTING THE AREA.

BETWEEN 1130-1200, 15 JAN 04, MR. [REDACTED] (b)(6)'S REMAINS WERE ALLEGEDLY DISCOVERED BY LOCAL NATIONALS IN THE VICINITY OF [REDACTED] (b)(6) AT GRID COORDINATES [REDACTED] (b)(2)High. ON 16 JAN 04, MR. [REDACTED] (b)(6) REPORTED THE DISCOVERY OF THE REMAINS TO CID. HE FURTHER STATED THE REMAINS WERE BURIED IN A CEMETERY (NFI) ON THE SOUTH END OF [REDACTED] (b)(6) ON 15 JAN 04. HE STATED HIS FAMILY PHOTOGRAPHED AND VIDEO TAPED THE REMAINS TO DOCUMENT HIS INJURIES AND IDENTIFICATION; HOWEVER, THE PHOTOGRAPHS AND VIDEO TAPES WERE NOT PROVIDED TO CID. NO CONFIRMATION HAS BEEN MADE OF THE IDENTIFICATION OF MR. [REDACTED] (b)(6)'S REMAINS AT THE TIME OF THIS REPORT.

EFFORTS ARE ONGOING TO POSITIVELY IDENTIFY THE REMAINS OF MR. [REDACTED] (b)(6)

INVESTIGATION CONTINUES BY THE USACIDC.

***REQUEST USACRC NAME CHECKS BE CONDUCTED ON SGT [REDACTED]
SPC [REDACTED] SPC [REDACTED] AND LT [REDACTED]***

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

8. CID REPORTS ARE EXEMPT FROM AUTOMATIC TERMINATION OF PROTECTIVE MARKING IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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