COMMANDER'S COMMENTS

Document approved for release
by U.S. Central Command
See FOIA Case # 07-0148

Pages 2 through 5 redacted for the following reasons:
- -
(b)(2)High

Summary

- COL [redacted] (b)(3), (b)(6) did not condone or attempt to cover up detainee deaths that occurred during Operation Iron Triangle. The facts and circumstances surrounding the deaths of three detainees, who were reported to have broken their restraints and assaulted their guards, continues to be the subject of an on-going criminal investigation
- The bulk of the allegation has proven to be completely false. It is true that COL [redacted] (b)(3), (b)(6) supervised the photographing of four bodies, and did cut a blindfold from one body. This, however, was done in order to take official photographs for use in positively identifying the bodies.
- COL [redacted] (b)(3), (b)(6) did intentionally delay reporting the deaths, but his intent was to gather facts from eye witnesses prior to notifying his higher headquarters. COL [redacted] (b)(3), (b)(6) intent is clearly documented by the fact that a commander's inquiry was initiated almost immediately and was followed, within 48 hours, by an AR 15-6 investigation initiated by COL [redacted] (b)(3), (b)(6)

Pages 7 through 13 redacted for the following reasons:
- -
(b)(1)1.4c
(b)(2)High
(b)(2)High, (b)(3), (b)(6)

SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) following SSG (b)(3), (b)(6) orders begin to – recuff the detainees. SPC (b)(3), (b)(6) notices that detainee #1's cuffs are broken. (b)(3), (b)(6) lifts detainee #s 2 and 3 to their feet. When he lifts detainee #2 up he sees that the cuffs break. He takes out his Gerber and cuts the ties off of detainee #3.

LC 895455

While attempting to re-cuff the 3 detainees; detainee #1 slashes SPC (b)(3), (b)(6) on both sides of his face and on his left forearm. Detainee #3 strikes PFC (b)(3), (b)(6) The attacks are near simultaneous and it is not clear who was struck first.

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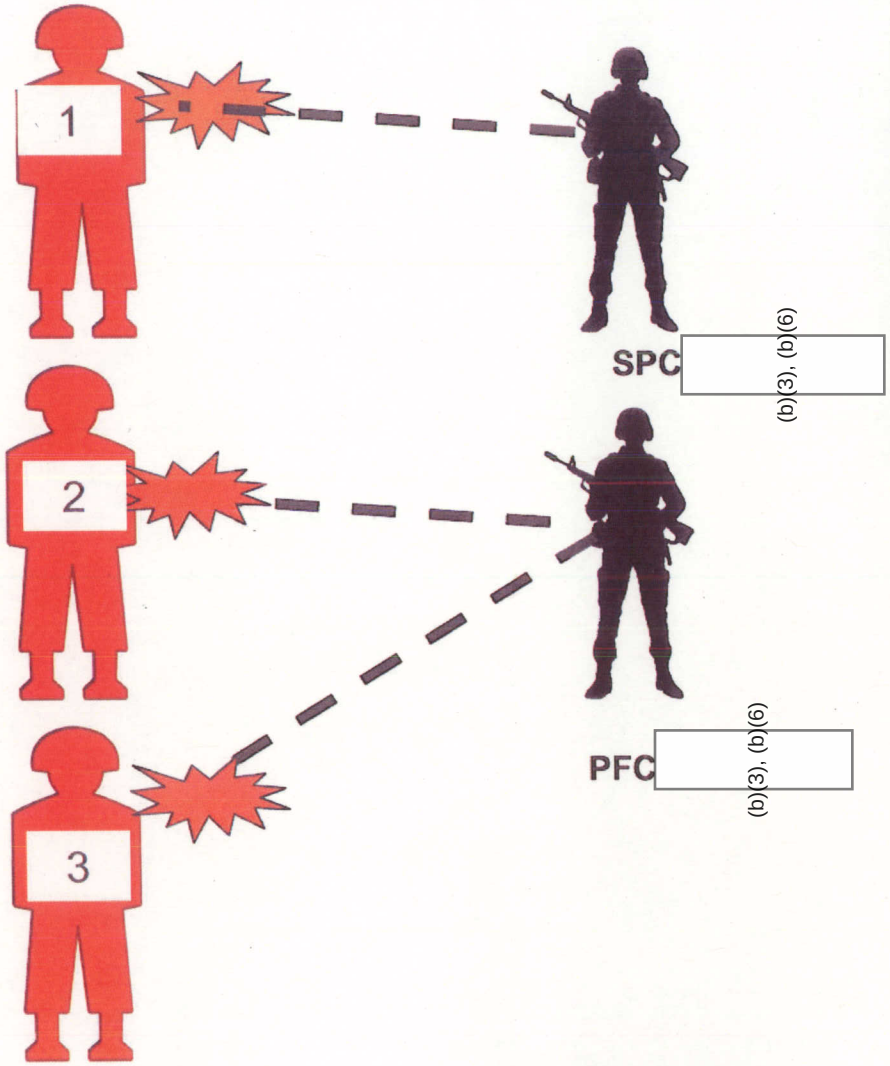

Both soldiers recover from the attacks and look up to see the three detainees fleeing. PFC (b)(3), (b)(6) engages #2 and #3 and SPC (b)(3), (b)(6) engages #1. The three are close together and about 10' from (b)(3), (b)(6) and (b)(3), (b)(6) All three become KIA.

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(b)(3), (b)(6)

(b)(3), (b)(6)

SPC (b)(3), (b)(6) WOUNDS

The 2 photos directly below show that the cuffs were broken and that the blindfolds were pulled down. This picture was taken on the OBJ prior to the bodies being sent back to the collection point.

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Pages 19 through 21 redacted for the following reasons:
- -
(b)(2)High, (b)(3), (b)(6)
(b)(6)

Findings (1 of 3)

Did COL [redacted] pose for pictures with dead detainees?

COL [redacted] did not pose for pictures with dead detainees.

- **Did COL [redacted] maltreat dead bodies?**

  COL [redacted] did not maltreat dead bodies.

- **Did COL [redacted] cut the blindfold and zip tie off a dead detainee and state, "I guess we'll have to say these guys tried to escape" or words to that effect?**

  COL [redacted] did cut the blindfold from the face of one detainee, but did not cut zip ties from any dead detainees. The cut blindfold was photographed with the remains and was not removed from the body bag. COL [redacted] did not state, "I guess we'll have to say these guys tried to escape" or words to that effect.

(b)(3), (b)(6)

Findings 2 of 3

- **Did COL [redacted] compliment, endorse or encourage the mistreatment of detainees by saying "good job but we need more bodies" or words to that effect?**

  COL [redacted] did not compliment, endorse or encourage the mistreatment of detainees by saying "good job but we need more bodies" or words to that effect.

- **Did COL [redacted] have knowledge of the death of detainees on or about 10 May 06 and fail to report to higher headquarters?**

  COL [redacted] knew of CPT [redacted] commander's inquiry and appointed MAJ [redacted] to conduct an AR 15-6 investigation, but made the conscious decision to keep the investigations into the deaths at his level until after he returned from leave and was briefed on the final findings and recommendations. This decision demonstrated poor judgment and violated MNC-I CCIR guidance, FRAGO 248, FRAGO 212 and SECDEF Policy Memo 9, dtd 9 June 2004.

(b)(3), (b)(6)

Findings (3 of 3)

- **Was there misinterpretation/miscommunication of the ROE?**
- There is evidence that there was misinterpretation and miscommunication of the ROE.
- COL [redacted] (b)(3), (b)(6) and his staff submitted a kinetic strike package of pre-assault indirect fires which was intelligence driven. Although denied by the Division Commander, COL [redacted] (b)(3), (b)(6) and his staff believed the initial support by Division and Corps validated their belief that they would be attacking a hostile target.
- The brigade command judge advocate and commander both assert that the on scene commander has the authority to target individuals, "with direct fire weapons systems based solely on their status [as members of designated terrorist organizations]." While this appears to be a technically correct interpretation of theater specific ROE, taken to the extreme it raises serious issues about the manner in which PID is established.
- COL [redacted] (b)(3), (b)(6) verbally designated all persons on Objective Murray as members of Al Qaeda, based on his assessment of the intelligence available, and previous operations at that location. This designation clearly allowed Soldiers to engage individuals on Objective Murray who did not commit hostile acts or demonstrate hostile intent. Two issues are apparent – PID was not properly established and the designation was not clearly communicated.
- COL [redacted] (b)(3), (b)(6) honestly and reasonably believed he had the authority to designate all persons on Objective Murray as members of a terrorist organization. The Soldiers on the objective demonstrated restraint in the application of force, which they were not required to.