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# TAB A

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

**LTC MNC-I SJA Deputy Staff Judge Advocate**

**From:** (b)(3), (b)(6) LTC MNC-I 10TH MP BN Commander  
**Sent:** Thursday, August 10, 2006 2:17 PM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Subject:** [U] Iron Triangle/COL (b)(3), (b)(6) notification info  
**Categories:** ~~FOR OFFICIAL USE ONLY, UNCLASSIFIED, FOR OFFICIAL USE ONLY~~  
**Attachments:** image002.gif; image002.gif  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~  
**Classification Classification:** UNCLASSIFIED

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Scott;

Here is a summary of what I think BG Campbell is looking for from my side:

Timeline:

- Friday, 4 August 1400 – Myself, CW5 (b)(3), (b)(6) and CW4 (b)(3), (b)(6) met with LTC (b)(3), (b)(6) and LTC (b)(3), (b)(6). We informed LTC (b)(3), (b)(6) that we intended to list COL (b)(3), (b)(6) as a subject for the offenses of dereliction of duty and obstruction of justice. LTC (b)(3), (b)(6) agreed that those two charges were warranted and further indicated we should consider adding the offense of false statement. He then explained that COL (b)(3), (b)(6) had made statements to LTG Chiarelli contradicting his statement to BG Maffey, and that COL (b)(3), (b)(6) (SJA) had documented this in an MFR. We asked LTC (b)(3), (b)(6) to provide a copy of the MFR and he indicated he would do so. **NOTE:** we did not consider this a formal legal opine from LTC (b)(3), (b)(6) but it added weight to our decision to title COL (b)(3), (b)(6) based on the credible information threshold.
- Monday, 7 August, approx 1945 – after reviewing all the information we had and discussing with my senior agents, we determined we had met the credible information standard required and therefore needed to dispatch the status report listing COL (b)(3), (b)(6) in the subject block for the three offenses. IAW CID Reg 195-1, the credible information standard exists when *“information is disclosed or obtained by USACIDC that, considering the source and nature of the information and the totality of the circumstances, is sufficiently believable to lead a trained investigator to presume that the fact or facts in question are true.”* It should be noted that titling a person does not indicate guilt or innocence, it informs the command that the person listed is under investigation.
- Tuesday, 8 August, approximately 1515 – CW5 (b)(3), (b)(6) and CW3 (b)(3), (b)(6) met with MAJ (b)(3), (b)(6) (101<sup>st</sup> PM) and COL (b)(3), (b)(6) (101<sup>st</sup> SJA) and informed them that we were listing COL (b)(3), (b)(6) in the status report for the three offenses. We did not ask COL (b)(3), (b)(6) for a legal opine, nor did she give one – our intent was to notify her and MAJ (b)(3), (b)(6) in order to keep the chain of command informed. (COL (b)(3), (b)(6) had previously asked us to keep her informed and use her as the 101<sup>st</sup> POC and she would keep MG Turner informed.)
- Tuesday, 8 August, 1527 – I emailed BG Campbell notifying that we had dispatched the report listing COL (b)(3), (b)(6) for the offenses. In that email, I included that this status report was “CID restricted”, but of course I wanted to keep him informed and wanted him to be aware.

Additional info points:

- We will get a legal opine on all charges prior to dispatching the final report.
- Subjects names (those “titled”) are not entered into DCII until after the final report is published. Reference release of this info for background checks, etc... only “founded” cases are released. Unfounded or insufficient evidence cases are not released.

- Dereliction of duty and false statement allegations are not normally within CID (felony-level) investigative purview. However, as in this case, we investigate those when it is reported or discovered "in conjunction with another offense normally investigated by CID" (AR 195-2, *Criminal Investigation Activities*.)

The additional timeline bullets below go further back than what I believe BG Campbell wants to, but I provide this for your info should you believe it is pertinent to answering any questions or providing the info to the CG.

- Thursday, 25 May, 0930 – I met with COL (b)(3), (b)(6) and BG Campbell and informed them of the initial allegations of the detainee deaths and that COL (b)(3), (b)(6) had allegedly committed General Order 1 (GO1) violations by posing for photos with the dead detainees. BG Campbell immediately took me in to see LTG Chiarelli and brief him on the allegations. LTG Chiarelli decided to appoint an AR 15-6 IO to look into the GO1 allegations. We discussed at that time with LTG Chiarelli that we would work closely with the 15-6 IO to share resources and info and we would review all statements he obtained for anything that may be of value to our criminal case. LTG Chiarelli instructed COL (b)(3), (b)(6) to provide the IO with a senior SJA officer as a legal advisor and COL (b)(3), (b)(6) stated it would be LTC (b)(3), (b)(6) her Chief of Justice. The next day I was informed that BG Maffey, 4<sup>th</sup> ID, had been appointed as the AR 15-6 IO.
- Friday, 26 May, 1530 – myself, CW5 (b)(3), (b)(6), CW3 (b)(3), (b)(6) and LTC (b)(3), (b)(6) met with BG Maffey at his request to discuss working together on the investigation, sharing resources and info and developing a plan of action. BG Maffey stated he would provide us copies of all statements and info he obtained and we stated we would do the same for him. We also agreed to conduct some interviews of Soldiers together as joint interviews to avoid duplication of efforts.
- Friday, 9 June, 1930 – BG Maffey back briefed LTG Chiarelli on the findings and recommendations of his 15-6 inquiry. BG Maffey asked me to attend with him, which I did. Upon completion of his back brief, BG Maffey answered a few questions and then LTG Chiarelli asked what activity we had remaining on the criminal investigation. I indicated we had several things remaining, including that we would review all the statements taken by BG Maffey, to include COL (b)(3), (b)(6) statement, to see if there was any info useful to our investigation.

Let me know what you draft up; I'll review and get it back to you ASAP.

Thanks.

ATW!

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

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

LTC. MP

Commander, 10th MP Bn (CID) (ABN)

Camp Victory, Baghdad, Iraq

APO AE 09342

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**TAB B**

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

**LTC MNC-I SJA Deputy Staff Judge Advocate**

**From:** (b)(3), (b)(6) COL OTJAG (b)(6) @us.army.mil]  
**Sent:** Wednesday, August 16, 2006 11:35 PM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate; (b)(3), (b)(6)  
**Cc:** (b)(3), (b)(6) COL MNC-I SJA Staff Judge Advocate  
**Subject:** RE: [U] RE: BDE Cdr (UNCLASSIFIED)  
**Sensitivity:** Confidential

Classification: **UNCLASSIFIED**Caveats: ~~FOUO~~//PROTECTED BY PRIVACY ACT

Again, I am keeping this in the JAGC house. (b)(6) from OCLL concurs. I will make sure you all know if I get any queries from the press or the Hill. My first line of defense will be that the case is under investigation. Only if pushed to the wall will I go further and only after I let you know I am doing so. Unfortunately, leaks are very common so I may end up having to respond to a specific request.

Thanks for looking at the themes. I will incorporate your comments. Also, thanks for the information.

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

COL, JA  
 Chief, Criminal Law Division  
 phone - (b)(6)  
 fax - (b)(6)

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**From:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate [mailto:(b)(6) @iraq.centcom.mil]  
**Sent:** Wednesday, August 16, 2006 2:29 PM  
**To:** (b)(3), (b)(6) COL OTJAG; (b)(3), (b)(6)  
**Cc:** (b)(3), (b)(6) COL MNC-I SJA Staff Judge Advocate  
**Subject:** [U] RE: BDE Cdr (UNCLASSIFIED)  
**Sensitivity:** Confidential

Classification: UNCLASSIFIED//~~LIMDIS~~

Ma'am,  
 My comments and info are below in blue.

v/r,

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

**LTC** (b)(3), (b)(6)  
**MNC-I Deputy SJA**  
**DSN** (b)(2)High

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9/27/2006

25-55 and 27-26).

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**From:** (b)(3), (b)(6) COL OTJAG [mailto:(b)(6)@us.army.mil]  
**Sent:** Tuesday, August 15, 2006 7:27 PM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Subject:** BDE Cdr (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caueats: ~~FOUO~~//CLOSE HOLD/PA PROTECTED

COL (b)(3), (b)(6) and LTC (b)(3), (b)(6)

The decision to title the COL for dereliction of duty, obstruction of justice and false official statement will not be released outside of the JA tech chain at this time. I think this is best and justified for several reasons. First, the titling decision has to do with the COL's conduct subsequent to the murders and, therefore, does not directly relate to the current prosecutions. I say that recognizing that a good defense counsel will attempt to make it relevant. Second, the investigation into COL's conduct is still open and release of the information could affect that investigation. And, lastly, the information is protected by the Privacy Act.

Should someone play my hand, I intend to emphasize the following.

- A titling decision is an initial administrative action based upon credible evidence. Investigation continues. Further review will be conducted. **I think you could go father to say that titling does not, by itself, connote guilt or innocence as to the offense for which a person is listed in the subject block of a CID report.**
- The actions for which the COL has been titled do not involve the murder of an Iraqi. Instead, the conduct involved in the titling decision is his conduct concerning a subsequent investigation of an alleged crime.
- A Soldier reported the conduct and the higher command immediately opened an investigation.

Does this work for you?

Also, if possible, may I have the answers to the following questions as I seek to arm myself with the facts?

- What was the original Soldier's allegation to his recruiter? **The Soldier sent two e-mails to his recruiter. The first said that members of his unit blindfolded and zip-tied four detainees, executed them, and then cut the zip-ties off and fabricated a story of an attempted escape. The second e-mail was a follow up that said that COL (b)(3), (b)(6) took a picture with his foot on one of the dead detainee's head, and that he was the one who cut off the zip-ties and pulled down the blindfolds. These allegations WRT COL (b)(3), (b)(6) were unfounded by the AR 15-6 investigating officer.**
- What was scope of the MNC-I 15- 6 investigation? **To determine the following: (a) Did COL (b)(3), (b)(6) pose with dead bodies? (b) Did COL (b)(3), (b)(6) maltreat dead bodies? (c) Did COL (b)(3), (b)(6) 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? (d) Did COL (b)(3), (b)(6) compliment, endorse, or encourage the mistreatment of detainees by saying "good job but we need more bodies" or words to that effect? (e) Did COL (b)(3), (b)(6) have knowledge of the death of detainees on or about**

9/27/2006

**10 May 06 and fail to report to higher headquarters?**

The findings were that COL (b)(3), (b)(6) did not pose for pictures with dead detainees and did not mistreat dead bodies; that he did cut the blindfold off one detainee, but did not cut the zip tie off a detainee or make any disrespectful or inappropriate comments; he did not compliment/endorse/encourage the mistreatment of detainees; and that he did have knowledge of detainee deaths and fail to report the deaths to higher HQ. There was also a finding that there was misunderstanding and miscommunication of the ROE w/in 3d BCT.

- What is the basis of the GOMOR? Implementing an intricate and highly questionable interpretation of the ROE, which resulted in the killing and wounding of several unarmed noncombatants; failing to report the LOAC violations that he witnessed and those of which he was made aware, in violation of ARs and MNC-I FRAGOs; creating a command climate where reckless and irresponsible behavior appear to be tolerated or ignored.

Note that the GOMOR is not for false official statement or obstructing justice. It covers the dereliction of duty to report the offense, and it contains some judgments by the Corps Commander as to COL (b)(3), (b)(6) leadership. I think it's also important to keep in mind that the GOMOR is not yet a final action since the rebuttal has not been considered.

Please advise.

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

COL, JA

Chief, Criminal Law Division

phone - (b)(6)

fax - (b)(6)

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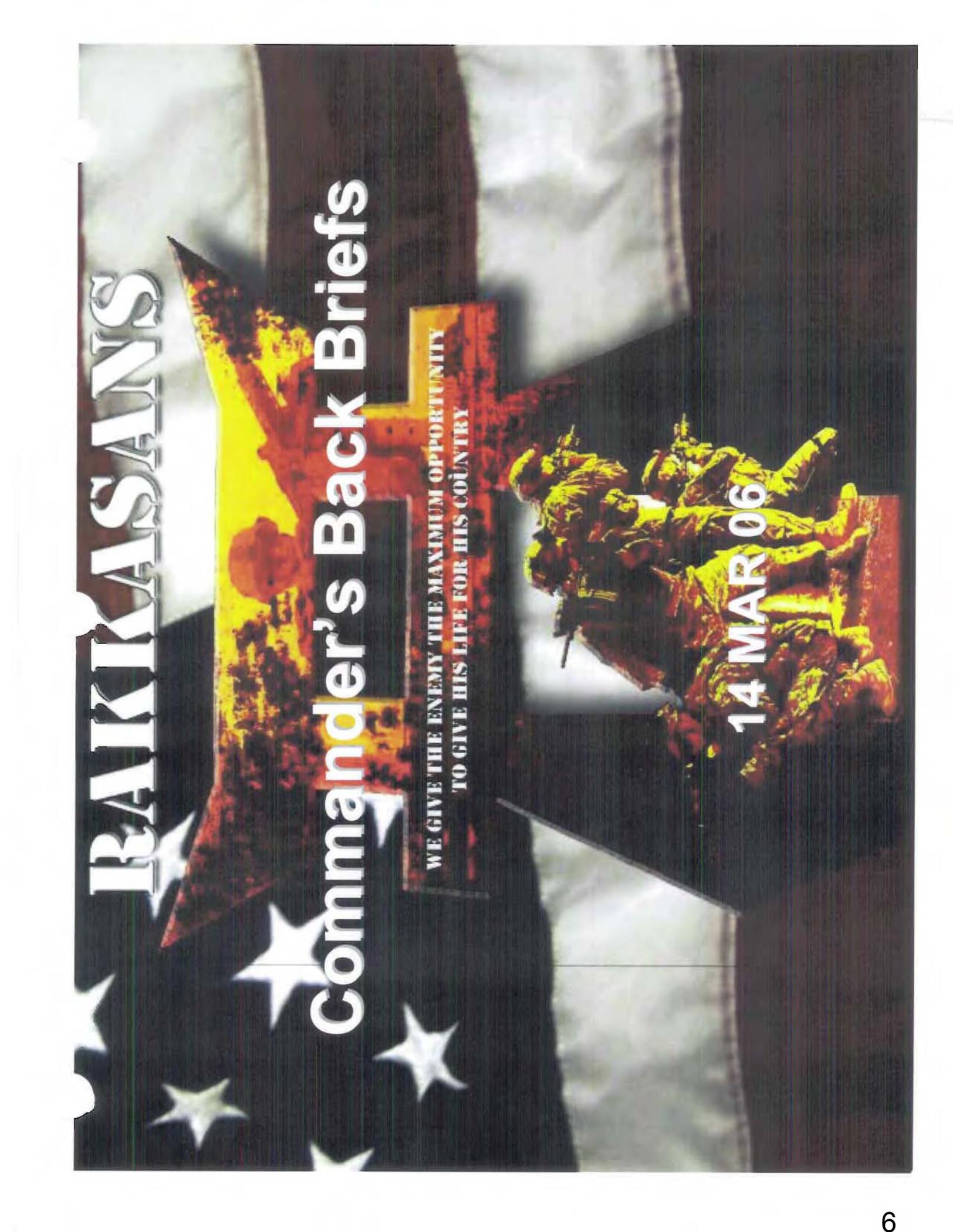
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Classification: UNCLASSIFIED

Caveats: ~~FOUO~~//PROTECTED BY PRIVACY ACT

**TAB C**

A large American flag is the background of the entire page. In the center of the flag, there is a graphic of a soldier in a desert landscape, wearing a helmet and carrying a rifle. The soldier is positioned in the lower right quadrant of the flag's field. The text and other elements are overlaid on the flag.

**BAIKKASANS**

# Commander's Back Briefs

WE GIVE THE ENEMY THE MAXIMUM OPPORTUNITY  
TO GIVE HIS LIFE FOR HIS COUNTRY

14 MAR 06

# OPERATION IRON TRIANGLE / 3 BCT 101 Backbrief to

**Classified Document  
Task Organization  
Chart**

**REMOVED**  
**(1 page)**

# MISSION

**090545MAY06**                      **conducts Air**  
**Assault and Ground Assault Convoy to**  
**clear**                                      **in order to disrupt**  
**AQIZ and FF using this area.**

# BCT Commander's Intent

Purpose: The purpose of this operation is to kill/ capture AQIZ/ T&FF reportedly using the Compound to conduct operations against CF.

- Key Tasks
  - K/C AQIZ on fight on these OBJs right after getting off the A/C – must be ready to
  - Isolate to prevent enemy from egressing the area
  - Maintain air and ground flexibility to react to fleeting and emerging TGTs
  - Complete clearance of
  - Layer ISR assets (organic/DIV/EAD) to provide intel that will allow units to quickly reposition
  - Conduct through SSE / searches on all tentative OBJ Areas (secondary to rapid clearance)
  - All assaults / BPs are partnered operations
  - Maintain OPSEC I am approval for ANY release outside the BCT
  - Maintain offensive mindset - ready to exploit the situation...this is an event based operation

# BCT Commander's Intent

- Endstate:
- **Friendly:**
    - Create actionable intel for follow-on operations in area
    - All forces exfiltrated to their respective FOBs
    - ISF development is progressed (ldr dev, confidence, pride)
    - All casualties are evacuated to the nearest CSH
  - **Enemy:**
    - Continued disruption of AQIF activity in AO RAKKASAN
    - Enemy that engage the TF are killed
  - **Terrain:**
    - Plant safe for Contractor use
    - AO is temporarily denied as a sanctuary for AIF / AQIZ
    - Locals understand that CF / ISF will operate in the area and begin to provide more information at AIF activities there

# TF Red Knight Commander's Intent

## Commanders Intent:

**Purpose:** The purpose of this operation is to kill/capture (K/C) AQIZ/FF reportedly using the Compound as a base of operations to conduct ATKs against CF.

## Key Tasks

- Engage all LN to inform purpose of operation and gain quick actionable intelligence for
- **K/C AQIZ on , and**
- **Maintain an offensive mindset; off the A/C ready to fight**
- **Isolate to prevent insurgents from fleeing the objective area; BPs have ability to chase vehicles/personnel**
- Establish and maintain a responsive ground QRF
- Maintain air and ground flexibility to react to fleeing and emerging TGTs
- Clear every structure within
- **Conduct thorough searches/exploitation of all objective areas; Priority is to seize personnel follow with thorough SSE searches**
- All operations are partnered operations
- **Maintain OPSEC; BCT CDR is the approval authority to release info outside the BCT**
- Use all enabler in the development of evidence packets. Helmet Cameras, video and digital cameras, sworn statements IAW Annex K. Transfer detainees with complete packet to the BN IPOC.

**PHASE IIA (H-HR, AASLT, BPs): H-4:00 to H-Hr (~OCFI Raid on IT 10)**

**3-320:**

- T1: Conduct AASLT Infiltration (H-Hr)
- P1: Position to clear OBJs
- T2: Conduct GAC
- P2: To provide essential combat support assets in
- ARF:**
- T1: Conduct aaslt into (H-Hr)
- P1: IOT provide QRF to

**1-101:**

- T1: Conduct area recon vic (H-5)
- P1: Confirm/ deny trafficability of canal/ marsh areas
- T2: Conduct CCA
- P2: Facilitate freedom of maneuver for
- T3: Confirm/ deny HLZs (H-00:02)
- P3: Allow to conduct AASLT
- T4: Provide screen (AWT north/ AWT south)
- P4: Prevent enemy from repositioning in AO

**LIFT:**

- T1: Conduct AASLT (H-Hr)
- P1: Position to clear OBJs and establish BPs
- T2: Provide A2C2 platforms (H-00:10)
- P2: Allow AATFC and GFC command and control
- T3: Provide Air MEDEVAC (H-00:15)
- P3: Ensure timely evacuation of casualties

# Classified Document Map Overlay

**REMOVED**

# Classified Document Map Overlay

**REMOVED**

**PHASE IIA (H-HR, AASLT, BPs): H-4:00 to H-Hr**

## ISR

- T1: Conduct surveillance of AO
- P1: To identify AQIZ/ T&FF attempting to reposition

## FIRES

- T1:
- P1: Inhibit enemy communications
- T2: Assist in isolation
- P2: Prevent enemy from repositioning in AO

## MED

- T1: Maintain 1 x MEDEVAC in ROZ 1hr.
- P1: Ensure timely evacuation of casualties

## ENG

- T1: Clear Routes as required by
- P1: Prevent enemy countermobility success
- T2: Provide boat capabilities to

- P2: Allow freedom of maneuver to west of canals in AO

## C2

- T1: Synchronize aerial assets, ground maneuver forces, and QRF
- P1: Allow successful infil and follow-on support of

UNCLASSIFIED - Declassified by MAJ (b)(6), (b)(3) Deputy G2 MND-B 25 OCT 06

# Classified Document Map Overlay

REMOVED

**PHASE IIB (Clearing OBJs): H-Hr to H+6:00**

**3-320:**

- T1: Isolate
- P1: Prevent enemy egress
- T2: Clear
- P2: Kill/ Capture AQIZ in

**ARF:**

Priorities of commitment: Vehicle interdiction, TST, reinforce units in contact

**1-101**

- T1: Conduct CCA
- P1: Facilitate freedom of maneuver for

- T2: Provide screen (AWT north/ AWT south)
- P2: Prevent enemy from repositioning in AO

**IFT:**

- P1: Position clear OBJs and establish BPs
- T2: Provide ARF platforms
- P2: IOT provide QRF for
- T3: Provide A2C2 platforms
- P3: Allow AATFC and GFC command and control
- T4: Provide Air MEDEVAC
- P4: Ensure timely evacuation of casualties

**PHASE IIB (Clearing OBJs): H-Hr to H+6:00**

**ISR**

- T1: Conduct surveillance of AO
- P1: To identify AQIZ/ T&FF attempting to reposition

**FIRES**

- T1:
  - P1: Inhibit enemy communications
  - T1: Assist in isolation
  - P1: Prevent enemy from repositioning in AO

**MED**

- T1: Maintain 1 x MEDEVAC in ROZ 1hr.
- P1: Ensure timely evacuation of casualties
- T2: Maintain MEDEVAC at FOB B-M until H+6
- P2: Ensure timely evacuation of casualties

**ENG**

- T1: Clear routes as required by
- P1: Prevent enemy countermobility success
- T2: Provide boat capabilities to
- P2: Allow freedom of maneuver to west of canals in AO
- T3: Provide EOD support
- P3: Allow : to destroy enemy munitions

**C2**

- T1: Synchronize aerial assets, ground maneuver forces, and QRF
- P1: Allow successful infil and follow-on support of

# Classified Document Map Overlay

**REMOVED**

# Classified Document Map Overlay

**REMOVED**

**PHASE III (Continue to clear AO): H+6:00  
to H+48:00**

**3-320:**

- T1: Maintain BPs
- P1: Continue isolate
- T2: Continue to clear
- P2: Kill/ Capture AQIZ
- T3: Conduct CO AASLTs to follow-on TGTs
- P3: Position force to K/C AQIZ

**ARF:**

Priorities of commitment: Vehicle interdiction, TST, reinforce units in contact

**1-101**

- T1: Conduct CCA
- P1: Facilitate freedom of maneuver for
- T2: Provide area security
- P2: Prevent enemy from repositioning in AO

**LIFT:**

- T1: Provide ARF platforms
- P1: IOT provide QRF for
- T2: Provide CO AASLT Package(s)
- P2: Allow 3-320 to conduct limited AASLTs to follow-on OBJs
- T3: Provide Air MEDEVAC
- P3: Ensure timely evacuation of casualties

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# Classified Document Map Overlay

REMOVED

**PHASE III (Continue to clear AO): H+6:00 to H+48:00**

## **ISR**

T1: Conduct surveillance of AO  
P1: To identify AQIZ/ T&FF attempting to reposition

## **FIRES**

T1: Assist in isolation  
P1: Prevent enemy from repositioning in AO

## **MED**

T1: Maintain 2 x MEDEVAC at  
P1: Ensure timely evacuation of casualties

## **ENG**

T1: Clear routes as required by  
P1: Prevent enemy countermobility success  
T2: Provide boat capabilities to  
P2: Allow freedom of maneuver to west of canals in AO  
T3: Provide EOD support  
P3: Allow to destroy enemy munitions

## **LOG**

T1: Conduct detainee backhaul ICW twice daily (H+12/ H+24/ H+36/H+48) re-supply  
P1: Expedite movement of det. To BN IPOC

## **C2**

T1: Synchronize aerial assets, ground maneuver forces, and QRF  
P1: Allow successful support of

UNCLASSIFIED - Declassified by MAJ (b)(6), (b)(3) Deputy G2, MND-CB 250 C 06

# Classified Document Map Overlay

REMOVED

**PHASE IV (Exfil of AO): H+48:00 to H+56:00**

**3-320:**

T1: Conduct air & ground exfil from

P1: Complete actions in

**ARF:**

Priorities of commitment: Vehicle interdiction, TST, reinforce units in contact

**1-101**

T1: Conduct CCA

P1: Facilitate freedom of maneuver for

T2: Provide area security

P2: Prevent enemy from engaging during exfil operations

**LIFT:**

T1: Provide ARF platforms

P1: IOT provide QRF for

T2: Conduct exfiltration

P2: Return friendly forces to FOBs

T3: Provide Air MEDEVAC

P3: Ensure timely evacuation of casualties

T4: Conduct exfiltration

P4: Return friendly forces to FOBs

**PHASE IV (Exfil of AO): H+48:00 to H+56:00**

**ISR**

- T1: Conduct surveillance of AO
- P1: To identify AQIZ/ T&FF attempting to reposition

**FIRES**

- T1: Assist in isolation
- P1: Prevent enemy from repositioning in AO

**MED**

- T1: Maintain 2 x MEDEVAC at
- P1: Ensure timely evacuation of casualties

**ENG**

- T1: Clear routes as required by
- P1: Allow freedom of movement for exfil

**C2**

- T1: Synchronize aerial assets, ground maneuver forces, and QRF
- P1: Allow successful exfil of

# Classified Document Map Overlay

## REMOVED

**Classified Document  
GAC Vehicle Composition  
Chart**

**REMOVED  
(1 page)**

# Timeline

TIMELINE	
042000 MAY	Staff MA
050830 MAY	#1 Published
050900 MAY	COA Development
061000 MAY	
062000 MAY	Draft Back Brief slides to TRK
071000 MAY	CO/BTRY CDR backbrief to RK6
071500 MAY	<b>Slingload / Static Load Training</b>
081000 MAY	<b>CAR</b>
081500 MAY	TF COMMEX
081900 MAY	HVY/LT PZ established
090400 MAY	PZ Posture
090545 MAY	<b>H-Hour</b>

**TAB D**

2



**HEADQUARTERS**  
MULTI-NATIONAL CORPS-IRAQ  
BAGHDAD, IRAQ  
APO AE 09342

Document approved for release  
by U.S. Central Command  
See FOIA Case # 06-268

REPLY TO  
ATTENTION OF

**FEB 8 2006**

FICI-CG

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: MNC-I Policy Letter #15 – Reducing Escalation of Force (EOF) Incidents

1. References:

- a. MNC-I FRAGO 92, Increased Flexibility and Consolidated Commander's Emergency Response Program (CERP) Guidance to MNC-I OPOD 05-02.
- b. MNC-I FRAGO 183, Investigation of Escalation of Force Incidents to MNC-I OPOD 05-02.
- c. MNC-I FRAGO 017, Reducing Escalation of Force Incidents at TCPS/CPS/BPS to MNC-I OPOD 05-02.
- d. MNC-I FRAGO 096, Consolidated Vehicle Movement and Convoy SOP to MNC-I OPOD 05-02.
- e. MNC-I FRAGO 035, IO Support to Reducing Escalation of Force Incidents to MNC-I OPOD 05-02.
- f. MNC-I FRAGO 249 [MOD 1 TO FRAGO 017] TO MNC-I OPOD 05-02.
- g. APPENDIX 4 TO ANNEX C, Rules of Engagement to MNC-I OPOD 05-02
- h. MNC-I FRAGO 123 Rules of Engagement Appendix Update to MNC-I OPOD 05-02.
- i. MNC-I FRAGO 188, Rules of Engagement Appendix Update to MNC-I OPOD 05-02.

2. This policy letter establishes procedures to reduce the occurrence of Escalation of Force Incidents and prescribes actions to be taken in the event of an incident.

3. Applicability: This policy applies to all personnel conducting operations in Iraq.

(b)(1)1.4a

UNCLASSIFIED

~~SECRET//REF TO USA, MCFI//2015110~~

FICI-CG

SUBJECT: MNC-I Policy Letter #15 – Reducing Escalation of Force (EOF) Incidents

(b)(1)1.4a

~~SECRET//REL TO USA, MCFI//2015110~~

FICI-CG

SUBJECT: MNC-I Policy Letter #15 – Reducing Escalation of Force (EOF) Incidents

(b)(1)1.4a

5. POC: COL (b)(3), (b)(6) DSN (b)(6) SIPR email: (b)(6)@iraq.centcom.smil.mil, or  
MAJ (b)(3), (b)(6) DSN (b)(6) SIPR email: (b)(6)@iraq.centcom.smil.mil



2 Encls

- 1. EOF PROCEDURES
- 2. CERP Condolence Payment Claims Form

PETER W. CHIARELLI  
Lieutenant General, USA  
Commanding

DISTRIBUTION:

LAW MNC-I (SJS) Form 1853. A

### TRAINING

- Marksmanship
- Safety
- ROE/EOF Procedures
- Situational Training Exercises
- Battle Drills (SVCP, CP, Convoy)

### EQUIPMENT

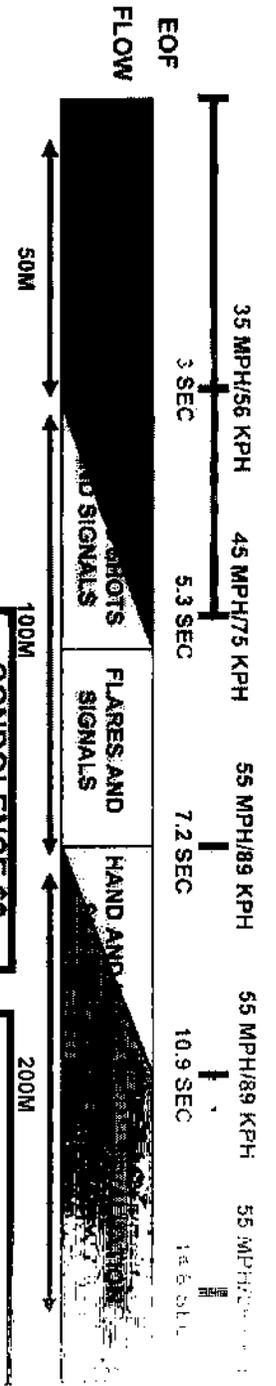
- Spike strips
- Laser pointers
- Flares (regular, pen)
- Lights (spot light; flashing; strobe)
- Signs
- Traffic cones
- Weapons
- Bullhorn (or speaker system)
- Colored Flags (green, yellow, red)

### MISSION PREPARATION

- Backbriefs
- Rehearsals
- Periodic scenario-based decision exercises

### REFERENCES

- FRAGO 92 (OERP)
- FRAGO 183 (INVEST. GATIONS)
- FRAGO 017 (REDUCING EOF)
- FRAGO 096 (VEH MGMT & CONVOY SOP)
- FRAGO 123 (ROE (UPDATE))
- FRAGO 188 (ROE (UPDATE))
- POLICY MEMO #15 (SUCS)



### PROCEDURES DURING AN EOF

*MNC-1 Cdr's Intent:* construct position or resource convoy (OT take away the lethal force decision from our Soldiers or Marines.

- Use audible warnings to warn (horn, air horn, loudspeaker, flash/bang device, siren)
- Use visual aids (lights, laser pointers, flares, colored flags, signs)
- Show weapon & demonstrate intent to use it
- Attempt non-lethal means (stop strips, physical barrier, vehicle, visual/audio signal, signs)
- Fire warning shots (in vic of threat)
- Utilize disabling fire (tires, engine block, windows)
- Utilize deadly force (proportional)

### INCIDENT OCCURS RESULTING IN DISCHARGE OF WEAPON

- Determine if death, injury or property damage has occurred
- Secure the site
- Render first aid
- Request civilian ambulance or conduct MEDEVAC

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### CONDOLENCE \$\$

Take information for claim submission

OR

Issue claim form on scene

### LEADERS REPORT 5WS TO HQS LAW CONTACT SOP

### HQS NOTIFY LOCAL PJCC AND COORD. FOR IPS

### HQS NOTIFY / TASK CMO/CA/SJA FOR APPROPRIATE ACTION

### CLAIMANT PRESENTS CLAIM AT FOB OR IRAQI ASSISTANCE CENTER

### UNIT SUBMIT CLAIM

### CLAIM IS PROCESSED AND APPROVED

### CASH PAYMENT IS DISBURSED TO CLAIMANT

### FOLLOW UP REPORT TO HQS

- WHO: NAME OF VICTIM (s) / BREAKDOWN (MALE, FEMALE, ADULT, CHILD); NAME OF WITNESSES (x2 IF POSSIBLE); CONTACT INFORMATION
- WHAT: EOF PROCEDURES TAKEN; APPROX DISTANCES IF POSSIBLE; WHAT ACTIONS / REACTIONS DID DRIVER TAKE; WHAT WERE OTHER CARS DOING
- WHEN / WHERE: DTG / MGRS
- ADDITIONAL INFO:
  - SEARCH OF VEHICLE: RESULTS
  - INTEL INITIAL ASSESSMENT: KNOWN THREATS
  - TACTICAL QUESTIONING: DO CITIZENS UNDERSTAND THE POLICIES?
  - WHAT TYPE OF INVESTIGATION -- IS IT INITIATED?
- SUBMIT SITREP / SPOTREP TO HIGHER HQ (SIGACT)

# قوة مهام بيط خصصة المطالبة بال

يعني أنك للمطالبة وتقوم بفتح عين الإضراب للمطالبة  
الإحصائية - نظائر الحجة من القوائم الإحصائية التي  
كلت بتسمية بركات لملأ سجلات الأضرار ويجب  
حفظ السجلات وتوافق تسمية الأضرار للمطالبة و... يجب  
الاحتفاظ بالسجلات بطريقة وكتابة صحيحة لكيها من  
الطريقة التي تأتي القوائم من أي نوع يمكنك ويجب  
الاحتفاظ و... مطبوعة وصورة إلكترونية على أن  
الاحتفاظ و... بغير أن يحتفظ لها كل نفس.



US military may pay claims to Iraqis for  
of property damage, injury and death  
by US forces.

If your unit is involved in an incident resulting  
in damage to property of an Iraqi civilian, or  
the death or injury of an Iraqi civilian,

1. Fill out the required information below.
  2. Give the copy to the Iraq civilian or other responsible person in the case of death.
  3. Send claim form to the nearest US-armed force representative leader in the field to obtain a receipt. Do not put your name on it.
  4. Upon return to your FOB, complete SF 92. Describe the incident completely and forward it to your nearest legal office and to SMC I (Legal Service) HQTC. This information is NOT an admission of liability by the service member involved and be used only to substantiate a claim against the US Military.
- UNIT \_\_\_\_\_
- DATE \_\_\_\_\_
- LOCATION \_\_\_\_\_
- TYPE OF INCIDENT \_\_\_\_\_

# **T A B L E**

# ESCALATION OF FORCE FLOW

**NOTE:**

-ESCALATION OF FORCE FLOW IS ILLUSTRATIVE AND ASSUMES THAT FORCES MANNING THE POSITION FEEL THAT THE APPROACHING VEHICLE IS CONTINUING TO PRESENT A THREAT. IF A VEHICLE DEMONSTRATES COMPLIANCE, OR IS EVALUATED AS NON-THREATENING THEN THE ESCALATION OF FORCE FLOW WOULD CEASE. -ESCALATION OF FORCE CAN OCCUR FROM ANY DIRECTION. LEADERS MUST PREPARE THEIR SOLDIERS TO EVALUATE AND REACT TO POTENTIAL THREATS AND TO ADJUST AS NECESSARY DEPENDING ON IF THEY ARE MOVING OR STATIONARY.

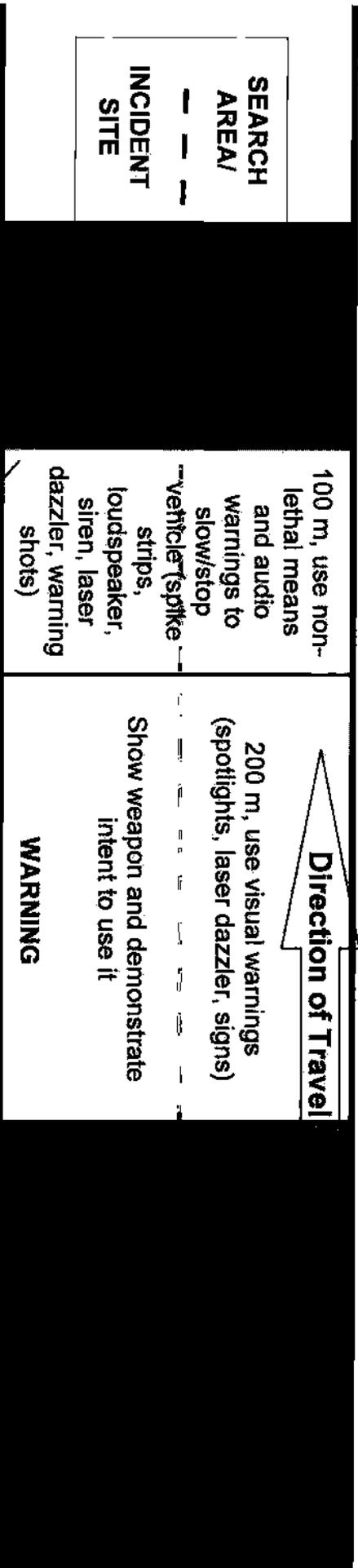
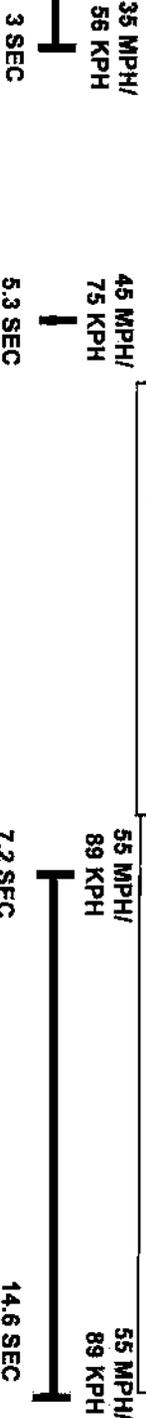
*MNC-1 Cdr's Intent:* resource convoys and static positions IOT provide alternatives to lethal force for our Soldiers or Marines.

**TRAINING**

- Marksmanship
- Safety
- ROE/EOF Procedures
- Situational Training Exercises
- Battle Drills (SVCP, CP, Convoy)

**EOF EQUIPMENT**

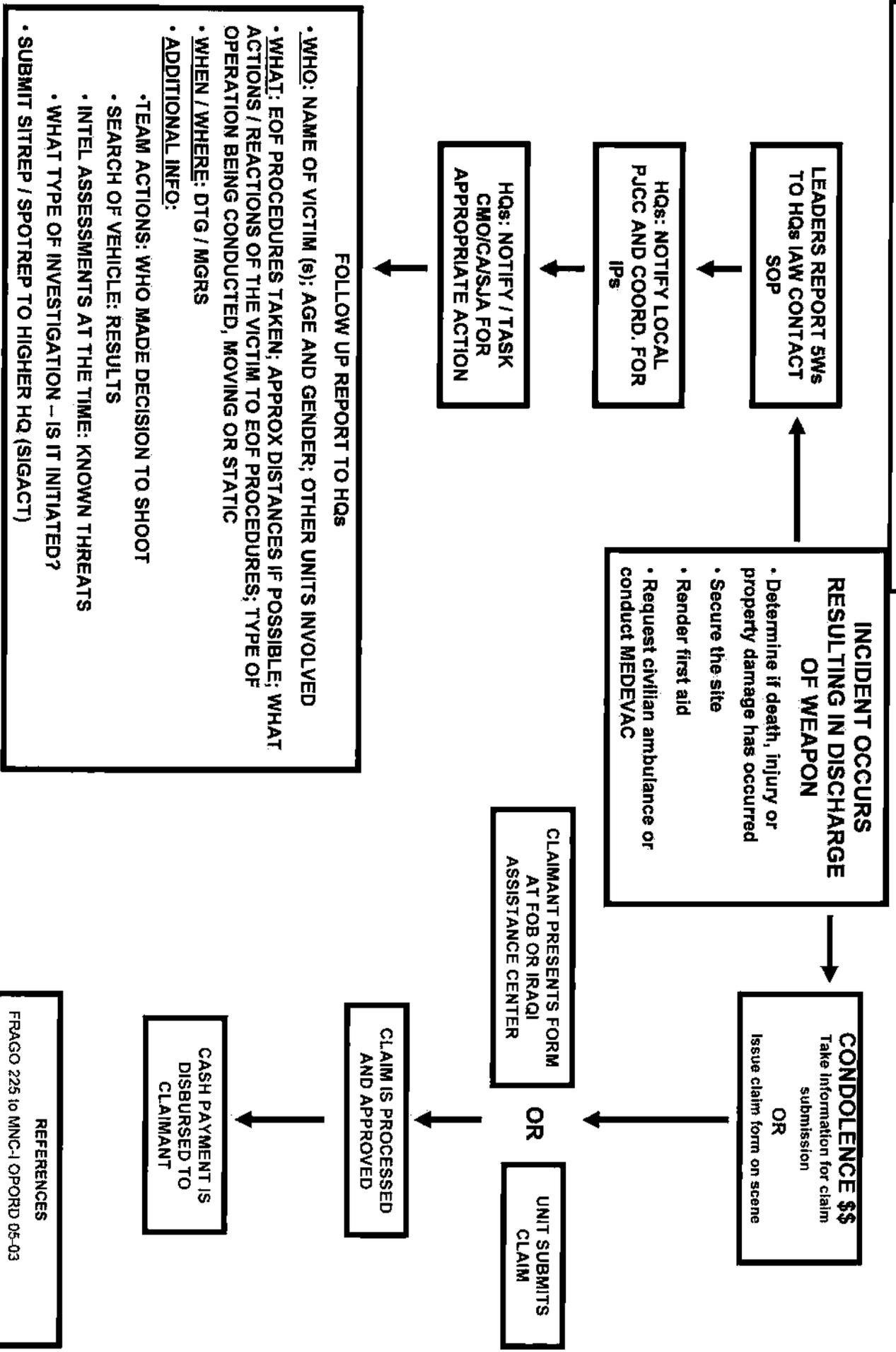
- Sandwich Board Signs
- Laser pointers (individual)
- Laser dazzler (crew served)
- Lights (spot light; lasers)
- Speaker system; siren
- Translation device
- Portable spike strips
- Portable speed bumps
- Traffic cones w/ flares



ATTACH B\_FRAGO 225\_MNC-1 OPORD 0503\_EOF SMARTCARD

UNCLASSIFIED//~~FOUO~~

# EOF REPORTING REQUIREMENTS



**REFERENCES**

FRAGO 225 to MNC-1 OPORD 05-03  
POLICY MEMO #15 (SJS)



**TAB F**



## **Multi-National Corps – Iraq**

### **Press Release**

*Public Affairs Office, Camp Victory*

*APO AE 09342*

**FOR IMMEDIATE RELEASE**

**June 19, 2006**

**Release No. 060619-01**

### **Soldiers charged in detainee deaths**

**TIKRIT, Iraq-** Three members of 3<sup>rd</sup> Brigade Combat Team, 101<sup>st</sup> Airborne Division have been charged in connection with the deaths of three male detainees during an operation near Thar Thar Canal in southern Salah ad Din Province, Iraq on May 9.

A noncommissioned officer and two Soldiers each have been charged with violating several articles of the Uniform Code of Military Justice including murder, attempted murder, conspiracy, communicating a threat, and obstructing justice.

On the day the alleged murders occurred, the unit commander ordered an inquiry to determine the circumstances surrounding the deaths of the three detainees. A Criminal Investigation Command (CID) investigation was initiated on May 17 and is ongoing.

The Soldiers are currently in pre-trial confinement awaiting an Article 32 hearing to determine if sufficient evidence exists for the case to be referred to court-martial.

-30-

FOR MORE INFORMATION, CONTACT MULTI-NATIONAL CORPS-IRAQ, PUBLIC AFFAIRS OFFICE BY E-MAIL AT

MNCI-PAO- (b)(6),(b)(3) JOC@iraq.centcom.mil

**TAB G**

**SWORN STATEMENT**

**LOCATION:**  
Building 718, CID Office  
Contingency Operating Base Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:**  
17 Jun 06

**TIME /** (b)(6), (b)(3)

**NAME:**  
(b)(6), (b)(3)

**SSN:**  
(b)(6)

**GRADE/STATUS:**  
E-8 / Active

**ORGANIZATION OR ADDRESS:** C CO, 3-187 INF, FOB Brassfield-Mora, Samara, IZ  
APO AE 09349

(b)(6), (b)(3) I, (b)(6), (b)(3), **WANT TO MAKE THE FOLLOWING STATEMENT UNDER**

**OATH:**

**Q. SA** (b)(3), (b)(6)

(b)(6), (b)(3) **A. 1SG** (b)(3), (b)(6)

**Q. When did you learn that COL (b)(3), (b)(6) planned to accompany Charlie Company during the initial assault on Objective Murray?**

**A. I learned this during the Combined Arms Rehearsal at FOB Remagen on 8 May 2006.**

**Q. When was it confirmed that the Brigade Commander would accompany your unit during this air assault?**

(b)(6), (b)(3) **A. At the Same time I believe it was at 1000hrs 8 May 2006**

**Q. Were you present at the Operation Iron Triangle mission rehearsal on Monday, 8 May 2006?**

(b)(6), (b)(3) **A. Yes**

**Q. During the rehearsal was there any information put out about the ROE for Operation Iron Triangle?**

(b)(6), (b)(3) **A. Yes the information pertaining to the ROE that directly affected our Company was the enemy situation on Objective Murray. During the Briefing that was given by the 3-320<sup>th</sup> S-3 Maj. (b)(3), (b)(6) the 3-320<sup>th</sup> S-2 I do not recall his name, the Commander for 3-320<sup>th</sup> LTC (b)(3), (b)(6) and our Brigade COMMANDER COL (b)(3), (b)(6) It was explained to everyone there that the island had 20 to 30 Al Qaeda fighters on it. That they had been Identified by informants, and other Intelligence assets, and that the enemy personnel on the Island were to be killed or captured. We were also told to expect to take fire coming into our Landing Zones, and expect to be under heavy enemy fire when we came off the Aircraft. We had also been briefed on the prior raids and contacts by TF 145 one which our Company had supported about a month prior to Iron Triangle which they had several wounded and one Operator Killed in Action during the operation. COL (b)(3), (b)(6) told us that all the enemy personnel were to be killed and anyone trying to escape off the island was to be considered a threat and to be engaged as well. He talked about (b)(6), (b)(3)**

**INITIALS OF PERSON MAKING STATEMENT** (b)(6), (b)(3)

**PAGE 1 OF 6 PAGES**

**DA FORM 2823 (Computer Generated)**

**EXHIBIT** \_\_\_\_\_

**STATEMENT OF 1SG** (b)(6), (b)(3) (b)(6) **TAKEN AT BUILDING 718 (CID OFFICE), FOB SPEICHER, TIKRIT, IRAQ, DATED 17 June, 2006, CONTINUED.**

the area off the island. COL (b)(3), (b)(6) said we did not have Positive Identification of the enemy off of the island so do not engage them like the personnel on the island. COL (b)(3), (b)(6) said he did not want us just running around shooting at anything and everything. COL (b)(3), (b)(6) made it perfectly clear about the enemy situation on the Island and off of the Island. Also we were told at the briefing that as we were flying in there would be a MLRS strike on our Objective, followed by AH-64 firing hellfire missiles, and other types of ordnance, and the door gunners would be providing suppressive fire into the buildings as we were landing into our Landing Zones.

**Q. If so, who briefed the ROE?**

(b)(6), (b)(3) **A. The enemy situation was briefed by the 3-320<sup>th</sup> s-2, the 3-320<sup>th</sup> S-3 Maj** (b)(6), (b)(3) **LTC** (b)(6), (b)(3) **COL** (b)(3), (b)(6) **and to our Company CPT** (b)(6), (b)(3) **asked our Company if they understood or had any questions.**

**Q. What specific guidance was given about the mission ROE?**

(b)(6), (b)(3) **A. The only thing specific or different about this missions ROE was that the entire Island we were air assaulting into was identified as a hostile force and all members of Al Qaeda in Iraq.**

**Q. COL** (b)(3), (b)(6) **testified that he spoke to you one-on-one after the mission rehearsal. Do you recall the conversation you had with him?**

(b)(6), (b)(3) **A. Yes**

**Q. What did you discuss?**

(b)(6), (b)(3) **A. We discussed some of the operations our company had been on in the last week. How my Soldiers were doing which is always one of the first things Col** (b)(3), (b)(6) **asks when he comes and visits the Company. I told him about some of the guys who had been in contact with the enemy and he said he would like to see them later. That is about all I can remember.**

**Q. Did you discuss the next morning's mission?**

(b)(6), (b)(3) **A. All we discussed about the next morning mission to Co** (b)(3), (b)(6) **s that the guys were doing well and ready for the mission. He replied that he knew they would be ready.**

**Q. Did you discuss ROE?**

(b)(6), (b)(3) **No I did not. I understood the ROE and that on the Island we would be facing 20 to 30 foreign fighters so I did not have any questions about this.**

**Q. Were you aware that instead of giving unit coins to deserving Soldiers, COL** (b)(3), (b)(6) **would give knives?**

(b)(6), (b)(3) **A. Yes**

**Q. Did COL** (b)(3), (b)(6) **present knives to any of your Soldiers that night?**

(b)(6), (b)(3) **A. Yes he gave a few knives out.**

**Q. Which Soldiers received a knife from COL** (b)(3), (b)(6) **and what did they do to deserve the Brigade Commander's recognition and praise?**

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
DA FORM 2823 (Computer Generated)

PAGE 2 OF 6 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

15-6 Ex 32

**STATEMENT OF 1SG [REDACTED] (b)(3), (b)(6) TAKEN AT BUILDING 718  
(CID OFFICE), FOB SPEICHER, TIKRIT, IRAQ, DATED 17 June, 2006, CONTINUED.**

(b)(6), (b)(3) **A. SPC [REDACTED] (b)(3), (b)(6) received a knife for killing a member of a kidnapping cell in Samarra, SSG [REDACTED] (b)(6), (b)(3) got a knife for his actions during a raid inside the city of Samarra when he engaged and killed a financier for some of the terrorist cells in the city, and a knife to CPL [REDACTED] (b)(6), (b)(3) for engaging the driver of an SVBIED that attacked the outpost he was manning with his squad, while they were manning Combat Outpost #1 they were attacked by a small element with PKC Machine guns and other small arms, after they initiated with the small arms CPL [REDACTED] (b)(6), (b)(3) squad returned fire when they were doing this from the other direction a SVBIED approached at a high rate of speed trying to gain entrance to the outpost as the vehicle came up CPL [REDACTED] (b)(6), (b)(3) engaged the vehicle hitting the driver and causing the vehicle to prematurely detonate before it made its way inside the perimeter. This action by CPL [REDACTED] (b)(6), (b)(3) saved lives that day. I believe those were the only Soldiers he gave knives to but I am not 100% sure. There might have been one more but I cannot recall.**

**Q. Who was in the area when the Soldiers received their knives?**

(b)(6), (b)(3) **A. COL [REDACTED] (b)(3), (b)(6) gave the knives to the Soldiers after most of the Soldiers went back to finish up mission preparations, from what I remember there was the Soldiers he gave the knives to, a few members from their platoon, CPT [REDACTED] (b)(6), (b)(3) myself, and everyone else was moving back to their areas to finish up with mission prep.**

**Q. Was there a unit formation?**

(b)(6), (b)(3) **A. I remember getting them all together and COL [REDACTED] (b)(3), (b)(6) saying he did not want anything formal that he just wanted to see the boys by walking around and talking to them.**

**Q. Did COL [REDACTED] (b)(3), (b)(6) discuss the next morning's mission in general, or the ROE in particular, when he presented the knives?**

(b)(6), (b)(3) **A. No he did not discuss the next day's mission or the ROE.**

**Q. Soldiers in your company report that there was a new ROE for the mission. They state that the Brigade Commander personally issued the order to, "kill all MAM on OBJ Murray." Do you have the same understanding of the ROE? If so, did you have any misgivings about getting a "new ROE" for this mission?**

(b)(6), (b)(3) **A. I believe there was a mistake when this part of the ROE was put out a few weeks prior to Iron Triangle. It was put out by our battalion that there was a NEW ROE out but later we found out after the mission that the ROE was not new and what others were calling the NEW ROE was just another part of the ROE that was not being used to conduct operations. They passed a hand out clarifying excerpts of the ROE to the Company Commanders I think by the Battalion Commander. I did not see this myself. So this had come out a few weeks before Iron Triangle. My understating of the ROE was that on the Island the people there were confirmed members of AL Qaeda in Iraq, that this was confirmed by numerous means of intelligence assets, the information was vetted by both Commanders LTC [REDACTED] (b)(6), (b)(3) and COL [REDACTED] (b)(3), (b)(6) and the information they had [REDACTED] (b)(6), (b)(3)**

INITIALS OF PERSON  
MAKING STATEMENT [REDACTED] (b)(6), (b)(3)  
DA FORM 2823 (Computer Generated)

PAGE 3 OF 6 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

**STATEMENT OF 1SG [REDACTED] (b)(6), (b)(3) TAKEN AT BUILDING 718  
(CID OFFICE), FOB SPEICHER, TIKRIT, IRAQ, DATED 17 June, 2006, CONTINUED.**

gave them the information they needed to make the personnel on the Island a legitimate military target. I understood this part clearly. I also understood the laws of land warfare and that if the enemy was to surrender or shown intent to surrender that we would capture them and safeguard them. If they were wounded we would provide the same aid to the enemy as we would to our Soldiers or to any other civilians. This has been done in the past by our Company and our Soldiers knew this as well. My feeling is that if the person is a member of a terrorist organization and we have that information and we are sure of it, the individual is a threat until he is actively surrendering or detained. As far as my knowledge COL (b)(3), (b)(6) never addressed my Company directly to kill all males on the Objective. Yes we were to kill or capture in accordance with the ROE but that is what was put out at the Rehearsal. I do not have any misgivings about this part of the ROE and like I said I had no reason at the time to doubt any of the intelligence that was driving this operation or about the enemy situation on Objective Murray.

**Q. CPT (b)(6), (b)(3) testified that the "new ROE" had been discussed over a period of time and was not just announced for the first time at the mission rehearsal. Were you aware of this?**

**(b)(6), (b)(3) A. Yes like I said this was put out to our unit a few weeks before Operation Iron Triangle. And after Iron Triangle we had printed out the full ROE. CPT (b)(6), (b)(3) did this and he had determined that the ROE had not changed and had always been like this.**

**Q. Did you participate in the mission planning to include tailoring the ROE for the mission?**

**(b)(6), (b)(3) A. Yes I participated in the mission planning, I had decided to go with a squad from our 3<sup>rd</sup> platoon and after the initial assault I would set up our Company CCP and the Company CP on Objective Murray. I did not have anything to do with any tailoring of the ROE. That is not my job the ROE is in black and white and it is our duty as Soldiers to obey the ROE and the laws of war. I had reason to doubt any of the intelligence that was given to us prior to the mission at the rehearsal. I trusted that all the correct decisions to do this mission had been made.**

**Q. Was this the first time that you have operated under a ROE that included a declared hostile force? If not, please list when and where you operated under a ROE that allowed you to shoot without first having witnessed hostile act or hostile intent.**

**(b)(6), (b)(3) A. No the first time we had operated on this type of kill or capture was on an Operation inside the city of Samarra it was about a week before Iron Triangle. I do not remember the name of the Operation. This is when SSG (b)(6), (b)(3) killed a terror cell financier during a raid to kill or capture him. During the raid we had killed this man and captured from what I remember 7 others. The Soldiers understood that when the enemy displays his intent to surrender that they are to capture the individual then follow the 5's when (b)(6), (b)(3)**

INITIALS OF PERSON  
MAKING STATEMENT [REDACTED] (b)(3), (b)(6)  
DA FORM 2823 (Computer Generated)

PAGE 4 OF 6 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

**STATEMENT OF 1SG [redacted] (b)(6), (b)(3) TAKEN AT BUILDING 718 (CID OFFICE), FOB SPEICHER, TIKRIT, IRAQ, DATED 17 June, 2006, CONTINUED.**

dealing with enemy combatants they are search, silence, speed, segregate, and safeguard.

Q. Since Operation Iron Triangle has your unit participated in any other missions where the ROE included a designation of a hostile force? In other words, have you had any other ROE that allowed your Soldiers to shoot on sight?

(b)(6), (b)(3) A. Yes we had one more operation to kill or capture members of Al Qaeda after Operation Iron Triangle. CPT [redacted] (b)(6), (b)(3) did a week worth of planning, sorting and collecting intelligence through various sources. It was a very deliberate process and after all the information was obtained CPT [redacted] (b)(6), (b)(3) sent up his plan which was approved by our battalion to execute. The plan had targeted 7 members of Al Qaeda in Iraq. The mission went well but one civilian had been killed, a young girl I think she was seven years old, it was a tragedy. The rest of the Operation went well we killed 4 cell members, captured 2, one of them being the cell leader, and one got away.

Q. Do you have anything to add to this statement? (b)(6), (b)(3)

(b)(6), (b)(3) A. NO ///END OF STATEMENT/// (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT [redacted] (b)(6), (b)(3)  
DA FORM 2823 (Computer Generated)

PAGE 5 OF 6 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

**STATEMENT OF 1SG** [redacted] **TAKEN AT BUILDING 718 (CID OFFICE), FOB SPEICHER, TIKRIT, IRAQ, DATED 17 June, 2006, CONTINUED.**

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

[redacted]  
**(Signature of Person Making Statement)**

**Subscribed and sworn to before me, a person authorized by law to administer oaths, this Saturday, June 17, 2006, at Building 718 FOB Speicher, Tikrit, Iraq, APO AE 09393**

[redacted]  
**(Signature of Person Administering Oath)**

**Special Agent** [redacted]  
**(Typed Name of Person Administering Oath)**  
Article 136 (b) (4) UCMJ  
**(Authority to Administer Oath)**

\_\_\_\_\_  
\_\_\_\_\_  
**Witness**  
\_\_\_\_\_  
\_\_\_\_\_

**INITIALS OF PERSON MAKING STATEMENT** [redacted]  
DA FORM 2823 (Computer Generated)

**PAGE 6 OF 6 PAGES**  
**EXHIBIT** \_\_\_\_\_

**TAB H**

1 of 2

### SWORN STATEMENT

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

LOCATION FOB Remagen, Tikrit, IZ	DATE (b)(6), (b)(3) 22 May 2006	TIME (b)(6), (b)(3) 1640	FILE NUMBER 0086-06-C1D469-75447
LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3)	SOCIAL SECURITY NUMBER (b)(6)	GRADE/STATUS E-2/AD	
ORGANIZATION OR ADDRESS HHB, 3-320 FA, FOB Remagen, Tikrit, IZ APO AE 09393			

I, (b)(6), (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

On May 10 my unit and I left FOB Remagen to participate in Operation Iron Triangle. We drove about one and half hours south of our FOB on MSR Tampa. We turned left onto a dirt road and drove for about another 20 minutes on a paved road next to a lake. We then made a left down a big dirt mound into an open area in the middle of the desert. We set up a TAK in an old abandoned cement building and our medical platoon set up a jump Aid Station. The operation was suppose to last 3 days. The first day we received about 100 detainees. Throughout the night we had to take care of the numerous medical problems all the detainees had due to how old and unhealthy they were. We were told they were to bring in any male of military age within the vicinity. On the second day a Black Hawk landed and one of the crew threw out a couple of bodies wrapped in white body bags. First Sergeant (b)(6), (b)(3) came over to us to say we needed to do something with the bodies. My fellow medic SFC (b)(6), (b)(3) and I went up to the bodies to help move them from the flight line. About 10 people were standing around the bodies looking at them. I noticed that they were all blind folded with their hands zip tied behind their backs. I also noticed one Iraqi male had 2 gun shot wounds on his chest and one to his head. As we were deciding what to do with the bodies another Black Hawk landed and it had Colonel (b)(3), (b)(6) and his PSD team on it. Colonel (b)(3), (b)(6) came over to the bodies and picked one up by the head and then dropped it. Then that one of his PSD soldiers took with a digital camera. Colonel (b)(3), (b)(6) then got out a gerber and cut off one of the blind folds around the dead man's head and he cut off the zip ties too. Two direct quotes I do remember Colonel (b)(3), (b)(6) saying at about that very moment where Colonel (b)(3), (b)(6) put his boot on one of the dead Iraqi's head and posed for a picture "I guess we'll have to say these guys tried to escape" in a sarcastic tone. He also went on to say "Good job but we need more bodies." After they left the bodies CSM (b)(6), (b)(3) decided we should throw the bodies in a hole about 100 meters outside of our base camp because they were starting to smell in the heat. I did not help dispose of the bodies because 4 soldiers had already jumped on a litter and threw the bodies on there to dispose of them. Later on that day a Black Hawk brought more bodies for us to dispose of bringing the total to six. The new bodies were also brought in the same way, blind folded and zippered tied. Colonel (b)(3), (b)(6) had left by this point. When I was listening to the radio right after they dropped off the second batch of bodies I heard our Battalion Commander on the radio telling "Chopper 6" that if he heard anymore about "people" and "dogs" being shot he would "have his balls". I later was screening detainees in our make-shift jail out in the field when I got into an argument with a Specialist from the Charlie Company of 187. I don't know his exact name because we had never worked with this infantry company before but he was a white male. I wanted to know why they had shot the detainees when they were zippered tied. Our conversation was interrupted by a Staff Sergeant wearing small framed glasses from the same unit who said "you better shut the hell up and just worry about what you're doing." A TH team on the site had an African American female E-6 who advised me to just let the whole situation go and that our S-2 would find out what happened to detainees. On our final day of the mission the same Staff Sergeant who had told me to shut up when I asked about the detainees being shot, came up to me and told me to leave my weapon and come with him. He told me to sit in the back of the garbage truck while his soldier and an Iraqi Army soldier drove me to the burn pit to throw garbage in. They drove really fast out to the burn pit hitting every bump like they were trying to get me to fall off. Then when we got there they turned to truck around really fast before I got off and threw it in reverse and backed up at a high rate of speed up until the fire pit and then slammed on the brakes to which point I fell forward into the burn pit. I was not at all injured but I did go up and open the truck door and yell at the driver for doing that. The Iraqi soldier was the one who was driving. I found this situation to be strange at the time but no longer do I feel I am in danger from these people what so ever. I'm not sure if it was just a coincidence or not but no one has ever said anything about the incident out in the field since.

Q. (b)(6), (b)(3)

A. (b)(6), (b)(3)

Q. Did you (b)(6), (b)(3) this statement?

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM

STATEMENT OF (b)(6), (b)(3) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED

A: Yes

Q: What is a TAK?

A: It was the name of our base in the field.

Q: Do you know what city/village you were in or near?

A: I don't know at this time but I will research it.

Q: What units were at that location?

A: All of 3/320<sup>th</sup> FA, Charlie Company of 187<sup>th</sup> INF Rakkasan, some 4<sup>th</sup> ID and some THT teams. There may have been other units out there too but I can't name them at this time.

Q: Was the Iraqi Army there?

A: Yes.

Q: Were there any translators there?

A: Yes their names were (b)(6) and (b)(6) from FOB Remagen they are local nationals.

Q: Do you remember anything specific about the area you were in; any landmarks or signs?

A: To the left of our location there was a lake and that's the only thing that stands out.

Q: Were any of the first 100 detainees you mentioned, abused or killed?

A: None were killed, one detainee had black and blue marks all over his neck and back which he said was done by the Iraqi Army soldiers who detained him.

Q: What time did the Black Hawk arrive on the second day?

A: About 1400.

Q: How many body bags were thrown out?

A: Four.

Q: Describe what each body looked like?

A: I only saw two bodies out of the body bags; one had two gun shot wounds to the chest and one to the head the other body just had brain matter coming out of the head and I could see no approximate gun shot wounds. Both bodies were in male dresses and both bodies were blind folded with white construction tape and zippered tied with black zip tie hand cuffs.

Q: Where were the detainees in relation to the four dead bodies in the body bags?

A: They were in a round pen made with barbed wire about 50 meters from the flight line where the bodies were dropped off.

Q: Who is 1SG (b)(6), (b)(3)?

A: The HHB 3/320<sup>th</sup> 1SG.

Q: Who were the 10 people standing around the bodies?

A: They were soldiers, some were Colonel (b)(3), (b)(6) PSD. Everyone was wearing Kevlar, eye protection, and ACUs. They were all male and I do not know any of their ranks.

Q: Who is SPC (b)(6), (b)(3)?

A: A medic in my platoon that went up to the bodies with me the first time.

Q: Do you know why the flight crew dropped off the bodies there?

A: I'm not sure.

Q: Do you know why, how, or who killed the men?

A: I heard from various people out in the field that Charlie Company 187 killed them. It also came over the radio that "Chopper" had some KIAs of Iraqi origin.

Q: Do you know or heard why they are dead with blindfolds and hands zip tied behind their backs?

A: No, that's why I was asking people in the unit what happened and why they were killed while detained.

Q: Who else besides the E-4 you mentioned previously, did you inquire about the death of the detainees?

A: I asked PFC (b)(6), (b)(3) from 3/320<sup>th</sup> FA S-2 and she said she didn't know either.

Q: What was the E-4's response when you inquired about the bodies?

A: He just laughed and said they tried to escape I don't remember exactly what he said word for word.

Q: Who else do you know was at that location?

A: SGT (b)(6), (b)(3) from HHB 3/320<sup>th</sup> FA, PFC (b)(6), (b)(3) from HHB 3/320<sup>th</sup> FA, SFC (b)(6), (b)(3) from HHB 3/320<sup>th</sup> FA, 1LT (b)(6), (b)(3) HHB 3/320<sup>th</sup> FA.

Q: What time did the second Black Hawk arrive?

A: About the same time as the first one.

Q: Were there any dead bodies on the Black Hawk?

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(3)

PAGE 2 OF 5 PAGES

STATEMENT OF (b)(6) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED

A: No.

Q: Who came out of the Black hawk?

A: Colonel (b)(3), (b)(6) and 5 soldiers were with him I do not know any of their ranks or names they were all men wearing Kevlar, sunglasses, and ACUs.

Q: How do you COL (b)(3), (b)(6) was the Soldier who got off the Black Hawk?

A: Because I know what he looks like because I met him prior to the deployment and I saw his full bird colonel rank on his ACUs and his name tape said (b)(3), (b)(6) He was not wearing a flack vest or Kevlar like everyone else so it was easy to see his name tape. He was just wearing ACUs and a soft cap and smoking a cigar. He didn't have a weapon either

Q: Describe Col (b)(3), (b)(6)

A: Tall white male who is husky and he has gray hair.

Q: Can you describe his protective detail that was with him?

A: They were just 5 male soldiers I do not recall names or rank.

Q: Describe the soldiers who took pictures of COL (b)(3), (b)(6) with his foot on the dead body?

A: It was one of the male soldiers in his PSD team.

Q: How many pictures did he take?

A: Two or three.

Q: Did anyone else take pictures of COL (b)(3), (b)(6) or the bodies?

A: I am not sure.

Q: Where were you in relation to COL (b)(3), (b)(6) when he was taking the pictures?

A: I was standing to his left a little bit behind him about 5 meters.

Q: Who else was around that witnessed this?

A: The only person I could say for sure is Specialist (b)(6), (b)(3)

Q: Who was COL (b)(3), (b)(6) talking to when he made the comments about "I guess we'll have to say these guys tried to escape" and "Good job but we need more bodies?"

A: I don't know exactly who he was talking to there were a lot of soldiers around.

Q: How long did COL (b)(3), (b)(6) stay?

A: About 45 minutes.

Q: Did you see anyone else cut the zip ties and or blind folds off the other bodies?

A: No.

Q: Who is CSM (b)(6), (b)(3)?

A: The command sergeant major for 3/320<sup>th</sup> FA.

Q: Have you seen the hole that the four dead bodies were taken to?

A: No.

Q: Do you know anything about the hole? Was it man made or natural? What was the hole used for?

A: I only know that I heard someone say that CSM (b)(6), (b)(3) wants to take the bodies to a hole which was natural and I don't know what the hole was normally used for.

Q: Who were the four Soldiers who jumped on a litter?

A: I do not know their exact names or rank.

Q: What time did the third Black Hawk arrive?

A: About 2 hours after the second one.

Q: How many dead bodies were dropped off?

A: Two.

Q: Describe each one?

A: I did not get close enough to see these bodies I just heard from someone that they were also blind folded and zip tied again.

Q: Who was that someone you heard it from?

A: I don't remember who said it.

Q: Did they describe the bodies too you; if they had any gun shot wounds, amputations, or other wounds?

A: No I just remember hearing that more bodies came in.

Q: Who is your Battalion Commander?

A: Lt Colonel (b)(6), (b)(3)

Q: Who is Chopper 8?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

PAGE 3 OF 5 PAGES

STATEMENT OF (b)(6), (b)(3) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED

A: The commander of Charlie Company of the 187 INF.

Q: What Battalion?

A: I don't know.

Q: Describe the E-6 who told you shut up, in more detail?

A: He was a skinny white male about 5 foot 10 inches tall. He had small black wire framed glasses. He was had a lot of gear on his flack vest why more than most soldiers. He had a spray painted scope on his M4 as well.

Q: Describe the Black female soldier from the THT?

A: She was about 5 foot 4 inches tall. She had her hair in a pony tail. Her hair was short. She did not have a name tape on and she was wearing the old DCUs.

Q: Why do you think the E-6 picked you to take the trash to the burn pit?

A: Because I probably had gotten him mad for arguing with him the day before and he wanted to punish me by having to take the garbage out.

Q: Why do you think he told you to leave your weapon?

A: So I wouldn't lose it while throwing the garbage out.

Q: Have you ever been told or heard of anyone not having their weapon with them during operations outside the "wire."

A: No.

Q: Did you question him when he told you to leave your weapon?

A: No.

Q: Did you feel safe without your weapon?

A: No.

Q: Why didn't you question him?

A: I didn't think about it at the time I was just following orders and our base camp was pretty far from any visible towns or villages so it was fairly safe.

Q: Would you follow any order that could potential put your life in unnecessary danger or preventable danger?

A: No.

Q: Describe the route you took to the burn pit in relation to the base camp?

A: We drove about half a click west of the base camp to a giant dirt mound where the burn pit was on the other side.

Q: Describe the Iraqi soldier who drove to the burn pit?

A: He was about 5 foot 6 inches with a mustache and really dark black hair. He had very bad teeth and they were always showing. He was wearing old American DCUs. The other soldier was wearing ACUs a Kevlar and he had a sniper rifle. He had very long hair on the top of his head but it was completely shaved on the side and had blonde streaks in his hair.

Q: Do you feel that you are in any danger?

A: No.

Q: In your email to SFC (b)(6), (b)(3) you made it seem as though you were. Is that false?

A: At the time I was concerned about what happened but right after I sent the email to SFC (b)(6), (b)(3) immediately wrote him another one telling him that I thought about the situation and feel as though I really wasn't in any danger and this situation is not connected to the incident with the detainees.

Q: Do you suspect the detainees were killed after they were detained?

A: Yes.

Q: Why didn't you report this to your chain command?

A: Because they were there and saw the same things I did so I figured they would handle it.

Q: Why didn't you report it to the MPs or CID?

A: I was never informed on the proper way to report such incidents and also there were rumors that CID was going to investigate.

Q: Who did you hear that from?

A: I don't remember exactly who but the Battalion XO (Major (b)(6), (b)(3)) came by the Aid Station the day after and asked if anyone had any picture from the field because he needed to take them but he did not specify about the detainees.

Q: Did you witness any detainees get abused or killed?

A: No.

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

A: No just that my name is never brought up to any other witnesses.

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

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(3)

STATEMENT OF (b)(6), (b)(3) TAKEN AT FOB Remagen, Tikrit, IZ DATED 22 May 2006 CONTINUED:

STATEMENT (Continued)

A No End of Statement (b)(6), (b)(3)

**AFFIDAVIT**

I, (b)(6), (b)(3), 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.

WITNESSES.

(b)(6), (b)(3)  
ment)  
authorized by law  
to administer oaths, this 22ND day of May, 2006

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

SA (b)(6), (b)(3)  
(Typed Name of Person Administering Oath)

Art 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF (b)(6), (b)(3) MAKING STATEMENT

# TAB I

**SWORN STATEMENT**

FILE NUMBER : - -CID025-  
LOCATION : Building 406 Pershing Court, Fort Riley, KS 66442  
DATE : 16 May 06 (b)(6), (b)(3) TIME: 11:05 (b)(6), (b)(3)  
NAME : (b)(6), (b)(3)  
SSAN : (b)(6) Grade/Status: SFC  
ORG/ADDRESS : HHT 2/4 CAV, Fort Riley.

I, (b)(6), (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
Over this past weekend, 13-14 May 06, I received an email from a soldier that I recruited almost two years ago. I do receive email from him from time to time but hadn't heard from him in about 4-5 months. In his first email I received 13 May 06, he asked me for some advise on a situation that he didn't think was appropriate to explain on the email system. I replied that I would be glad to help as a leader and a friend. So I sent him my cell phone number and waited on his call. He never called but I did receive another email from him later that night explaining the situation. His mail explained an operation that picked up over 300 Iraqi detainee's. The email explained that during the processing of the detainee's 4 of the blind folded and zipped tied detainee's where shot by US soldiers. PFC (b)(6), (b)(3) then says that he was told to cut off the zip ties and blind folds and if asked to say that the detainee's where trying to escape. PFC (b)(6), (b)(3) goes on in his email to say that he approached the PSG of the element. After telling him that it didn't sit well with him he was told to go on a trash mission outside the AO without his weapon. He tells that he fears the PSG is trying to scare him or possibly kill him because of the information he has. I did not respond to that email at that time. On 15 May 06, I received another e-Mail from him, in this e-Mail he said that the Battalion XO and CID had already been by to investigate, but he was never asked any questions. He also made a statement that put the BDE CDR COL (b)(3), (b)(6) at the scene of the alleged shooting.

Q: (b)(6), (b)(3)  
A: (b)(6), (b)(3)

Q: What is the full name of the soldier you have been corresponding with?

A: PFC (b)(6), (b)(3)

Q: What is (b)(6), (b)(3) unit?

A: RAKKASANS 187, 101<sup>ST</sup> ABN DIV, Fort Campbell, KY, (Deployed).

Q: Do you know where (b)(6), (b)(3) is deployed to at this time?

A: Just that he is in Iraq, he said he was near a border, but I do not know which one.

Q: When were you a recruiter and where?

A: From 2002 to 2005, in Stroudsburg, PA.

Q: How often have you correspond with (b)(6), (b)(3)

A: About every four or five months, just when he e-Mails me, I do not e-Mail him first.

Q: What is your relationship with (b)(6), (b)(3)

A: Just as his recruiter and someone he corresponds with from time to time.

Q: Do you have any further information regarding the incident in IRAQ?

A: No.

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

A: No.//END OF STATEMENT//

INITIALS OF PERSON MAKING STATEMENT: (b)(6), (b)(3)

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LAW ENFORCEMENT SENSITIVE**

EXHIBIT \_\_\_\_\_

"Statement of: (b)(6), (b)(3)

File Number:

Taken At: Fort Riley, KS 66442 Dated: 16 May 06 Continued: (b)(6), (b)(3)

**AFFIDAVIT**

I, (b)(6), (b)(3) HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTOOD THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL

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

*(Signature of Person Making Statement)*

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ORGANIZATION AND ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of May, 2006

at

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

*(Signature of Person Administering Oath)*

SA

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

*(Typed Name of Person Administering Oath)*

**ART 136 UCMJ or 5 USC 303**

*(Authority to Administer Oath)*

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

Page 2 of 2

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~~LAW ENFORCEMENT SENSITIVE~~

EXHIBIT \_\_\_\_\_

Date: Saturday, May 13, 2006 4:34 am

Subject: Re: hey this is PFC (b)(6), (b)(3)

> Shithead!!  
> Whats up? Sure you can call me for advice. My number is (b)(6)  
> (b)(6) How are things? My brother was just home for a couple  
> weeks. He went back on the 10th. Give me a yell. Oh, by the  
> way...be careful what you ask for...CPL Recruiting...you want  
> another sticky situation...that is it my brother. Talk to you later.  
>  
> SFC (b)(6), (b)(3)

---

----- Original Message -----

From (b)(6) @us.army.mil  
Date Sat, 13 May 2006 02:16:02 +0300  
To (b)(6) @us.army.mil  
Subject hey this is PFC (b)(6), (b)(3)

Hey Sergeant I need your advise for another fishy situation. let me know if there is a phone # I can call you at cuz this isnt easily explained in an email. This is very important so if you have time please let me know. Thank you very much again for risking your neck to get me in the army. I am going on the corporal recruiting program when i leave Iraq in August. It should be fun with Sergeant (b)(6), (b)(3) Anything advice you can give me will be helpful.

Forever Grateful

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

From: [REDACTED] (b)(6) @us.army.mil >  
 Sent: Monday, May 15, 2006 2:42 pm  
 To: [REDACTED] (b)(6) @us.army.mil  
 Cc:  
 Bcc:  
 Subject: Re: hey this is PFC [REDACTED] (b)(6), (b)(3)

---

PFC [REDACTED] (b)(6), (b)(3)

Hey, check it out. This is beyond serious bussiness. I am telling you as aleader and a friend, you need to keep this on wraps until the investigation is in full swing. What I am telling you is keep your mouth shut and be very careful who you talk to. When CID does come around make sure you use your right to remain silent until you see an attorney. SEE AN ATTORNEY FIRST PFC [REDACTED] (b)(6), (b)(3) In the mean time remain safe, don't do anything that puts you or others in un-needed harms way. I am working on something here too...I'll let you know as soon as I do.

SFC [REDACTED] (b)(6), (b)(3)

---

SFC [REDACTED] (b)(6), (b)(3)

**Hey Im doing fine over here up until a couple days ago. We went on a 3 day mission into the desert to fight some Insurgents camped along the border. Well we ended up taking like 300 detainees. There were only like 50 of us so it was a pain in the ass screening them and feeding them and shit. Well a couple of guys shot 4 of them and killed them while they were blind folded and zip tied. They told me to cut the zip ties and shit off and say they tried to fight them and escape. CID is coming to investigate and this isnt sitting well on my consienca. This is the second time something like this happend with this same Infantry company (Rakkasans 187). After I said that this was unacceptable to the one PSG he told me later on that day to take the garbage from our camp out to a burn pit 1 mile out into the desert with all Iraqis. He told me to leave my weapon I wouldnt need it. Then when we got there the Iraqis drove me right into the fire pit. I dont know if hes trying to scare me o r kill me. I m stuck with these knuckle heads for about another month so I dont know what to do.**

[REDACTED] (b)(6), (b)(3)

----- Original Message -----

From: [REDACTED] (b)(6) @us.army.mil

From (b)(6) @us.army.mil  
Sent Monday, May 15, 2006 3:02 pm  
To (b)(6) @us.army.mil  
Cc  
Bcc  
Subject SFC (b)(6), (b)(3)

---

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

Yeah the Battalion XO and CID came by and did their investigation but they didnt even ask me any questions. They only confiscated pictures from everyone. I find it funny cause one picture is of our brigade colonel, Col (b)(3), (b)(6) with his foot on one of the detainees heads. Anyway hes the one that cut the zip ties off and blind folds. I m gonna take your advise and just shut up and not say anything. I was just overwhelmed from what I saw when it first happened I guess. If they do ask me questions I will get an attorney like you said. Thank you if anything else comes up I ll let you know.

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

---

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

Hey Im doing fine over here up until a couple days ago. We went on a 3 day mission into the desert to fight some insurgents camped along the border. Well we ended up taking like 300 detainees. There were only like 50 of us so it was a pain in the ass screening them and feeding them and shit. Well a couple of guys shot 4 of them and killed them while they were blind folded and zip tied. They told me to cut the zip ties and shit off and say they tried to fight them and escape. CID is coming to investigate and this isnt sitting well on my conscience. This is the second time something like this happend with this same Infantry company (Rakkasans 187). After I said that this was unacceptable to the one PSG he told me later on that day to take the garbage from our camp out to a burn pit 1 mile out into the desert with all Iraqis. He told me to leave my weapon I wouldnt need it. Then when we got there the Iraqis drove me right into the fire pit. I dont know if hes trying to scare me o r kill me. I m stuck with these knuckle heads for about another month so I dont know what to do.

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

**TAB J**

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DATE: 07 AUG 2006  
FROM: SAC, 31 MP DET (CID) (-), CONTINGENCY OPERATING BASE (COB)  
SPEICHER, TIKRIT, IRAQ, APO AE 09393  
TO: DIR USACRC FT BELVOIR VA //CICR-ZA//  
CG USACIDC FT BELVOIR VA //CIOP-ZA//  
CDR 3D MP GRP USACIDC FT GILLEM GA  
CDR, 10 MP BN (CID), CAMP VICTORY, BAGHDAD, IZ //OPS//  
CDR, 31 MP DET (CID), LSA ANACONDA, BALAD, IZ  
SUBJECT: CID REPORT OF INVESTIGATION - 8TH STATUS/SSI -  
0086-2006-CID469-75447 - 5H1P / 5M3A / 5X5 / 5H3A / 5X1 / 5Y2B7 /  
5Y2B9 / 5Y2D2  
DRAFTER:   
RELEASER:

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 09 MAY 2006, 0600 - 09 MAY 2006, 1200; ISLAND, NEAR ASR GOLDEN, MGRS  
38S LC 8680 4450, SW OF BALAD, IRAQ

2. 10 MAY 2006, 0001 - 31 JUL 2006, 2359; VARIOUS LOCATIONS IN AND  
AROUND, SAMARA AND TIKRIT, IRAQ

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2. DATE/TIME REPORTED: 17 MAY 2006, 1345

3. INVESTIGATED BY:

SA  
SA

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

4. SUBJECT:

1. [ADD] (b)(3), (b)(6) COL; (b)(6)

JACKSONVILLE, FLORIDA; MALE; WHITE; HHC, 3RD BCT, 101ST ABN DIV (AASLT), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393, HOME STATION, FORT CAMPBELL, KY, IZ; CT ; [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [DERELICTION OF DUTY]

2. (b)(6), (b)(3) SPC; (b)(6); (b)(6)

MILLINGTON, TENNESSEE; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

3. (b)(6), (b)(3) PFC; (b)(6) (b)(6)

NORTH CHARLESTON, SOUTH CAROLINA; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT], [OBSTRUCTION OF JUSTICE], [CONSPIRACY]

4. (b)(6), (b)(3) SSG; (b)(6) (b)(6) SPRINGFIELD,

MASSACHUSETTS; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT],

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[OBSTRUCTION OF JUSTICE], [INVOLUNTARY MANSLAUGHTER], [CONSPIRACY],  
[FAIL TO OBEY GENERAL ORDER]

5. [ (b)(6), (b)(3) ]; SPC; [ (b)(6) ] [ (b)(6) ] BUFFALO, NEW YORK; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MURDER], [MAKING A FALSE STATEMENT]

6. [ (b)(6), (b)(3) ]; SGT; [ (b)(6) ] [ (b)(6) ] CHICAGO, ILLINOIS; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

7. [ (b)(6), (b)(3) ]; SGT; [ (b)(6) ] [ (b)(6) ] JACKSON, MISSISSIPPI; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

8. [ (b)(6), (b)(3) ]; SPC; [ (b)(6) ] [ (b)(6) ] FLORENCE, ALABAMA; MALE; WHITE; C CO, 3-187 INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD, MORA, SAMARA, IZ, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

9. [ (b)(6), (b)(3) ]; SGT; [ (b)(6) ] [ (b)(6) ] TUSKALOOSA, ALABAMA; MALE; BLACK; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

10. [ (b)(6), (b)(3) ]; PFC; [ (b)(6) ] [ (b)(6) ] NEW YORK, NEW YORK; MALE; ASIAN/PACIFIC ISLAND; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

11. [ (b)(6), (b)(3) ]; PFC; [ (b)(6) ] [ (b)(6) ] NORMAN, OKLAHOMA; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

12. [ (b)(6), (b)(3) ]; SPC; [ (b)(6) ] [ (b)(6) ] COLORADA SPRINGS, COLORADO; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV

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(AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION, FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

13. [REDACTED] (b)(6), (b)(3) PVT; [REDACTED] (b)(6) [REDACTED] (b)(6)  
POTTSVILLE, PENNSYLVANIA; MALE; WHITE; HHB, 3-320TH FA, 3RD BCT, 101ST ABN DIV (AASLT), FOB REMAGEN, TIKRIT, APO AE 09393, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

14. [REDACTED] (b)(6), (b)(3) SSG; [REDACTED] (b)(6) [REDACTED] (b)(6) STURGEON,  
WISCONSIN; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [DERELICTION OF DUTY]

15. [REDACTED] (b)(6), (b)(3) SGT; [REDACTED] (b)(6) [REDACTED] (b)(6) FLINT,  
MICHIGAN; MALE; WHITE; C CO, 3-187TH INF, 3RD BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [MAKING A FALSE STATEMENT]

16. [REDACTED] (b)(6), (b)(3) SPC; [REDACTED] (b)(6) [REDACTED] (b)(6)  
SEATTLE, WASHINGTON; MALE; WHITE; C CO, 3-187TH INF, 3 BCT, 101ST ABN DIV (AASLT), FOB BRASSFIELD-MORA, SAMARA, APO AE 09349, (HOME STATION: FORT CAMPBELL, KY), IZ; CT ; [OBSTRUCTION OF JUSTICE]

5. VICTIM:

1. HAMID GUMAR, NAHAD YASIM (DECEASED) ; CIV; 1 JAN 1991; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, NIHAD JASIM ; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

2. HAMID, ZYAD JASIM (DECEASED) ; CIV; 1 JAN 1992; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, ZIAD JASIM ; [MURDER]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

3. HAMID AL-JEMI, AKHMED FARHIM (DECEASED) ; CIV; 1 JAN 1988; IRAQ; MALE; WHITE; XZ ; AKA: HASSAN-KOMAR, FARHAN ; [MURDER]

4. KOMAR-ABDULLAH, JASIM HASSAN (DECEASED) ; CIV; IRAQ; 1 JAN 1935; IRAQ; MALE; WHITE; XZ ; [INVOLUNTARY MANSLAUGHTER]

5. U.S. GOVERNMENT; ; [MAKING A FALSE STATEMENT], [OBSTRUCTION

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OF JUSTICE], [CONSPIRACY], [FAIL TO OBEY GENERAL ORDER], [DERELICTION OF DUTY]

6. INVESTIGATIVE SUMMARY:

THE INFORMATION IN THIS REPORT IS BASED UPON AN ALLEGATION OR PRELIMINARY INVESTIGATION AND MAY BE CHANGED PRIOR TO THE COMPLETION OF THE INVESTIGATION.

THIS IS AN "OPERATION IRAQI FREEDOM" AND "DETAINEE ABUSE" INVESTIGATION.

DISTRIBUTION IS RESTRICTED TO CID CHANNELS.

CID AT FT RILEY, KS, WAS NOTIFIED BY A SOLDIER WHO WAS NOTIFIED BY ANOTHER SOLDIER THAT WHILE ON A MISSION WITH THE 187TH INFANTRY TWO SOLDIERS (NFI) SHOT AND KILLED 4 DETAINEES THAT WERE ZIP TIED AND BLINDFOLDED.

8TH STATUS: THIS REPORT ADDS COL (b)(3), (b)(6) AS A SUBJECT AND DOCUMENTS HIS DECLINATION TO BE INTERVIEWED AND OTHER INVESTIGATIVE ACTIVITY.

COL (b)(3), (b)(6) THE BRIGADE COMMANDER OF 3RD BCT, 101ST ABN DIV (AASLT), DECLARED SEVERAL BUILDINGS ON "OBJECTIVE MURRAY" AS "HOSTILE". THE LEGALITY OF THIS DETERMINATION AND OF HIS SUBSEQUENT VERBAL ORDERS TO SOLDIERS IS BEING REVIEWED. COL (b)(3), (b)(6) ORDERED A BRIGADE-LEVEL AR 15-6 INVESTIGATION INTO THE DEATHS OF THE DETAINEES.

COL (b)(3), (b)(6) ADMITTED IN HIS SWORN TESTIMONY TO THE IO ON 3 JUN 06 THAT HE PERSONALLY OBSERVED BLINDFOLDS ON DECEASED LOCAL NATIONALS WHO HAD BEEN REPORTED AS DETAINEES. COL (b)(3), (b)(6) WAS DERELICT IN HIS DUTY WHEN HE FAILED TO REPORT THE POSSIBLE MURDERS OF DETAINEES, A LAW OF ARMED CONFLICT (LOAC) VIOLATION, TO HIS HIGHER HQ. COL (b)(3), (b)(6) ADMITTED IN HIS SWORN TESTIMONY TO THE IO THAT HE WAS AWARE OF THE SECRETARY OF DEFENSE'S 9 JUN 04 DIRECTIVE ORDERING NOTIFICATION TO CID OF DETAINEE DEATHS TO COORDINATE AN AUTOPSY WITH THE OFFICE OF THE ARMED FORCES MEDICAL EXAMINER (OAFME). COL (b)(3), (b)(6) WAS FURTHER DERELICT IN HIS DUTY WHEN HE FAILED TO REPORT THE DEATHS OF THE DETAINEES TO CID AS DIRECTED BY THE SECRETARY OF DEFENSE. COL (b)(3), (b)(6) CLAIMED IN HIS SWORN TESTIMONY ON 3 JUN 06 THAT THE KILLING OF THE FIRST "MILITARY AGED MALE" ("MAM") ON THE OBJECTIVE WAS IAW THE ROE. COL (b)(3), (b)(6) LATER PROVIDED A STATEMENT TO THE IO THAT THE KILLING WAS

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NOT LAW THE ROE. COL (b)(3), (b)(6) ADMITTED IN HIS SWORN TESTIMONY THAT HE ORDERED HIS DEPUTY COMMANDER TO NOT REPORT THE FINDINGS OF THE AR 15-6 TO HIS DIVISION COMMANDER WHILE HE WAS ON R&R LEAVE. COL (b)(3), (b)(6) OBSTRUCTED JUSTICE BY ORDERING HIS SUBORDINATE(S) TO NOT REPORT THE POSSIBLE LOAC VIOLATIONS AND THE DEATHS OF DETAINEES.

ON 17 JUL 06, CID COORDINATED WITH COL (b)(3), (b)(6) ASSIGNED TDS ATTORNEY (TO ARRANGE AN INTERVIEW); WHO SUBSEQUENTLY RELATED THAT COL (b)(3), (b)(6) WOULD NOT BE ANSWERING QUESTIONS AT THIS TIME.

ON 21 JUL 06, CID PARTICIPATED IN AN AIR ASSAULT OPERATION TO THE CRIME SCENE LED BY PATHFINDERS. NO PERSONNEL WERE FOUND ON THE OBJECTIVE. NUMEROUS 5.56MM CARTRIDGE CASINGS, THREE BLACK ZIP TIES IN CUT CONDITION, AND A BLOODIED PIECE OF CLOTHING WERE COLLECTED.

INVESTIGATION CONTINUES BY CID. THE CLO IS CW3 (b)(6), (b)(3) CID TF CDR, @ VOIP (b)(6) OR (b)(6) @US.ARMY.MIL OR (b)(6) @S-IRAQ.CENTCOM.SMIL.MIL.

7TH STATUS: ON 15 JUL 06 THIS OFFICE RECEIVED A TRANSLATION OF THE SAMARA IRAQI POLICE BLOTTER WHICH LISTED THE NAMES OF THE VICTIMS, AND REFLECTED THE REMAINS WERE AUTHORIZED TO BE RELEASED TO THEIR "PARENTS" ON 14 MAY 06.

MR KOMAR-ABDULLAH WAS LISTED AS BEING AT LEAST 70 (SEVENTY) YEARS OLD (BORN IN 1935). HE ALSO HAD AN ENTIRE SET OF FALSE TEETH.

MASTER Z. HASSAN-KOMAR WAS LISTED AS ABOUT 14 YEARS OLD (BORN IN 1992). MASTER N. HASSAN-KOMAR WAS LISTED AS ABOUT 15 YEARS OLD (BORN IN 1991). MASTER F. HASSAN-KOMAR WAS LISTED AS ABOUT 18 YEARS OLD (BORN IN 1988).

6TH STATUS: THIS REPORT LISTS CHANGED OFFENSES RELATING TO THE SHOOTING OF [MR KOMAR-ABDULLAH] AND REPORTS DISCOVERY OF CONTRABAND IN (b)(6), (b)(3) PERSONAL BELONGINGS.

(b)(6), (b)(3), AS SQUAD LEADER AND SENIOR PERSON PRESENT, APPROACHED A BUILDING AFTER RECEIVING NO HOSTILE FIRE DURING HIS AIR ASSAULT AND APPROACH. (b)(6), (b)(3) WAS GROSSLY NEGLIGENT IN NOT POSITIVELY IDENTIFYING HIS TARGET [MR KOMAR-ABDULLAH], WHO HAD NOT BEEN

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POSITIVELY IDENTIFIED AS A HOSTILE PERSON) AND INTENTIONALLY ENGAGED THE UNIDENTIFIED UNARMED MALE, WHO HAD SHOWN NEITHER A HOSTILE ACT NOR HOSTILE INTENT, RESULTING IN THE UNLAWFUL DEATH OF [MR KOMAR-ABDULLAH]. SSG (b)(6), (b)(3) SUBSEQUENTLY POSED FOR A PHOTOGRAPH WHILE STANDING NEXT TO [MR KOMAR-ABDULLAH'S] REMAINS. THIS PHOTOGRAPH WAS RECOVERED BY CID, AND IS A VIOLATION OF GENERAL ORDER #1 PROHIBITING TAKING UNOFFICIAL PHOTOGRAPHS OF REMAINS.

THE EXECUTION OF A MAGISTRATE SEARCH AUTHORIZATION DISCLOSED 23 CDS AND TWO (2) MAGAZINES CONTAINING PORNOGRAPHIC MATERIALS IN THE PERSONAL ITEMS OF (b)(6), (b)(3).

5TH STATUS: THIS REPORT ADDS (b)(6), (b)(3) AND (b)(3), (b)(6) AS SUBJECTS; LISTS (b)(6), (b)(3) FOR OBSTRUCTION OF JUSTICE (AS LISTED IN CHARGING DOCUMENTS FOR THREATENING UNIT MEMBERS, INSTEAD OF COMMUNICATING A THREAT); AND DOCUMENTS FURTHER ACTIVITY.

ON 20 JUN 06, (b)(6), (b)(3) AND (b)(3), (b)(6) ENTERED PRE-TRIAL CONFINEMENT AT CAMP ARIFJAN, KUWAIT.

ON 16 JUN 06, (b)(6), (b)(3) (A MEMBER OF (b)(6), (b)(3) SQUAD), APPROACHED AN NCO AND ASKED HOW HE COULD GET RID OF EVIDENCE THAT WOULD INCRIMINATE THE SQUAD. (b)(6), (b)(3) DID NOT ELABORATE, AND THE NCO DID NOT ASSIST HIM, RATHER NOTIFIED HIS CHAIN OF COMMAND. (b)(6), (b)(3) HAD PARTICIPATED IN THE INVENTORY OF (b)(6), (b)(3) PERSONAL EFFECTS. (b)(6), (b)(3) WAS INTERVIEWED BY CID AND DECLINED TO SAY IF THE INVENTORY DISCLOSED CONTRABAND AND INVOKED HIS RIGHT TO COUNSEL. (b)(6), (b)(3) DECLINED CONSENT TO SEARCH HIS BELONGINGS. THE EXECUTION OF A MAGISTRATE SEARCH AUTHORIZATION DISCLOSED FOUR (4) VIDEOTAPES IN (b)(6), (b)(3) BELONGINGS. PURSUANT TO A SECOND MAGISTRATE SEARCH AUTHORIZATION, A REVIEW OF THE VIDEOTAPES DISCLOSED (b)(6), (b)(3) AND (b)(3), (b)(6) AND OTHER MEMBERS OF THEIR SQUAD DURING THIS DEPLOYMENT TO IRAQ, WITH (b)(6), (b)(3) THE PRIMARY NARRATOR AND APPARENT OWNER OF THE TAPES. SOME OF THESE IMAGES DEPICT APPARENT CRIMINAL ACTIVITY (WHICH MAY BE DETAILED IN A FUTURE REPORT), AND THERE ARE VERBAL STATEMENTS REGARDING THIS CID INVESTIGATION. THERE IS CREDIBLE INFORMATION TO BELIEVE THE TAPES WERE THE EVIDENCE (b)(6), (b)(3) WAS REFERRING TO WHEN HE APPROACHED THE NCO, AND HE OBSTRUCTED JUSTICE BY CONCEALING THE TAPES.

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ON 19 JUN 06, (b)(6) WAS INTERVIEWED BY CID AND CLAIMED HE HAD NO KNOWLEDGE OF THE ACTIONS OF (b)(6), (b)(3) OR THE CONSPIRACY TO KILL THE DETAINEES. TWO SOLDIERS WITNESSED (b)(6), (b)(3) DURING A CONVERSATION AFTER THE FACT DETAILING THE ACTIVITIES. (b)(6), (b)(3) ADMITTED HE WAS PRESENT, BUT DENIED THE CONVERSATION INCLUDED SPECIFIC DETAILS. ON 21 JUN 06, (b)(6), (b)(3) WAS RE-INTERVIEWED AND MAINTAINED HE HEARD NO SPECIFIC DETAILS ABOUT THE CONSPIRACY OR SUBSEQUENT "MERCY KILLING".

(b)(6), (b)(3) STATEMENTS TO A 15-6 OFFICER, AND TO CID, CONTAIN SEVERAL DIRECT CONTRADICTIONS WITH THE STATEMENTS OF NUMEROUS OTHER SOLDIERS, WITH CREDIBLE INFORMATION TO BELIEVE HE RENDERED FALSE OFFICIAL STATEMENTS.

(b)(6), (b)(3) STATEMENTS TO CID DISCLOSE HE WAS NOTIFIED BY A SOLDIER ON 18 MAY 06 OF THE TRUE NATURE OF THE CONSPIRACY AND MURDER OF THE DETAINEES. (b)(6), (b)(3) WAS SIMILARLY NOTIFIED ON 12 JUN 06 BY ANOTHER SOLDIER. (b)(6), (b)(3) WAS DERELICT IN HIS DUTIES AS AN NCO WHEN HE FAILED TO REPORT THIS TO HIS CHAIN OF COMMAND OR TO CID.

THE NAMES OF SOME SOLDIERS IN THIS REPORT ARE NOT PROVIDED TO MINIMIZE THE POSSIBILITY THAT THEY WILL BE SUBJECTED TO RETALIATION FROM OTHER SOLDIERS.

4TH STATUS: THIS REPORT ADDS (b)(6), (b)(3) AND (b)(3), (b)(6) AS SUBJECTS, ADDS THE OFFENSE OF FAILURE TO OBEY A LAWFUL ORDER BY (b)(6), (b)(3), AND DOCUMENTS FURTHER ACTIVITY.

ON 16 JUN 06, A SOLDIER WHO WAS ON THE OBJECTIVE RELATED HE OBSERVED (b)(6), (b)(3) RAISE HIS RIFLE TOWARD A WOUNDED DETAINEE. THE SOLDIER TURNED AWAY AND THEN HEARD TWO SHOTS WHICH HE BELIEVED WERE TO END THE SUFFERING OF THE DETAINEE. THIS SOLDIER RELATED (b)(6), (b)(3) WAS IN THE AREA DURING THE SHOOTING. THIS SOLDIER FURTHER RELATED THAT (b)(6), (b)(3) WAS PRESENT WHEN (b)(6), (b)(3) TOLD THE SOLDIER THAT (b)(6), (b)(3) HAD CUT THE ZIPTYES AND THAT THE WOUNDS ON (b)(6), (b)(3) AND (b)(3), (b)(6) WERE INFLICTED BY (b)(6), (b)(3) OR (b)(3), (b)(6) OR (b)(3), (b)(6) ANOTHER SOLDIER WHO WAS ON THE OBJECTIVE RELATED (b)(6), (b)(3) WAS PRESENT WHEN THE WOUNDED DETAINEE WAS REPORTEDLY SHOT, AND THE SOLDIER HEARD A SHOT, BUT WHEN HE TURNED BACK TOWARD THE DETAINEE, NONE OF THE SOLDIERS ACTED AS IF THE SHOT WAS FROM A HOSTILE SOURCE.

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ON 16 JUN 06, (b)(6), (b)(3) RENDERED A SWORN STATEMENT ADMITTING HIS INITIAL OFFICIAL STATEMENTS WERE FALSE, AND THAT HE HAD INFORMATION REGARDING THE MURDERS OF THE DETAINEES WHICH HE FAILED TO REPORT.

ON 16 JUN 06, (b)(6), (b)(3) WAS RE-INTERVIEWED BY CID, AND STATED HE OBSERVED THE THREE DETAINEES RUNNING FROM THE HOUSE AND BEING SHOT, BUT HIS VIEW OF THE SOURCE OF THE SHOOTING WAS OBSTRUCTED BY THE HOUSE. THIS WAS CORROBORATED BY OTHER WITNESSES. (b)(6), (b)(3) CLAIMED HE DID NOT WITNESS (b)(6), (b)(3) SHOOT THE WOUNDED DETAINEE NOR DID HE HEAR THE SHOT. ON 17 JUN 06, (b)(6), (b)(3) WAS RE-INTERVIEWED AND INVOKED HIS RIGHT TO COUNSEL.

ON 17 JUN 06, (b)(6), (b)(3) AND (b)(3), (b)(6) WERE ORDERED INTO PRE-TRIAL CONFINEMENT AND MOVED TO KUWAIT ON 19 JUN 06. THIS OFFICE COLLECTED AS EVIDENCE ONE NON-ISSUED 9MM PISTOL WHICH THE UNIT REMOVED AS CONTRABAND FROM THE BELONGINGS OF (b)(6), (b)(3) DURING AN INVENTORY PURSUANT TO PRE-TRIAL CONFINEMENT.

3D STATUS: THIS REPORT LIFTS THE RESTRICTION TO CID CHANNELS; LISTS SUBJECTS FOR CONSPIRACY, MURDER, COMMUNICATING A THREAT, AND FALSE OFFICIAL STATEMENT; AND DOCUMENTS THE INTERVIEW OF COL (b)(3), (b)(6)

THIS OFFICE HAS INTERVIEWED SEVERAL SOLDIERS, WHO WILL NOT BE FURTHER IDENTIFIED IN THIS REPORT, WHO RELATED THAT (b)(6), (b)(3) (b)(6), (b)(3) AND (b)(3), (b)(6) CONSPIRED TO AND SUBSEQUENTLY MURDERED THE THREE DETAINEES. (b)(6), (b)(3) THE SQUAD LEADER, HELD A MEETING WITH SQUAD MEMBERS AND RELATED THAT THEY WERE GOING TO RELEASE THE DETAINEES AND STAGE AN ASSAULT AND ESCAPE ATTEMPT TO JUSTIFY SHOOTING THE DETAINEES. (b)(6), (b)(3) TOLD THE SQUAD THAT ANYBODY WHO DID NOT WISH TO PARTICIPATE SHOULD LEAVE THE AREA. (b)(6), (b)(3) AND (b)(6), (b)(3) LEFT THE AREA. (b)(6), (b)(3) RETURNED TO THE AREA AFTER HEARING GUNFIRE. ONE OF THE DETAINEES WAS STILL BREATHING, AND (b)(6), (b)(3) INSTRUCTED (b)(6), (b)(3) TO "PUT HIM OUT OF HIS MISERY". (b)(6), (b)(3) SUBSEQUENTLY SHOT THE DETAINEE IN THE FACE, IN THE PRESENCE OF (b)(6), (b)(3) AND (b)(3), (b)(6) (THE SQUAD MEDIC, WHO HAD JUST EXAMINED THE DETAINEE, AND RELATED THERE WAS NOTHING HE COULD DO FOR HIM). THE INJURIES OF (b)(3), (b)(6) AND (b)(6), (b)(3) WERE INFLICTED BY (b)(6), (b)(3)

AFTER THE MURDERS, (b)(3), (b)(6) AND (b)(6), (b)(3) THREATENED MEMBERS OF

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THE SQUAD THAT THEY WOULD KILL THEM IF THEY DISCLOSED THE MURDERS. THIS WAS DONE SEVERAL TIMES, INCLUDING IMMEDIATELY AFTER THE MURDERS, AS WELL AS IMMEDIATELY PRECEDING THE SQUAD BEING INTERVIEWED BY CID ON 29 MAY 06.

FURTHER INVESTIGATION DISCLOSED (b)(6), (b)(3) (b)(6), (b)(3) AND (b)(3), (b)(6) PROVIDED FALSE SWORN STATEMENTS DURING THE INVESTIGATION. (b)(6), (b)(3) (b)(6), (b)(3) AND (b)(3), (b)(6) LIED ABOUT THEIR ACTIONS ON THE OBJECTIVE BEFORE, DURING, AND AFTER THE SHOOTINGS, CLAIMING THERE WAS AN ACTUAL ESCAPE ATTEMPT AND THE DETAINEES WERE SHOT IN SELF-DEFENSE AND IN ACCORDANCE WITH THE ROE.

(b)(6), (b)(3) WHO ASSISTED IN REMOVING THE REMAINS FROM THE HELICOPTER AND MOVING THEM FOR PROCESSING, ORIGINALLY CLAIMED THAT THE BODY BAGS WERE NEVER OPENED AND NO PHOTOGRAPHS WERE TAKEN. (b)(6), (b)(3) WAS RE-INTERVIEWED, AND ADMITTED HE LIED DURING HIS INITIAL INTERVIEW, BECAUSE HE WAS AFRAID HE WOULD GET INTO TROUBLE.

(b)(6), (b)(3) WHO FINGERPRINTED THE REMAINS, CLAIMED HE DID NOT OBSERVE ZIP TIES ON THE REMAINS WHILE PROCESSING THEM. PHOTOGRAPHS OF THE REMAINS SHOW ZIP TIES (UNCONNECTED) ON THE WRISTS OF SEVERAL OF THE REMAINS, BEFORE BEING TRANSPORTED TO (b)(6), (b)(3) AND AFTER BEING TRANSPORTED FROM (b)(6), (b)(3) LOCATION. (b)(6), (b)(3) WAS RE-INTERVIEWED, AND CONTINUED TO CLAIM HE DID NOT REMEMBER IF THERE WERE ZIP TIES ON THE REMAINS.

(b)(3), (b)(6) WHO WAS PRESENT WHEN THE REMAINS WERE REMOVED FROM THE HELICOPTER, CLAIMED SPECIFIC DETAILS REGARDING THE INCIDENT WHICH WERE DIRECTLY CONTRADICTED BY CREDIBLE TESTIMONY AND PHOTOGRAPHY TAKEN AT THE SCENE. (b)(6), (b)(3) WAS RE-INTERVIEWED AND CLAIMED THAT HIS MEMORY MAY NOT HAVE BEEN 100% RELIABLE.

ON 3 JUN 06, COL (b)(3), (b)(6) COMMANDER, 3BCT, 101ST ABN DIV, COB SPEICHER, TIKRIT, IRAQ, WAS INTERVIEWED BY THE IO, BG THOMAS MAFFEY, ADCM, 4TH ID, BAGHDAD, IRAQ. COL (b)(3), (b)(6) CORROBORATED THE ROE AS DESCRIBED BY SOLDIERS WHO PARTICIPATED IN THE OPERATION. COL (b)(3), (b)(6) PUT HIS BOOT NEAR THE HEAD OF A DETAINEE TO HOLD DOWN A BODY BAG SO ID PHOTOGRAPHS COULD BE TAKEN. NO UNOFFICIAL PHOTOGRAPHS WERE DISCOVERED, NOR WERE ANY INAPPROPRIATE CONTACTS MADE WITH THE

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REMAINS. COL (b)(3), (b)(6) DIRECTED A 15-6 INVESTIGATION INTO THE DEATHS OF THE DETAINEES, BUT DID NOT REPORT THE DEATHS TO CID OR HIS HIGHER HQ.

2ND STATUS: THIS REPORT IS SUBMITTED TO FURTHER IDENTIFY THE VICTIMS AND TO CLARIFY THE CIRCUMSTANCES OF THE INCIDENT. INVESTIGATION BY A CID TASK FORCE AND THE AR 15-6 IO, BG MAFFEY, DISCLOSED THAT ON 9 MAY 2006, MEMBERS OF C CO, 3-187TH INFANTRY REGIMENT ASSAULTED AN OBJECTIVE. DURING THE ASSAULT (b)(6), (b)(3) ENGAGED AN UNKNOWN MALE [MR (b)(6)] WHO WAS SEEN IN A WINDOW DURING THE INITIAL ASSAULT, WHO SUBSEQUENTLY DIED OF GUNSHOT WOUNDS TO THE SIDE. ALSO DURING THE ASSAULT, (b)(6); AND (b)(6) WERE DETAINED, AND THEN BOUND BY THIN ZIP-TIES AND BLIND FOLDED.

(b)(6), (b)(3) SQUAD LEADER, REALIZED ONE OF THE DETAINEE'S ZIP-TIES HAD BROKEN AND INSTRUCTED (b)(6), (b)(3) AND (b)(3), (b)(6) TO REBIND THE DETAINEE WHOSE ZIP-TIE HAD BROKEN AND TO CHANGE THE REMAINING DETAINEES' BINDS, WITH STRONGER FLEXICUFFS, WHICH HE PROVIDED.

(b)(6), (b)(3) THEN DEPARTED THE AREA TO CHECK ON ANOTHER SOLDIER, LEAVING (b)(6), (b)(3) AND (b)(3), (b)(6) ALONE WITH THE THREE DETAINEES.

(b)(6), (b)(3) AND (b)(3), (b)(6) REPORTED THEY BROUGHT ALL OF THE DETAINEES TO THEIR FEET, WHICH CAUSED ANOTHER DETAINEE'S ZIP-TIE TO BREAK.

(b)(6), (b)(3) CUT THE REMAINING DETAINEE'S ZIP-TIE, RESULTING IN ALL THREE DETAINEES BEING UNRESTRAINED WHILE STANDING. WHILE IN THE PROCESS OF APPLYING THE NEW FLEXI CUFFS (b)(6), (b)(3) REPORTED HE WAS PUNCHED IN THE FACE BY ONE OF THE DETAINEES. (b)(6), (b)(3) REPORTED HE WAS SIMULTANEOUSLY ASSAULTED WITH A KNIFE BY ANOTHER DETAINEE, CAUSING TWO SUPERFICIAL CUTS TO BOTH SIDES OF HIS FACE AND A 4 CENTIMETER CUT TO HIS LEFT FOREARM. THE DETAINEES THEN TRIED TO RUN AWAY AND WERE ENGAGED WITH SMALL ARMS BY (b)(3), (b)(6) AND (b)(6), (b)(3) AS THEY FLED. THEY SUBSEQUENTLY DIED OF MULTIPLE GUNSHOT WOUNDS TO THE HEAD AND TORSO. (b)(6), (b)(3) WAS TREATED AND RETURNED TO DUTY FOR HIS WOUNDS. (b)(6), (b)(3) WAS RETURNED TO DUTY IMMEDIATELY FOLLOWING THE INCIDENT.

ALL OF THE REMAINS WERE REMOVED FROM THE OBJECTIVE BY HELICOPTER IN SEPARATE LIFTS (ONE LIFT OF THE INITIAL VICTIM, AND A SUBSEQUENT LIFT OF THE THREE DETAINEES). UPON ARRIVAL AT THE GROUND FORCE TACTICAL OPERATIONS CENTER, THE REMAINS WERE REMOVED FROM THE HELICOPTER FOR PROCESSING BY MI PRIOR TO CONVOY TO FOB BRASSFIELD-MORA, AND SUBSEQUENT RELEASE TO THE IRAQI POLICE. SEVERAL WITNESSES INDICATED PHOTOGRAPHS WERE EXPOSED OF THE REMAINS IMMEDIATELY FOLLOWING

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THEIR REMOVAL FROM THE HELICOPTER AND THE BDE COMMANDER WAS INVOLVED. A REVIEW OF PHOTOGRAPHS OBTAINED FROM UNIT MEMBERS AND A COMBAT CAMERA PHOTOGRAPHER REVEALED NO UNAUTHORIZED PHOTOGRAPHS OF THE REMAINS. THE COMMANDER OF C CO, 3-187TH INFANTRY REGIMENT, FOB BRASSFIELD-MORA, ORDERED THAT HIS SOLDIERS DELETE ANY PHOTOGRAPHS OF REMAINS, AS THE PHOTOGRAPHS WOULD BE IN VIOLATION OF A GENERAL ORDER PROHIBITING THE PHOTOGRAPHING FOR UNOFFICIAL PURPOSES.

COORDINATION WITH MEDICAL PERSONNEL WHO EXAMINED THE REMAINS DISCLOSED THEY EXPOSED ADDITIONAL OFFICIAL PHOTOGRAPHS OF THE REMAINS. AN APPARENT BULLET WOUND UNDER THE LEFT EYE ON THE CHEEK IS VISIBLE IN ONE OF THE PHOTOGRAPHS; AND AN APPARENT 5.56MM BULLET WAS ALSO REMOVED FROM ONE OF THE DETAINEES.

DUE TO ISSUES PERTAINING TO THE ROE AS THEY PERTAIN TO THE ACTIONS OF THE SOLDIERS, A DECISION WAS MADE BY THE CID TASK FORCE COMMANDER TO RETAIN THE OFFENSE OF MURDER, BUT TO NOT LIST ANY IDENTIFIED SUBJECTS, PENDING THE INTERVIEW OF THE BDE COMMANDER, AND A REVIEW BY A SUBJECT MATTER EXPERT ON OPERATIONAL LAW.

INITIAL REPORT: THE SOLDIER CONTINUED TO SAY HE WAS TOLD TO CUT OFF THEIR ZIP TIES AND TAKE OFF THEIR BLINDFOLDS, WHICH HE REFUSED. HE WAS TOLD TO REPORT THAT THE DETAINEES FOUGHT AND ATTEMPTED TO ESCAPE. THE SOLDIER STATED THE BN XO (NFI) AND CID CONDUCTED AN INVESTIGATION; THEY JUST CONFISCATED PHOTOS OF THE INCIDENT. HE RELATED ONE OF THE PHOTOS WAS AN IMAGE OF THE BDE COMMANDER WITH HIS FOOT ON ONE OF THE DETAINEE'S HEAD.

CID IN IRAQ WAS NOT PREVIOUSLY NOTIFIED OF THESE ALLEGATIONS PRIOR TO RECEIVING THIS MOT.

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

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**TAB K**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION <i>FUB BRASSFIELD-MORA</i>	2. DATE (YYYYMMDD) <i>2006 06 18</i>	3. TIME <i>1251</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(6), (b)(3)</i>	6. SSN <i>(b)(6)</i>	7. GRADE/STATUS <i>E-6/AD</i>	
8. ORGANIZATION OR ADDRESS <i>C Co 3-187 INF 101ST ABN DIV</i>			

9. I, *(b)(6), (b)(3)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

*AFTER OPERATION IRON TALENT, WHICH OCCURED @ MAY 2004, I WAS HAVING A CONVERSATION WITH A GROUP OF NCO'S IN THE COMPANY WHEN ONE NCO SAID THAT THE SITUATIONS THAT OCCURED WERE SET UP. THIS WAS COMPLETE HEARSAY AND HE DID NOT MENTION NAMES OR WHO HAD TOLD HIM OR HOW MANY PRIOR TO HIM KNEW. THEN ON 18 JUNE 2006, I CAME FORWARD WITH THIS AFTER BEING ADVISED BY ESM*

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

*END OF STATEMENT*

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(6), (b)(3)</i>	PAGE 1 OF <i>3</i> PAGES
-------------	--	--------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

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

TAKEN AT

1251

DATED

2006 06 18

9. STATEMENT (Continued)

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(6), (b)(3) TAKEN AT 1251 DATED 2006 06 18

9. STATEMENT (Continued)

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

AFFIDAVIT

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

(b)(6), (b)(3) (Signature of person making statement)

WITNESSES: (b)(3), (b)(6) (b)(3), (b)(6) CSM

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of June, 2006

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

HQC 3-187 ORGANIZATION OR ADDRESS

(b)(3), (b)(6) (of Person Administering Oath)

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

(b)(3), (b)(6) (Typed Name of Person Administering Oath)

HQC 3-107 ORGANIZATION OR ADDRESS

Commissioned Officer (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

PAGE 3 OF 3 PAGES

**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

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

**DATA REQUIRED BY THE PRIVACY ACT**

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

1. LOCATION	2. DATE	3. TIME	4. FILE NUMBER
	19 JUNE 06	10:04 PM	
5. Name (Last First MI)	6. ORGANIZATION OR ADDRESS		
(b)(6), (b)(3)	C 3/187th Infantry 308 Bradford Meade APO AE 09393		
7. GRADE/STATUS			
(b)(6)			

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

**SECTION A. Rights**

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

suspected/accused: Dereliction of Duty

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 questions 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.

-01-

(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 the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

**SECTION B. Waiver**

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

WITNESSES (if available)	
1a. NAME (Type or Print)	(b)(6), (b)(3)
1b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6), (b)(3)
2a. NAME (Type or Print)	(b)(3), (b)(6)
2b. ORGANIZATION OR ADDRESS AND PHONE	SA 31ST MP DET (CIC/IE) 208 Spuchm APO AE 09393

**SECTION C. Non-waiver**

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

2. SIGNATURE OF INTERVIEWEE

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

DA FORM 3881, NOV 89 (AUTOMATED)

EDITION OF NOV 84 IS OBSOLETE

**PART II - RIGHTS WARNING PROCEDURE**

THE WARNING

# **TAB L**

**SWORN STATEMENT**

**LOCATION:**

Tikrit CID Office  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:**

19 Jun 06

**TIME**

1135 (b)(6), (b)(3)

**NAME: SSN: GRADE/STATUS: SSG/AD**

**ORGANIZATION OR ADDRESS: C 3/187<sup>th</sup> Infantry Company, COB Speicher, Tikrit, Iraq, APO AE 09393**

(b)(6), (b)(3) (b)(6), (b)(3) **WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

**OATH:**

**Q: SA** (b)(3), (b)(6)

**A: SSG** (b)(3), (b)(6)

**Q: I was on Operation Iron Triangle as a member of 2<sup>nd</sup> platoon C CO 3-187. The first day of the Operation was on 9 May 2006. On the first day of the operation, my platoon was on a different objective than 3<sup>rd</sup> platoon. I was in hearing range of gunfire and could see their objective. I couldn't see movement on their objective, I wasn't that close, but I could hear gun fire. After the initial gun fire, I hear a radio transmission from 3<sup>rd</sup> platoon to the command element saying they had detainees, approximately 3 or 4, and 1 KIA. Then there was some more radio traffic and I heard and saw dust from the automatic weapons fire. After the automatic weapons fire, there was some more radio traffic, what it was, I'm not sure because I was paying attention to something going on my objective. Sometime after that, maybe 5 to 10 minutes later, but how long exactly, I'm not sure, I heard isolated gun shots. After those gun shots, somewhere between 2 and 5 minutes later, I heard a radio transmission from the 3<sup>rd</sup> platoon element saying that they now had approximately, the exact number I'm not sure of, 3 KIA and 1 detainee. After that, my platoon secured the rest of my objective and then moved toward their objective to set up and LZ. A couple of soldiers from my platoon were detailed to help 3<sup>rd</sup> platoon police up the KIA and detainees and move them to the collection point. I do not remember who these soldiers were. After the bodies and detainee had moved to the LZ, my platoon took off and flew to the collection point and we dropped off 2 detainees from my platoon's objective. Two days later, when the mission had ended, my platoon and company all flew back to FOB Remagen. Once we arrived at FOB Remagen, we started to finalize all the detainee paperwork from the entire mission and ended up staying the night. The next day, we had to wait at FOB Remagen before we could leave because senior leadership was going to conduct an AAR and some sworn statements were being written about the Operation. I did not know the subject of the sworn statements. Later that evening, we went back to FOB Brassfield-Mora and our mission was complete. A few days later, I'm not sure exactly** (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)

PAGE 1 OF 4 PAGES

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EXHIBIT \_\_\_\_\_

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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office, COB  
SPEICHER, TIKRIT, IRAQ, DATED 19 June, 2006, CONTINUED.

(b)(6), (b)(3) how long after, but a few days after we arrived back at Brassfield-Mora, I was with a group of soldiers just conversing. I don't remember the size of the group of soldiers and the only person I remember actually being there was SGT (b)(6), (b)(3). I remember him being there because the topic of Operation Iron Triangle had come up and what had happened that first day and he told me that he had heard that the shooting was staged. He didn't tell me who he had heard it from or if he had heard it from anyone. It could have very well been his own guess taking into account what had happened. A few days following that, I was in the MWR center and 1LT (b)(6), (b)(3) happened to be in there too. We started conversing. I don't remember what the conversation started with or how it exactly ended, but I do remember that at some point during the conversation, the topic of Operation Iron Triangle came up and I remember telling him that I had heard that the shooting was staged. I didn't tell him who I had heard it from. Then on 17 June 2006, the battalion CSM came out to my platoon which was located on the 3 static OP's on the MSR. He came out to tell the soldiers that an investigation was occurring on what had happened the first day of Operation Triangle and that there was an amnesty period for any soldier who had any information. I was not available to hear this because I was on covert OP. The following day, I returned back to my company area and I was told by SSG (b)(3), (b)(6) and 1LT (b)(6), (b)(3) that I was to go see the CSM to receive this same speech. I went back out on patrol later that day and came back late that night. The next day, 19 June 2006, I went to battalion headquarters and saw the sergeant major and he told me about what was going on and the amnesty period I had. I immediately told him that of what I had heard from SGT (b)(6), (b)(3) and wrote a sworn statement about it.

Q: When did you have the conversation with (b)(6), (b)(3)

A: Approximately five days after Operation Iron Triangle. This was on our company area PAD, A9, in front of 2D Platoons cluster of Containerized Housing Units (CHU).

Q: Who all was there during this conversation?

A: I am not sure if anyone else heard our conversation. Many people were moving about and he and I were smoking a cigarette together. I am not sure who he heard it from or when he heard it. He just said he heard it was staged. He did not say how he thought it was staged. I told him that it was hard to believe and that the whole situation seemed weird and this is all going back to the radio transmission and what said prior to the detainee were shot. Originally (b)(6), (b)(3) came on the radio and said there were one KIA and three detainees. Five minutes later he came back on and said there were as one detainee and three KIAs. After this occurred my platoon and its two detainees plus (b)(6), (b)(3) squads detainee left on the helicopter to the Tactical Operations Center (TOC)

Q: Did you hear of or had any other discussions with anyone regards this incident?

A: No (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
DA FORM 2823 (C) (b)(6), (b)(3) Generated

PAGE 2 OF 4 PAGES

EXHIBIT \_\_\_\_\_

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**STATEMENT OF** (b)(6), (b)(3) **TAKEN AT Tikrit CID Office, COB  
SPEICHER, TIKRIT, IRAQ, DATED 19 June, 2006, CONTINUED.**

(b)(6), (b)(3) Why didn't you come forward after you had the conversation with (b)(6), (b)(3)?

A: The day after we landing in FOB Remagen, sworn statements had been filled out and as far as I understood everything was ok and there was no foul play involved. When I had the conversation with 1LT (b)(6), (b)(3) I thought it was just hearsay and it had been determined that 3D Platoon acted in accordance with the ROE.

Q: But did you think otherwise?

A: I had my doubts but I was putting my faith in the system that the investigation would conclude what exactly happened. It was concluded that they did not do anything wrong. I did not think the whole truth was presented and I think that went back to the whole loyalty thing. My doubts were that they were murdered not because I had proof but because they said they were detained. Then minutes later they are dead.

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

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

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
DA FORM 2823 (Computer Generated)

PAGE 3 OF 4 PAGES  
EXHIBIT \_\_\_\_\_

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**STATEMENT OF** (b)(6), (b)(3) **TAKEN AT Tikrit CID Office, COB  
SPEICHER, TIKRIT, IRAQ, DATED 19 June, 2006, CONTINUED.**

I, (b)(6), (b)(3) **READ OR HAVE HAD READ TO ME THIS STATEMENT  
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4 (b)(6), (b)(3) FULLY UNDERSTAND  
THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT  
IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE  
BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS  
STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT  
THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,  
OR UNLAWFUL INDUCEMENT.**

(b)(6), (b)(3)  
\_\_\_\_\_  
(b)(3), (b)(6) *(Signature of Person Making Statement)*

**Subscribed and sworn to before me, a person  
authorized by law to administer oaths, this  
Monday, June 19, 2006, at C Company 3/187<sup>th</sup>  
COB Speicher, Tikrit, Iraq, APO AE 09393**

(b)(6), (b)(3)  
\_\_\_\_\_  
*(Signature of Person Administering Oath)*

**Special Agent** (b)(6), (b)(3)  
*(Typed Name of Person Administering Oath)*  
**Article 136 (b) UCMJ**  
*(Authority to Administer Oath)*

\_\_\_\_\_  
\_\_\_\_\_

**Witness**  
\_\_\_\_\_  
\_\_\_\_\_

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
DA FORM 2823 (Continuation of DA Form 2823) (Generated)

**TAB M**

**SWORN STATEMENT**

**LOCATION:** Tikrit CID Office  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:** /5 June 2006 **TIME:** /800 hrs

**NAME:** (b)(6), (b)(3) **SSN:** (b)(3), (b)(6) **GRADE/STATUS:** 1SG/AD

**ORGANIZATION OR ADDRESS:** C Company 3/187<sup>th</sup> Infantry, FOB Brassfield-Mora,  
APO AE 09393

(b)(6), (b)(3) **I, (b)(6), (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

This Statement is a Clarification to some questions that CID had about my statement I made on 14 June 2006.

**Q:** SA (b)(3), (b)(6)  
**A:** 1SG (b)(3), (b)(6)

**Q:** Was there a time while on Iron Triangle that you made a statement in relation to the alive detainees?

**A:** Yes after the initial radio reports from PFC (b)(3), (b)(6) I made the statement I do not know why we have 3 detainees or why do we have any enemy alive. I said something to this effect I cannot remember the exact words. I made this remark because the initial report I was given on the radio was they had one enemy KIA. We had bad communications even with the COM 201 antenna set up and I had a hard time hearing PFC (b)(6), (b)(3) It took me several attempts to get a grid to their location of the contact. So after their report of one enemy KIA I assumed they were in direct fire contact firefight with the enemy. So when PFC (b)(6), (b)(3) got back to me that they had one enemy KIA then 3 captured I was wondering why they did not kill the enemy during the contact. I then instructed PFC (b)(6), (b)(3) to get the detainees ready for movement and that we would get Aircraft to them to get them back to our Company CP at Objective Murray so we could have THT who was with us at the CP screen the detainees. I then handed the radio off to CPT (b)(6), (b)(3) and went and informed SGT (b)(6), (b)(3) the THT Team Leader that we would have 4 detainees arriving at our location and to be ready to screen them. At no point did I ever try to put any idea into those Soldiers heads to execute or do any harm to the detainees. The Soldiers were briefed thoroughly on the ROE and the intent of the mission to Kill or Capture the enemy. They were all trained on the Safe Guarding of detainees and like I said I instructed them to get the detainees ready to be moved to our location for screening.

**Q:** Do you believe any rational person would interpret what you said to mean kill the detained personnel?

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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EXHIBIT \_\_\_\_\_

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## CASE#

STATEMENT OF [REDACTED] (b)(3), (b)(6) TAKEN AT Tikrit CID Office,, COB  
SPEICHER, TIKRIT, IRAQ, DATED 15 June, 2006, CONTINUED.

(b)(6), (b)(3) A: Absolutely not, I would never have thought anyone in our Company would be capable of such a thing under any circumstances.

Q: Did you have any direct communication with SSG [REDACTED] (b)(6), (b)(3) while you were at the Company Command Post at OBJECTIVE MURRAY?

(b)(6), (b)(3) A: No I did not I was talking to PFC [REDACTED] (b)(6), (b)(3) on the radio who is the 3<sup>rd</sup> platoon RTO I assumed these reports were being relayed by 1LT [REDACTED] (b)(6), (b)(3) the 3<sup>rd</sup> Platoon Leader. PFC [REDACTED] (b)(6), (b)(3) is his RTO. PFC [REDACTED] (b)(6), (b)(3) should have been with 1LT [REDACTED] (b)(6), (b)(3) SSG [REDACTED] (b)(6), (b)(3) and SSG [REDACTED] (b)(6), (b)(3) and the rest of the element on that objective. Normally the Platoon RTO goes everywhere with the Platoon Leader. When the first group left the Objective the Platoon Leader left his RTO with SSG [REDACTED] (b)(6), (b)(3) on the Objective.

Q: Did you hear SSG [REDACTED] (b)(6), (b)(3) make any comments about the detainees being KIA?

(b)(6), (b)(3) A: I was near the radio next to CPT [REDACTED] (b)(6), (b)(3) when this report came over the radio. I could hear CPT [REDACTED] (b)(6), (b)(3) repeating what was said to him on the radio about the KIAs but I did not hear directly from the radio what was being said.

Q: During your interview, you mentioned that SPC [REDACTED] (b)(6), (b)(3) and PFC [REDACTED] (b)(6), (b)(3) made spontaneous statements on the morning of 15 Jun 06; can you clarify these statements?

(b)(6), (b)(3) A: Yes SPC [REDACTED] (b)(6), (b)(3) said to SFC [REDACTED] (b)(6), (b)(3) that can someone call his mother because I am going to jail and PFC [REDACTED] (b)(6), (b)(3) said to SFC [REDACTED] (b)(6), (b)(3) can I see my Squad Leader SSG [REDACTED] (b)(6), (b)(3)

Q: Do you believe that the command climate would have influenced the detainees to be killed?

(b)(6), (b)(3) A: No I do not think so. We have a very aggressive unit with a very aggressive Commander. But there is a big difference between killing the enemy and executing a prisoner. Everyone knows this. I do not feel that the command climate had anything to do with what SSG [REDACTED] (b)(6), (b)(3) and his squad did.

Q: Did you advise SGT [REDACTED] (b)(6), (b)(3) to obtain legal counsel?

(b)(6), (b)(3) A: YES I did. I advised SGT [REDACTED] (b)(6), (b)(3) to call TDS to advise him on his rights. I was concerned about his camera being taken away by AGENT [REDACTED] (b)(3), (b)(6) SGT [REDACTED] (b)(6), (b)(3) and SSG [REDACTED] (b)(6), (b)(3) came to me and told me about the camera being taken away. I was not sure of the left and right limits on what the Agents were able to do while questioning our Soldiers. So I advised my Soldiers to contact TDS because I was not sure about this subject and I felt it was the right thing to do at the time, I was only trying to look out for my Soldiers. After I received the information about what went on with SSG [REDACTED] (b)(6), (b)(3) Squad during Operation Iron Triangle I felt like an idiot for defending them. I am very sorry for this. As soon as I got the information I notified the acting Company Commander CPT [REDACTED] (b)(6), (b)(3) and then notified LTC [REDACTED] (b)(6), (b)(3) and CSM [REDACTED] (b)(6), (b)(3) we then contacted CID with the information within an hour of me being told by SGT [REDACTED] (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT [REDACTED] (b)(6), (b)(3)  
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**CASE#**

**STATEMENT OF (b)(3), (b)(6) TAKEN AT Tikrit CID Office,, COB  
SPEICHER, TIKRIT, IRAQ, DATED 15 June, 2006, CONTINUED.**

and what SGT (b)(6), (b)(3) said and what SGT (b)(6), (b)(3) said that PFC (b)(6), (b)(3) had told him about the actions of SSG (b)(3), (b)(6) PFC (b)(3), (b)(6) and SPC (b)(3), (b)(6)

**Q: What was SGT (b)(6), (b)(3) role in this incident?**

**A: SGT (b)(6), (b)(3) was not on Operation Iron Triangle but when we returned from the Operation he was approached by PFC (b)(6), (b)(3) who told SGT (b)(6), (b)(3) that is was SSG (b)(6), (b)(3) who had punched him in the face and for PFC (b)(6), (b)(3) to say it was the Iraqi who did it. SGT (b)(6), (b)(3) also wanted to tell some legal NCO from brigade headquarters about this and I instructed him not to and to tell the CID agents exactly what he had told me about SSG (b)(6), (b)(3) and PFC (b)(6), (b)(3) actions on the operation.**

**Q: Did you see what pictures or videos were on the camera?**

**A: No I did not.**

**Q: Do you have any second hand knowledge of what was on the camera?**

**A: No I do not.**

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

**A: No.///END OF STATEMENT/// (b)(6), (b)(3)**

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
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CASE#

STATEMENT OF (b)(3), (b)(6) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 15 June, 2006, CONTINUED.

I, (b)(6), (b)(3), READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Making Statement)  
(b)(3), (b)(6) (b)(3), (b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Thursday, June 15, 2006, at Tikrit CID Office COB Speicher, Tikrit, Iraq, APO AE 09393

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

SA (b)(6), (b)(3)  
(Typed Name of Person Administering Oath)  
Article 136 (b) UCMJ  
(Authority to Administer Oath)

\_\_\_\_\_  
\_\_\_\_\_  
**Witness**  
\_\_\_\_\_  
\_\_\_\_\_

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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EXHIBIT \_\_\_\_\_

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**TAB N**

## 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:** 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 Cco 3-187IN CP FOB Brassfield-Mora, Samarra, Iraq	2. DATE (YYYYMMDD) 2006/06/14 (b)(3), (b)(6)	3. TIME 0919 -0019hrs (b)(3), (b)(6)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6), (b)(3)	6. SSN (b)(6)	7. GRADE/STATUS 1SG/E-8/RA	

8. ORGANIZATION OR ADDRESS  
C CO 3-187 IN, 3RD BCT, 101ST AIRBORNE DIVISION, FOB BRASSFIELD-MORA, SAMARRA, IRAQ APO AE 09349

9. I, (b)(6), (b)(3), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On May 9th 2006 I was part of Operation Iron Triangle. I was on the initial Air Assault in Chalk 7. Our initial Objective was to clear Objective Murray. I was with elements of our 3rd Platoon. The Chalk Leader was SSG (b)(6), (b)(3) Also had with me was our Company XO CPT (b)(6), (b)(3) and our Company Fire Support NCO SSG (b)(6), (b)(3) As we were flying into the Objective Landing Zone I saw red tracer fire about 50 to 100 meters off the right side of the Aircraft. I believe this was about 1 to 2 minutes out from landing. We then moved with 3rd platoon after the initial assault onto Objective Murray. The first group of buildings were cleared and did not have any personnel in them. SSG (b)(6), (b)(3) then set his machine guns onto the rooftop of the buildings which is our Company SOP so they could overwatch the rest of the platoon as they moved to other buildings. As 3rd platoon started to assault another set of buildings they opened up with the machine guns while the assault element moved to the buildings and cleared them there was also nobody in these buildings but the lights were on. At this time the AH-64 helicopters called in they had spotted 4 personnel speeding away from the island in a boat CPT (b)(3), (b)(6) then cleared them hot to engage the boat, I then could hear the helicopter firing on the boat. SSG (b)(3), (b)(6) CPT (b)(3), (b)(6) and myself moved back to the initial objective to establish the Company CP. It was now daylight and CPT (b)(3), (b)(6) started bringing in the UH-60 Aircraft to lift and move 3rd platoon to the north end of the island to clear some buildings that were located there. The element had 22 Soldiers six were Iraqi Soldiers the rest were U.S. Soldiers. This group was led by 1LT (b)(3), (b)(6) The initial report we received on the radio was they had 1 enemy KIA, the house was cleared and they also had 4 male detainees. I got this report I believe from PFC (b)(3), (b)(6) who was 1LT (b)(6), (b)(3) RTO. We were having a hard time making Communication with their element we had the COM-201 antenna up but we still had bad reception. I said that I am not sure why we had 4 males detainees but get them ready to be moved by the Aircraft back to our CP at the initial objective so they could be screened by SGT (b)(6), (b)(3) and his THT team. They were to screen them to see if we could get any actionable intelligence from the detainees to conduct any further operations in the area and the other part of the screening was to see if they had any intelligence value and should be detained at all. This is common for us to do this with THT. I then moved to where SGT (b)(6), (b)(3) was located within our perimeter and told him to get ready to start screening detainees and that we had four being sent our way. He replied he would be ready when they got to our location. After I instructed them to get the detainees back to our location about 20 to 30 minutes went by when the report went to CPT (b)(3), (b)(6) that they had killed three of the detainees because they were attacked by them. This did not sound right to me. The Aircraft never came to our CP and was diverted to the 3-320th TOC. Our CP was then moved south into another raid. I did not see 3rd Platoon until the next day. I saw SSG (b)(6), (b)(3) and his guys in the morning and I immediately asked them if they were OK. SSG (b)(6), (b)(3) looked at me and asked "are we OK?" it did not seem strange at the time but now looking back at this for some reason it sticks in my head. I told SSG (b)(3), (b)(6) that they did the right thing that the guys attacked them and tried to escape and that killing them was the right thing to do because they were defending themselves. I then took PFC (b)(3), (b)(6) and SPC (b)(6), (b)(3) to the Aid Station so they could be looked at by the medics. Today 13 June 2006 at around 1600 SSG (b)(6), (b)(3) and SGT (b)(6), (b)(3) asked me if they could talk to me. I brought them into my CHU and SGT (b)(3), (b)(6) told me that him and SGT (b)(3), (b)(6) had heard some stuff that bothered them about Operation Iron Triangle. I told them to tell me what it was. SGT (b)(3), (b)(6) told me that the day we came back from Iron Triangle that PFC (b)(6), (b)(3) told him that it was SSG (b)(6), (b)(3) who had punched him in the face along with SPC (b)(3), (b)(6) I asked him if anyone else heard this or was there and he said no. He also said that SSG (b)(6), (b)(3) said to PFC (b)(6), (b)(3) to say that the Iraqi hit him out on their Objective. I then told him not to say anything else to anyone about this right now. I then brought in SGT (b)(6), (b)(3) and he told me that 2 weeks after we came back from Iron Triangle SGT (b)(6), (b)(3) pulled him aside and said to him something bad happened on Iron Triangle. SGT (b)(6), (b)(3) said that SGT (b)(6), (b)(3) told him that SSG (b)(6), (b)(3) pulled their squad together on the objective and said this is where you put your "brotherhood to the test" and if you did not want part of this to move away from the building. They planned to cut them Iraqis loose and have the Iraqis run away and then they would shoot them. They also had SSG (b)(3), (b)(6) and SPC (b)(3), (b)(6) punch PFC (b)(3), (b)(6) and then SSG (b)(3), (b)(6) cut SPC (b)(3), (b)(6) across the face and in the arm to make it look like they were attacked and defending themselves. I have one more thing to add the part of their story that makes no tactical sense to me is why they had 3 detainees with their flex cuffs cut off at once with only 2 Soldiers guarding them, and that the rest of the element was already on the PZ. Why would they have left 2 Soldiers and 3 detainees by themselves if they were supposed to be on the PZ waiting to be picked up and taken back to the Company CP?--End of Statement--

10. EXHIBIT	11. (b)(6), (b)(3) OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF (b)(6), (b)(3) TAKEN AT 00191RKS 0A19 DATED 2006/06/14

9. STATEMENT (Continued)

NOT USED

AFFIDAVIT

I, (b)(6), (b)(3), 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 INT.

WITNESSES:

\* ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

(b)(6), (b)(3) (making Statement)  
Subscribed and sworn to by (b)(3), (b)(6) a person authorized by law to administer oaths, this 14 day of Jun, 2006 at BRASSFIELD- MOBA  
(b)(3), (b)(6) (Signature of Person Administering Oath)  
SA (b)(3), (b)(6) (Typed Name of Person Administering Oath)  
ART 156, UCMT (Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

**SWORN STATEMENT**

**LOCATION:** Tikrit CID Office  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:** 7 Jul 06

**TIME:** 0923

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

**NAME:** (b)(6), (b)(3) **SSN:** (b)(6) **GRADE/STATUS:** 1LT/AD

**ORGANIZATION OR ADDRESS:** C Company, 3/187<sup>th</sup> Infantry Regiment, FOB  
Brassfield- Mora, Tikrit, Iraq, APO AE 09393

I, (b)(6), (b)(3) **WANT TO MAKE THE FOLLOWING STATEMENT UNDER**

**OATH:**

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

On or about 9 May 2006, I was tasked with leading the brigade sized Ground Assault Convoy (GAC) from FOB Remagen to vic Muthana Chemical Plant for Operation Iron Triangle. My mission was to lead the GAC to the plant, and link up with SSG (b)(6), (b)(3) who was air assaulting in with 2 M998 humvees. After we linked up, we were to clear the village to the south west of Muthana Chemical Plant. My element met up with SSG (b)(6), (b)(3) and his squad and we finalized our plan to cordon and search the village. As we cleared the village we found multiple AK-47's, a few long range rifles with ammunition and some electrical equipment. We came upon a field toward the south of the village with 3 military aged males digging in a field next to a truck. I thought they could possibly be hiding a cache of some sorts and wanted to check it out. I put the attached snipers on a berm to over watch as I worked a quick plan with the Iraqi Army element that was with me to try to get them to do something. I recall telling the snipers to engage if hostile but when we covered the incident in an AAR they understood the order as to engage. I took the IA elements to the field to search the truck, the males and the field for possible caches. I called cease fire over the ICOM radio. I then went back to talking with the interpreter and heard another shot. I began screaming cease fire. They did. We checked out the area with the IA and nothing significant turned up. We continued moving south searching the village. One of the last buildings to clear was the residence of the Sheik. Intelligence on this mission was that terrorist foreign fighters would come to the area, stay with the families in the village, train in the chemical plant facility, and stay the night in the villages again. I began to question the Sheik on the area with SSG (b)(6), (b)(3). The sheik told me of an Al Qaeda run gas station about 5 kilometers south of the village. He told me that they have meetings inside the gas station and they have weapons and Rocket Propelled Grenades (RPG's) in the area. They also drive trucks and park them at the gas station where a second driver will then take the truck to another location. I asked when they meet and the Sheik looked at his watch and said right now. As I recall, he informed me that there were about 5-10 males who would be meeting at this time. I took this information to be time sensitive and felt we needed to act upon this. I called Captain (b)(6), (b)(3) my company (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)

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**STATEMENT OF [REDACTED] (b)(3), (b)(6) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.**

(b)(6), (b)(3) Commander to let him know what intelligence I had found out. I could not talk directly to him but had to relay through some type of aviation support. I relayed to the aviation element that we came across of a Al Qaeda run gas station with 5-10 males meeting right now. There were possible RPGs in the area. I requested permission to clear the gas station. The aviation asset told me that we had the green light. SSG (b)(6), (b)(3) and I came up with a quick plan to cordon the gas station and search. We were going to establish a four vehicle cordon and SSG (b)(6), (b)(3) squad was going to be the main effort. We moved down south leaving an element behind to guard the detainees that we had taken from the village. As we traveled south, I was in the lead truck with the interpreter and sheik. We approached a small gas station; I asked the informant if this was the spot. He said no. My gunner, SPC (b)(6), (b)(3) informed me that he saw at least one vehicle speed away from us as we approached. He asked if I wanted him to shoot at the car and I said no hold your fire. We continued south until we arrived at what the Sheik told us was the location. As we arrived almost every male started to run for his car and about 5 cars fled before we had the cordon established. They were later stopped by the Area Weapons Team (AWT) when they came on station. SSG (b)(6), (b)(3) and his squad cleared the gas station. They entered and detained about 5 or 6 males. There was one male who was outside the gas station who was identified to me by the informant as the leader. I quickly yelled to SSG (b)(6), (b)(3) to kill that guy thinking that was a Positively Identified (PID). They detained the male and I believe about 5 other males. Across the street was a village/fenced in housing area. I asked the Sheik if they were Al Qaeda and he said yes this is where a lot of them live. Here almost every male was running as soon as they saw our convoy. One male jumped into a fuel truck and began driving in the direction of PFC (b)(3), (b)(6) and SSG (b)(6), (b)(3). About 5 of us engaged the truck (front grill, the cab and windows). He got out and was then shot as he tried to run. To the north, I told SPC (b)(6), (b)(3) to shoot 2 vehicles that I viewed as empty. I saw males trying to run to them most likely to flee the area. SPC (b)(3), (b)(6) destroyed the two vehicles with the MK-19. In doing so there were about 5 local nationals injured who were at the south of the two vehicles. They were shot by the MK 19. SGT (b)(6), (b)(3) called a cease fire and asked me if I saw women or children. I did not but he said he had so I screamed cease fire. At this time, I had SSG (b)(3), (b)(6) squad push forward, set up security and begin assessing the casualties. I called in a 9 line med evac and prepped the landing zone (LZ) for the Blackhawks. The first Blackhawk came in about 20 minutes later followed by 1SG (b)(6), (b)(3) with about 22 members of my company to help us out in searching the village. The second Blackhawk came in and evacuated the rest of the wounded. We finished searching the village. We found multiple AK-47's with brand new ammunition. Also identified was a major high value target. We did not know it at the time, but Special Forces (SF) was planning on raiding the village the same morning that we cleared it, but called off the mission for some reason unknown to me. We (b)(6), (b)(3)

INITIALS OF PERSON  
 MAKING STATEMENT [REDACTED] (b)(6), (b)(3)  
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EXHIBIT \_\_\_\_\_

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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

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

detained the target they were looking for. After this area was complete we moved north and continued with follow on missions for Operation Iron Triangle. When we got back to FOB Remagen, CPT (b)(6), (b)(3) told me he was doing a commanders inquiry on the incident and told me to get sworn statements from the soldiers. I told SSG (b)(6), (b)(3) to get all of his guys together and that we were meeting over in the chow hall. My platoon and his squad met and began working on the statements. In all honesty, at the time I forgot that the snipers were even attached to us, and at that hour of the night it did not dawn on me that I needed to get statements from them. I turned in the statements to CPT (b)(3), (b)(6) and he conducted his commander's inquiry. After we got back to FOB Brassfield-Mora, CPT (b)(6), (b)(3) came to me and said he had statements from the attached snipers. Both of us at FOB Remagen had forgotten about them. He let me read the statements and we talked about improves for the mission and said an investigation would most likely take place. Later that night we conducted an AAR with all who were present for that part of the mission. We discussed the mission from start to the major incidents including the snipers shooting and also the gas station. CPT (b)(6), (b)(3) stressed the significance with tactical patience as well as illustrating my intent better verbally when things get hectic. At no point in time did he ever hint or lead me to think about hiding the sworn statements from the snipers, nor have I ever tried to conceal them. A few days later, I met with LTC (b)(6), (b)(3) to talk about the mission. Our discussion focused on the actions that took place at the gas station. I provided him with copies of the sworn statements as well as CPT (b)(6), (b)(3) commanders' inquiry which all took place at FOB Remagen. At the time I did not have a copy of the snipers sworn statements. I do not know if LTC (b)(6), (b)(3) knew of the statements at the time of our discussion and am not sure if either one of us brought them up in our discussion. We may have talked about them, I just do not recall at this time. I asked him what would happen from here and he said that he needs to look into the matter more and would get back to me. He never did.

Q: SA (b)(3), (b)(6)

A: 1LT (b)(3), (b)(6)

Q: How were you informed the men were digging in the field?

A: I don't remember specially but I think someone told me that we have someone digging in the field. I finished clearing the house we were at and then positioned the snipers on top of the berm. I then made a plan with the Iraqi Army to go search the field, personnel and vehicles.

Q: So when did you give the order to shoot at the men in the field?

A: When I put the snipers in I told them to engage the people in the field if hostile.

Q: What happened after you reached the field? (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

(b)(6), (b)(3) A: We searched the area with the Iraqi Army and did not find anything but a shovel. They were three males at the location from 17 – 25 years of age. We bought them back and detained them. One of the males seemed to be retarded.

Q: What hostile act had they engaged in for you to give the order to shoot at them?

A: My guidance was if they get hostile shoot.

Q: Did you give the order for the sniper to shoot the men in the field while they were digging before you investigated the issue?

A: No.

Q: Did you tell them to engage the man at the gas station who was outside?

A: Yes.

Q: What was the man doing?

A: He was standing outside when the informant told me he was the leader.

Q: So you gave the order to shoot him because the sheik said he was Al Qaeda?

A: Yes.

Q: Why?

A: Because the sheik seemed like a reliable source.

Q: What are the Rules of Engagement for this mission?

A: They are to be engaged if they commit a hostile act or intent. There is something about it being time sensitive and terrorist cell that allows for the ground commander to declare a person hostile. Upon positive ID and reasonable certainty they can be declared hostile.

Q: What is the rule for positive ID?

A: For planned missions it is two sources. I was using the time sensitive and reasonable certainty as the sheik as my source, his position in the village and there was no reason for him to lie to me.

Q: So, a person can just walk up to you and say this person is Al Qaeda and you can then shoot them when they are standing around and not engaging in a hostile act?

A: The sheik seemed very credible and knowledgeable.

Q: So you can just shoot an Al Qaeda members who are standing around doing nothing and not engaging in a hostile act?

A: If confirmed by two sources if you planned the mission. This mission was not planned and it was time sensitive.

Q: What was time sensitive about this mission? You were already there and the man on the outside was not doing anything. The men in the store were detained without any hostile acts. So what would make you think you can shoot this man because the sheik said he was the leader of Al Qaeda?

A: The meeting was time sensitive and it did not allow me time to develop the target with two confirmed sources, however I was reasonably certain that he was an Al Qaeda leader as pointed out by the sheik (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

(b)(6), (b)(3) Q: Lets say he was an Al Qaeda leader. What right did you have to shoot him when he was standing around and not committing an hostile act?

A: At the time I took it as he was positively identified by the sheik and I thought that meant I could engage. But I now feel I may have been wrong. I feel this way because during the AAR and my outside conversations with CPT (b)(6), (b)(3) that I may be to quick to act and that I needed to improve on my tactical patience.

Q: Did you instruct the guys to shoot the men in the gas station?

A: Not that I remember.

Q. When did you view the statements provided by the snipers and where did you get them?

A: A few days after we had gotten back from Remagen. I stopped by CPT (b)(6), (b)(3) CHU and he told me he had the sniper's statements. He let me read them. One of the snipers basically said my orders were unlawful, meaning the guys in the field. I really can't recall the statements in detail. The just of it was that they felt some of my actions were not in accordance with the ROE.

Q: Did they say anything about the amount of fire support used by your soldiers or the thinking the guy who died in front of the vehicle was unjustly killed?

A: I do not remember anything specific.

Q: Does C Company have a kill board?

A: There was one in the command post (CP). I am not sure if it is still up.

Q: What was the purpose of this board?

A: I think it was to keep statistics.

Q: What types of statistics were on the board?

A : For a while it was a list of how many Iraqi people were killed by platoon. Later it became a consolidated list of all kills. It recorded kills by the company cat and how many dogs the dog handler killed. The dog handler would go out and if the dog came to close to his dog, he would kill the stray dog to protect his dog. He would kill the stray dogs with his 9mm. I never saw him do it. I am not sure of his name. I am not sure how many dogs he has killed.

Q: What did he do with the dogs after he killed them?

A: I think he would just leave them.

Q: To your knowledge who was aware of the sniper statements?

A: CPT (b)(3), (b)(6) is the only one I know of. We talked about this in the AAR and everything they mentioned in their statements came out in the AAR conducted at Brassfield-Mora.

Q: Did you speak to the snipers about their statements?

A: Not that I remember. I might have said sorry, I did not get your statements in time.

Q: Do you think there is a bad unit climate which allows soldiers to think it is ok to kill unarmed Iraqis (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

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

A: No, not at all.

Q: Do you think any of the ROE's given out may have been unlawful?

A: No, I trust that whoever was responsible to make those calls were competent to do so.

Q: Do you think anyone in your chain of command would cover up things that may have done wrong by members of the unit?

A: No.

Q: Why weren't the snipers statements provided with the rest of the statements during the commander's inquiry?

A: Because we forgot they were attached to us. I found out after CPT (b)(3), (b)(6) showed them to me in his CHU. We had the AAR within a day or two after that.

Q: Did anyone ask you about the snipers statements and there location?

A: No.

Q: Do you know if the statements were provided to the battalion?

A: I don't know.

Q: Did you speak to anyone other than CPT (b)(3), (b)(6) about the allegations the snipers made about you giving unlawful orders?

A: No, it only came out in the AAR.

Q: Did you speak to the battalion commander about those allegations?

A: I know I went to his office and talked to him about the mission. I know we talked about me and my actions while out there. I can not say with 100% certainty that we discussed the allegations of the snipers. We talked about me using the sheik as a PID and that the sheik could not be used as a positive source. He disagreed with my decisions. It was not a very detailed discussion. He called me to his office via the battalion TOC. This was not to long after he got back from leave. I think it was about a week or so after.

Q: Did you tell him that you gave orders to shoot the men in the field and the man at the gas station who were not posing a threat?

A: I don't think so.

Q: Did you tell CPT (b)(6), (b)(3) about the orders you gave to shoot the men in the field and the man at the gas station who were not posing a threat?

A: I spoke to CPT (b)(6), (b)(3) about this before the AAR and SGT (b)(3), (b)(6) and the snipers spoke up in the AAR and said I gave orders to shot unarmed men.

Q: What was your response?

A: I think I said something along the lines that yes, I messed up.

Q: Who was there during this AAR?

A: CPT (b)(3), (b)(6) 1SG (b)(3), (b)(6) the snipers (3), SSG (b)(6), (b)(3) and his squad, SSG (b)(3), (b)(6) and the rest of my platoon (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

(b)(6), (b)(3) Q: Did you inform CPT (b)(6), (b)(3) that you had given those orders any other time? (in his CHU or during another conversation)

A: We talked about it in his CHU after the AAR. I said I gave the orders and that I was wrong. He told me that I have to have more patience and a better assessment of the situation.

Q: Would there be any reason why CPT (b)(6), (b)(3) would say you did not tell him or you did not speak to him about the statements given by the snipers or that you had given them the order to kill unarmed men?

A: None that I know of.

Q: Did you tell him you gave the order to kill the unarmed man outside of the gas station?

A: Yes, when I was in his CHU, at the AAR and after the AAR when we spoke in my CHU.

Q: What was his response?

A: He told me that I need to be more patience, think with a clear head and not gets so caught up in the moment. This was in regards to the orders I gave to kill the men and the quick mission plan.

Q: What did CPT (b)(6), (b)(3) tell you about the use of fire power used at the gas station?

A: He said I could not just open up with the Mk 19 and it's capabilities and innocent people were injured. He stated I should have used a better cordon to block the vehicles in stead of shooting at them.

Q: What happened to the people detained, injured and killed on that objective?

A: To my knowledge the detainees were taken to the screening area around the chemical facility. The injured were air medically evacuated to a hospital - not sure which one. The dead guy was taken by relatives.

Q: Was the information on the dead guy passed up to battalion?

A: Yes. When I called for the medical evacuation; I also told them about the guy who attempted to flee after getting out of the truck.

Q: Why did they engage the man in the truck?

A: Because he was driving towards (b)(3), (b)(6) and (b)(6), (b)(3) and they felt their lives were threatened.

Q: Did you witness they vehicle heading towards their direction?

A: Yes and I also fired.

Q: What was the reason for all the gun fire at the buildings?

A: I don't recall telling them to shoot at the buildings. They were supposed to be shooting at the two trucks that were empty and the vehicle that attempted to run over

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

Q: Who did you tell to fire at the trucks? (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

(b)(6), (b)(3) I told SPC (b)(6), (b)(3) to fire his Mark 19 at the empty vehicles to stop the other males from getting into the cars and driving away.

Q: Are you supposed to use the Mark 19 to fire when innocent people are near who could possibly get hurt?

A: No, I did not see them at the time I gave the order. SGT (b)(6), (b)(3) brought it to my attention and he gave a cease fire order and I agreed and everyone ceased firing.

Q: Was the man who was killed fired upon after he was face down on the ground?

A: I do not know.

Q: Did you say that the innocent people would be part of collateral damage?

A: Yes, it was something foolish that came out of my mouth. During the heat of the moment and I regret saying it. SGT (b)(6), (b)(3) called a cease fire and said there were women and children in the area and I said they would be collateral damage.

Q: Have you heard of anything criminal acts that may have been committed by members of your unit but not reported higher or to law enforcement?

A: No.

Q: Why didn't the soldiers out on the mission with you follow your orders?

A: I can't speak for them for certain. They are E5s and E6s for a reason, they had a better view, were much closer and had a better perspective of the situation than I had.

Q: Why didn't SGT (b)(6), (b)(3) statement say anything about the unlawful order?

A: I don't know.

Q: Did you read the statements provided by members of your platoon?

A: Yes, and I swore them to them.

Q: Were the statement accurate and truthful?

A: Yes, I didn't see any lies.

Q: Is an omission considered a lie when given sworn statements?

A: Yes.

Q: Did the soldiers omit the part about your actions while out on the mission?

A: At the time the orders I gave did not come up. They provided the statements prior to the AAR.

Q: When were the statements provided to CPT (b)(6), (b)(3)

A: After we completed them at Remagen.

Q: Did you say fuck the women and children or fuck it that they were collateral damage?

A: I don't know if that was the direct quote. I know I said something along the lines of collateral damage.

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

A: I am just trying to do the right thing. It was not my intention to open up a MK 19 on innocent people. Every since that incident happen I have been thinking about my actions and grateful that no one was seriously injured. My guys made the right decision (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER,  
TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

(b)(6), (b)(3) and I thank them every day for it. This is something I have to live with the rest of my  
life.

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

A: No.///END OF STATEMENT/// (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 7 July, 2006, CONTINUED.

I, (b)(6), (b)(3) READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 10 (b)(6), (b)(3) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Friday, July 07, 2006, at Tikrit CID Office COB Speicher, Tikrit, Iraq, APO AE 09393

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

SA (b)(3), (b)(6)  
\_\_\_\_\_  
Typed Name of Person Administering Oath)  
Article 136 (b) UCMJ  
(Authority to Administer Oath)

\_\_\_\_\_  
\_\_\_\_\_

**Witness**  
\_\_\_\_\_  
\_\_\_\_\_

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_  
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**TAB 0**

**SWORN STATEMENT**

**LOCATION:**  
Building 718 (CID Office)  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:** (b)(6), (b)(3) **TIME:** 1810 (b)(6), (b)(3)

**NAME:** (b)(6), (b)(3) **SSN:** (b)(6) **GRADE/STATUS:** CPT/AD

**ORGANIZATION OR ADDRESS:** C CO, 3-187 Infantry, Forward Operating Base (FOB) Brassfield-Mora, Samarra, Iraq, APO AE 09349

**I, (b)(6), (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

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

From 08 MAY 06 – 12 MAY 06, my company was attached to 3-320<sup>th</sup> FA for Operation Iron Triangle. We landed on the initial objective (OBJ Murray) at roughly 090510MAY06 and continued to clear the island until about 0930-1000. Roughly around the same time, 1LT (b)(6), (b)(3) who had commanded the ground attack convoy (GAC) began clearing his objective on the mainland. As he cleared from north to south he found a sheik who gave him intel about an Al Qaeda operated gas station that served as a drop off point for AIF supplies, a meeting place, and a money-making operation. 1LT (b)(6), (b)(3) relayed through the AH-64s operating in support of the operation that he wanted to take the sheik down south and identify the gas station. I relayed back to him giving him my approval to follow through on the intelligence and see what he found. I remembered that to the south TF 77 had planned an operation for that morning but had cancelled it at the last minute. 1LT (b)(3), (b)(6) and I had been in the area two months before as a quick reaction force (QRF) for special operations forces (SOF). We had responded to contact in which one member of the SOF had been killed, and we found significant caches in and around two houses to the south of the Muthana Chemical Plant. That being said, we knew that the areas south of Muthana harbored Al Qaeda in Iraq (AQIZ). 1LT (b)(6), (b)(3) asked permission to follow up on this lead and I granted it to him. At around 0830, I began moving troops off of the island for subsequent objectives. The first lift picked up 1LT (b)(6), (b)(3) from the vicinity of SSG (b)(6), (b)(3) squad's location and dropped him off at a new objective to the northeast. The second lift picked up 2<sup>nd</sup> platoon from SSG (b)(6), (b)(3) location and delivered them to the Battalion Tactical Operations Center (TOC) in Muthana. Right about the time that 2<sup>nd</sup> platoon was being picked up, I got a call from 1LT (b)(6), (b)(3) or someone in his element that they were in need of air support. The attack weapons team (AWT) operating around Muthana made a quick flight down to the gas station and asked how they could help. At that time, I did not have direct communication with 1LT (b)(6), (b)(3) but (b)(6), (b)(3)

**INITIALS OF PERSON MAKING STATEMENT** (b)(6), (b)(3)

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**STATEMENT OF (b)(3), (b)(6) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) able to communicate with him through the AWT. 1LT (b)(3), (b)(6) asked the aircraft to help cordon off the area and prevent any vehicles from escaping. The AWT asked if they were "cleared hot" to engage vehicles leaving the gas station area. 1LT (b)(6), (b)(3) gunner came on the radio and said, "roger, you are cleared hot." At that point both I and my executive officer (XO), CPT (b)(6), (b)(3) ordered the AWT not to shoot and CPT (b)(3), (b)(6) said to the gunner, "you are not authorized to clear the AWT hot, get 1LT (b)(6), (b)(3) on the radio." I gathered from the conversation that ensued that cars were leaving in two different directions and that the AWT was having trouble stopping both avenues at once. They requested to use fire to isolate the objective by shooting out in front of the cars and thus prevent them from attempting to leave. I got on the radio and said that if they could shoot safely out in front of the vehicles they were cleared to use that technique. They did so and prevented any vehicles from leaving the objective. At that point, I learned that 1LT (b)(6), (b)(3) had engaged some vehicles and was requesting MEDEVAC for 5 injured Iraqis. Knowing that they would need additional assistance at their location, I sent 2<sup>nd</sup> platoon from the TOC to 1LT (b)(6), (b)(3) position. I then redirected the 1SG (b)(6), (b)(3) and elements with him on the southern tip of the island to go to the gas station too. Next, I took my element which consisted mostly of Iraqi Army (IA) and flew to the detainee collection point where 1LT (b)(3), (b)(6) had met the sheik. I talked with SSG (b)(6), (b)(3) and determined to put together a GAC to extract all of our Soldiers from the south and bring them back north. I left SSG (b)(6), (b)(3) in charge at the detainee collection point. I took the IA with me and we headed south in trucks to reinforce 1LT (b)(6), (b)(3). When I arrived, I saw a blue tanker truck that had been shot and was on the main on-ramp to the highway heading south away from the gas station. I also saw at least two other cars that had been shot. I linked up with the First Sergeant and he explained what had happened to the best of his ability. After talking to him, some of the Soldiers and 1LT (b)(6), (b)(3) my understanding of the situation was as follows:

While approaching the gas station, the sheik pointed and identified the structure as being the Al Qaeda gas station. 1LT (b)(6), (b)(3) looked and saw about 30 military aged males congregating in the immediate vicinity. When they saw the patrol approach, they began to run for their cars. 1LT (b)(6), (b)(3) described to me how he weighed the decision to engage or not in his mind and chose to engage the vehicles to prevent them from escaping. He ordered the gunners to engage the vehicles as they were attempting to escape. The two gunners that had open shots at the vehicles were SPC (b)(6), (b)(3) firing the MK-19 and SPC (b)(6), (b)(3) firing the M240B. Between the two of them, they shot at least two cars as men were running to them and injured 5 people in the process. Members of headquarters and 2<sup>nd</sup> platoon cleared the gas station and when they heard firing on the road they took up a position behind a wall and engaged the blue tanker that was moving down the on ramp toward the south. It was the last vehicle to be engaged. SGT (b)(6), (b)(3) saw women and children toward the west and yelled "cease (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF (b)(6), (b)(3) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

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

me. 1LT (b)(6), (b)(3) echoed the command and then asked why SGT (b)(6), (b)(3) had yelled it. SGT (b)(6), (b)(3) showed him the women and children and 1LT (b)(3), (b)(6) ordered the men to sweep through the objective. At that point, the AWT was coming on station and helped prevent any other vehicles from escaping as described above. As the ground forces cleared the objective, they found the 5 wounded local nationals and began treating them and 1LT (b)(6), (b)(3) called a MEDEVAC request through the AWT to the BN TOC. This was the point at which I began flowing more troops down to 1LT (b)(6), (b)(3) location for assistance.

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

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

After talking to the 1SG and other Soldiers, the 1SG directed my attention to the village or compound that the company was clearing. In the compound were an additional 35 military aged males all from different tribes and sects. It was a strange grouping of people, many of whom had ID cards from Fallujah that indicated that they were working with the Marines. In my mind, I felt that this was what the sheik had described as an Al Qaeda haven. THT continued screening each possible detainee and my Soldiers thoroughly checked each house. In one they found a huge amount of medical supplies – most of which would be useful in treating gunshot wounds and trauma injuries. It appeared to me to be a field hospital for Al Qaeda. Later, LTC (b)(6), (b)(3) came to the objective and while reading through documents in that house determined that this man was linked to an HVT in their AO. Later, they determined that he was the #1 HVT that the operation had been targeting, (b)(6) an Iranian Amir who trained foreign fighters in the Muthana area. We detained all 65 males and of those, 40 or so were sent to be held at FOB Remagan. I am unaware of the total number sent forward after that, but I was told that some had admitted ties to Al Qaeda and that at least three had been positively identified as belonging to Al Qaeda. That evening, LTC (b)(6), (b)(3) directed that I do a commander's inquiry on both the deaths of the detainees under SSG

(b)(6), (b)(3) supervision and the gas station incident. After one more day of operations around the Muthana area, we returned to FOB Remagan on the evening of the 11<sup>th</sup> of May. I joined the GAC element with LT (b)(6), (b)(3) and returned significantly later than the air assault element. Once I arrived, both SSG (b)(6), (b)(3) group and 1LT (b)(6), (b)(3) group were writing their statements. I collected both sets and read through them and began writing my commanders inquiries. I started on SSG (b)(6), (b)(3) first because MAJ (b)(6), (b)(3) from 3-320<sup>th</sup> wanted to start his 15-6 investigation at 0900 the next morning. I worked through the night and had the final product and statements to MAJ (b)(6), (b)(3) by 0900. I then turned my attention to 1LT (b)(6), (b)(3) operation at the gas station. I read through the statements and filled in the blanks in my understanding of the story and began to analyze 1LT (b)(6), (b)(3) decision to engage the vehicles with respect to the ROE.

Based on the knowledge of the area, prior intel, and HUMINT provided by the sheik, I determined that 1LT (b)(6), (b)(3) was within the guidelines of the ROE when he ordered that (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF** (b)(6), (b)(3) **TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

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

the cars be engaged to prevent the military ages males from escaping the area. His determination was based on his being relatively certain that the scene in front of him was indeed the reported Al Qaeda meeting place. In this respect he had the authority to declare the area and personnel as hostile as a status-based declaration, he being the on-scene-commander (OSC). I finished both of my commanders inquiries and turned them in to MAJ (b)(6), (b)(3) for review on the afternoon of 12 MAY 06. He understood and agreed with my findings and after all other tasks were complete, we departed for FOB Brassfield-Mora. Upon returning to FOB Brassfield-Mora, LTC (b)(6), (b)(3) had gone on leave, so I updated the BN XO, MAJ (b)(6), (b)(3) on the highlights of the mission but did not get into too much detail. I believe that I told him that I did the commanders inquiries on the two cases, and that we stayed up at FOB Remagan for an extra day for that purpose and for the purpose of finalizing detainee packets. A few days later, MAJ (b)(6), (b)(3) went on leave and MAJ (b)(3), (b)(6) the Operations Officer assumed command of the battalion. I may have talked to him in passing about Iron Triangle, but I do not remember going into detail about the commanders inquiries. At the time of our return, I did not realize that I had not collected statements from the snipers who supported our operation. 1LT (b)(6), (b)(3) their platoon leader, had them write statements and delivered them to me a couple days later and asked why I had not had them write statements. I told him that I did not realize they were missing. When I read through the statements two of the four claimed that 1LT (b)(6), (b)(3) had ordered them to kill a man standing outside of the gas station and that they did not obey the order because they perceived that it was illegal. The words he allegedly used were, "That man, shoot him," or "that man, kill him." Whenever we have fire fights, we always do a very thorough debriefing or AAR to ensure that everyone talks about what they saw and experienced. We had already scheduled this AAR, but after reading the statements from the snipers, I determined that this had to be addressed because of the seriousness of giving illegal orders. I think that it was 1SG (b)(6), (b)(3) who also told me that SGT (b)(6), (b)(3) had heard 1LT (b)(6), (b)(3) say similar things. I talked with 1SG (b)(6), (b)(3) about whether or not 1LT (b)(6), (b)(3) should even attend the AAR because of the nature of the Soldier's claims. 1SG made no recommendations. At one point I had to make the decision whether to treat it like an investigation or an AAR. Either I read 1LT (b)(6), (b)(3) his rights and questioned him separately and questioned each of the individuals, or I had 1LT (b)(6), (b)(3) run the AAR as the element leader and have him confronted directly with what his men claimed he said. I chose the second course of action and told 1LT (b)(6), (b)(3) that he would lead the AAR and that I wanted to address specifically what orders he gave and what the others heard him say. Everyone who had been there on the scene attended the AAR. In addition to those people were the one sniper who had stayed with SSG (b)(6), (b)(3) myself, 1SG (b)(3), (b)(6) SSG (b)(3), (b)(6) CPT (b)(3), (b)(6) and 1LT (b)(3), (b)(6). We went through the AAR step by step and when we got to the point of what 1LT (b)(6), (b)(3) said and

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

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 MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF (b)(3), (b)(6) TAKEN AT BLDG 718, COB SPEICHER,  
TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) hat SGT (b)(6), (b)(3) and the snipers heard, I asked each individual what they heard to the best of their recollection. SGT (b)(6), (b)(3) was the most adamant that 1LT (b)(6), (b)(3) had said, "Kill that man" referring to a man wearing a white dishdasha standing on the side of the road outside the gas station. SGT (b)(3), (b)(6) response was, "FUCK NO! I am not going to shoot him," to which 1LT (b)(6), (b)(3) made no response. SGT (b)(6), (b)(3) secured the man and continued to clear his area. Soon after that, he looked around and saw that there were women and children to the west and yelled "cease fire." I asked the snipers what they heard and they agreed that in addition to ordering the gunners to shoot the vehicles, he had pointed at that man by the gas station and ordered them to kill him. I turned to 1LT (b)(6), (b)(3) and asked him to explain himself. He explained to the whole group, his decision to engage the vehicles. He had hesitated, trying to discern whether or not this was indeed Al Qaeda. In the end, he ordered them to engage the vehicles. At that point, he claimed, he may or may not have ordered them to shoot the man. He felt like with the mass confusion in front of him, he was in sensory overload and did not remember exactly what he had said to anyone. He did remember barking out orders here and there, and having the 2<sup>nd</sup> platoon element clear the gas station, but everything happened within a couple of minutes. He did not see anything that countered his impression of the situation until SGT (b)(6), (b)(3) yelled cease fire and pointed out the women and children. SGT (b)(6), (b)(3) expressed his anger over the fact that the element seemed to be engaging with no control and no fire commands. He argued that they had been trained to execute missions with precision and he felt like they were acting undisciplined. He was also angry that he, a sergeant, had to be the one to step in and put an end to the firing, before they injured or killed women and children. At that point, 1LT (b)(6), (b)(3) concluded and apologized for the miscommunications, yet still never fully grasped the situation in which he had placed his Soldiers. After the AAR, I talked to the first sergeant and he was irate that 1LT (b)(6), (b)(3) had essentially not accepted responsibility and had not made right the situation. An hour or so later, 1LT (b)(6), (b)(3) had a meeting with all of the Soldiers from my company headquarters who had been there on the scene. CPT (b)(3), (b)(6) 1LT (b)(6), (b)(3) roommate came to me and said that (b)(6), (b)(3) was having a mental breakdown and was talking to the platoon again. I did not attend his meeting with the platoon, but I went later to talk to 1LT (b)(6), (b)(3) and he admitted that he had put the men in a bad position by losing control. He still did not remember saying anything in particular, but he admitted that he had been overloaded and yelling orders out haphazardly. I talked to him about detaching himself from the fight just enough to be able to get a better perspective on what was going on. Even after the contact, he involved himself too much and was treating casualties and preparing the MEDEVAC request instead of his much more important responsibilities of checking security and sending spot reports to higher. After this conversation with 1LT (b)(6), (b)(3) I went back to either 1LT (b)(3), (b)(6) and possibly CPT (b)(3), (b)(6) the HHC Company Commander and (b)(3), (b)(6)

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MAKING STATEMENT (b)(6), (b)(3)  
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(b)(6), (b)(3)  
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**STATEMENT OF (b)(6), (b)(3) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) talked to him about the incident and what conclusions we had come to. On a daily basis, I talk to the BN XO or S-3 about upcoming operations or other issues, but I do not specifically remember raising this issue to them again after the AAR was complete. That week, we had a spike in IED activity, and we were already in the planning process for a major operation to destroy an IED cell in the local area. In fact, we conducted the AAR in between multiple planning session and recon missions prepping for the upcoming mission. Most or all of my conversations with either MAJ (b)(3), (b)(6) or MAJ (b)(6), (b)(3) were focused on the upcoming mission, not on Iron Triangle. I will conclude that I did not intend to keep anyone in the dark about what had happened. I requested the presence of the snipers, and their platoon leader and backbriefed their company commander so that they would know what was going on. I also did not intend to violate any reporting requirements and I am not aware of any that I violated.

**Q: Please explain your prior training and understanding of the procedures for reporting potential LOAC violations and who must be notified in what time frame?**

**A: The company conducts ROE / LOAC training on a monthly basis. The last training I had prior to the event was in APR 06. LOAC violations should be reported directly up the chain of command. The timeframe is immediate. I am not certain on potential LOAC violations or the timeframe of investigating / reporting them.**

**Q: Did you ever brief MAJ (b)(3), (b)(6) LTC (b)(6), (b)(3) or any other member of your BN staff or HHC 3 BCT, 101<sup>st</sup> ABN DIV personnel on the statements and/or allegations of the snipers or of SGT (b)(6), (b)(3)?**

**A: At the time of the events, I did not talk to LTC (b)(6), (b)(3) who was on leave or anyone on Brigade Staff. Although I talked to MAJ (b)(6), (b)(3) about Iron Triangle, I do not think that I mentioned the statements from the snipers or SGT (b)(6), (b)(3) to him. On 6 JUL 06 LTC (b)(6), (b)(3) came to me and asked me to explain the events that happened at the gas station during Iron Triangle. He said he was asking because he had to answer an email from COL (b)(3), (b)(6) about why my commander's inquiry had been so poorly written. I explained to him the timeline of writing the inquiry, getting the additional statements and conducting the debriefing. Before yesterday, we had not discussed the gas station operation at all.**

**QUESTIONS: SA (b)(6), (b)(3) ANSWERS: CPT (b)(6), (b)(3)**

**Q. Did you type the above narrative; and then type the two questions presented to you by SA (b)(6), (b)(3) and then type your answers?**

**A. Yes.**

**Q. Did LTC (b)(6), (b)(3) discuss any further with you your commander's inquiry on 6 Jul 06, and if so, what were the items you discussed?**

**A. We talked about everything that has been covered in this sworn statement (b)(6), (b)(3)**

**INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)**  
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**STATEMENT OF (b)(6), (b)(3) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

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

**Q. Did 1LT (b)(6), (b)(3) ever tell you that he issued any unlawful order or orders to kill (or "shoot", or "engage" or any wording to that effect) unresisting Iraqi nationals during Operation Iron Triangle?**

**A. No.**

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

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

**Q. Are there any other LOAC violations or possible violations that you are aware of that have not been reported to your BN or higher headquarters?**

**A. No.**

**Q. Please describe what has been described as a "Kill Board" in the C Company TOC. What was the purpose of the board, and what were the items being tracked? What was the criteria for entering the items on the board? Where is it now?**

**A. The board tracked how many confirmed AIF the company had killed. It was broken down by platoon showing how many AIF each platoon had killed. It has been erased and the board now contains the hand written manning rosters for ongoing patrols and covert observation posts.**

**Q. Was any disciplinary action taken against any Soldiers for failing to obey any orders from 1LT (b)(6), (b)(3) regarding Operation Iron Triangle.**

**A. No.**

**Q. When did LTC (b)(6), (b)(3) come to your office on 6 Jul 06? Did LTC (b)(6), (b)(3) give you any orders or directives or suggestions regarding what to say or what not to say regarding this incident? When did LTC (b)(6), (b)(3) notify you that you were going to be interviewed by CID? Did he give you any instructions regarding any statements that you might or might not make to CID?**

**A. LTC (b)(6), (b)(3) came to my office at 1300. I was on patrol, but my truck broke down, so I came in to change it out. He found me at the company area and we sat down for about 15 minutes. He asked me to give him the details of what had happened and I told him everything that I have written here and explained that I turned in the original commanders inquiry to 3-320<sup>th</sup> prior to finding out about the snipers and SGT (b)(6), (b)(3) statements. He wrote down notes but gave no guidance about statements of anything pertaining to the case. He told me at around 2200 that I was to be at CID's office with 1SG (b)(3), (b)(6) and 1LT (b)(6), (b)(3) at 0900 the following morning. He gave me no instructions beside the time and place to show up. At no time did LTC (b)(6), (b)(3) give me any instructions or attempt to influence statements that I might or might not make to CID.**

**Q. In SGT (b)(6), (b)(3) initial statement regarding the actions at and around the gas station during operations Iron Triangle, there is no mention of a possible LOAC violation by 1LT (b)(6), (b)(3). Did you, or any other person that you are aware of, instruct, order, coerce, or in any other way influence SGT (b)(6), (b)(3) to omit that information from his statement (b)(6), (b)(3)**

**INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)**  
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**STATEMENT OF** (b)(6), (b)(3) **TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

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

**A. I did not and I am not aware of anyone else doing this.**

**Q. Did anybody at any time tell you that the man who was shot inside the truck had exited the truck, laid in front of the truck, and was subsequently shot while he lay on the ground in an apparent gesture of surrender?**

**A. No. I was told that he was shot in the truck, exited the truck and was shot and killed as he was running from the truck. We instruct our Soldiers to follow the target down to the ground and continue to engage as they fall to the ground until they are no longer a threat, so it is highly likely that he was shot after falling to the ground.**

**Q. If this happened would it be a violation of the ROE?**

**A. If he lay on the ground in an apparent gesture of surrender and was subsequently shot, this would be an ROE violation as long as the shooter or the leader giving the order to shoot understood that he was surrendering.**

**Q. If the man was unarmed and fleeing the truck after he and/or the truck were shot, and was running away from coalition forces, would it be in compliance with the ROE to engage him with deadly force as he ran away?**

**A. Yes. With regards to status-based targeting, if this man were positively identified as belonging to a designated terrorist group, then he is a legitimate object of attack until he is actively surrendering – it does not matter what else he may be doing. With regards to threat-based targeting, if the Soldier engaging the man still senses a hostile act or hostile intent, he is still authorized to use deadly force to protect himself and his buddies. If the Soldier is convinced that he is a threat in the vehicle, he has no idea what the man will do outside of the vehicle and can still be a threat.**

**Q. Have you been truthful in your entire statement today?**

**A. Yes.**

**Q. Please describe how you have been treated by CID today?**

**A. There were no problems. They treated me just fine.**

**Q. Were you afforded opportunities to use the latrine, and to drink water or other beverages and to eat lunch?**

**A. Yes.**

**Q. During the initial preparation of your statement, you related that LTC (b)(6), (b)(3) asked why your inquiry "did not have any information about the sniper's and SGT (b)(6), (b)(3) statements." Please clarify this information.**

**A. When LTC (b)(6), (b)(3) said that COL (b)(3), (b)(6) thought the commanders inquiry was poorly written, I initially did not know why. I went on to explain to LTC (b)(6), (b)(3) about the entire mission. At some point, I think that he asked me a question like, "what is this about some guys claiming that 1LT (b)(6), (b)(3) said for them to kill a guy by the side of the road?" Hearing this question, I now understood why COL (b)(3), (b)(6) had said my commanders inquiry was poorly written. To him, it did not address this fundamental issue of a potential LOAC violation. I then proceeded to explain to LTC (b)(6), (b)(3) that (b)(6), (b)(3)**

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**STATEMENT OF (b)(6), (b)(3) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 7 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) attached to 3-320<sup>th</sup> and prior to learning about the potential LOAC violation. I assume that is why it appears to be poorly written or incomplete. I also gave him the details on how 1LT (b)(6), (b)(3) approached me with the sniper's statement and how 1SG told me about SGT (b)(6), (b)(3) input.

**Q. Did you discuss with LTC (b)(6), (b)(3) any of the details of the allegation by the snipers and SGT (b)(6), (b)(3)**

**A. I did not get into too much detail. Regarding SGT (b)(6), (b)(3) he had spoken to the 1SG and given a similar story to what the snipers had put in their written statements. When talking to LTC (b)(6), (b)(3) I confirmed that yes, Soldiers had made those claims and that I had talked to 1LT (b)(6), (b)(3) and he was unsure of whether or not he had said those things.**

**Q. Did LTC (b)(6), (b)(3) ask you any questions about the location of the statements, or about why he had not been briefed on the allegations?**

**A. No.**

**Q. Did any persons report receiving fire during the ground portion of Operation Iron Triangle?**

**A. No.**

**Q. Did any persons report receiving fire during the initial air assault portion of Operation Iron Triangle?**

**A. 1SG (b)(6), (b)(3) saw tracer fire coming up from the south of Muthana about 2 minutes prior to landing. This would put it just south of the main Muthana Chemical Plant about 4-5 kilometers east of our initial objective. We have spoken to a few crew chiefs that saw the same thing during the initial entry. I don't know the crew chiefs by name.**

**Q. Do you have anything to add to this statement?**

**A. No. ///END OF STATEMENT (b)(6), (b)(3)**

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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I, (b)(6), (b)(3) READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 10. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Friday, July 07, 2006, at Building 718 COB Speicher, Tikrit, Iraq, APO AE 09393

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

(Signature of Person Administering Oath)

Special Agent (b)(3), (b)(6)  
(Typed Name of Person Administering Oath)  
Article 136, UCMJ  
(Authority to Administer Oath)

\_\_\_\_\_  
\_\_\_\_\_

Witness

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**TAB P**

**SWORN STATEMENT**

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**File Number** : 0086-06-CID899-75447  
**Location** : COB Speicher, Iraq, APO AE 09393  
**Date** : 2 July 2006 (b)(6), (b)(3) **Time** : 1638 (b)(6), (b)(3)  
**Statement of** : (b)(6), (b)(3)  
**SSN** : (b)(6) **Grade/Status**: E8/AD  
**Org/Address** : C Company, 3/187 INF, FOB Brassfield-Mora, APO AE 09349

-----  
(b)(6) I, 1SG (b)(6), (b)(3) want to make the following statement under oath:

(b)(6) On May 9<sup>th</sup> 2006 as part of Operation Iron triangle in Iraq. After the island was secured, I was left at the Company CP with elements from 3<sup>rd</sup> Platoon. We were listening to the radio traffic from 1LT (b)(6), (b)(3) he had requested to go check out an area with a sheik he had picked up at one of the Objective the Ground Assault convoy had. CPT (b)(6), (b)(3) told 1LT (b)(6), (b)(3) he could go and check it out. After a while 1LT (b)(6), (b)(3) came on the radio saying that they were in contact with people at the gas station or words to that effect. I then was listening to him talk to the Aircraft (AH-64) and was trying to talk them onto a target. A few minutes went by and the pilot was asking for clarification on the target. This is when someone from 1LT (b)(6), (b)(3)'s element I think it was SPC (b)(6), (b)(3) was trying to clear the aircraft hot. This is when CPT (b)(6), (b)(3) came on the radio and told him he could not clear anything hot and to get 1LT (b)(6), (b)(3) back on the radio after this someone came on the radio and said to cease fire that there were women and children in the area. A few minutes went by and CPT (b)(6), (b)(3) got on the radio and asked if we could move to where 1LT (b)(6), (b)(3) was in contact. We said we could move and within a few minutes 2 Blackhawk helicopters landed and picked us up. We had 22 Soldiers total. We had our THT team, elements from 3<sup>rd</sup> platoon led by SSG (b)(6), (b)(3) along with SSG (b)(6), (b)(3) and myself, SSG (b)(6), (b)(3) and CPT (b)(6), (b)(3) from Headquarters. We flew from I remember about 17 kilometers and landed in the road. When we got off the aircraft I was looking for 1LT (b)(6), (b)(3) and did not see him I ran into SSG (b)(6), (b)(3) and asked him what the hell happened. I also saw a truck that was shot up and I saw a body it was an older male, there was blood on his upper body. SSG (b)(6), (b)(3) said the truck would not stop so they engaged it and the man was killed during the engagement. I then asked him where 1LT (b)(6), (b)(3) was and where he said he was helping with the medevac. As we talked an m998 went by with looked like 2 wounded Iraqi men. (b)(6), (b)(3)

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

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STATEMENT OF 1SG (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b)(6), (b)(3) Also asked if everyone was ok to see if we had anyone wounded. We did not. As we started moving towards the M114 I could see I got 1LT (b)(6), (b)(3) on the radio. I asked him what was the situation on the ground and what did he need us to help with. He said a compound that had AL Qaeda in it needed to be cleared. I was looking and saw 2 compounds so I was not sure which one he was talking about so I told him to come and point out the compound, I also said to him that he should have met us when we came off the aircraft and that he had NCO's that could be handling the medevac. He pointed out the compound and then I told him to reconsolidate his vehicle and finish up with the medevac. I told him we would clear the compound. I then gathered up the leaders of the element I Air Assaulted in with and told SSG (b)(6), (b)(3) to set up an overwatch position on the roof of a building that was cleared so he could overwatch our movement to the compound. I told him no suppressive fire only to overwatch us as we moved, he was to open up with the machine guns only if we were fired upon as we were moving to the compound. I told the assault element that we were not on the island anymore so get the Soldiers to change gears. That it looked like the compound was squatters and families living in to so to slow it up and we would do a normal cordon and search. I also told them only to engage if they were fired up or felt as if they were in danger. I put out we would do an initial clearance of the compound detain all males on the objective and bring them back to the designated building to be screened by the THT team. I designated the screening area the first apartment we had cleared. SGT (b)(6), (b)(3) the THT team leader got set up and went to work. I left 2 other Soldiers to help securing the detained men. After all the males were detained I told them that is when we would do a more detailed search of the area. I also said no ballistic breaching unless I approve it because of the danger to civilians that were in the area. The clearing of the objective went well everyone was cooperative at the compound we detained from what I remember 35 males. The compound was also full of women and children. One man stuck out he came out carrying a child who looked as if he was dead the man said the kid had a headache the child had a rag or towel wrapped around his head. The kid was alive but the way the guy came out with him it looked very strange. After a while 2<sup>nd</sup> platoon led by 1LT (b)(6), (b)(3) showed up and I explained to him the situation and what I needed his platoon to do. He took his platoon to the next road in the compound and started to detain the males and bring them to where THT was screening them. The (b)(6), (b)(3)

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

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STATEMENT OF 1SG [REDACTED] (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b)(3), (b)(6) Initial clearance went well. All the males were detained without any problems. I allowed them to use the ballistic breach method to shoot a few locks off doors of empty apartments it was like 2 locks or 3 at the most from what I remember. As the search went on I relayed our progress to Red Knight Toc via the AH-64 helicopters. The search turned up several AK-47s I think it was around 20 or so that was nothing out of the ordinary. The thing that was, the men were saying none of the weapons were theirs. Some of the magazines had Armor piercing rounds and had magazines taped together. Also there were a few 40 round AK-47 magazines which was out of the ordinary. SGT (b)(6), (b)(3) said the men he was screening were all from different tribes and different locations which was strange. I reported this up to the TOC. Then SSG (b)(6), (b)(3) yelled for me to come see something in one of the apartments he was searching. The apartment was from the man who had the kid with him that I thought was dead. The house was full of medical supplies. Around this time CPT (b)(6), (b)(3) showed up followed shortly by LTC (b)(6), (b)(3) with his interpreter. LTC (b)(6), (b)(3) was briefed on the situation by CPT (b)(6), (b)(3) and myself and he took a look at the house with all the medical supplies. He found some photos and some paperwork which led them to believe this was one of the HVT's we were looking for during the operation. This was also the first time I was told that the compound we were in was a Task Force 77 target and was supposed to be raided earlier in the morning but they did not end up going for whatever reason. LTC (b)(6), (b)(3) left and we secured the compound with our Iraq Army Company that showed up while THT continued to screen the males. The decision was made by 3-320<sup>th</sup> was that we would detain all the males and send them back to the Muthana chemical plant by the TOC where they would be held and screened. Then some Iraqi Army Scouts from 3-320<sup>th</sup> IA unit shown up to pick up [REDACTED] (b)(6) the man from the house with all the medical supplies. He was supposed to be an Iranian Emir and was the main terrorist trainer in the area. The IA scouts picked him up and took him back to the 3-320<sup>th</sup> TOC that was the last I saw of him. At this point I think we brought in our vehicles and that is when I asked my gunner what the hell happened when they got here he said it was messed up and 1LT (b)(6), (b)(3) got carried away or words to that effect. He said SGT (b)(6), (b)(3) put a stop to it he said he thought some civilian were wounded during the contact and he hoped they would be ok. We talked briefly about it this is the best I could remember of our conversation. Then an engineer unit showed up and we handed the detainees over to them to transport (b)(6), (b)(3)

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

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG [REDACTED] (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b)(6), (b)(3) them back to the TOC. We ended up staying at the Compound until around 0100hrs when Aircraft picked up most of the Company and the rest drove back to the 3-320<sup>th</sup> TOC. I rode back with the vehicles. We got back to our Company Assembly Area around 0230hrs.

During this interview SA [REDACTED] (b)(6), (b)(3) asked me about several different topics. He asked me about a contact 3<sup>rd</sup> platoon had in January of 2006. Elements for 3<sup>rd</sup> platoon led by 1LT [REDACTED] (b)(6), (b)(3) were out in sector on the Southern by pass bridge when what they reported a vehicle with 2 males stopped on the bridge it was around 2100hrs they reported that a vehicle stopped and the men were messing with something on the outside of the vehicle. They said they drove up and dismounted and yelled for them to stop, they said the men then threw something over the bridge and jumped back into the vehicle. They said the vehicle started to drive quickly at them and they fired a disabling shot at the grill when they fired the men in the tomato truck opened fire. The M114 was hit several times. I saw the bullet marks on the vehicle door and it hit the mirror. It looked like a small caliber weapon that hit the M114. I learned of this contact when 3<sup>rd</sup> platoon came back in afterwards. They made statements about the incident. This is all I know about it.

The 15-6 statements from the Snipers that were missed during the Commanders inquiry were given to CPT [REDACTED] (b)(3), (b)(6) by CPT [REDACTED] (b)(3), (b)(6) and that is when I read the statement and was made aware of some of the decisions made by 1LT [REDACTED] (b)(6), (b)(3) I was also told by CPT [REDACTED] (b)(6), (b)(3) that he gave a copy of the statements to someone in our Battalion Headquarters I do not know who they were given to.

SA [REDACTED] (b)(6), (b)(3) asked me about procedure when dealing with informants. I explained to him that you can not just take anyone's word for it that somebody else is bad from someone you do not know. You should have a good working knowledge of the informant from either working with him in the past or he has been properly screened by our THT as a source.

In reference to a kill board. We had a dry erase board in our CP that tracked how many AIF we had killed by platoon. It was a tool to try and help the Soldiers get over the guilty feeling that some Soldiers might have after killing the enemy. I had stopped it because I did not think we needed it for this purpose anymore and had used the dry erase board to put our new patrol schedule up since we changed our sector up. I believe we did this early June or late May I cannot remember exactly [REDACTED] (b)(6), (b)(3)

INITIALS [REDACTED] (b)(6), (b)(3)

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b)(6), (b)(3) The AAR from Iron Triangle for the GAC portion was conducted by  
1LT (b)(3), (b)(6) about a week after the operation. I sat in for most of  
it. They I believed cleared up the perception for the snipers  
about the shooting of the man that was riding in the truck.  
After the AAR nobody ever brought the issue back up. Also the  
next day 1LT (b)(6), (b)(3) apologized to all the Soldiers that were in  
the GAC for messing up and putting them in a bad position.  
SA (b)(6), (b)(3) asked me about the Command Climate. In Charlie  
Company we try our best to take care of the Soldiers, make sure  
they do the right thing, and to get them back home. We have been  
very aggressive in taking the fight to the enemy and not letting  
the enemy take the fight to us. I am not sure what went wrong in  
SSG (b)(3), (b)(6) head which led him to taking some of the actions  
that he allegedly did. Was it the back to back combat tours with  
just a 4 month break in between, was it the numerous raids,  
firefights, or IEDs that brought him to that point. I do not  
know.

Q: SA (b)(3), (b)(6)

(b)(6), (b)(3) 1SG (b)(3), (b)(6)

Q: Why was 1LT (b)(6), (b)(3) authorized to operate out of the  
operational AOR?

(b)(6), (b)(3) I do not think he knew he was going to move that far out of  
the Area the sheik was guiding him and I do not think CPT (b)(3), (b)(6)  
knew how far he was going to travel.

Q: Why would an aircraft be authorized or considered to engage a  
target which was not part of the operation and inadequate  
intelligence had not been gathered?

A: The Aircraft should only have been in this situation to  
engage if the ground unit was in contact.

Q: Did 1LT (b)(3), (b)(6) GAC or yourself receive any fire?

A: We did not, I'm not aware that they did.

Q: Why was a target being engaged prior to receiving fire and  
with women and children occupying it?

(b)(6) A: It should not have been engaged especially if the situation  
was not clear to the leader on the ground.

Q: Was the truck approaching or fleeing from 1LT (b)(6), (b)(3)  
position?

A: I am not sure.

Q: Were any weapons or intelligence gathered from the man and  
the truck that was shot?

A: There were no weapons found on the man or any intelligence  
that I am aware of.

Q: Why was the man in the truck engaged do you believe? (b)(6), (b)(3)

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

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG [REDACTED] (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b)(6), (b)(3) I don't know

Q: What was 1LT [REDACTED] (b)(6), (b)(3) ROE on that part of the mission?

(b)(6), (b)(3) A: The only declared hostile force was on Objective Murray (The Island) The ROE that should have been used should have been any hostile act or hostile intent could you then engage the enemy.

Q: How did 1LT [REDACTED] (b)(6), (b)(3) know the compound was Al-Qaeda?

(b)(6), (b)(3) A: The Sheikh was the one who informed 1LT [REDACTED] (b)(3), (b)(6) that the compound had AL Qaeda in it.

Q: What is a Squatter?

(b)(6), (b)(3) A: When we were here in 2003 and the government buildings were abandoned Iraqis moved their families into them. We called them Squatters. That is what the compound looked like to me like an old style government building that people have moved into.

Q: When you obtain information from a sheik, is it normal to fire upon the target without attempting to detain (individual) or cordon and search (building)?

(b)(6), (b)(3) A: No

Q: At any time was there a kill or capture order for all military age males at the gas station area?

(b)(6), (b)(3) A: No

Q: Who was your gunner that you asked "what the hell happened"?

(b)(6), (b)(3) A: SPC [REDACTED] (b)(3), (b)(6) my gunner on my vehicle he was with the GAC while I was on the Air Assault.

Q: Was there any other specifics from your conversation with the gunner?

(b)(6), (b)(3) A: Nothing I can recall.

Q: What is GAC?

(b)(6), (b)(3) A: Ground Assault Convoy

Q: When and where was the AAR for the GAC conducted?

(b)(6), (b)(3) A: A few days after Iron Triangle it was on Brassfield-Mora at our Company CP

Q: How were the snipers' perception cleared up at the AAR?

(b)(6), (b)(3) A: All the Soldiers that were involved talked about the contact with the truck. Once they were finished I asked if anyone had any other questions about it, and nobody said anything else. I felt they had cleared up their parts of the contact and had cleared up anything that was confusing about it. Nobody else asked me anything else about the contact or brought it up again.

Q: Did 1LT [REDACTED] (b)(3), (b)(6) mention his actions during the AAR?

(b)(6), (b)(3) A: I missed the beginning first few minutes of the AAR 1LT [REDACTED] (b)(3), (b)(6) talked about his actions while I was there. He talked about some of the decisions he made and why he made them.

Q: What was his rationale [REDACTED] (b)(6), (b)(3)

INITIALS [REDACTED] (b)(6), (b)(3)

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b)(6), (b)(3) A: The situation in the area was supposed to be bad and we had been in contact in that area during a prior mission and when the sheik told him about the compound it made sense to him to make those decisions.

Q: Did SGT (b)(3), (b)(6) mention his issues with the operation? How so, exactly?

(b)(6), (b)(3) A: SGT (b)(6), (b)(3) brought up some real good issues. He talked about the lack on control mostly, leaders not stepping up and guys just shooting wildly and not keying in on what they were firing at.

Q: What was mentioned by the snipers/scouts attending the AAR?

(b)(6), (b)(3) A: The Snipers made some comments but I cannot remember exactly.

Q: Did 1LT (b)(6), (b)(3) explain why he used the information from the sheik and the previous ROE on the island to engage "no threat" targets?

(b)(6), (b)(3) A: 1LT (b)(6), (b)(3) talked about why he thought they were a threat and why they went to that area because of the information given by the sheik.

Q: Did you comment on anything during the AAR?

(b)(6), (b)(3) A: Yes I talked about Leaders Controlling the fight mostly and not letting things get out of hand. I also talked about what a good job SGT (b)(6), (b)(3) did in stepping up and getting everyone under control and taking the initiative to do so. I made the point that before you begin to fire, you must positively identify what you're shooting at before you squeeze the trigger.

Q: Was CPT (b)(3), (b)(6) at the AAR?

(b)(6), (b)(3) A: Yes

Q: What did CPT (b)(6), (b)(3) mention at the AAR?

(b)(6), (b)(3) A: He just talked about what rational lead to the decisions being made, how we ended up at the compound, the background we had. He was talking when I first came in, but I forget exactly what he mentioned. He was kind of facilitating the AAR. 1LT (b)(6), (b)(3) was running it.

Q: Who was present for the "Tomato truck incident"?

(b)(6), (b)(3) A: 3<sup>rd</sup> platoon. 1lt (b)(3), (b)(6), SGT (b)(3), (b)(6), PFC (b)(3), (b)(6), PFC (b)(3), (b)(6), that's all I can remember off hand. Possibly SSG (b)(3), (b)(6), I believe they were out at the combat outpost when that happened.

Q: How small of caliber did the damage to the M114 appear to be?

(b)(6), (b)(3) A: Maybe a .38, 9mm. You could see it was a small caliber.

Q: Who has the statements from that incident? (b)(6), (b)(3)

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

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG [REDACTED], TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

(b) (6), (b) (3) A: All those guys should have done statements. We were doing storyboards at that point, it wasn't mandated to start doing commanders inquiries as of yet.

Q: Did you find it odd that men armed with a small caliber handgun would be driving into a M1114 armed with a 50 cal?

(b) (6), (b) (3) A: Yes.

Q: What was the disposition of this incident?

(b) (6), (b) (3) A: I believe we put [REDACTED] in for an award (ARCOM), but I don't think it was approved.

Q: Had you previously heard of any conspiracy to cover up any other actions on that incident?

(b) (6), (b) (3) A: No.

Q: Why would bullet marks be on the door, if the HMMWV drove up towards the truck and the truck was approaching the HMMWV?

(b) (6), (b) (3) A: The door may have been open.

Q: When were the statements given to CPT [REDACTED] by CPT [REDACTED]?

(b) (6), (b) (3) A: I want to say within a couple of days from coming back from Iron Triangle. It wasn't that long, easily within the first week.

Q: Why was action not taken against 1LT [REDACTED] for the decisions he made and unlawful orders given?

(b) (6), (b) (3) A: In my opinion, based upon the information he had and his prior knowledge of the area, and the sheik believing it was a threat. In his brain he may have been reasonably certain they were legitimate targets.

Q: Were the statements given by the snipers/scouts added to the commander's inquiry that had previously been given to 3/320<sup>th</sup>.

(b) (6), (b) (3) A: I have no idea, I know they were given to our Bn and MAJ [REDACTED] came down to finish the 15-6 on [REDACTED] they may have been passed off to him.

Q: Was 1LT [REDACTED] counseled, relieved of platoon command, etc.?

(b) (6), (b) (3) A: I know he was counseled by CPT [REDACTED] and pretty much hasn't been allowed to have sole supervision on missions.

Q: Were the snipers questioned further as to the validity of their statements?

(b) (6), (b) (3) A: I had personally talked to them and told them I read their statements and we'll have an AAR about it and every point that needs to be brought out should be brought out at the AAR.

Q: Whose idea was the "kill board"?

(b) (6), (b) (3) A: Mine, I got the idea from the one hanging at Bn. I just kept it running, the intent was desensitize the soldiers for when they have to kill the enemy and drive on to what they have to do every day [REDACTED]

INITIALS [REDACTED]

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG [redacted] (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

Q: Who exactly was annotated on the "kill board"?

(b)(6), (b)(3) A: Every once in awhile someone would write a joke on there like the cat killing a camel spider; second platoon shot someone in the ass during an escalation of force; but normally just AIF for each platoon.

Q: Was it taken down in part due to the investigation of Iron Triangle?

(b)(6), (b)(3) A: No, we had given part of our sector to IA and we needed to track our positions better. It was just a dry erase board.

Q: Why do you believe C 3/187 has a much more aggressive reputation than other companies within the Bn or Brigade?

(b)(6), (b)(3) A: We've gotten in a lot of contact and came out on top every time. Our Soldiers are aggressive because we have trained them to be this way and they have performed the way that they should except for a few of them. When you have had many contacts with the enemy and have killed many of them I guess you can develop this type of a reputation.

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

(b)(6), (b)(3) A: No, (b)(6), (b)(3)

////////////////////End of Statement//////////////////////////////////// (b)(6), (b)(3)

INITIALS

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

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EXHIBIT \_\_\_\_\_

STATEMENT OF 1SG [redacted] (b)(3), (b)(6) TAKEN AT COB Speicher, Iraq,  
DATED 7 Jul 06, CONTINUED:

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AFFIDAVIT  
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(b)(6), (b)(3) 1SG [redacted] (b)(6), (b)(3) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 10. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(6), (b)(3)

[redacted] (b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Making Statement)

(b)(3), (b)(6) (b)(3), (b)(6)  
Subscribed [redacted] sworn to before me, a person authorized by law to administer oaths, this 7 day of July 2006 at COB Speicher, Iraq, APO AE 09393.

[redacted] (b)(3), (b)(6)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

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

\_\_\_\_\_  
(Typed Name of Person Administering Oath)

Article 136, UCMJ

\_\_\_\_\_  
(Authority to Administer Oath)

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

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EXHIBIT \_\_\_\_\_

**TAB Q**

<b>AGENT ACTIVITY SUMMARY</b> <i>(CID Regulation 195-1)</i>		CONTROL NUMBER  0086-06-CID469
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	

2330, 3 Jul 06  
(b)(6), (b)(3)

**DELAYED ENTRY:** During the conduct of canvass interviews between 1 and Jul 06, SA (b)(6), (b)(3) spoke with a member of 3/187, who provided the following information. The individual wished to remain anonymous due to fear of castigation by his command.

- Pre-deployment brief. COI (b)(3), (b)(6) briefed individual battalions that he would give commander's coins of excellence for KIAs
- During his brief of no warning shots, he said "words in the effect of" the warning shot will be when you shoot the guy standing next to the other insurgent, that will be his warning shot
- Prior to deployment SSG (b)(6), (b)(3) was a very squared away soldier. Tactically and technically proficient always the "go to" guy. SPC (b)(6), (b)(3) stayed to himself a lot prior to the deployment very low key. Both soldiers much more aggressive now primarily due to the fact that they are encouraged to be aggressive and constantly praised the more aggressive they are.
- Overall command climate promotes aggressiveness towards local population. Brag about how many kills they have compared to other companies or battalions.
- Out of 68 KIAs C Co has approximately half of those KIAs
- A Big thing that should be looked into when looking at the command climate is the fact that these men obviously didn't think the command would care if the materials used to detain the detainees were left on the bodies when they were put in the body bags. They knew that it was acceptable and had no reason to think that they would get into trouble. Pictures were even taken showing detainees alive one minute and then dead the other.
- On Operation Katrina as well as others, ROE was to kill everything on the objective "all men, the women because they supported the men, and children at your own discretion". It was determined from higher that everyone on the objective was a threat. This however was not the case and if these orders had been followed by individual companies, then many innocent people would have been killed. Some companies took this guidance further than others did as shown from the KIA count. "

**TAB R**

**SWORN STATEMENT**

**LOCATION:** Tikrit CID Office  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:** 4 July 06 **TIME:** 1435 (b)(6), (b)(3)

**NAME:** (b)(6), (b)(3) **SSN:** (b)(6) **GRADE/STATUS:** E6/AD

**ORGANIZATION OR ADDRESS:** Headquarters and Headquarters Company (HHC),  
3/187<sup>th</sup> Infantry, FOB Brassfield-Mora, APO AE 09393

**I SSG (b)(6), (b)(3) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

(b)(6), (b)(3) On or about 10 May 06, SPC (b)(3), (b)(6) PFC (b)(3), (b)(6) and SGT (b)(6), (b)(3) approached me about an incident that happen on Iron Triangle. The incident included three separate occasions to engage unarmed civilians and the shooting death of an unarmed man. (b)(6), (b)(3) and (b)(3), (b)(6) said they were told to shoot unarmed civilians twice on that night. (b)(6), (b)(3) stated he witnessed an unarmed man be shot to death. (b)(6), (b)(3) stated he was also given the order to engage two individuals before positive identification or hostile threat was confirmed. (b)(3), (b)(6) and (b)(6), (b)(3) explained how they were separated from the other sniper attachments and how become attached to a Charlie Company element. The arrived at the first objective, which I do not know where, and dismounted their vehicles. After dismount they encountered a Iraqi national sitting on a curb in front of them. At that time LT (b)(6), (b)(3) gave the order to shoot him which did not happen. They said an NCO from Charlie told (b)(6), (b)(3) that they could not engage the man because he has done nothing. I don't know if the man was detained or what happened. I am positive that he was not shot at that time if ever. They continued to the next objective which was a gas station. After entering the gas station, they found a number of Iraqi males working. They were then told by LT (b)(6), (b)(3) to engage or shot the males. The soldiers disobeyed and they detained the males. (b)(6), (b)(3) also made a statement about small arms fire being heard and Charlie Company engaging a building. He stated he did not believe the small arms fire was coming from the enemy and all small arms fire was from Charlie Company. I understood him to mean that there was no threat and no reason for them to engage the building. During the shooting at the building an NCO ran up to HMMWV while engaging the building and asked what they were shooting at. The NCO stated that if a kid was shot over there he was kicking somebody's ass. At that time (b)(3), (b)(6) responded saying "fuck that" it's all collateral damage. That is all the information I know about that incident. The second incident was (b)(6), (b)(3) in an over watch position and radioed that he noticed two men digging in a field. He received confirmation via radio and he was told to engage. He stated he fired over their heads. Purposely missing and radioed back that he was unable to get clear shot. He was told to go intercept the two individuals, which he did. They turned out (b)(6), (b)(3)

**INITIALS OF FBI MAKING STATEMENT:** (b)(6), (b)(3)

**PAGE 1 OF 4 PAGES**

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**EXHIBIT \_\_\_\_\_**

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CASE#

STATEMENT OF (b)(3), (b)(6) TAKEN AT Tikrit CID Office,, COB  
SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

(b)(6), (b)(3) be a elderly farmer and his mentally challenged son, planting in the field. That's all I know about that one.

Q: SA (b)(3), (b)(6)

A: SSG (b)(3), (b)(6)

Q: Have they told any other incidents that may have taken place while attached to Charlie Company that the felt was wrong or criminal?

A: They say they were excluded from giving sworn statements during the time Charlie was giving their sworn statements. They had gone to eat dinner and they told everyone that they would have a radio on them at all times and they were not called for any reason. When they returned from dinner they had found out the rest of Charlie Company had given sworn statements while they were gone.

Q: Did they write sworn statements?

A: Yes they did and they provided them to me and CPT (b)(6), (b)(3) Platoon Leader.

(b)(6), (b)(3) told he provided them to CPT (b)(3), (b)(6) and MAJ (b)(6), (b)(3) This is after I asked him several days in a row did he provide the statements to the battalion. He finally stated he had provided them to MAJ (b)(6), (b)(3), but he may have not taken them to him. This is why I went to CPT (b)(6), (b)(3) HHC, XO. (b)(6), (b)(3) said he would get a copy from (b)(6), (b)(3) and ensure they were turned into the battalion. SFC (b)(6), (b)(3) and CPT (b)(6), (b)(3) both turned them in to the battalion commander about mid June.

They said the battalion commander said he would look into it and he approached (b)(6), (b)(3) the next day at the gym and stated the statements were being investigated.

Q: Did they talk to anyone prior to going to eat about given a sworn statement?

A: I don't know.

Q: Did they speak to anyone after coming from dinner about giving a sworn statement?

A: I don't know.

Q: Have you heard of any other incidents that may have been committed by members of 3/187<sup>th</sup> that you think may have been wrong or criminal?

A: I heard of an individual being shot and killed and his dead body being strapped to the front of a HMMWV and driven around the market on display and I heard it was 1SG (b)(6), (b)(3) but I did not witness it.

Q: Have you heard of anything else?

A: I heard of a man being shot at close range while holding a baby but I don't know when this happened or who was supposed to have done it.

Q: How did you hear this information?

A: SFC (b)(6), (b)(3)

Q: Do you feel your soldiers were afraid to come forward with this information?

A: Not at all.

Q: Why didn't they contact this office sooner (b)(6), (b)(3)

INITIALS OF PER (b)(6), (b)(3)  
MAKING STATEMENT  
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PAGE 2 OF 4 PAGES

EXHIBIT \_\_\_\_\_

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CASE#

**STATEMENT OF** (b)(6), (b)(3) **, TAKEN AT Tikrit CID Office,, COB  
SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.**

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

**A: We thought CID was going to come down and contact us because they had provided sworn statements to the chain of command.**

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

**A: Yes, I am disgusted with the battalion. The lack of integrity of the senior command group. PFC's in the battalion would make jokes about Charlie Company is the kill company and the senior officers pretend to have no idea about what is going on.**

**Q: Do you have anything else to add to this statement?** (b)(6), (b)(3)

**A: No.///End of stateme** (b)(6), (b)(3)

**INITIALS OF F  
MAKING STATEM  
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(b)(6), (b)(3)

**PAGE 3 OF 4 PAGES**

**EXHIBIT \_\_\_\_\_**

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CASE#

STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

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

(b)(6), (b)(3)  
\_\_\_\_\_  
(b)(3), (b)(6) (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Tuesday, July 04, 2006, at Tikrit CID Office COB Speicher, Tikrit, Iraq, APO AE 09393

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

SA (b)(3), (b)(6)  
Typed Name of Person Administering Oath  
Article 136 (b) UCMJ  
(Authority to Administer Oath)

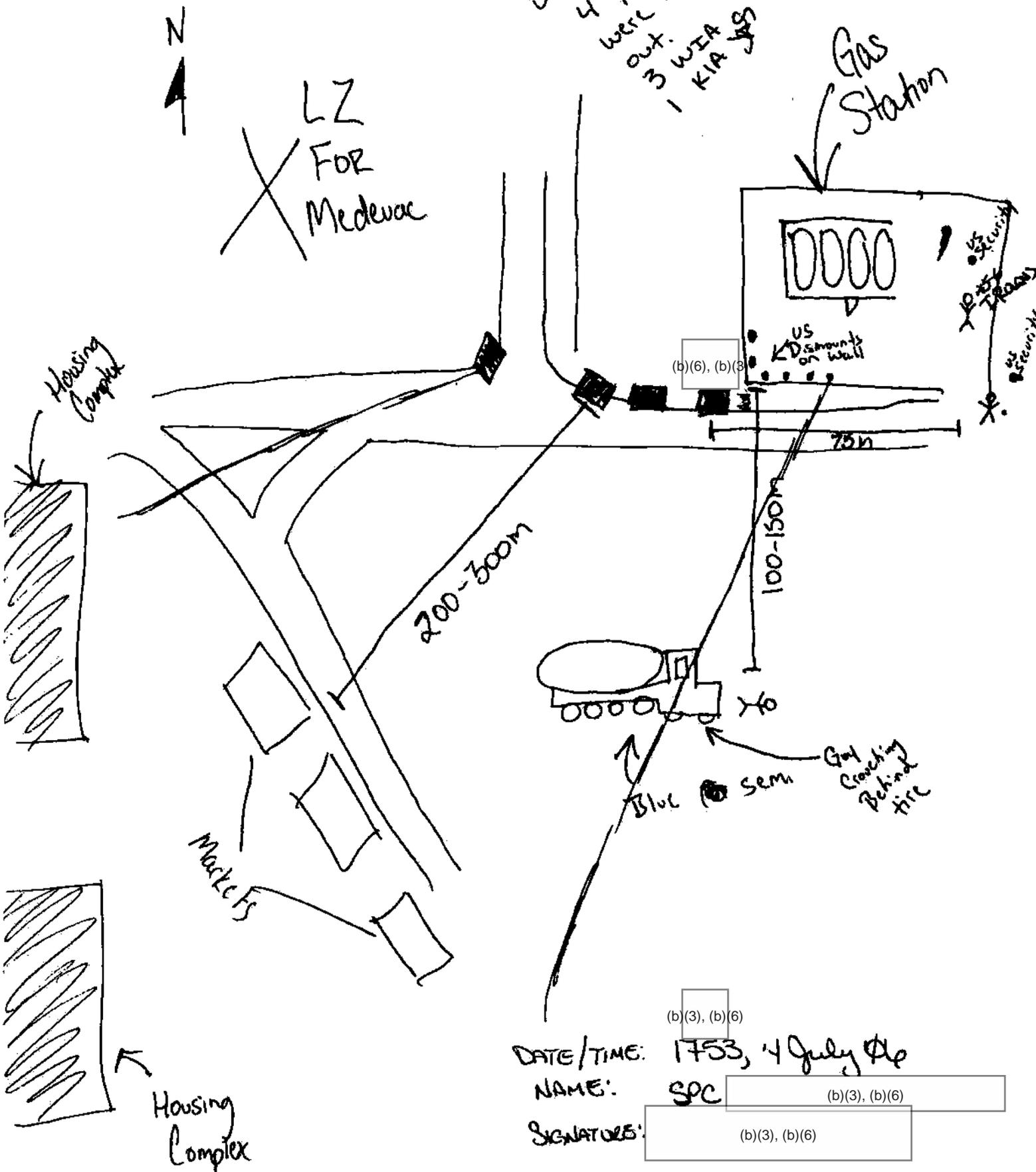
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**Witness**  
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INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_  
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# TAB S



I think  
 4 people  
 were medevaced  
 3 WIA  
 1 KIA

DATE/TIME: 1753, 4 July 66  
 NAME: SPC (b)(3), (b)(6)  
 SIGNATURES: (b)(3), (b)(6)  
 SA (b)(3), (b)(6)  
 (b)(6), (b)(3)

**TAB T**

**SWORN STATEMENT**

**LOCATION:** Tikrit CID Office  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:** 4 July 06 **TIME:** 1804 (b)(6), (b)(3)

**NAME:** (b)(6), (b)(3) **SSN:** (b)(6) **GRADE/STATUS:** SPC/AD

**ORGANIZATION OR ADDRESS:** Headquarters and Headquarters Company (HHC),  
3/187<sup>th</sup> Infantry, FOB Brassfield-Mora, APO AE 09393

(b)(6), (b)(6), (b)(3) **WANT TO MAKE THE FOLLOWING STATEMENT UNDER**

**OATH:**

Upon arrival at the gas station during Operation "Iron Triangle" I was riding in the second vehicle in the order of movement. Sgt (b)(3), (b)(6) was the vehicle commander, PFC (b)(6), (b)(3) was the driver, and I believe SPC (b)(3), (b)(6) was the gunner. After dismounting, 7-8 soldiers, including myself, were headed into the actual gas station to clear it. I noticed a man in a white man dress sitting on the curb. This man clearly posed no threat to Coalition forces. From behind me, I heard 1LT (b)(6), (b)(3) voice and he said "That guy, kill that guy right there!" Since this man was not a threat, he was not engaged. SGT (b)(6), (b)(3) had said something to the effect of "We're not going to kill a guy for just sitting there." This man was then instructed to raise his hands, lie face down, and stay still. At this time, we (dismounted soldiers) entered the gas station. Upon entering, we saw 5-6 male local nationals who were standing around talking. These individuals were clearly posing no threat to Coalition Forces. To the best of my knowledge, it was at or about this time when I had heard 1LT (b)(6), (b)(3) say "Kill them, kill them all" or "Kill them, kill everyone in there." The men were also instructed to raise their hands, and to lie face down. All of these men willingly complied. At this time, I had heard the sound of some gunfire coming from the direction of where our vehicles were parked at. All of us dismounted, except for one man to pull security on the nationals, set up our weapons on a cement block wall. This wall was about 3.5-4.5 feet tall, and a perfect spot for a stable firing position. At this time, I had not known whether or not Coalition Forces had been engaged, or had initiated fire. To the best of my knowledge, Coalition Forces were firing at buildings, a small market, and any vehicles that were on the objective. I was firing in the general direction, but don't remember firing at any specific target. I fired approximately 12-15 rounds. There was a heavy volume of fire that was fired off from Coalition Forces, and this volume had raised an enormous dust cloud. I had seen a semi-truck with a tanker trailer moving slowly. It was not clear to me whether or not this vehicle was a civilian merely trying to get out of the way of the gunfire, or if it was someone who was trying to flee off of the objective. At this point, I witnessed sparks flying off the trailer and thought about the trailers contents, along with the impact that could have if, say, it was combustible. I then witnessed a local national getting out of (b)(6), (b)(3)

INITIALS OF PERSON

PAGE 1 OF \_\_\_\_\_ PAGES

MAKING STATEMENT (b)(6), (b)(3)

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CASE#

STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB  
SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

(b)(6), (b)(3) the cab, wearing a black man dress, and running in front of his vehicle. It was not clear to me if he had his hands up or not, as he was running parallel from our position. This man, as it had appeared to me, lay down in front of his vehicle, to show as clearly as possible, that he was not a threat. I then heard SGT (b)(6), (b)(3) call a cease fire. As the heavy volume of fire had ceased, I kept my eyes on the national laying down in front of his semi. It was at this time that I had heard the sound of an m4, and seen the round impact near the national's body and saw dust kick up. I had heard probably between 4-5 rounds fired from one, or many, m4's. I had also heard the sound of a SAW fire rounds, and then witnessed the rounds as they splash in front of, into, and beyond, the body. At this point, we needed to finish clearing the whole gas station. There was basically a MOUT stack, of 7-8 guys. To the best of my recollection, we had breached the locked door with a shotgun and then threw in a flash-bang grenade. As it turns out, this door wasn't leading into anywhere. There were just a few large gas tanks that could've easily been seen had we investigated the rear of the gas station a little more. After finding nothing in the gas station complex, we rounded up the local nationals and escorted them to 1LT (b)(6), (b)(3) vehicle. Along the way, we had also picked up the first local national wearing the white man dress from the entrance of the gas station complex. After these men were placed in front of LT (b)(6), (b)(3) truck, and security was set up for them. At this time, it was decided that a sweep team must go out and investigate the semi and the Iraqi national that was lying down in front of his vehicle who was shot by the M4's and an automatic weapon. I was on this particular team, along with PFC

(b)(6) We had walked over in a wedge to the semi and saw the national close up. The man was lying face down, and had some fluid marks or what I thought was blood on his clothing. This man was then flipped over and it was obvious to me, that this man was dead. I saw no rise and fall of his chest, I saw some grit, or sand in his wide open eyes, I also noticed his tongue was hanging out of his mouth and he had blood all over in his mouth. At this point, I noticed another Iraqi national male, sitting behind the passenger side front tire of the semi cab. This man had a moderate head wound on the right side of his head above his ear and in his hair. I had asked him, by rubbing my fingers together and pointing, if he was related to the dead national. The man had replied "Yes." At this point, PFC (b)(6), (b)(3) had walked up to me and expressed his frustration for what had happened. I believe he said something to the effect of that it was not suppose to be like that. I felt that we had initiated fire and that the man in front of the vehicle was murdered. I saw him get out of the vehicle and hustle toward the front. I am not sure if he was shot while going towards the front of the vehicle. I do know he was on the ground face down and members of C 3/187<sup>th</sup> shot him after he was down and I do not know if he was dead or alive before they shot him. The vehicle was full of bullets and he could have been shot before he exited. The guys that shot him were firing from my position on the wall. But why shoot when he was face down. I had (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)

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CASE#

**STATEMENT OF** [redacted] **TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.**

(b)(6), (b)(3) agreed with (b)(6), (b)(3) that this was not the time to stop doing our job. I had gone over and had checked out the damage of property, and the welfare of any civilians. Upon my arrival, I saw two males, approximately 50-60 years of age. One male had a wound to his left forearm, and the other had other wounds. At this point, I had looked around for any enemy weapons and found nothing. I had then gotten inside of the vehicle I rode in and climbed into the seat behind the driver. We then stayed in the vehicle and secured the LZ for the medevac birds to arrive. The driver was PFC (b)(6), (b)(3) and the gunner, I believe, was SPC (b)(6), (b)(3)

Q: SA (b)(6), (b)(3)

A: SPC (b)(3), (b)(6)

Q: Do you know who the members of that objective were?

A: [redacted] (b)(6), (b)(3) and I can not remember the rest. They were part of the Headquarters element of C 3/187<sup>th</sup>.

Q: Do you know who engaged the man in front of the vehicle?

A: No.

Q: Do you know how many?

A: I think there were at least one M4 and one Saw.

Q: Have you ever witnessed anything else you thought was wrong committed by member of the 3/187<sup>th</sup>?

A: Just what I have written about LT (b)(6), (b)(3) Charlie Company has a kill board and they keep track of how many kills they have within the company. I have heard that there was a two vehicle black water convoy headed north along with Charlie Company convoy. Charlie Company was in the north bound lane and the Black Water convoy was in the south lane but both headed north. The Black Water convoy was attempting to pass and then a national vehicle had been surprised and cut into the median and a woman was killed. I don't know if the vehicle was engaged by weapons or if the vehicle was in a car accident. 1SG (b)(3), (b)(6) tone in the majority of the missions is to kill. We had been sitting out at an Observation Point and over cover had been blown. He said we are snipers and we should be sniping someone. He said he does not care if we stay out there until Christmas. We had called him up on the radio and asked to be picked up. He responded with the above statement. Five hours later members of Charlie Company came to pick us up. I am not sure who it was but they agreed with our point of being a three man team and our position was known to the locals. We could have been attacked. We were watching to see if anyone was placing IED's. It was just our time to leave because we had been compromised.

Q: Was the man in the blue truck engaging in hostile activity before his truck was shot by members of that objective?

A: No (b)(6), (b)(3)

INITIALS OF PERSON  
MAKING STATEMENT (b)(6), (b)(3)  
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STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

(b)(6), (b)(3) Q: Was his vehicle headed in the direction of US Forces which would make them believe his intent was hostile?

A: To the best of my knowledge this vehicle was headed parallel to our position and not coming in the direction of our position or anyone else's on the objective.

Q: How many people were on the objective?

A: Approximately 20.

Q: Was everyone at the same location?

A: We were all within 100 meters of each other and we all were to the left of the vehicle.

Q: Was there any way that members of Charlie Company would think this vehicle was a threat?

A: This objective was suppose to be hostile and the ROE that was given by (b)(3), (b)(6) or (b)(3), (b)(6) All military aged males were to be killed. This guy did not have a weapon and he was not posing a threat. He was getting out of a vehicle that had been shot up and in doing so he was shot while lying on the ground. I am not sure if he was shot prior to but he was shot after he was face down on the ground. Based on the ROE they could have killed him. But morally it was wrong.

Q: Who did you provide your original statements to in regards to this incident?

A: When we got back from the objective and Iron Triangle was done. We were under the impression that sworn statements would be taken. We contacted 1LT (b)(6), (b)(3) and basically told him that we have a radio and gave him the frequencies. We then went to chow and for him to give us a call if he needed anything. We were never contacted and later on the evening we were told to meet up with C Company's headquarters and fill out sworn statements. We were told this by a CPL (b)(6), (b)(3) We then linked up with the headquarters platoon and stood around and were never asked to fill out sworn statements. At that point, we let SSG (b)(3), (b)(6) and (b)(6), (b)(3) know that we never provided sworn statements and we were going to do so as soon as we got back. Our thinking was that we would probably be the only two guys who would have not sugar coated it and could have put us in a stressful and uncomfortable situation. Upon our arrival to Brassfield-Mora, we immediately went to CPT (b)(3), (b)(6) and (b)(6), (b)(3) and gave them the run down of the situation. We were instructed by both to fill out sworn statements. We completed the sworn statements and gave them to (b)(6), (b)(3) He said he was going to give a copy to Charlie Company and the battalion Executive Officer (XO).

(b)(6), (b)(3) disagreed and said it should go to the XO. As far as I know a copy went to Charlie and one went to the Battalion XO. However, I was approached about three weeks ago by CPT (b)(6), (b)(3) and he said that he had never received a copy of our sworn statements. I gave him a copy of both our statements. We signed them and took a picture of them front and back of each for a total of four pictures. As far as I know he pushed it higher but I don't know to who (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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**STATEMENT OF** [redacted] **CASE#**  
**SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.** **TAKEN AT Tikrit CID Office,, COB**

[redacted] **Q: Do you have anything else to add to this statement?**  
**A: No.///End of statement** [redacted]

**INITIALS OF PERSON** [redacted]  
**MAKING STATEMENT** [redacted]  
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CASE#

STATEMENT OF (b)(6), (b)(3) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

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

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

(b)(3), (b)(6) *Signature of Person Making Statement*

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Tuesday, July 04, 2006, at Tikrit CID Office COB Speicher, Tikrit, Iraq, APO AE 09393

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

*(Signature of Person Administering Oath)*

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

*Typed Name of Person Administering Oath*

Article 136 (b) UCMJ

*(Authority to Administer Oath)*

\_\_\_\_\_  
\_\_\_\_\_

**Witness**

\_\_\_\_\_  
\_\_\_\_\_

INITIALS OF PERSON MAKING STATEMENT \_\_\_\_\_  
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**TAB U**



**SWORN STATEMENT**

**LOCATION:**  
Building 718 (CID Office)  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:** 9 JUL 06 **TIME** 2227 (b)(6), (b)(3)

**NAME:** (b)(6), (b)(3) **SSN:** (b)(6) **GRADE/STATUS:** LTC / AD

**ORGANIZATION OR ADDRESS:** HHC, 3-187 Infantry, Forward Operating Base (FOB) Brassfield-Mora, Samarra, Iraq, APO AE 09349

I, (b)(6), (b)(3) **WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

(b)(6), (b)(3) am the Bn Commander of 3-187<sup>th</sup> Infantry. I am giving this statement to clarify aspects of my statement earlier today. Regarding the possible LOAC violation by 1LT (b)(6), (b)(3) during Operation Iron Triangle (OIT) on or about 9 May 06: I was on leave, and C Co of my unit was attached to another unit, 3/320<sup>th</sup> Field Artillery (FA), 101<sup>st</sup> ABN DIV (AASLT) FOB Remagen, Tikrit, which was the ground force commander for OIT. When I returned from leave, I heard that there were several investigations regarding incidents that happened during OIT. I had heard that CPT (b)(6), (b)(3) had conducted a commander's inquiry, regarding the death of a MAM at the gas station during OIT, which may have been a LOAC. I had also been informed that the Brigade Commander, COL (b)(3), (b)(6) had appointed a 15-6 investigating officer (IO), MAJ (b)(6), (b)(3) the XO from 3/320<sup>th</sup> FA regarding OIT. I was also told that there was a CID Investigation into the deaths of detainees during OIT. I was aware that these investigations were ongoing based on input from my XO and my S3. I was not the Bn Commander of the Investigating Officer; the incident had not happened in my battle space; and my battalion did not command the ground force in my absence during OIT. I did not think I had a role in the oversight of the investigations. Sometime before or after, (I don't recall exactly which) I had notified CID about the possibility that the deaths of the 3 detainees were LOAC violations, I was notified by CPT (b)(6), (b)(3) that two scouts had made statements about their mission during OIT and that he thought I should know. I told him to have them re-do the statements, because the originals were either with CPT (b)(3), (b)(6) or CPT (b)(6), (b)(3) (Scout platoon leader), and I thought that both of the CPTs were on leave. That same day, he came to me with the statements of (b)(6), (b)(3) and (b)(6), (b)(3). They were signed copies of the original document that they had provided to CPT (b)(6), (b)(3) who related he had given the originals to CPT (b)(6), (b)(3) and I assumed that he then gave them to CPT (b)(6), (b)(3) (b)(3), (b)(6)

**INITIALS OF PER:** (b)(6), (b)(3)  
**MAKING STATEMENT:**

**PAGE 1 OF 5 PAGES**

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**STATEMENT OF [REDACTED] (b)(6), (b)(3) , TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) read the statements and realized that they contained a serious allegation of a potential LOAC violation. They alleged that 1LT [REDACTED] (b)(6), (b)(3) had ordered them to kill local nationals who were unarmed, sitting on the side of the street. The Soldiers refused the order. At that point, I obtained a copy of the commander's inquiry, I believe from my S1 after I asked for it. I believed it showed up on my desk. I read it all, and then I went and talked to 1LT [REDACTED] (b)(6), (b)(3). That's when I discovered from 1LT [REDACTED] (b)(6), (b)(3) the background information regarding TF 77 and ODA conducting prior operations in the area, resulting in 1x ODA KIA; and that C Co had been in that area (6-800 meters away) during a previous operation and took fire. With the background information that he told me, and considering the 3 investigations that I already knew about, I assumed that this information was rolled up into their investigations of OIT. I did not know at the time that these were separate incidents. 1LT [REDACTED] (b)(6), (b)(3) talked me through his thought process. He told me about the sheik who was initially a detainee, but was later used as an informant after field questioning by 1LT [REDACTED] (b)(6), (b)(3) and, I assumed, a translator. The sheik told him that there were AQIZ in the next gas station 5 km south, and it was used by them as a meeting place and a training area. 1LT [REDACTED] (b)(6), (b)(3) asked how often they met, and he said they were meeting now. 1LT [REDACTED] (b)(6), (b)(3) contacted CPT [REDACTED] (b)(6), (b)(3) and puts together a plan to conduct a raid on the secondary location. CPT [REDACTED] (b)(6), (b)(3) approved and 1LT [REDACTED] (b)(6), (b)(3) moved out. As he is approaching the next gas station, there was a local national sitting either on the curb or the side of the street, unarmed. 1LT [REDACTED] (b)(6), (b)(3) told his gunner to shoot the man. I am not sure if the gunner was [REDACTED] (b)(6), (b)(3) or [REDACTED] (b)(3), (b)(6) but the gunner did not shoot. As soon as they rolled up, other men who had congregated in the general area started scattering away from the approaching HMMWVs. 1LT [REDACTED] (b)(6), (b)(3) related the persons were all MAMs initially. Several went to get into cars, and were attempting to drive away. 1LT [REDACTED] (b)(6), (b)(3) directed his Soldiers to "stop the cars" or to "shoot the cars", I am not sure of the exact command he used. The Soldiers started shooting at the cars, trying to disable them. One of the fleeing vehicles was a blue truck, which was heading towards an element of 1LT [REDACTED] (b)(6), (b)(3) unit, and they shot the vehicle. 1LT [REDACTED] (b)(6), (b)(3) told me that one the men exited the blue truck, and either attempted to flee, or fell and died, but he ended up KIA. Other men started running into a structure, and were engaged. As they were going into the structure, women and children were observed, so a cease fire was called. Soldiers then cleared the structure, and 1LT [REDACTED] (b)(6), (b)(3) called in a MEDEVAC to evacuate the wounded, which were 2 women and a male, and a number of KIAs, I don't recall the number. He told me the 1SG and another platoon arrived at his location, and cleared the remaining structures, and detained 64 or 65 MAMs. One of the detainees was an HVT, I believe an Iranian emir, I don't recall his name. After he explained the events to me, I counseled him verbally that he needed to keep his emotions in check, and to exercise good judgment, and to evaluate his decision-making process. At that point, I had [REDACTED] (b)(6), (b)(3)

INITIALS OF PER [REDACTED]  
 MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF [redacted] (b)(6), (b)(3) , TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) good sense of what took place, I had the commander's inquiry, and knew there was an ongoing Brigade 15-6 and a CID investigation, I concluded there wasn't a need for an additional investigation. I hadn't heard anything else about any investigation of a possible LOAC until COL (b)(3), (b)(6) sent me an email on 6 Jul 06 asking me about the commander's inquiry. COL (b)(3), (b)(6) related there was a new CID investigation and he was not aware of it and asked me if I was aware of it. He asked me about reporting procedures in regards to CPT (b)(6), (b)(3) commander's inquiry. I responded and clarified the reporting chain for the 15-6 and CPT (b)(6), (b)(3) commanders inquiry was through 3/320<sup>th</sup> FA, and that neither I nor my staff was aware of any new or additional CID investigations.

Q. What is the reporting requirement for LOAC violations or possible violations?

A. Notify the brigade commander immediately then CID. I did not do that with 1LT (b)(6), (b)(3) because I thought it was part of an ongoing investigation by CID and the 15-6. Normal reporting procedure is directly to the Brigade commander, then the Brigade attorney, then CID, as I did with the alleged murders of detainees.

Q. Did CPT (b)(3), (b)(6) or MAJ (b)(6), (b)(3) or CID report to you that they were aware of a LOAC violation by 1LT (b)(3), (b)(6)?

A. No.

Q. Who would be the action commander for officer misconduct in the 101<sup>st</sup>?

A. I believe it is initially at the Brigade Commander for company grade, and division level for field grade.

Q. Would you be the action commander for misconduct by a 1LT in your unit?

A. For anything significant, it would be the brigade commander, at least.

Q. Did you intentionally withhold information regarding a possible LOAC violation?

A. No.

Q. Did you intentionally obstruct justice by concealing statements regarding a possible LOAC violation?

A. No.

Q. Where are the statements regarding a possible LOAC violation?

A. They are in my office, on FOB Brassfield-Mora, with my copy of the commander's inquiry.

Q. Will you provide these items to CID?

A. Sure.

Q. Please explain what is required for a "Kill/Kill" mission, and how it differs from a "Capture/Kill" mission, and what the current, and former levels of approval are/were?

A. A "Kill/Kill" target is authorization to kill the target on sight, without provocation, provided there is a PID. A "Capture/Kill" mission is authorization to capture the target as the primary mission, but if there is a perceived threat, the target can be engaged. A perceived threat is a lower threshold than hostile act/hostile intent. PID (Positive (b)(6), (b)(3))

INITIALS OF PER  
MAKING STATEMENT (b)(6), (b)(3)  
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STATEMENT OF [redacted] (b)(6), (b)(3), TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.

[redacted] (b)(6), (b)(3) (Identification): Prior to the mid-April commander's conference: Photo(s) of the target, an informant, and intelligence or source documents from DIR and SIR. Bn Commander approval was not required. After the commanders conference: PID was photo(s), a vetted Source, and whatever other SIR or DIR intelligence. Bn Commander approval was required. After posting of MNC-I FRAGO: Same PID information. Approval was elevated to MND-North Commander approval (101<sup>st</sup> ABN Div Cdr).

Q. Who "vettes" the source?

A. The THT vettes the source and determines the reliability.

Q. Have you approved or participated in "kill/kill" missions?

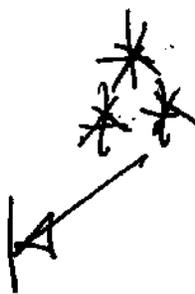
A. I have not participated in any. I can not recall approving any, either. Before the change after the commander's conference, the company commanders could approve those missions, and now they have to go to division.

Q. What is your evaluation of the command climate at C Co, 3-187<sup>th</sup> Infantry, immediately preceding and after OIT?

A. I thought it was pretty good, they had a good reputation. They've had a reputation of being aggressive. I didn't see anything out of the ordinary that would cause me concern.

Q. Do [redacted] have anything to add to this statement?

A. NO [redacted] (b)(6), (b)(3) // END OF STATEMENT ///



INITIALS OF PERSON MAKING STATEMENT [redacted] (b)(6), (b)(3) DA FORM 2823 (Cover Generated)

PAGE 4 OF 5 PAGES

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STATEMENT OF (b)(6), (b)(3), TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.

I, (b)(6), (b)(3) 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.

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Sunday, July 09, 2006, at Building 718 COB Speicher, Tikrit, Iraq, APO AE 09393

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

Special Agent (b)(3), (b)(6)  
(Typed Name of Person Administering Oath)  
Article 136, UCMJ  
(Authority to Administer Oath)

\_\_\_\_\_  
\_\_\_\_\_

Witness

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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# TAB V

**SWORN STATEMENT**

**LOCATION:**

Building 718 (CID Office)  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:**

9 Jul 06 TIME 1304

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

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

**NAME:**

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

**SSN:**

(b)(6)

**GRADE/STATUS: LTC / AD**

**ORGANIZATION OR ADDRESS:** HHC, 3-187 Infantry, Forward Operating Base (FOB) Brassfield-Mora, Samarra, Iraq, APO AE 09349

I, (b)(6), (b)(3) **WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

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

I assumed command in January 2005 and immediately deployed the battalion to Ft. Polk, LA for a JRTC rotation. As a new commander I used this rotation to get to know the battalion, staff members and the company command team. I also wanted to begin assessing each company identifying strengths and weakness as the tactical situations changed. Early on I assessed C Co as a strong company with an exceptional company commander and 1SG. Upon redeployment and recovery period, we continue to focus on predeployment training at the squad and platoon level, culminating in a platoon MOUT Situational Training Exercise. Predeployment training also include language familiarization, culture training, ROE, LOAC, hot weather, to name a few. During June/July, the battalion went on block leave and began final preparation for our OIF deployment.

September 2005, the battalion deployed to Iraq; after initial theater integration and pre deployment training in Kuwait, the battalion was deployed to Baghdad. While in Baghdad, my Bn was attached to 4/3 ID with A Co located at FOB Union, B Co located FOB Prosperity and the remainder of the battalion (C, D, HHC, FSC) located at FOB Falcon. C Co was assigned the task of providing force protection of the FOB. Immediately after assuming the mission, there was an immediate change in the force protection of the FOB as many senior NCOs and Officer praised the company their performance. As the months passed C Co make significant improvements in the force protection posture of the FOB. In December the battalion received orders that we were relocating to the Samarra area. As we conducted our RIP with 3-69AR, I decided to give C Co the southern portion of my battalion's battle space. That decision was made based on my observations of the company, the characteristics of the company and the company leadership. As I did the intelligence analysis and battlefield architecture, felt C Co would be best suited for that area of operation. Historically, the southern AO has the highest level of AIF activity and provided a west to east enemy avenue of approach (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

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STATEMENT OF (b)(6), (b)(3), TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.

(b)(6), (b)(3) from Fallujah and Ramadi. I gave D Co our northern sector because it has the fewest soldiers and AIF activity was low. I place B Co inside the city of Samarra because I felt they could operate independently very well, they proved that in Baghdad. Immediately after we assumed the battle space, we noticed a spike in AIF activity in the C Co sector and inside the city. There was also an increase in IEDs south of my boundary in 1-8IN's sector, I attributed the increase to the enemy knowing a new unit was here and AIF exploiting the seam/gap between my unit and 1-8IN. During the first 60 days, I noticed a higher number of SIGACTs involving CCo. However, I did not think it strange or out of the ordinary; just due to more enemy contacts. B Co had a significantly higher number of SIGACTs as well; again due to more enemy contact. C Co had conducted numerous kinetic operations to include HVT Raids, Cordon & Knocks and TCPs that resulted in a number of AIF being killed or captured. During March/April as the companies continue to conduct offensive operations, they were becoming more effective at developing their own intelligence through the use of Informants and intelligence network to positively identify AIF (PID). I also saw an increase in escalations of force (EOF) across the task force that resulted in injury or death of local nationals (LN). Commanders are required to conduct an investigation (Cdr's Inquiry or AR 15-6) when a noncombatant is killed. In all cases the investigations determined that the soldiers responded within the ROE, in that there was a perceived threat (perceived hostile act or hostile intent). We, the chain of command continued to reinforce and reiterate understanding and operating within the ROE, and LOAC. I felt it extremely important to emphasize this because my young troopers have to make split-second decisions on a daily basis that either saves life or take life. My operational environment is deadly, my soldiers in the city are attacked daily by RPG, mortars, rockets, SAF, grenades, and IEDs and my soldiers that on the MSR are attacked by IEDs and anything else the enemy can get his hand on.

In April I participated in the BCT's monthly Bn Cdr's Conference at COB Speicher. During this commander's conference, CPT (b)(6), (b)(3) gave us a Legal overview brief. Included in the brief was a ROE review presentation that covered the normal ROE tenants and highlighted a portion of the ROE that covered Status Based Operations which basically states, if a unit PIDs an individual that belongs to one of the known 13 Terrorist Groups, that unit is authorized to use deadly force without provocation. CPT (b)(6), (b)(3) also briefed LOAC and EOF. A few days later I had a meeting with company commanders to pass on to them information that I received from the commander's conference and to discuss an array of other issues. During our meeting I reviewed the LOAC, EOF and ROE and handed out hard copies for them to use to train their subordinate leaders. I directed them to address LOAC, EOF and ROE with their platoon leaders and platoon sergeants. It was also during this time that I noticed a change in higher headquarters attitude towards direct fire incidents. For example, Commander's (b)(6), (b)(3)

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MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF** (b)(6), (b)(3) **, TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) Inquiries had to be conducted on all EOFs and death of a LN, even if suspected or known AIF member. The other reason I wanted to discuss/retrain ROE and EOF procedures with the soldiers because I didn't want them to have to think about being investigated after they've shot an AIF member while trying to conduct offensive operations. ✓

C Co had killed and captured a AIF Sniper team. While the captured AIF was being detained, he claimed that he was abused, resulting in CID investigated. When the investigators came down to interview, the soldiers felt they were intimidated and brow beat, resulting in many evoking their right. I personally called the investigating officer to my office to figure out what happened and to find a solution. Because of how the investigation was executed, many soldiers from C Co had/have issues with CID. There were other actions by the company that resulted in either a 15-6 or a CID investigation, which began to weigh on the company. As a result, I spent more time with C Co to encourage and share experiences with the soldiers and the leadership. ✓

On May 8, 2006 I went on leave. Prior to departing the FOB, Bde was planning Operation Iron Triangle. O/a 8 May C Co was attached to 3-320FA for the operation and reported to their HQs for the Operations Order. I returned o/a 3 Jun from leave and discovered there were several investigations involving C Co from Operation Iron Triangle. The week of the 10<sup>th</sup> June, I was informed by C Co 1SG that the story involving SSG (b)(6), (b)(3) might have been fabricated to cover murder. I immediately notified CPT (b)(6), (b)(3) COL (b)(3), (b)(6) and Chf (b)(6), (b)(3) for further investigation, which is ongoing. During that same week I was also informed of potential misconduct of LT

(b)(6), (b)(3) involving an incident that took place during Opn Iron Triangle. CPT (b)(6), (b)(3) informed me that two soldiers from the scout platoon informed him that LT (b)(6), (b)(3) gave then an order to kill an unarmed LN Male, an order in which they refuse to carry out. These soldiers thought the order was wrong and did not feel good about being given the order or the circumstances surrounding the events that took place. I informed CPT (b)(6), (b)(3) to have the soldiers to rewrite their statements and give them to me. After reading the statements, I was troubled too. I located the Commander's Inquiry (CI) reference the event. During Iron Triangle, LT (b)(6), (b)(3) platoon was given a mission to conduct an HVT Raid of a Gas Station, while cleaning the station, his platoon detained a LN who identified himself as a Sheik. Upon questioning the Sheik, he informed them that they were at the wrong station; he also said he knew the location of a gas station that AIF used as a drop-off point for supplies and money. The Sheik also confirmed that AIF members met at this station to conduct business and train. The Sheik said he would take LT (b)(6), (b)(3) to this station. LT (b)(6), (b)(3) developed a plan and briefed CPT (b)(6), (b)(3) on the plan for approval to execute. CPT (b)(6), (b)(3) approved of the plan and authorized LT (b)(3), (b)(6) to conduct the mission. Immediately upon arrival, military aged male (MAM) began to run and attempt to flee. LT (b)(3), (b)(6) established an outer cordon to block egress (b)(6), (b)(3)

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MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF** (b)(6), (b)(3) **, TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) **outes. A number of vehicles tried to escape, LT (b)(3), (b)(6) instructed his machine gunner and MK 19 gunner to stop the vehicles. They engaged the vehicles causing them to stop; he also requested an Air Weapons Team (AWT – 2AH64s) to establish aerial blocking positions to prevent escape. As his platoon began to clear the structures, they began to engage the MAM that were running for cover. As they engaged them MAM, they realized the MAM ran into a structure that had women and children, they immediately called for a ceasefire. As they cleared the building, they immediately treated the wounded while LT (b)(3), (b)(6) requested MEDEVAC. All MAM were secured and the remainder of the site was cleared. About 64 MAM were detained, to include the HVT that was known as the Iranian Emir. I believe 2 males were KIA, 1 male WIA and 2 women WIA. Additional background information that I considered: ODA (SOF) had planned to conduct an operation on the same target area the same day, but was cancelled; C Co had conducted operations in the same general area before; ODA conducted a recent operation in the same target area and had a soldier either killed or wounded; and the fact that a LN was used as an informant to confirm that a large number of AIF congregating at the site. After reviewing the statements in the CI, and getting background information regarding the events that led up to the operation, I concluded that no further investigation was required. However, I counseled LT (b)(3), (b)(6) on exercising good judgment, decision making process and maintaining control of his emotions.**

In terms of command climate, I have worked diligently to ensure the command operates within the ROE and have taken the necessary training measures to minimize the needless loss of life and to give all noncombatant every opportunity live, even if they are doing something that is either reckless or something that can be perceived by our soldiers as a threat. Conversely, I have not nor will I permit my soldiers take any risks or chances, if there's a perceived threat. This environment our soldiers are operating in is very difficult and dangerous; between IEDs, VBIEDs, Sniper attacks, mortar attacks, rocket attacks, SVBIEDs, all of which has been used against my soldiers, I refuse for their sake to have them second guess or hesitate and they become a victim of one of the above attacks. I acknowledge force protection and the value of life requires a delicate balance, but we do our best to mitigate the loss or injury of a local nation.

Questions by SA (b)(6), (b)(3) Answers by LTC (b)(6), (b)(3)

Q. Did you type the overwhelming majority of the above statement, with SA (b)(6), (b)(3) typing minor corrections as you requested?

A. Yes.

Q. Were you offered food and drink, and latrine breaks during this interview?

A. Yes (b)(6), (b)(3)

INITIALS OF PER: \_\_\_\_\_  
 MAKING STATEMENT (b)(6), (b)(3)  
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**STATEMENT OF (b)(6), (b)(3) , TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) **Q. Is everything is this statement true?**

**A. Yes.**

**Q. Please describe how you were treated by CID during your interview today?**

**A. Very professional and courteous.**

**Q. Do you have anything to add to this statement?**

**A. Content wise, I don't have anything to add to it. I hope that I have answered all of the questions that CID has about the command climate and other issues.**

**Q. Do you have anything else to add to this statement?**

**A. NO (b)(6), (b)(3) // END OF STATEMENT //**

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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PAGE 5 OF 6 PAGES

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STATEMENT OF (b)(6), (b)(3), TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 9 JULY, 2006, CONTINUED.

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

(b)(3), (b)(6)  
\_\_\_\_\_  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Sunday, July 09, 2006, at Building 718 COB Speicher, Tikrit, Iraq. APO AE 09393

(b)(6), (b)(3)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

Special Agent (b)(3), (b)(6)  
(Typed Name of Person Administering Oath)  
Article 136, UCMJ  
(Authority to Administer Oath)

\_\_\_\_\_  
\_\_\_\_\_

Witness

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)  
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**TAB W**

**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, 1983 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION COB Speicher, Tikrit, Iraq APO AE 09393	2. DATE (YYYYMMDD) (b)(6), (b)(3) 2006/07/04	3. TIME 15:19 (b)(6), (b)(3)	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6), (b)(3)	6. SSN (b)(6)	7. GRADE/STATUS E3/RA	

8. ORGANIZATION OR ADDRESS  
HHC, 3/187 INF REG, FOB Brassfield-Mora, Samara, Iraq, APO AE 09349

9. (b)(3), (b)(6) PFC (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was assigned to Charlie Co. during operation Iron Triangle as a part of a 3 man sniper team. The team was Sgt (b)(3), (b)(6) Spc (b)(3), (b)(6) and myself. We staged at Remagen and were assigned our spots in the g.a.c. there. We were also explained the roe there. Due to what was thought to be a very hot area the roe was, to my knowledge, that if any person was identified as an insurgent by two sources that he could be engaged. I was assigned to be Lt (b)(6), (b)(3) driver in the gac. Lt (b)(6), (b)(3) was the convoy commander. We left during the night and hit the objective at early morning. We encountered no resistance at the first few objectives. We found a few AK-47s and took a few detainees. We then proceeded to the next objective which was a gas station type complex. There was a detainee in Lt (b)(6), (b)(3) vehicle so i rode in a different vehicle to this objective due to lack of room in Lt (b)(6), (b)(3) humvee. At this point my sniper team was separated Sgt (b)(6), (b)(3) was left behind with some other soldiers at the first objectives while myself and Spc (b)(6), (b)(3) proceeded to the gas station objective that was several clicks away. Upon arrival at the gas station i dismounted from my humvee. Myself and about 7 other soldiers headed towards the gas station- the vehicles were around 50meters away from the gas station. We encountered a local sitting outside the gas station posing no immediate threat. When we got to be about 15 meters away from the local, Lt (b)(6), (b)(3) (still back at the trucks on the headset radio) yells at us to kill the local sitting there. There were several other locals in the gas station who appeared to be working and talking. They saw us and did not resist or flee but began to come towards us and were following our directions. About at the same time all the vehicles behind us began to engage a building complex roughly around 700 meters away and they engaged vehicles between them and the buildings that were roughly about 200 - 300 meters away. When the shooting started Lt (b)(6), (b)(3) yelled over at us to kill everyone over at the gas station. I am not sure if he could see in the gas station or not and see that the locals were not a threat and were complying with our orders. Again we did not follow Lt (b)(6), (b)(3) orders as the locals were not posing a threat. Since my back was to it when the shooting began i was under the impression that we had been engaged from those buildings so i ran over to a truck for cover- oriented the gunners direction of fire and fired several rounds from my M-9. After a few seconds i stopped shooting as did the gunner in the truck. I told him not to shoot anymore because i wasn't sure why we were shooting. I began to think at this point that we were not engaged from those buildings which we had just engaged. I can remember Sgt (b)(6), (b)(3) asking Lt (b)(6), (b)(3) what the hell we were shooting at and saying that if there were kids hit over there that he was gonna kick someones ass. Lt (b)(6), (b)(3) response to that was "fuck that- its all collateral damage." I found out later that the reason we engaged those buildings was because it had been identified as an insurgent safehouse. I do not know why the vehicles were engaged. After the shooting stopped myself and some other soldiers went over to a semi truck that had been engaged and found one local male dead outside his vehicle and one still alive inside the vehicle. We put a guard on him and treated his slight head wound. At this point i walked back to the humvees. After a few minutes there were several locals that had been brought over to our location from either the building or the vehicles that had been engaged because they were wounded. Lt (b)(6), (b)(3) called in the med evac and they were all medically treated. I believe it was two women and four men that we med-evaced. After that objective had finished being cleared we proceeded to set up hasty tcp and detain military age males who were leaving the area. After that first day my sniper team requested to stay together and be used properly and we we placed in the resupply vehicles and were not really apart of the operation after that. The operation lasted 2 more days and we returned to Remagen. At remagen C-co worked on detainee packets and their sworn statements from the operation. None of my sniper team was asked to do any sworn statements while at remagen with c-co. After a night at remagen we returned to brassfield and told our PL (Cpt (b)(6), (b)(3) and our NCOIC at the time (SSG (b)(6), (b)(3) about what all had happened and we immediately did sworn statements. After completing the statements the next day we talked about what we wanted done- our PL recommended just giving out statements to C-co and letting them handle it. SSG (b)(6), (b)(3) and the sniper team said no- that the statements needed to go to the higher ups. Major (b)(6), (b)(3) was in charge of operations at the time because our BC and Sgt Major were on leave. So we told our PL that he could give C-co a copy of the statements if he wanted but that the Major also needed to receive the copies. He said ok. And after about three days or so he said he had given them to him. So we accepted that he did but when no one from CID came to talk to us after a while we wondered if they had ever gotten our statements. So after a week or so our company XO (Captain (b)(3), (b)(6) went and asked Major (b)(6), (b)(3) continued (b)(6), (b)(3)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF PC (b)(6), (b)(3) TAKEN AT COB Speicher DATED 4 JULY

**9. STATEMENT (Continued)**

(b)(6), (b)(3) (if he had received the statements. His response was something along the lines of that all that stuff was being taken care of by some one else. So after some more time went by and still no one had contacted us about our statements my PSG (SPC (b)(6), (b)(3) back from leave at this point) and my company XO- printed off new copies and took them straight to the BC (LT COL (b)(6), (b)(3) also back from leave) and handed to him directly. We just wanted to be 100% sure that our statements had been seen and not just brushed aside by our chain of command. Personally- i was highly angered about some of the things and decisions that happend out on Operation Iron Triangle and that nothing seemed to be happening about it. I have heard of other incidents with Charlie Co but this is the only one that i witnessed but it is my personal belief that alot of the problems that have come from that company are due to the command climate there. Particularly with their First Sgt and their CO. I believe they encourage their men to be to hostile in their actions- i know this is a war and i know that we need to be aggressive in fighting the enemy and i 100% agree and support that but there is a difference between being aggressive and causing harm to people who were not posing a threat.

Q: SA (b)(3), (b)(6)

(b)(6), (b)(3) A: PFC (b)(3), (b)(6)

Q: What does GAC stand for?

(b)(6), (b)(3) A: ground assault convoy

Q: Define click.

(b)(6), (b)(3) A: 1000 meters

Q: How did these ROE vary from previous ROE you had received on other missions.

(b)(6), (b)(3) A: On previous missions we had to feel or be threatened before we could engage anyone or anything

Q: Further describe the actions of "the local" at the gas station prior to the order to kill him?

(b)(6), (b)(3) A: He was just sitting on the sidewalk- not doing anything- he saw approach and did not flee and complied with our orders. The only thing he had in his hands were some papers.

Q: Why do you believe 1LT (b)(3), (b)(6) gave the order to kill him if he was not posing a threat?

(b)(6), (b)(3) A: He may have been informed by the "informant" and the interpreter in his truck that the man was an insurgent

Q: Who was the informant?

(b)(6), (b)(3) A: A local who we took off the first objective

Q: Is it SOP to kill someone who is not posing a threat if they are identified as an insurgent by an informant? Explain in further details what typically happens in those situations.

(b)(6), (b)(3) A: No- it is not SOP to kill someone who is identified as an insurgent. If we have a local being identified as an insurgent we would move to detain him- only if he resisted or fled would he then possible be engaged. Just because a local identifies some one as an insurgent does mean he is telling the truth or that the accused really is an insurgent. There could be any number of reasons why a local would lie about another- different tribes, family feuds, just a enemy. If the person is not a threat there is hardly ever a reason to engage them.

Q: Did 1LT (b)(6), (b)(3) say or do anything when his orders were not followed?

(b)(6), (b)(3) A: No

Q: Why did you not follow his orders?

(b)(6), (b)(3) A: I felt his orders to kill the man where morally wrong and against a U.S. soldiers values

Q: Did any detainee at the gas station pose any threat or not comply with orders in a timely manner?

(b)(6), (b)(3) A: No- none that i witnessed

Q: How did you find out the buildings being fired at were being engaged because it was an insurgent safehouse?

(b)(6), (b)(3) A: I overheard it between soldiers after the shooting had stopped

Q: Do you know the names of those soldiers?

(b)(6), (b)(3) A: No

Q: What are the names of the dismounted soldiers at the gas station?

(b)(6), (b)(3) A: The only 2 i know are Sg (b)(3), (b)(6) and SSG (b)(3), (b)(6)

Q: How many gunners were firing at the building?

(b)(6), (b)(3) A: 5 or so vehicle gunners and 10 or so dismounts

Q: Did you see anyone at the buildings or receive any direct/indirect fire?

(b)(6), (b)(3) A: By the time i turned around to look at the buildings the smoke and dust were to thick to see any people and no- we did not receive any type of fire from those buildings

Q: What in your experience has been the standard way to handle a building that has been identified as an insurgent safehouse?

(b)(6), (b)(3) A: Get better eyes on the objective- approach and if possible clear the building- and if have an interpreter u could have him yell for all in the buildings to come out- and then proceed to clear the building. The building in my opinion should not be engaged unless it is a threat from that building.

Q: Who ordered the buildings to be fired at?

(b)(6), (b)(3) A: I wasn't at the trucks when they started engaging the buildings. Lt (b)(6), (b)(3) was in charge and he was at the trucks - but i personally didn't hear who gave the order.

Q: Why would 1LT (b)(6), (b)(3) give an order to kill the gas station patrons if he was not in their LOS and was not sure what their actions / demeanor was?

(b)(6), (b)(3) A: I do not see why he ordered us to kill them. Possible he thought they were insurgents but i don't know his reasoning behind it- the locals were posing no threat. I think he just made some bad decisions (b)(6), (b)(3) continued (b)(6), (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6), (b)(3)

PAGE 2 OF 4 PAGES



STATEMENT OF

RC

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

TAKEN AT

COB Speicher

DATED

4 JUL 06

B. STATEMENT (Continued)

Q: You mentioned other people in C Company approaching you after or during the mission. Please elaborate on what was said by who.

A: I can remember several soldiers approaching us and asking us to say what we say and report it. I can remember SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) were two of them who were angry with what happened and wanted us to report what we had seen.

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

Q: Why do you think others in C Company have not come forward?

A: I think most are scared of their chain of command and are not sure what to do. Others may just not care.

Q: Did you type the beginning portion of this statement and all answers?

A: Yes.

Q: Do you have anything else to add?

A: No. end of statement (b)(3), (b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)  
(b)(3), (b)(6) (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of July, 2006 at COB Speicher, Tikrit, Iraq, APO AE 09393

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)  
(b)(3), (b)(6) (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA (b)(3), (b)(6)  
(Typed Name of Person Administering Oath)

Article 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 4 OF 4 PAGES

**TAB X**

### SWORN STATEMENT

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

LOCATION <u>COB Speicher, Tikrit, Iraq APO AE 0933</u>	DATE (b)(3), (b)(6) TIME (b)(3), (b)(6) <u>4 JUL 06 1730</u>	FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME <u>(b)(3), (b)(6)</u>	SOCIAL SECURITY NUMBER <u>(b)(6)</u>	GRADE/STATUS <u>ES/AO</u>
ORGANIZATION OR ADDRESS <u>HHC 3/187 Inf, FOB Bassfield-Mora, Samarra, Iraq APO AE 09349</u>		

(b)(3), (b)(6) \_\_\_\_\_ (b)(3), (b)(6) \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While attached to C Co. we have had several issue about the way the company operated. <sup>(b)(3), (b)(6)</sup> We <sup>(b)(3), (b)(6)</sup> myself and the other snipers have felt unsafe about working with C Co. I feel that most of the company has been <sup>(b)(3), (b)(6)</sup> brainwashed throughout the deployment to kill more when ever possible. I feel that the problems are caused by the ISGT and Co. Every meeting I've been to involving C Co their ROE has suggested killing locals who don't appear to be a real threat. Such as killing locals who are unarmed but might leave the general area. C Co's ISGT has the mentality that all locals should be killed. He has said that all Iraqis should be killed, to me several times while I have ridden with him in his HMMWV. I have felt unsafe working with C Co because of the company killing innocent civilians and creating stories to cover them up. I have not personally witnessed any of these occasions but I hear C Co soldiers talking about them. One story was about C Co killing 3 locals in a tomato truck. What really happened was the gunner was nervous behind the .50 caliber machine gun and killed 3 civilians. After the 3 civilians were killed the LT of the platoon shot out both tires so it would appear that the vehicle wouldn't stop after having it's tires shot out and that it forced them to use lethal force. Then upon returning to the unit after Iron Triangle I heard stories of the executions. First I was told by platoon members that they we given orders to <sup>(b)(3), (b)(6)</sup>

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>(b)(3), (b)(6)</u>	PAGE 1 OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT OF Sgt

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

TAKEN AT CDB Speicher, Iraq, APO AE 09383 DATED 4/5/06

CONTINUED

STATEMENT (Continued)

(b)(3), (b)(6) kill everyone on the objective. As for the executions I overheard member of 3rd plt CCo. describe it. That the team that entered the house detained 3 males in the house. Radioed to CCo's 1SGT that they had 3 detainees. 1SGT responded with "why do you have 3 detainees who are supposed to be dead". Then the soldiers took the detainees outside and cut the zip-cuffs off the detainees hands to make it appear that they broke them off. Mean while the soldiers were hitting each other and spc (b)(3), (b)(6) cut himself in the face to make it appear that the detainees put up a fight. Then the detainees were told to run away. Then when they were about 100 meters away they were shot by the soldiers. After that they threatened another soldier that they would kill him if he told what had happened. Then they radioed to CCo command that they had 3 enemy KIA.

Q: SA (b)(3), (b)(6)

A: Sgt (b)(3), (b)(6)

Q: Have ROE briefs you've attended with other companies been as loose as C Co's?

A: C Co's ROE has been the only company to authorize killing of civilians who are ~~un~~unarmed or don't appear to be a threat but are leaving a general area or are at military age. As opposed to other companies where the local would have to pose a threat.

Q: Do you remember specific dates when 1SG (b)(3), (b)(6) made those comments to you?

A: Those comments were made on different occasions from January 06 through May 06.

Q: Do you remember any specifics as far as C Co covering things up; other than the Tomato Truck incident?

A: The Tomato truck incident is the only one I've heard (b)(3), (b)(6)

INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)

PAGE 2 OF 4 PAGES

STATEMENT OF Sgt (b)(3), (b)(6)

TAKEN AT Cob Speicher, Iraq ALO AE 0313 DATED ASU 06

CONTINUED

STATEMENT (Continued)

(b)(3), (b)(6) details about:

Q: When have you overheard C Co talking about covering things up, and can you identify which soldiers stated what?

A: I over hear these things before missions and while riding with C Co but the conversations are between many different soldiers throughout the company.

Q: Who mentioned the toronto truck?

A: A soldier from 1st platoon C Co.

Q: When did you return from leave after Iron Triangle?

A: I returned from leave in late May.

Q: Do you remember which 3rd platoon C Co members said what?

A: I do not remember which soldiers were talking about the incident.

Q: How well do you know members of C Co?

A: Not very well. They take my team to and from objectives then leave us alone to do our job.

Q: Are you sure it was 3rd platoon who was discussing the incident?

A: Yes 3rd platoon soldier were discussing what happened on Iron Triangle as well as SGT (b)(3), (b)(6) SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6)

Q: Was this information discussed after SSG (b)(3), (b)(6), PFC (b)(3), (b)(6) + SPC (b)(3), (b)(6) were "taken away"?

A: Yes.

Q: Do you have anything else to add?

A: No/ End of statement. (b)(3), (b)(6)



**TAB Y**

# AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER  
0010-06-CID489-

PAGE 1 OF 1 PAGES

## DETAILS

About 1120, 6 Mar 06, MSG (b)(3), (b)(6) Inspector General (IG), HHC, 501st Special Troops Battalion (STB), 101st Airborne (ABN) Division (DIV) Air Assault (AASLT), Contingency Operating Base (COB) Speicher, Tikrit, Iraq, APO AE 09393, notified SA (b)(3), (b)(6) that a Soldier informed him about possible violations of Rules of Engagement (ROE) by elements of C Company, 3-187th INF, Forward Operating Base (FOB) Brassfield-Mora, IZ.

About 1210, 6 Mar 06, SA (b)(3), (b)(6) interviewed (b)(3), (b)(6) who stated around 1830, 5 Mar 06, during a chance encounter, he met one of his former Soldiers, SSG (b)(3), (b)(6) (NFI), 2d Platoon, D Company, 3-187th INF, Patrol Base (PB) Olson, Samara, IZ, in the COB Speicher Main Dining Facility. (b)(3), (b)(6) requested to speak with (b)(3), (b)(6) (his former Platoon Sergeant) about information he had regarding a shooting incident which happened recently and involved non-combatant civilian casualties. (b)(3), (b)(6) indicated that (b)(3), (b)(6) told him that he recently spoke to a Soldier in C Company, 3-187th INF (NFI) who told him that the ongoing investigation of the shooting was being "white-washed" and they are using Standard Operating Procedure (SOP) (?) for writing sworn statements. The incident in question supposedly took place on the road near Samara, and involved the element of C Company, 3-187th INF opening fire on a civilian vehicle and killing women and children. According to (b)(3), (b)(6) the Soldier who told him about it was transferred from C Company to an unidentified unit about a week prior. The transfer allegedly happened after the Soldier indicated that he had enough of lies and would go to the Criminal Investigation Division to expose the cover up. This unidentified Soldier told (b)(3), (b)(6) that he felt threatened, and wrote exactly what he has been told instead his own account of the events. (b)(3), (b)(6) stated that (b)(3), (b)(6) insinuated that these indiscriminate shootings were happening for awhile on an everyday basis, and there was some kind of effort to have a "body count", regardless of the status of the individuals who were killed. (b)(3), (b)(6) stated (b)(3), (b)(6) looked very stressed out, down to the breaking point. According to (b)(3), (b)(6), he had never seen (b)(3), (b)(6) like that before. (b)(3), (b)(6) was transferred from C Company to D Company around Dec 05, right after the unit relocated from Camp Falcon to FOB Brassfield-Mora. (b)(3), (b)(6) remembered that (b)(3), (b)(6) mentioned the name of the Soldier in C Company, but could not remember it. (b)(3), (b)(6) thought the name was (b)(3), (b)(6) The conversation was witnessed by another NCO, SFC (b)(3), (b)(6), Assistant IG, HHC, 501st STB, 101st ABN DIV AASLT, COB Speicher, IZ ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

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

ORGANIZATION

31<sup>st</sup> MP DET (CID) (-), Contingency Operating Base, Speicher, Tikrit, IZ APO AE 09393

SIGNATURE

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

DATE

6 Mar 06

EXHIBIT

CID FORM 94

1 FEB 77

~~FOR OFFICIAL USE ONLY~~

**TAB Z**

**Campbell Donald BG MNC-I Chief of Staff**

**From:** (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Sent:** Thursday, July 06, 2006 7:56 AM  
**To:** Campbell Donald BG MNC-I Chief of Staff  
**Cc:** (b)(3), (b)(6) LTC MNC-I 10TH MP BN Commander  
**Subject:** FW: [U] FW: 0086-06-CID469 Statements from 4 Jul 06  
**Importance:** High  
**Categories:** ~~LIMDIS, UNCLASSIFIED, FOR OFFICIAL USE ONLY~~  
**Attachments:**

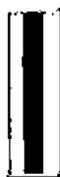
(b)(3), (b)(6)

**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~**Classification Classification:** UNCLASSIFIED**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Sir, as you requested. Please consider the comments of the Agent below are his subjective opinions and any conclusions have yet to be further demonstrated as a result of additional investigative activity.

V/R Chief (b)(3), (b)(6)

CW5 (b)(3), (b)(6)  
 Chief, Investigative Operations  
 HQ, 10th MP BN CID  
 Camp Victory, Iraq  
 APO AE 09342  
 DSN (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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**From:** (b)(3), (b)(6) MP CID Units FSO/AOPS  
**Sent:** Tuesday, July 04, 2006 10:39 PM  
**To:** (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer; (b)(3), (b)(6) CW4 MNCI 10th MP BN Criminal Intel Coordinator  
**Subject:** [U] FW: 0086-06-CID469 Statements from 4 Jul 06

**Classification:** UNCLASSIFIED//~~LIMDIS~~

7/6/2006

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Chiefs,

Im taking a look at these.

/r  
SA [redacted] FSO

**Classification: UNCLASSIFIED//~~LIMDIS~~**

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**From:** CW3 [redacted] [mailto:[redacted]@us.army.mil]  
**Sent:** Tuesday, July 04, 2006 9:01 PM  
**To:** [redacted] MP CID Units FSO/AOPS  
**Subject:** 0086-06-CID469 Statements from 4 Jul 06

[redacted]

Here are our statements from today. These interviewees were part of Iron Triangle, but did have specifics regarding the murders on the island. They outlined various other incidents involving C CO, including both first hand accounts and incidents they have been told about. The bottom line is C CO needs to be looked at in totality. We need a separate investigation from 0086 to look at each and every kill that they have had. Note the reference in the statements to the kill board. [redacted] also mentioned the kill board and stated Charlie Company counts ALL kills, including women and children. [redacted] told me that in January he felt some degree of loyalty to the unit, particularly since his brother is in C CO. He no longer feels that loyalty and I believe the Soldiers we interviewed today are truly sickened by what is going on in C CO. The more we dig, the more we find. We have only begun to uncover the truth. If we do not significantly widen the scope and look at everything relating to C CO, we are going to end up receiving complaints from former C CO Soldiers months or years down the road, after they are no longer part of the unit and feel safe enough to talk about it. We have already seen this in other cases, not the least of which were CPT [redacted]'s allegations.

We have several incidents from Iron Triangle:

1LT [redacted] ordered his Soldiers on several occasions to shoot unarmed and clearly cooperative men. In each instance the Soldiers balked and refused to comply. One Soldier in particular, SGT [redacted] was directly confrontational with 1LT [redacted] both during the incidents and again during the AAR.

Shooting of the man who was laying face down in front of the truck.

Targeting of the residence and injury of two LNs with any PID of the targets.

Incidents separate from Iron Triangle:

Shooting of three men in the tomato truck, after which they shot out tires to make it look like the truck would not stop.

Shooting of the family of women and children in the van.

7/6/2006

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1LT (b)(3), (b)(6) breaking the detainees jaw and then claiming he was resisting.

Re-look the shooting of the seven year old girl. Based on the descriptions of 1SG (b)(3), (b)(6) demeanor, I now question whether or not he ordered the kill in spite of the obvious potential for "collateral damage".

I also interviewed (b)(3), (b)(6) regarding the sniper case (0010-06-CID469) and I believe we are at the point where we need to re-interview the other Soldiers who were involved.

v/r

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

**CW3, MP**  
**Special Agent In Charge**

**31st MP DET (CID) (-)**  
**Building 718**  
**Contingency Operating Base Speicher**  
**Tikrit, Iraq, APO AE 09393**

**DSN:** (b)(6)  
**VOIP:**

(b)(6) @dmain.d101.army.smil.mil  
(b)(6) @us.army.smil.mil  
(b)(6) @us.army.mil

**"Deterred by neither fear nor prejudice"**

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CASE#

STATEMENT OF (b)(3), (b)(6) TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

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

Q: Did you soldiers tell you what happened on Iron Triangle?

A: They told me one story that during the operation that 1Lt (b)(3), (b)(6) said waste all of them on some objection that they were on. And members of 1Lt (b)(3), (b)(6) platoon, along with my soldiers said there are women and children and 1Lt (b)(3), (b)(6) said fuck them its collateral damage. But they did not take the order. This was the main thing I could remember but I vaguely remember one of my soldiers saying something about a local national already was dead and a C Company soldier came up to the dead Iraqi and shot him with the saw and practically cut him in half.

Q: Have your soldiers told you anything else about members of the 3/187<sup>th</sup> committing war crimes against the local community?

A: I was told that 1SG (b)(3), (b)(6) had taken a dead Iraqi male and placed him on the hood of the HMMWV and take him to the family members. He then removed the Iraqi hand from the body bag and slapped a local national with it and told them this was what was going to happen to you if you don't stop. I am not sure of this information but my soldiers can tell you more. Around Jan or Feb 06, (b)(3), (b)(6) came to me and said an Iraqi male was detained with zip ties and with his hands behind his back and 1LT (b)(3), (b)(6) pushed this guy down and I think he broke his jaw. (b)(3), (b)(6) went on to say that he told (b)(3), (b)(6) to leave the guy alone and (b)(3), (b)(6) related he was resisting arrest. (b)(3), (b)(6) said he was not and that the guy was detained and to leave him alone.

(b)(3), (b)(6) related there was a 15-6 and he did not tell what he knew because he was afraid. But that he did witness the guy get roughed up after he was detained.

Q: Why didn't you and your soldiers come forward with this information previously?

A: Because we sent the sworn statements up through the chain of command and we sat around and waited. Nothing happened. We continued to get someone to listen to us. We don't trust the battalion. We were glad when this office contacted us. The atmosphere in the battalion is bad. Charlie Company has done a lot of things and when they write sworn statements for 15-6 investigations they write them all together. We wanted from the beginning for our soldiers to tell their story. They provided sworn statements and I don't think CID or the battalion commander had seen them. When I provided the statements to the battalion commander he said the case was already being investigated. I know he was not on leave during the same time as I. I provided them to him on or about the beginning of June, after the press release. I know

(b)(6), (b)(3) did submit an anonymous tip through the CID website.

Q: Did any of your soldiers witness the deaths of the four detainees in which were killed on the island during Iron Triangle?

A: No.

Q: Do you know if they have any knowledge of the deaths?

A: Just by what they have heard from the rumors and what was released in the news (b)(3), (b)(6)

INITIALS OF PERSON (b)(3), (b)(6)  
MAKING STATEMENT (b)(3), (b)(6)  
DA FORM 2823 (Computer Generated)

PAGE 2 OF 4 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

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

CASE#

**STATEMENT OF** (b)(3), (b)(6) **, TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.**

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

**Q: Do you think the command clement is a cause for Charlie having so many deaths or detainee abuse allegations?**

**A: I am not sure it's the battalion but I do think (b)(3), (b)(6) and (b)(3), (b)(6) have created the climate.**

**Q: Why do you say this?**

**A: (b)(3), (b)(6) attitude is everyone is fucked up but him. He says things that are very negative. It is always about killing somebody or the company is getting picked on. He does not take responsibility for their actions and they can not do no wrong in MAJ (b)(3), (b)(6) eyes. Charlie Company has a kill chart in their Command Post. I heard (b)(3), (b)(6) asked one of the platoons what was up and why didn't they have as many kills as the other platoon.**

**Q: Do you think MAJ (b)(3), (b)(6) withheld the sworn statements provided by your platoon members?**

**A: That is a tough question. I think if they did get passed up my platoon members would have been interviewed. He may have not received them. I don't know.**

**Q: Do you still have a copy of the statements?**

**A: No. (b)(3), (b)(6) has a copy and the soldiers probably have copies.**

**Q: How many members of you platoon are attached to Charlie?**

**A: Seven and they rotate in and out: (b)(3), (b)(6) are here today. (b)(3), (b)(6) and (b)(3), (b)(6) are on leave. They just left on and they are due back around the 25<sup>th</sup> of Jul (b)(3), (b)(6) and (b)(3), (b)(6) are currently attached to Bravo Company but have been attached to Charlie.**

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

**A: My soldiers just want their stories told. They provided statements and no one has interviewed them. They did not see what happened to the 4 detainees but they can tell you that Charlie Company has done things that on this mission and others that are criminal. This investigation in just one of the many that I think they are covering up and not doing the right thing. I never worked with them. I think the use the ROE as a means to kill people. Everyone does not deserve to be killed because they breached a convoy or because they are not actively resisting. They also could not be doing anything and are killed because the ROE said shoot all military aged males. But that does not give anyone an excuse to do so.**

**Q: What happened to the original statements provided by your platoon members?**

**A: I think the originals were provided to CPT (b)(3), (b)(6). Then (b)(3), (b)(6) said he asked the (b)(3), (b)(6) about the statements and said he wanted them to go to the Battalion.**

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

**A: No. ///END OF STATEMENT///** (b)(3), (b)(6)

INITIALS OF PERSON  
MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823 (Computer Generated)

PAGE 3 OF 4 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE~~

CASE#

STATEMENT OF (b)(3), (b)(6), TAKEN AT Tikrit CID Office,, COB SPEICHER, TIKRIT, IRAQ, DATED 4 July, 2006, CONTINUED.

I, (b)(3), (b)(6) READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 4. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this Tuesday, July 04, 2006, at Tikrit CID Office COB Speicher, Tikrit, Iraq, APO AE 09393

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

(Signature of Person Administering Oath)

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

Typed Name of Person Administering Oath  
Article 136 (b) UCMJ  
(Authority to Administer Oath)

\_\_\_\_\_  
\_\_\_\_\_

Witness

\_\_\_\_\_  
\_\_\_\_\_

INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)

DA FORM 2823 (Computer Generated)

PAGE 4 OF 4 PAGES

EXHIBIT \_\_\_\_\_

~~FOR OFFICIAL USE ONLY- LAW ENFORCEMENT SENSITIVE~~

**TAB BB**

**SWORN STATEMENT**

**LOCATION:**

Building 718 (CID Office)  
Contingency Operating Base (COB) Speicher  
Tikrit, Iraq, APO AE 09393

**DATE:**

4 Jul 06  
(b)(3), (b)(6)

**TIME**

1712 (b)(3), (b)(6)

**NAME:**

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

**SSN:**

(b)(6)

**GRADE/STATUS:**

E-5 / Active

**ORGANIZATION OR ADDRESS:** HHC, 3-187 Infantry, Forward Operating Base (FOB)  
Brassfield-Mora, Samarra, Iraq, APO AE 09349

(b)(3), (b)(6), (b)(3), (b)(6) **WANT TO MAKE THE FOLLOWING STATEMENT**

**UNDER OATH:**

During Operation Iron Triangle my sniper team and I were the sniper team attached to HQ, C CO, 3-187. HQ consists of 2LT (b)(3), (b)(6) CPL (b)(3), (b)(6) 2LT (b)(3), (b)(6) s MK-19 gunner (SFC (b)(3), (b)(6) was not present during this operation). SGT (b)(3), (b)(6) and his squad from 2d Platoon also linked up with us at the LZ at the chemical plant. (b)(3), (b)(6) was driving for 2LT (b)(3), (b)(6) because (b)(3), (b)(6) had to TC another vehicle. We had a HMMWV with a trailer, a LMTV, the LT's HMMWV, a non-uparmored, sling-loaded HMMWV and two Iraqi Army pick-up trucks. The order of march was (b)(3), (b)(6) s HMMWV, the LT's HMMWV, my LMTV and the HMMWV with a trailer. (b)(3), (b)(6) was in the first vehicle with (b)(3), (b)(6) was driving the LT in the second vehicle and I was the TC in the LMTV, with a medic as my gunner. SSG (b)(3), (b)(6) was in the fourth vehicle. The IA trucks were the two last vehicles. This was the order of march from Remagen going to the LZ and prior to linking up with (b)(3), (b)(6) and his squad. From the LZ we moved to our main objective which was a group of buildings, but they had all been demolished prior to us getting there. We decided to go south because we saw another group of buildings maybe 500-600 meters away so we decided to go clear them. We started heading down there. The brief before we rolled out was "Flash/Bang Heavy". We saw women and children when we got there so I knew that we were not going "Flash Bang Heavy". I think SGT (b)(3), (b)(6) got there first because by the time we got there they had already got people out of the buildings. I think I cleared one building. After that I started walking over to where the LT was. Somebody said something about there was a group of guys with a truck and they were digging in a field. I told the LT I could take the (b)(3), (b)(6) and get eyes on. He said do that, so I grabbed (b)(3), (b)(6) and he and I went up on a hill. I got eyes on with my scope, which was a 4x scope. (b)(3), (b)(6) got eyes on with the (b)(3), (b)(6) which has a 10x scope. The men were about 950 meters away. I called up on the radio and told the LT I had eyes on. I told him there was a white pickup and I believe there were either four or six guys. I told him they were digging in a field. He said, "Roger, engage." I knew the LT was getting into a vehicle

INITIALS OF PERSON  
MAKING STATEMENT (b)(3), (b)(6)

PAGE 1 OF (b)(3), (b)(6) PAGES

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**STATEMENT OF SGT [REDACTED] (b)(3), (b)(6) TAKEN AT  
BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.**

(b)(3), (b)(6) and heading out to the men, so I decide to lay suppressing fire to stop them from moving. I did not see a reason to kill the men at that time. I looked at (b)(3), (b)(6) and said, "Hey this is fucked up". I told him, "Shoot and miss. Scare them." (b)(3), (b)(6) shot one round that was 50 meters in front of the closest guy. He was about 15 meters in front of the vehicle on the left side. They all got down on the ground. Two of them got back up. One of them was to the left of the truck and on the far side of the truck, maybe 25 meters. The guy to the right of the truck, about 30 meters, also stood up. The guy to the left started walking toward the truck. The other guy was not moving, just looking around. I shot two rounds and (b)(3), (b)(6) shot one round. Both of us shot short, way short, maybe 40-100 meters short. The guy walking toward the truck got down. The guy to the right of the truck started walking toward the berm and was about to go over it so I told (b)(3), (b)(6) to stop him from moving. (b)(3), (b)(6) shot one round to his right and in front of him, which kicked up a whole bunch of dirt. I also shot two rounds which hit about 40 meters away. He immediately got down. After hearing the third (b)(3), (b)(6) shot the LT ordered a cease fire. They brought the men back and detained them. At this point the LT told me he was taking all the trucks except the LMTV and HMMWV with the trailer to the next objective. He said they had an informant that said there were known Al Qaeda in a gas station and a group of buildings near the gas station. (b)(3), (b)(6) and (b)(3), (b)(6) went with them because they were already in the trucks that were going. I stayed there with the LMTV and HMMWV with the trailer. They rolled out and I did not have comms with them after about ten minutes. CPT (b)(3), (b)(6) landed right at our location and we linked up with some other trucks and started heading toward the gas station. When we got there the shooting had already ceased. There was a gas station on one side and a group of houses on the other side. I saw a dead body on the ground about ten meters in front of a truck, possibly a Bongo, I can't recall. The truck was across the street from a group of buildings. I can't recall how we linked up, but I found (b)(3), (b)(6)'s truck and (b)(3), (b)(6) told me 1LT (b)(3), (b)(6)'s driver was back, so I told (b)(3), (b)(6) to gun for the LMTV. (b)(3), (b)(6) also mentioned to me that some things were messed up. He told me that he would tell me the story later. I don't remember when we linked up with (b)(3), (b)(6) but he got into the LMTV with us. The whole way back to the BN base at the chemical plant they were kind of telling me stuff. They said they rolled up to the objective and got out. They started walking towards the gas station and there was a guy sitting down in front of the station. They said the LT said to kill him. Either CPL (b)(3), (b)(6) or somebody said we are not going to kill him, he is not a threat. They got to the building that the informant had identified. The LT said that is the building and at this point a vehicle was driving away. They started shooting at the vehicle and a guy got out of the vehicle, walked about ten meters in front of the vehicle and laid on the ground. They said the shooting stopped for a minute and then it started again and (b)(3), (b)(6) said cease fire and that there were kids. The LT said something like "fuck that it is all (b)(3), (b)(6)

INITIALS OF PERSON  
MAKING STATEMENT (b)(3), (b)(6)  
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**STATEMENT OF SGT [REDACTED] (b)(3), (b)(6) TAKEN AT  
BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.**

(b)(3), (b)(6) collateral damage". (b)(3), (b)(6) and (b)(3), (b)(6) both told me they shot at the building with MK-19 and small arms. At some point they had called in Apaches, but the pilots called back to check the objective because there were children on the ground. I know SSG (b)(3), (b)(6) heard that on the radio because he told me that. (b)(3), (b)(6) and (b)(3), (b)(6) told me after they brought the people out of the house there was an injured woman and man there. They told me the woman looked like she was going to die and the old man was either dead or looked in bad shape. We conducted an AAR back at Brassfield-Mora. The 1SG was leading the AAR and everyone who was involved in the convoy plus some key leaders were present. (b)(3), (b)(6) mentioned in the AAR that LT (b)(3), (b)(6) said "Kill them", referring to the men in the gas station. SGT (b)(3), (b)(6) said something like he "heard the LT say to kill them all, that they were collateral damage". (b)(3), (b)(6) said he interpreted that as procedure, as in if we went up to the men and they surrendered then we would process them, but if they resisted then we would kill them. I remember (b)(3), (b)(6) was upset during the AAR and he talked for like five minutes. He said something like, "When everyone gets to the objective everyone starts getting trigger happy. You can't just start shooting people. Does anyone in here even know what you were shooting at? Someone needs to take responsibility". I am pretty sure they separated the AAR, meaning we discussed the incident at the gas station was separate from the AAR regarding the three detainees who were shot. They skipped that incident and indicated they would talk about that separately. I did not really think that was too unusual at the time, but now that I look back it seems that they just wanted the people that were there at each event to know what happened.

Q. SA (b)(3), (b)(6)

A. SGT (b)(3), (b)(6)

Q. Who are you referring to when you say (b)(3), (b)(6)?

A. SPC (b)(3), (b)(6)

Q. During the incident with the men digging in the field, when 1LT (b)(3), (b)(6) told you to "Engage", what did you believe he was directing you to do?

A. Shoot to kill, but that is not what we did. (b)(3), (b)(6) and I used suppressive fire.

Q. Did you shoot anyone during this mission?

A. No, I shot at the men in the field, but did not hit any of them.

Q. Did (b)(3), (b)(6) or (b)(3), (b)(6) tell you who shot at the buildings with MK-19's and small arms fire?

A. I know they were not firing the MK-19. They said they heard everyone shooting at the buildings and did not know what was going on, so they fired a couple of rounds with their weapons.

Q. Were either you or any of your team members present at the location where the incident happened with (b)(3), (b)(6)'s squad and the three detainees?

A. No.  
(b)(3), (b)(6)

INITIALS OF PERSON  
MAKING STATEMENT (b)(3), (b)(6)  
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PAGE 3 OF 5 PAGES

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**STATEMENT OF SGT [REDACTED] (b)(3), (b)(6), TAKEN AT  
BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.**

- (b)(3), (b)(6) Q. Did you hear 1SG [REDACTED] (b)(3), (b)(6) on the radio during this operation?  
A. No, I was monitoring 1LT [REDACTED] (b)(3), (b)(6)'s freq.  
Q. Do you personally know the members of SSG [REDACTED] (b)(3), (b)(6)'s squad?  
A. No. I have not had much contact with them. They may have in-filled or ex-filled my team before, but pretty much everyone in C CO has done that for my team.  
Q. Have you had any conversations with [REDACTED] (b)(3), (b)(6) [REDACTED] (b)(3), (b)(6) or [REDACTED] (b)(3), (b)(6) since Operation Iron Triangle?  
A. No.  
Q. Prior to this investigation did anyone indicate to you that the deaths of the three detainees were staged?  
A. Just rumors. I heard that they were blindfolded and still cuffed when they brought the bodies back. There was a rumor that the knife was staged. There was also a rumor that [REDACTED] (b)(3), (b)(6) cut himself and then told the detainees to run. I heard these rumors a couple of days after the mission, if not right after it happened.  
Q. Did anyone tell you they knew this happened or that they personally witnessed it?  
A. No.  
Q. Who did you hear these rumors from?  
A. I do not remember the exact person. There were a lot of people in C CO talking about it.  
Q. Are you aware of any videos or photos from the incident involving SSG [REDACTED] (b)(3), (b)(6)'s squad?  
A. No.  
Q. Are you aware of anyone in your unit having a non-military issue pistol or other fire-arm?  
A. No.  
Q. Are you aware of anyone going into local national homes and stealing Qurans or other property?  
A. No.  
Q. Did 1LT [REDACTED] (b)(3), (b)(6) have any comments during the AAR?  
A. [REDACTED] (b)(6), (b)(3) did not go to the AAR, but [REDACTED] (b)(6), (b)(3) and I went together. When we first walked in to the AAR, before the AAR started, 1LT [REDACTED] (b)(3), (b)(6) approached me and [REDACTED] (b)(6), (b)(3) and kind of apologized. He said something like, "After reading your guys' sworn statements I did not realize I did all of that stuff". During the AAR he said something to the effect, "Yeah, a lot of stuff happened out there. I did not know I said some of the stuff".  
Q. Who did you provide [REDACTED] (b)(3), (b)(6) and [REDACTED] (b)(6), (b)(3) statements to?  
A. I gave either two or three copies of each statement to 1LT [REDACTED] (b)(3), (b)(6). This was within 24 hours of when we got back.  
Q. What was your opinion of the mission?  
[REDACTED] (b)(3), (b)(6)

INITIALS OF PERSON  
MAKING STATEMENT [REDACTED] (b)(3), (b)(6)  
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**STATEMENT OF SGT [redacted] (b)(3), (b)(6) TAKEN AT BLDG 718, COB SPEICHER, TIKRIT, IRAQ, DATED 4 JULY, 2006, CONTINUED.**

(b)(6), (b)(3) A. That it got out of control. Part of it was the ROE. I think the ROE should have been more specific. We were briefed that all middle-aged males on the island were hostile and to shoot to kill. We were not on the island, so our ROE was normal ROE, although since the houses were close to the island and we had an informant we were more cautious. 1LT (b)(3), (b)(6) briefed the ROE to all of us prior to the mission.

Q. Do you have anything to add to this statement?

A. No. ///END OF STATEMENT/// (b)(3), (b)(6)

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

[redacted] (b)(3), (b)(6)  
\_\_\_\_\_  
(Signature of Person Making Statement)

**Subscribed and sworn to before me, a person authorized by law to administer oaths, this Tuesday, July 04, 2006, at Building 718 COB Speicher, Tikrit, Iraq, APO AE 09393**

[redacted] (b)(3), (b)(6)  
\_\_\_\_\_  
(Signature of Person Administering Oath)

**Special Agent [redacted] (b)(3), (b)(6)**  
(Typed Name of Person Administering Oath)  
Article 136 (b) (4) UCMJ  
(Authority to Administer Oath)

**Witness**

INITIALS OF PERSON  
MAKING STATEMENT [redacted] (b)(3), (b)(6)  
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**TAB CC**

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

**TC MNC-I SJA Deputy Staff Judge Advocate**

**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** Thursday, August 10, 2006 11:58 AM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Cc:** (b)(3), (b)(6) LTC MNC-I OSJA Chief of Justice  
**Subject:** [U] COL (b)(3), (b)(6)  
**Categories:** UNCLASSIFIED; ~~FOR OFFICIAL USE ONLY~~  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~  
**Classification Classification:** UNCLASSIFIED

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

Can you please send me a copy of all that you have (or once you get it) regarding COL (b)(3), (b)(6) titling? As you can understand, he's not too pleased about this latest development.

V/R

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

LTC (b)(3), (b)(6)  
 USA Trial Defense Service  
 Camp Victory, Baghdad, Iraq

(b)(6) DSN Office  
 (b)(6) Mobile 9\* then number from DSN  
 (b)(6) @us.army.mil

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

**LTC MNC-I SJA Deputy Staff Judge Advocate**

**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** Sunday, August 13, 2006 11:07 AM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Subject:** RE: [U] SIPR & CID  
**Categories:** ~~FOR OFFICIAL USE ONLY, FOR OFFICIAL USE ONLY, UNCLASSIFIED, FOR OFFICIAL USE ONLY~~  
**Classification Caveat:** ~~FOR OFFICIAL USE ONLY~~  
**Classification Classification:** UNCLASSIFIED

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Read the Patty Hamm article and have a better understanding of the process. Do you know whether anything was founded and substantiated?

V/R

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

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

USA Trial Defense Service

Camp Victory, Baghdad, Iraq

(b)(6) DSN Office

(b)(6) Mobile 9" then number from DSN

(b)(6) @us.army.mil

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**From:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Sent:** 13 August, 2006 9:49 AM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Subject:** RE: [U] SIPR & CID

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No problem, sir. Sometimes the phone is better for this stuff.

Here's what I know about the CID report – don't know what the classification level is, but it's a restricted report, which means by regulation that release is restricted to CID channels. I think part of the reason for restricted reporting is to protect the info from becoming public, which protects the privacy of the person in the subject block. The other thing is that WRT COL Steele being titled, that's based on a "credible evidence" standard (low threshold, and purely CID's decision). The next step will be to decide if the offenses are founded and substantiated. "Founded" means that the offense actually exists, regardless of who did it. "Substantiated" means that there is probable cause to think the subject committed the offense.

R/

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

9/27/2006

(b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate

From: (b)(3), (b)(6)@us.army.mil]
Sent: Saturday, August 19, 2006 11:03 AM
To: (b)(3), (b)(6) COL OTJAG'
Cc: (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate
Subject: FW: COL (b)(3), (b)(6) [U]
Attachments: COL (b)(3), (b)(6) Request.pdf

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

FYI – see below with regard to CID’s legal opinion that they have the authority to order COL (b)(3), (b)(6) to go over to CID and submit to fingerprinting.

I just don’t see it. As stated in the regulation, there are three reasons to require fingerprinting – none of which apply in this case – (1) aid in establishing the identity of the person; (2) aid in relating a person to a crime; or (3) aid in relating a person to the crime scene or a specific piece of evidence.

Nothing good can come out of such an order or creating a scene of a Bde Cdr being ordered to go to the CID office to be fingerprinted and have a mugshot taken, in particular in this case where there is absolutely no investigative reason to do so.

COL (b)(3), (b)(6)
Staff Judge Advocate
101st Airborne Division (Air Assault)
Task Force Band of Brothers

VOIP (b)(6)
DSN (b)(6)

sipr: (b)(6)@us.army.smil.mil

-----Original Message-----

From: (b)(3), (b)(6) LTC [mailto:(b)(6)@belvoir.army.mil]
Sent: Friday, August 18, 2006 10:08 PM
To: (b)(6)@iraq.centcom.mil
Cc: (b)(3), (b)(6) CPT - 3d MP Group(CID); (b)(3), (b)(6) SFC USA CIDC 3d MP GROUP; (b)(6) MAJ; (b)(3), (b)(6) CW3
Subject: RE: COL (b)(3), (b)(6) [U]

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

I’ve attached a formal response to your request below. As you know, the requested images are not testimonial. CID takes these images from subjects for identification purposes. I have also included a copy of the relevant paragraph of CIDR 195-1. If you have further questions or concerns on this issue you know that you can always contact me.

I hope all else is going well for you and that you are staying safe. Be careful.

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

VR,
LTC (b)(3), (b)(6)
SJA, USACIDC
(b)(6) DSN (b)(6)

**From:** (b)(3), (b)(6) MAJ  
**Sent:** Wednesday, August 16, 2006 4:56 PM  
**To:** (b)(3), (b)(6) SFC USA CIDC 3d MP GROUP  
**Cc:** (b)(3), (b)(6) LTC; (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP  
**Subject:** RE: COL Steele [U]

SFC (b)(3), (b)(6) LTC (b)(3), (b)(6) is going to address this issue with LTC (b)(3), (b)(6). She is also going to address CW4 (b)(3), (b)(6) with COL (b)(3), (b)(6).

v/r,  
MAJ (b)(3), (b)(6)  
DSJA, OSJA  
USACIDC  
(b)(6)

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**From:** (b)(3), (b)(6) USA CIDC 3d MP GROUP [mailto:(b)(6)@us.army.mil]  
**Sent:** Wednesday, August 16, 2006 10:17 AM  
**To:** (b)(3), (b)(6) MAJ  
**Cc:** (b)(3), (b)(6) LTC; (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP  
**Subject:** FW: COL (b)(3), (b)(6) [U]

UNCLASSIFIED  
UNCLASSIFIED  
Ma'am,

CPT (b)(3), (b)(6) has asked that I forward this email to you for further guidance. He is in the forensic science training at the lat this week.

V/R  
(b)(3), (b)(6)  
SFC, US Army  
Group Paralegal NCO  
Comm: (b)(6) DSN: (b)(6)  
Fax: (b)(6)

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**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel [mailto:(b)(6)@iraq.centcom.mil]  
**Sent:** Monday, August 14, 2006 10:09 PM

9/27/2006

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**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** Sunday, August 13, 2006 10:39 AM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA Deputy Staff Judge Advocate  
**Subject:** [U] SIPR & CID

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

Thanks for the call. We do appreciate the support – despite my sometimes frustration.

Do you know if there was anything beyond the subject block for my client? And did you say it was a classified investigation?

V/R

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

LTC (b)(3), (b)(6)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office  
(b)(6) Mobile 9\* then number from DSN  
(b)(6) @us.army.mil

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(b)(6), (b)(3)  
CPT, JA  
Group Judge Advocate  
3D MP Group (CID)  
COM  
DSN: (b)(6)

**From:** (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer [mailto:(b)(6)@iraq.centcom.mil]  
**Sent:** Monday, August 14, 2006 3:04 AM  
**To:** (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP  
**Cc:** (b)(3), (b)(6) CW3  
**Subject:** FW: [U] COL (b)(3), (b)(6)  
**Importance:** High

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CPT (b)(3), (b)(6) the TDS attorney below requested access to CIDR 195-1. Perhaps you will be able to assist him in his search? Chief (b)(3), (b)(6)

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**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel [mailto:(b)(6)@iraq.centcom.mil]  
**Sent:** Monday, August 14, 2006 8:28 AM  
**To:** (b)(3), (b)(6)  
**Cc:** (b)(6) @us.army.mil; (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Subject:** RE: [U] COL (b)(3), (b)(6)

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

I've been unsuccessful in finding CIDR 195-1. Can you please forward a copy for my review?

V/R  
(b)(6), (b)(3)

LTC (b)(6), (b)(3)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office  
(b)(6) Mobile 9\* then number from DSN  
(b)(6) @us.army.mil

Defending Those Who Defend America!

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9/27/2006

**To:** (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP; (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Cc:** (b)(3), (b)(6) CW3; (b)(3), (b)(6) SFC USA CIDC 3d MP GROUP; (b)(6) @us.army.mil  
**Subject:** [U] CO (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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

Mr. (b)(3), (b)(6) has requested that my client report to his office for administrative processing pursuant to CIDR 195-1.

I respectfully request that your client arrange an appointment to come to the CID office for standard administrative processing (Fingerprinting and Photographing) pursuant to being listed as a subject in a CID report IAW CIDR 195-1, paragraph 5-13b. This will be conducted with all due consideration and respect commensurate with your client's rank and position.

Obviously, I cannot properly advise my client unless the above referenced regulation is provided. You may consider this a formal request.

Thank you for your assistance.

V/R

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

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

USA Trial Defense Service

Camp Victory, Baghdad, Iraq

(b)(6) DSN Office

(b)(6) Mobile 9\* then number from DSN

(b)(6) @us.army.mil

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**From:** (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP [mailto:(b)(6)@us.army.mil]

**Sent:** 14 August, 2006 8:09 PM

**To:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel; (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer

**Cc:** (b)(3), (b)(6) CW3; (b)(3), (b)(6) SFC USA CIDC 3d MP GROUP

**Subject:** RE: [U] CO (b)(3), (b)(6)

Sir,

I have been informed that you are requesting to review a copy of CIDR 195-1. CIDR 195-1 is a restricted access regulation for CID only personnel. However, access to non-CID personnel can be granted on a limited basis. If you desire such access please submit a request to the CG of USACIDC that states exactly what you would like to review and forward the request to me for processing.

V/r

9/27/2006

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**From:** (b)(6) [mailto:(b)(3), (b)(6)@us.army.mil]  
**Sent:** 14 August, 2006 12:00 AM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Cc:** (b)(6)@us.army.mil; (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Subject:** RE: [U] CO (b)(3), (b)(6)

Sir,

CO (b)(3), (b)(6) has been listed as a subject in CID Report of Investigation 0086-06-CID469-75547 for the following offenses:

- Dereliction of Duty
- Obstruction of Justice
- False Official Statement

I respectfully request that your client arrange an appointment to come to the CID office for standard administrative processing (Fingerprinting and Photographing) pursuant to being listed as a subject in a CID report IAW CIDR 195-1, paragraph 5-13b. This will be conducted with all due consideration and respect commensurate with your client's rank and position.

Very respectfully,

CW3 (b)(3), (b)(6) US Army CID

**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel [mailto:(b)(6)@iraq.centcom.mil]  
**Sent:** Sunday, July 16, 2006 5:08 PM  
**To:** (b)(6)@us.army.mil  
**Subject:** [U] CO (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//FOR OFFICIAL USE ONLY

**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** 16 July, 2006 4:02 PM  
**To:** (b)(6), (b)(3) MP CID Units FSO/AOPS  
**Cc:** (b)(6)@us.army.mil; (b)(6)  
**Subject:** [U] RE: CO (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

Will, thanks for the note.

Break

SA (b)(6), (b)(3) CO (b)(3), (b)(6) is represented by counsel. Please contact me directly with any questions or concerns.  
Thanks.

V/R

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

LTC (b)(3), (b)(6)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office  
(b)(6) Mobile  
(b)(6)@us.army.mil

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9/27/2006

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**TAB DD**



**DEPARTMENT OF THE ARMY  
U. S. ARMY CRIMINAL INVESTIGATION COMMAND  
6010 6th STREET  
FORT BELVOIR, VIRGINIA 22060-5506**

REPLY TO  
ATTENTION OF:

18 AUG 2006

CIJA-ZA

MEMORANDUM FOR LTC [redacted (b)(3), (b)(6)] Regional Defense Counsel, USA Trial Defense Service, Camp Victory, Baghdad, Iraq

SUBJECT: Request for CID Regulation 195-1

1. This headquarters is in receipt of your request for a copy of the U.S. Army Criminal Investigation Command (CID) Regulation 195-1 in response to a CID request to fingerprint and photograph your client as a part of the administrative processing procedures for subjects of investigations.
2. Although the request for fingerprinting and photographing cites CID Regulation 195-1, the provisions of Military Rule of Evidence 301 support this request. As I'm sure you are aware, the requested procedures are not protected by the privilege against self-incrimination. As stated in Schmerber v. California, 384 U.S. 757, 761 (1966), "The privilege against self-incrimination does not protect a person from being compelled by an order or forced to exhibit his or her body or other physical characteristics as evidence. Similarly, the privilege is not violated by taking the fingerprints of an individual . . . for identification or other purposes." Military case law has also ruled that an individual can be compelled to provide their fingerprints. See US v. Eggers, 3 USCMA 191, citing United States v. Kelly, 55 F2d 67 (CA2d Cir).
3. Although the request for your client to appear for fingerprinting is supported by the Military Rules of Evidence and case law, I have attached the paragraph of CID Regulation 195-1 which addresses this procedure.
4. Please make your client available for fingerprints and photographs as requested.
5. Point of contact is the undersigned at [redacted (b)(6)] @us.army.mil, [redacted (b)(6)]

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

LTC, JA  
Staff Judge Advocate

# **T A B L E**



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**Section I. Conduct of Criminal Investigations**

**5-13. Fingerprinting persons**

**a. Fingerprints are obtained to:**

- (1) Aid in establishing the identity of the person.**
- (2) Aid in relating a person to a crime.**
- (3) Aid in relating a person to the crime scene or a specific piece of evidence.**

**b. Record and major case prints will be taken from all persons listed as suspects/subjects in a CID investigation. These fingerprints will be taken at the earliest opportunity normally during the initial interview and processing of the individual, except as noted below. Two FD-249s will be completed exclusively for file and disposition purposes. One DoJ R-84 will also be completed. Additional record and major case prints will be obtained to support all laboratory examinations required during the investigation. Exceptions are:**

- (1) Juveniles**
- (2) Civilian offenders who do not consent and the civilian authorities cannot or refuse to obtain them.**
- (3) Anyone listed as a subject in a Referred or Collateral ROI.**
- (4) In those instances considered by the CID supervisor to be inappropriate.**
- (5) An investigation will not be held in an open status merely to obtain fingerprints.**

**c. Military suspects/subjects may be fingerprinted without their consent. Reasonable force may be used, if necessary. Furthermore, the soldier's commander can order the soldier to submit to fingerprinting.**

**d. Military and civilian victims may be fingerprinted provided they do not object. There is**

no requirement to inform them of their right to refuse.

e. Civilian suspects/subjects may be fingerprinted when they do not object. There is no requirement to advise them of their right to refuse. If there is an objection and the fingerprints are still required, they should be obtained by the appropriate civilian law enforcement authorities.

f. Juveniles will be fingerprinted only with the expressed consent of the juvenile and the parent or guardian. When in custody, the juvenile will be fingerprinted only with the written consent of a U.S. Magistrate, federal judge or other judge responsible for juvenile cases, regardless of the consent of the juvenile and parent. When the parent is the suspect/subject of an offense against the juvenile, the juvenile may be fingerprinted provided the juvenile does not object. The fact that the juvenile may be incapable of objecting does not constitute a bar to fingerprinting the juvenile.

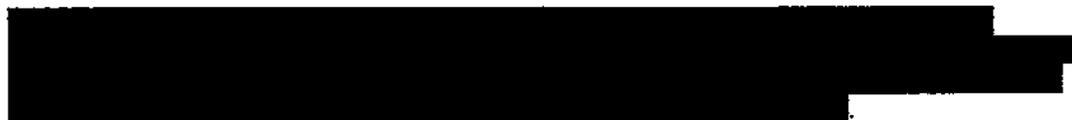
---

**TAB FF**

**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
[mailto:(b)(6)@iraq.centcom.mil]  
**Sent:** Monday, August 14, 2006 10:09 PM  
**To:** (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP; (b)(3), (b)(6) CW5 MNC-I 10th MP Bn  
Inv Opns Officer  
**Cc:** (b)(3), (b)(6) CW3; (b)(3), (b)(6) SFC USA CIDC 3d MP GROUP;  
(b)(6)@us.army.mil  
**Subject:** [U] CO (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~  
CPT (b)(3), (b)(6)

Mr. (b)(3), (b)(6) has requested that my client report to his office for administrative processing pursuant to CIDR 195-1.



Obviously, I cannot properly advise my client unless the above referenced regulation is provided. You may consider this a formal request.

Thank you for your assistance.

V/R  
(b)(6), (b)(3)

LTC (b)(3), (b)(6)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office  
(b)(6) Mobile 9\* then number from DSN  
(b)(6)@us.army.mil

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**From:** (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP [mailto:(b)(6)@us.army.mil]  
**Sent:** 14 August, 2006 8:09 PM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel; (b)(3), (b)(6) CW5  
MNC-I 10th MP Bn Inv Opns Officer  
**Cc:** (b)(3), (b)(6) CW3; (b)(3), (b)(6) SFC USA CIDC 3d MP GROUP  
**Subject:** RE: [U] CO (b)(3), (b)(6)

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V/r

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

CPT, JA  
Group Judge Advocate  
3D MP Group (CID)  
COM: (b)(6)  
DSN: (b)(6)

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(b)(6)@iraq.centcom.mil]  
**Sent:** Monday, August 14, 2006 3:04 AM  
**To:** (b)(3), (b)(6) CPT USA CIDC 3d MP GROUP  
**Cc:** (b)(3), (b)(6) CW3  
**Subject:** FW: [U] CO (b)(3), (b)(6)  
**Importance:** High

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**Cc:** (b)(6)@us.army.mil; (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Subject:** RE: [U] CO (b)(3), (b)(6)

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

I've been unsuccessful in finding CIDR 195-1. Can you please forward a copy for my review?

V/R

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

LTC (b)(3), (b)(6)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office  
(b)(6) Mobile 9\* then number from DSN  
(b)(6)@us.army.mil

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**From:** (b)(3), (b)(6) [mailto:(b)(6)@us.army.mil]  
**Sent:** 14 August, 2006 12:00 AM  
**To:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Cc:** (b)(6)@us.army.mil; (b)(3), (b)(6) CW5 MNC-I 10th MP Bn Inv Opns Officer  
**Subject:** RE: [U] CO (b)(3), (b)(6)

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Obstruction of Justice  
False Official Statement

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Very respectfully,

CW3 (b)(3), (b)(6) US Army CID

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**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**[mailto:** (b)(6) @iraq.centcom.mil]  
**Sent:** Sunday, July 16, 2006 5:08 PM  
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**Subject:** [U] COL (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~  
**From:** (b)(3), (b)(6) LTC MNC-I SJA TDS Regional Defense Counsel  
**Sent:** 16 July, 2006 4:02 PM  
**To:** (b)(3), (b)(6) MP CID Units FSO/AOPS  
**Cc:** (b)(6) @us.army.mil (b)(3), (b)(6)  
**Subject:** [U] RE: COL (b)(3), (b)(6)

**Classification:** UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~  
Will, thanks for the note.

**Break**

SA (b)(6) COL (b)(3), (b)(6) is represented by counsel. Please contact me directly with any questions or concerns. Thanks.

**V/R**

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

LTC (b)(3), (b)(6)  
USA Trial Defense Service  
Camp Victory, Baghdad, Iraq  
(b)(6) DSN Office  
(b)(6) Mobile  
(b)(6) @us.army.mil

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Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release" apply.

**TAB GG**



**HEADQUARTERS  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342**

REPLY TO  
ATTENTION OF

FICI-C2

05 September 2007

**MEMORANDUM FOR RECORD**

**SUBJECT: COL (b)(3), (b)(6) Classification Review**

1. After a thorough review of the documents in the COL (b)(3), (b)(6) FOIA Request (Set 3), I have determined that portions of the following documents are properly classified in accordance with Executive Order 12958 and are therefore exempt from release under the Freedom of Information Act, 5 U.S.C. § 552(b)(1); E.O. 12958, as amended; and DoD 5400.7-R, paragraph C3.2.1.1:

a. On the, "MNC-I Policy Letter" (b)(3), (b)(6) Tab D), the document is classified under E.O. 12958, § 1.4a. The information in the emails would reveal our current escalation of force procedures and tactics.

2. The point of contact for this memorandum is CPT (b)(3), (b)(6) MNC-I C2 Security Manager, DSN (b)(6) SIPR: (b)(6) @s-iraq.centcom.smil.mil.

(b)(3), (b)(6)  
CPT, CM  
MNC-I Security Manager