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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
48th Military Police Detachment (CID) Rear
6525 Specker Avenue, Fort Carson, Colorado 80913-0913

17 Feb 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/SSI - 0326-2004-CID056-76236 - 5H9B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 JAN 2003, 0001 - 11 AUG 2004, 0900; IRAQ

DATE/TIME REPORTED: 11 AUG 2004, 1000

INVESTIGATED BY:

SA
SA
SA

b7c-1, 66-1, 62
b7c-1, 66-1, 62
b7c-1, 66-1, 62

SUBJECT:

1. NONE, ; UNDETERMINED MANNER OF DEATH (UNFOUNDED) (NFI)

VICTIM:

1. UNKNOWN IRAQI, ; MALE; UNDETERMINED MANNER OF DEATH
(UNFOUNDED) (NFI)

INVESTIGATIVE SUMMARY:

About 1000, 11 Aug 04, this office was notified by Military Police Investigations (MPI), Office of the Provost Marshall, Fort Carson, CO 80913 (FCC), of an undetermined death of an Iraqi male who was killed in Iraq by an American soldier. The Iraqi was in surrender status.

Investigation established probable cause to believe that the offense of Murder did not occur as alleged, in that SSG [REDACTED] 5025th Garrison Support, FCC, was present when the deceased Iraqi male was killed; however, he did not fire his weapon during the altercation.

b7c-5, 66-5

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STATUTES:

Article 118, UCMJ: Murder (Unfounded)

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigation Report (AIR) of SA [REDACTED] 30 Aug 04, detailing the basis for investigation, interview of MSG [REDACTED] and unit coordination's. *b7C-1, 66-1* *b7C-4, 66-4*
2. Sworn Statement of MSG [REDACTED] 11 Aug 04, detailing his conversation with SSG [REDACTED]. *b7C-4, 66-4* *b7C-5, 66-5* *b7C-1, 66-1*
3. AIR of SA [REDACTED] 16 Aug 04, detailing receipt of the Request for Assistance (RFA), unit coordination's and interview of WO1 [REDACTED]. *b7C-4, 66-4*
4. Sworn Statement of WO1 [REDACTED] 6 Aug 04, detailing the conversation he overheard between MSG [REDACTED] and SSG [REDACTED]. *b7C-4, 66-4* *b7C-5, 66-5* *b7C-1, 66-1*
5. AIR of SA [REDACTED] 28 Oct 04, detailing receipt of RFA results from SA [REDACTED] and interview of SSG [REDACTED]. *b7C-5, 66-5*
6. Rights Wavier Certificate and Sworn Statement of SSG [REDACTED] 28 Oct 04, in which he denied killing the Iraqi male. *b7C-5, 66-5*
7. AIR of SA [REDACTED] 18 Sep 04, detailing receipt of RFA, receipt of commander's inquiry and unit coordination's. *b7C-1, 66-1*
8. 593rd Corps Support Group Commander's Inquiry, 20-27 April 04, detailing the events that occurred during the ambush of the 706th TC convoy on 11 Apr 04.
9. Findings and Recommendations of 706th Commander's Inquiry, 27 Apr 04, detailing the recommendation that every soldier involved in the firefight receive bronze stars for their valor and determination.
10. AIR of SA [REDACTED] 20 Nov 04, detailing receipt of RFA and his efforts to identify the individual captured by convoy members on 11 Apr 04. *b7C-1, 66-1*
11. Significant Activity Reports, 11-12 Apr 04, detailing the events surrounding the ambush of

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the 706th TC convoy.

12. Interrogation Report, 27 May 04, detailing the interrogation of the Iraqi individual captured by members of the convoy on 11 Apr 04.

13. AIR of SA [REDACTED] 20 Dec 04, detailing receipt of RFA, unit coordination's and interviews of SPC [REDACTED] SPC [REDACTED] SPC [REDACTED] SGT [REDACTED] and SGT [REDACTED] *b7C-1,66-1* *b7C-4,66-4*

14. Sworn Statement of SPC [REDACTED] 3 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *b7C-4,66-4* *b7C-5,66-5*

15. Sworn Statement of SPC [REDACTED] 3 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *b7C-4,66-4* *b7C-5,66-5*

16. Sworn Statement of SPC [REDACTED] 6 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *b7C-4,66-4* *b7C-5,66-5*

17. Sworn Statement of SGT [REDACTED] 8 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *b7C-4,66-4* *b7C-5,66-5*

18. Sworn Statement of SGT [REDACTED] 20 Dec 04, detailing he did not witness SSG [REDACTED] shoot a surrendering Iraqi male. *b7C-4,66-4* *b7C-5,66-5*

19. AIR of SA [REDACTED] 11 Jan 05, detailing receipt of RFA and interview of SSG [REDACTED] *b7C-1,66-1* *b7C-4,66-4*

20. Sworn Statement of SSG [REDACTED] 11 Jan 05, detailing he did not witness SSG [REDACTED] fire his weapon during the firefight. *b7C-4,66-4* *b7C-5,66-5*

21. AIR of SA [REDACTED] 16 Jan 05, detailing receipt of RFA and interview of SGT [REDACTED] *b7C-1,66-1* *b7C-4,66-4*

22. Sworn Statement of SGT [REDACTED] 15 Jan 05, detailing he did not witness SSG [REDACTED] fire his weapon during the firefight. *b7C-4,66-4* *b7C-5,66-5*

23. AIR of SA [REDACTED] 10 Feb 05, detailing unit and SJA coordination's and name check results of SSG [REDACTED] *b7C-1,66-1* *b7C-5,66-5*

Not Attached: NONE

STATUS: This is a final report. Commander's Report of Disciplinary Action Taken, DA Form 4833 is not required.

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REPORT PREPARED BY

67C-1, 66-1, 62

[REDACTED]
SA
Special Agent,

REPORT APPROVED BY

67C-1, 66-1

[REDACTED]
Special Agent-in-Charge

DISTRIBUTION:

Dir, USACRC, Ft Belvoir, VA
Cdr, 22d MP Bn, Ft Lewis, WA
Commander, 6th MP Group (CID), Ft Lewis, WA 98433
CHIEF OF STAFF, FT CARSON
GARRISON COMMANDER, FT CARSON
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CDR, 1ST MOBILIZED BDE, FT CARSON, CO
CHIEF, CRIMINAL LAW, FORT CARSON, CO
PMO, FORT CARSON, CO
FILE

AGENTS INVESTIGATION REPORT
CID REGULATION 195-1

BASIS FOR INVESTIGATION: About 1000, 11 Aug 04, this office was notified by Military Police Investigation (MPI), Office of the Provost Marshall, Fort Carson, CO (FCC) 80913, of an undetermined death of an Iraqi Male, who was killed in Iraq by an American soldier who was in a surrender status. (see email for details)

A review of the email disclosed that Warrant Officer Candidate (WOC) [REDACTED] Warrant Officer Candidate School, Fort Rucker Alabama (Formerly 5025th Garrison Support Unit, FCC, [REDACTED]) overheard a conversation between SSG [REDACTED] (NFI) and MSG [REDACTED] both assigned to 5025th Garrison Support Unit, FCC. The email reflected SSG [REDACTED] was telling MSG [REDACTED] a story that while in Iraq, on one occasion, while he the [REDACTED] convoy commander, the convoy was ambushed by Iraqi soldiers. The convoy had stopped, dismounted and engaged the Iraqi's. SSG [REDACTED] then stated an Iraqi soldier then surrendered; however, SSG [REDACTED] was upset about being ambushed, and then murdered the unknown Iraqi Solider.

AGENTS COMMENT: On 11 Jul 04, the email was sent from WOC [REDACTED] to his supervisor on FCC, MAJ [REDACTED] 5025th Garrison Support Unit, FCC. On 4 Aug 04, the email was then forwarded from MAJ [REDACTED] to the Provost Marshall.

On 11 Jul 04, SA [REDACTED] coordinated with MAJ [REDACTED] who related he received the email from WOC [REDACTED] wherein he forwarded the email to the office of the PMO. MAJ [REDACTED] related he has not spoken with WOC [REDACTED] regarding the allegation. MAJ [REDACTED] related he has no knowledge of this incident as SSG [REDACTED] is a reservist assigned to Fort Campbell, KY, with duty at Fort Carson, CO. MAJ [REDACTED] related WOC [REDACTED] is currently a student at the Warrant Office Candidate Course and MSG [REDACTED] is assigned to 5025th Garrison Support Unit, FCC.

About 1320, 11 Aug 04, SA [REDACTED] interviewed MSG [REDACTED] who rendered a sworn statement, wherein he related the conversation between him and SSG [REDACTED] was regarding a hostile death of an Iraqi. MSG [REDACTED] related that SSG [REDACTED] also stated that the Iraqi soldier was surrendering with a white flag on his weapon, however, when the Iraqi was approaching the convoy he was speaking in his native language and then pointed his weapon towards SSG [REDACTED] and the convoy at which time the US service members engaged the Iraqi who was then killed. MSG [REDACTED] also related that SSG [REDACTED] demonstrated how the Iraqi pointed his weapon at the convoy and that WOC [REDACTED] was unable to see the demonstration because he was sitting at the adjacent cubicle with his back to the conversation. MSG [REDACTED] also related that SSG [REDACTED] and WOC [REDACTED] did not get along and he believed the death of the Iraqi was justified due to a hostile situation. (See sworn statement for details)

SA [REDACTED]
48TH MP DET (CID), 6TH MP GRP (CID)
6525 SPECKER AVE, BUILDING 1816
FORT CARSON, CO 80913-4203

SIGNATURE [REDACTED]

DATE
30 Aug 04

PAGE 1 OF 2 PAGES

CID FORM 94-E (1 OCT 95)

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EXHIBIT 1

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AGENTS INVESTIGATION REPORT
CID REGULATION 195-1

On 13 Aug 04, SA [redacted] ^{b7C-1,66-1} coordinated with COL [redacted] ^{b7C-3,66-3} Commander, 1st Mobilization Brigade, Fort Carson, CO 80913, who was briefed on the merits and facts of this investigation.

On 13 Aug 04, SA [redacted] ^{b7C-1,66-1} coordinated with CPT [redacted] ^{b7C-3,66-3} Commander, HHC, ^{b7C-5,66-5} 5025th Garrison Support Unit, Fort Carson, CO 80913, who related SSG [redacted] is no longer assigned to her unit and he is currently assigned to the 706th Transportation Company, Fort Campbell, KY. WO1 [redacted] ^{b7C-4,66-4} was currently assigned to the Mobility Warrant Officer Basic Course, Fort Eustis, VA.

AGENT'S COMMENT: The 1st Mobility Brigade and the 5025th Garrison Support Unit are the same units.

On 13 Aug 04, the Fort Campbell Resident Agency notified this office that the 706th Transportation Company is not an active duty unit assigned to Fort Campbell, KY.

On 16 Aug 04, SA [redacted] ^{b7C-1,66-1} queried the internet and located the 706th Transportation Company Medium Truck (POL), 271 Hedges Street, Mansfield, OH 44902, telephone number [redacted] ^{b7C-1,66-1} or [redacted].

On 16 Aug 04, SA [redacted] ^{b7C-1,66-1} coordinated with Mrs. [redacted] ^{b7C-3,66-3} 706th Transportation Company, Mansfield, OH, who related that the 706th Transportation Company was deployed to Taji, Iraq, telephone number DVNT [redacted] ^{b7C-3,66-3}.

On 17 Aug 04, SA [redacted] ^{b7C-1,66-1} coordinated with MAJ [redacted] ^{b7C-3,66-3} Commander, 706th Transportation Company, Iraq, who was briefed on the merits and facts of this investigation.

On 30 Aug 04, SA [redacted] ^{b7C-1,66-1} briefed COL [redacted] ^{b7C-3,66-3} that this incident was documented in a 15-6 Investigation, wherein all convoy members stated the surrendered Iraqi was killed when he pointed his weapon at the convoy members. COL [redacted] related he had no knowledge of the 15-6 ^{b7C-3,66-3} Investigation nor did he have a copy within the files of his unit. He related since the 706th Transportation Company conducted the investigation and the unit is still deployed to that theater, then the 15-6 Investigation must be on file within that unit.

On 30 Aug 04, SA [redacted] ^{b7C-1,66-1} coordinated with CPT [redacted] ^{b7C-3,66-3} Rear Detachment Commander, 706th Transportation Company, Mansfield, OH, who was briefed on the merits and facts of this investigation. CPT [redacted] related there was no copy of the 15-6 Investigation on file at his unit. The entire report is on file with 706th Transportation Company, Iraq.///LAST ENTRY///

SA [redacted] ^{b7C-1,66-1}
48TH MP DET (CID), 6TH MP GRP (CID)
6525 SPECKER AVE, BUILDING 1816
FORT CARSON, CO 80913-4203

SIGNATURE [redacted] ^{b7C-1,66-1}

DATE
30 Aug 04

SWORN STATEMENT

Location: FORT CARSON, CO
Date: 11 August 2004 Time: 2:48:38 PM
Statement Of: [REDACTED] b7C-4, 66-4
SSN: [REDACTED] Grade/Status: MSG/E-8
Org/Address : 5025TH GARRISON SUPPORT UNIT, BUILDING 3450, 7335 WOMAK STREET, FORT CARSON, CO 80913
b7C-4, 66-4

I, [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: About 21 Jun 04, SSG [REDACTED] a member attached to 651st, an agency within the same building of my unit, was in our office at bldg 3450 discussing a fire fight that had happened to him in Iraq. SSG [REDACTED] said that he was convoy commander traveling through a small encampment when he was ambushed. He stopped the convoy and in his words "circled the wagons". He had all the soldiers circle the trucks and return fire. The firefight went on for about 5 minutes when he called for backup. An MP BN was sent to his coordinates and the battle concluded after about 15 minutes with one Iraqi still in the building. The Iraqi came out of the building with a white flag on his weapon. The Iraqi was saying something while waving his weapon when he lowered the weapon in SSG [REDACTED] direction. SSG [REDACTED] said he took him out. Later that day, SFC [REDACTED] approached me and asked if I had heard what he said and I said yes. SFC [REDACTED] said that he thought it was murder and I said it was not. SFC [REDACTED] asked if he could go higher and I said yes, but that it did not appear to be murder in my eyes. I felt that SSG [REDACTED] and his people showed courage under fire. b7C-5, 66-5 b7C-4, 66-4 b7C-4, 66-4 b7C-5, 66-5 b7C-4, 66-4 b7C-5, 66-5

Q: Do you know where SFC [REDACTED] was standing during the conversation between you and [REDACTED] b7C-4, 66-4 b7C-5, 66-5

A: He was working in a cubicle at his computer adjacent to my cubicle. b7C-4, 66-4

Q: was the conversation in a normal tone or was it in a higher tone to where SFC [REDACTED] would be able to clearly hear the conversation? b7C-4, 66-4 b7C-4, 66-4

A: In the tone was normal; however, there was no wall between the cubicle between myself and [REDACTED]. We could see each other and I am certain that he would be able to hear the conversation clearly. Further, it might be possible that since his back was toward my cubicle during the conversation and with the background noise of day to day operations, that SFC [REDACTED] may not have heard the portion where the Iraqi pointed his weapon towards SSG [REDACTED] direction. b7C-4, 66-4 b7C-5, 66-5

EXHIBIT _____ INITIALS: [REDACTED] b7C-4, 66-4 PAGE 1 OF 3 PAGES

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LAW ENFORCEMENT SENSITIVE 020329 00 0/12

Q: Did SSG [REDACTED] demonstrate how the Iraqi pointed his weapon at him, which forced him to return fire at the Iraqi? *b7c-5,665*

A: Yes he did. He stated that and demonstrated that the Iraqi was saying something in a foreign language and then pointed the weapon at SSG [REDACTED] SSG [REDACTED] then related that he had choice but to fire his weapon and the Iraqi died as a result. *b7c-5,665*

Q: Did SSG [REDACTED] mention who had witnessed this incident? *b7c-5,665*

A: He stated that all convoy personnel and the MP unit witnessed the incident.

Q: Do you know what unit SSG [REDACTED] was attached to while deployed to Iraq. *b7c-5,665*

A: No.

Q: Did SSG [REDACTED] mention if US service members died as a result of this incident? *b7c-5,665*

A: No he didn't.

Q: Do you feel SSG [REDACTED] was sincere describing this incident regarding the Iraqi' death, which caused a hostile situation forcing him to take action to safe his life and other unit members? *b7c-5,665*

A: Yes I do.

Q: Do you feel that SSG [REDACTED] murdered the Iraqi? *b7c-5,66-5*

A: No.

Q: Why do you think that SFC [REDACTED] misunderstood the context of the conversation to believe SSG [REDACTED] murdered the Iraqi? *b7c-5,66-5*

A: SFC [REDACTED] does not mean anything malicious, but he did not get along with SSG [REDACTED] *b7c-4,66-4*
b7c-5,66-5

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

A: No.///END OF STATEMENT/// [REDACTED] *b7c-4,66-4*

EXHIBIT _____

INITIALS [REDACTED]

PAGE 2 OF 3 PAGES

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EXHIBIT 2

00 013

b7c-4,664

AFFIDAVIT

I, [REDACTED], 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, OR UNLAWFUL INDUCEMENT.

[REDACTED]
[REDACTED] (Making Statement)

b7c-4,664

Subscribed and sworn to before me, a person authorized by law to administer oaths, on Wednesday, August 11, 2004 at Fort Carson, CO.

[REDACTED]

b7c-4,664

(Signature of Person Administering Oath)

SA [REDACTED]

b7c-4,664

(Typed Name of Person Administering Oath)

ARTICLE 136 UCMJ
(Authority To Administer Oaths)

WITNESS:

EXHIBIT _____

INITIALS [REDACTED]

b7c-4,664

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PAGE 3 OF 3 PAGES

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EXHIBIT 2
00 014

AGENT'S INVESTIGATIVE REPORT

ROI NUMBER
0200-04-CID222-
0326-04-CID056-76236

CID Regulation 195-1

Page 1 of 1 Pages

DETAILS

BASIS FOR INVESTIGATION: About 0946, 16 Aug 04, this office received via e-mail a CATEGORY I Request for Assistance, from the Fort Carson Resident Agency, Fort Carson, CO 80913, to interview WO1 [REDACTED] Warrant Officer Basic Course, Golf Company, 71st Transportation Battalion, 8th Transportation Brigade, Fort Eustis, VA 23604. *b7c-4,664*

About 0956, 16 Aug 04, SA [REDACTED] coordinated with 1SG [REDACTED] Golf Company, 71st Transportation Battalion, 8th Transportation Brigade, Fort Eustis, VA 23604, requesting WO1 [REDACTED] report for an interview. 1SG [REDACTED] stated he would ensure the soldier reported to this office. *b7c-1,66-1* *b7c-3,66-3* *b7c-4,66-4*

About 1100, 16 Aug 04, SA [REDACTED] interviewed WO1 [REDACTED] who provided a sworn statement in which he detailed hearing SSG [REDACTED] tell a story about killing an Iraqi who surrendered. (See Sworn Statement for Details) *b7c-1,66-1* *b7c-4,66-4* *b7c-5,66-5*

//////////////////////////////////////LAST ENTRY//////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <i>b7c-1,66-1,62</i>		ORGANIZATION 12 th Military Police Detachment (CID) Ft Eustis, VA, 23604	
SIGNATURE [REDACTED]		DATE 16 Aug 2004	EXHIBIT

CID FORM 94-E

b7c-1,66-1
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EXHIBIT 3

0326-04-CID056
762

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

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 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. *b7C-4,664 b7C-4,664*

1. LOCATION Fort Eustis, VA 23604	2. DATE (YYYYMMDD) 2004/08/16	3. TIME 1144	4. FILE NUMBER 0200-2004-CID222
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>b7C-4,664</i>	6. SSN <i>b7C-4,664</i>	7. GRADE/STATUS WO1	
8. ORGANIZATION OR ADDRESS Golf Company, 71st Transportation Battalion, 8th Transportation Brigade, Fort Eustis, VA 23604			

9. *b7C-4,664* _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
b7C-4,664 b7C-5,665

It was the Tuesday before I left Fort Carson (21 June 04) when SSG *b7C-4,664* was in the 5025th GSU *b7C-5,665* Transportation Detachment cubicles talking to MSG *b7C-4,664* relating his ordeal in Iraq. SSG *b7C-4,664* was relating what happened to his convoy when it was attacked by aggressive Iraqis. Near the end of his story he said that they had "holed up" a hostile Iraqi in a Bldg, and that the Iraqi had exited the building under a surrender flag. SSG *b7C-4,664* then stated that he was pissed off because the Iraqi and his comrades had attacked his convoy and injured his troops and so SSG *b7C-4,664* "lit up" the Iraqi when he had exited the building, killing him. *b7C-5,665*

Q: Did SSG *b7C-4,664* state when this incident occurred? *b7C-5,665*
A: If he did, I don't remember, but I don't think he gave a date.

Q: Did SSG *b7C-4,664* state where in Iraq the incident occurred? *b7C-5,665*
A: If he did, I did not pick up on it, as I was not there and would not be familiar with that stuff.

Q: Did SSG *b7C-4,664* state who was with him when the incident occurred? *b7C-5,665*
A: His convoy and the MP's who responded to the attack, but I am not sure what unit though.

Q: Did SSG *b7C-4,664* state what weapon he used to kill the Iraqi? *b7C-5,665*
A: I want to say either a M-16 or a M249-SAW.

Q: Did SSG *b7C-4,664* say what happened to the dead Iraqi's body after the incident? *b7C-5,665*
A: No.

Q: Did SSG *b7C-4,664* tell this story to anyone else that you know of? *b7C-5,665*
A: No.

Q: Who was present when SSG *b7C-4,664* was telling the story regarding shooting the Iraqi?
A: MSG *b7C-4,664*, he is assigned to 5025th GSU, Fort Carson, CO. *b7C-4,664*

Q: Did SSG *b7C-4,664* seem remorseful for shooting the Iraqi and killing him? *b7C-4,664*
A: No.

Q: Did SSG *b7C-4,664* state if anyone else assisted in the shooting of the Iraqi? *b7C-5,665*
A: He was not specific.

Q: What is your association with SSG *b7C-4,664*? *b7C-5,665*
A: He was assigned to my Transportation Detachment when I was the assistant NCOIC.

Q: Did SSG *b7C-4,664* mention any other "shooting incidents" that occurred in Iraq? *b7C-5,665*
A: No.

Q: Is there anything further you want to add to your statement?
A: No. //END OF STATEMENT/// *b7C-4,664*

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>b7C-4,664</i>	PAGE 1 OF 3 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. *020333*

0200-04-210222
0326-04-210056-7636

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USE THIS PAGE IF NEEDED. If this page is not needed, please proceed to the final page of this form.

LAW ENFORCEMENT SENSITIVE

STATEMENT OF  TAKEN AT Ft Eustis, VA DATED 2004/08/16

9. STATEMENT (Continued) *67C-4, 66-4*
NOT USED 

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INITIALS OF PERSON MAKING STATEMENT 

PAGE 2 OF 3 PAGES

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EXHIBIT
01538
02 017

0200-07-110222
A326-04-110056-76236

b7c-4, b6-4

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LAW ENFORCEMENT SENSITIVE

STATEMENT OF

[Redacted Name]

TAKEN AT

Ft EUSTIS VA

DATED

2004/08/16

9. STATEMENT (Continued)

Not Used

[Redacted]

b7c-4, b6-4

I, [Redacted], 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, OR UNLAWFUL INDUCEMENT.

b7c-4, b6-4

AFFIDAVIT

[Redacted Signature]

(Signature of Person Making Statement)

b7c-4, b6-4

W07

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of August, 2004 at Fort Eustis, VA 23604

ORGANIZATION OR ADDRESS

[Redacted Name]

(Typed Name of Person Administering Oath)

12th Military Police Detachment (CID)

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

020335

INITIALS OF PERSON MAKING

[Redacted Initials]

b7c-4, b6-4

PAGE 3 OF 3 PAGES

015563

EXHIBIT
00 018

AGENT'S INVESTIGATION REPORT
CID Regulation 195-1

0326-04-CID056-76236
Page 1 of 1

b7c-1166-1
About 1000, 20 Oct 04, SA [redacted] received the completed a Request For Assistance (RFA) packet from the Iraq CID office. The RFA packet included: the final information report; AIR of SA [redacted] Taji Branch Office (CID); Findings and Recommendation memorandum *b7c-1166-1* from the 15-6 investigating officer; and 37 sworn statements of convoy members involved in this incident. After a review of the RFA packet it was discovered that the statements were not complete and the statements were not the originals. A review of the statements also revealed no specific questioning on SSG [redacted] involvement. (See AIR of SA [redacted] for details) *b7c-566-5* *b7c-466-1*

About 1755, 28 Oct 04, SA [redacted] advised SSG [redacted] of his rights, which he waived, and provided a Sworn Statement, in which he denied he had killed an Iraqi soldier during a cease fire. SSG [redacted] stated there was an Iraqi soldier who surrendered *b7c-566-5* under a white flag; however, that soldier was taken as an Enemy Prisoner of War by a unit from the 1st Calvary Division, who had assisted SSG [redacted] convoy when they came under *b7c-566-5* attack. SSG [redacted] further stated WO1 [redacted] was only present for a portion of his *b7c-466-4* conversation with MSG [redacted] wherein he discussed the incident under investigation. ///Last Entry/// *b7c-466-4*

SA [redacted]

48th MP Det (CID)
Fort Carson, CO 80913

Signature: [redacted]

Date:
28 Oct 04

Exhibit:
020336

~~915564~~

CID Form 94

EXHIBIT

00 019

S/

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 48th Military Police Det. (CID) Fort Carson, CO 80913	2. DATE 28-Oct-04	3. TIME 1544	4. FILE NUMBER 0326-04-CID056-76236
5. Name (Last First MI) [REDACTED] 67C-5,665	8. ORGANIZATION OR ADDRESS 5025th Garrison Support Unit		
6. SSN [REDACTED] 67C-5,665	7. GRADE/STATUS E-6/SSG [REDACTED] 67C-5,665	Fort Carson, CO 80913	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he is with the United States Army Criminal Investigation Command as an Special Agent and wanted to question me about the following offense(s) of which I am suspected/accused [REDACTED] 67C-5,665

Murder and Conspiracy [REDACTED] 67C-5,665

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

- I do not have to answer any questions or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- (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.

-or-

(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. [REDACTED]

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] 67C-5,665
1a. NAME (Type or Print) [REDACTED] 67C-5,665		4. SIGNATURE OF INVESTIGATOR [REDACTED] 67C-1,661
1b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		6. ORGANIZATION OF INVESTIGATOR 48th Military Police Det. (CID) Fort Carson, CO 80913
2a. NAME (Type or Print) [REDACTED]		
2b. ORGANIZATION OR ADDRESS AND PHONE [REDACTED]		

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

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LAW ENFORCEMENT SENSITIVE

020337

~~015565~~

EXHIBIT: 6
00 020

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LAW ENFORCEMENT SENSITIVE

0326-04-CID056 76236

SWORN STATEMENT

FILE NUMBER : 0326-04-CID056-76236
LOCATION : Fort Carson, CO 80913
DATE : 28 Oct 04
NAME :
SSAN :
ORG/ADDRESS : 5025th Garrison Support Unit, Fort Carson, CO 80913

TIME: 1755

b7C-5,66-5

b7C-5,66-5

Grade/Status: E-6/NG

b7C-5,66-5

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

b7C-5,66-5
On Easter Sunday 2004, I was on a convoy to MEK from BIAP to deliver fuel. About 5 miles out of BIAP, we got hit. There was a daisy chain in front of our Convoy and we weren't able to move ahead during this fire fight. The front & rear gun truck was disabled. Also during this time my Tanker along with two other Veh got hit. We did a combat drop and move to the front were the other Veh were. I ran to the front to check on the other personnel there I found out the SSG [REDACTED] had gotten hit in the eye, and was hurt bad. Med-A-Vac was being called also air support, to help us out. I started working my way down the line checking on everyone and telling them to control these fire half way down the first gun truck was there, SPS [REDACTED] call to me that something was wrong with SSG [REDACTED] I yelled at him to get up and out of the Veh. as he did I notice he was hit in the shoulder. I applied my first aid dressing and got him to the front were the wounded were. As I moved my way to the back of the convoy I noticed another unit on there way up to our location. I wave to them so that they could help. 1st CAV had place three veh on our right side and join into the fight. I told the 1LT we needed med-A-VAC here. he stated that they were on there way. during all this time I notice a Black Hawk gun ship in the area coming around to help. [REDACTED] were receiving fire from both side of the road. As I turn around to my left side the chopper got hit. someone had come out of the building from the left side and shot at him. 30 sec of silence fell around us when this happen. then it started all over again. I notice a Tank coming down the road as well as up the road also another unit from BIAP was making there way up and once to the area where the chopper was hit. [REDACTED] b7C-5,66-5

INITIALS OF PERSON MAKING STATEMENT: [REDACTED] b7C-5,66-5

020338 Page 1 of Pages 1

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~~015566~~

EXHIBIT 6

00021

Statement of [redacted] taken on 28 Oct 04, at Fort Carson, CO, continued:

67C-5166-5

67C-4166-4

Q: In your statement are you stated you told WO1 [redacted] that you had to "shoot at him" referring to the Iraqi soldier what did you mean by that?

A: Didn't finish as to what had happen after words because WO1 [redacted] was

the
Q: when did this occur, both the convoy attack and the conversation with MSG [redacted]? 67C-4166-4

A: The Convoy attack took place in Iraq 5 miles east side of BIAP April 11 2004
the talk with MSG [redacted] took place sometime in June of 2004.

Q: Did you shoot at any Iraqi soldiers while they had a white flag or there was a cease fire called?

A: NO.

Q: The soldier with the white flag what did he have the white flag on?

A: As to what the white flag was on, I don't remember.

Q: How many times did the Iraqi soldier in question exit the house and what was his activity each time?

A: Twice that I remember. and both of those time he had shot at us. the last time I heard cease fire and when I look he was with a white flag and 1st CAV was dealing with him.

Q: why would MSG [redacted] state that you had shot and killed that soldier when he lowered his weapon in a threatening manner?

A: maybe after seeing WO1 [redacted] that [redacted] didn't understand or hear the hold storge which WO1 [redacted] started talking to MSG [redacted] and asking question about what I had said.

Q: Did you open fire during this fire fight? At what point?

A: He had open fire after 1st CAV was there and possible during the time we were shooting to the left side. I know that one of my Vch close to this area had a hole throw the front window. My [redacted] area of fire was to the left side of the road. the only time I shot to the right side was when I was going back to were they [redacted] first course was [redacted] was, and were we got shot at by the person from the shack.

INITIALS OF PERSON MAKING STATEMENT: [redacted] 67C-5166-5

Page 3 of 4 pages

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~~015563~~ EXHIBIT 6
020340 00 023

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Case No. 0326-04-CID056-76236

Statement of [REDACTED], taken on 28 Oct 04, at Fort Carson, CO, continued."

Q: Did you at any point tell either MSB [REDACTED] or WO1 [REDACTED] that you shot and kill an Iraqi who had a white flag?

A: NO

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

A: NO // END OF STATEMENT //

AFFIDAVIT

I, [REDACTED], HAVE OR HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 24. 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. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

[REDACTED] (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of October, 2004, at Fort Carson, CO.

IA [REDACTED]
48th Military Police Det (CID)
Fort Carson, CO 80913
ORGANIZATION AND ADDRESS

SA [REDACTED] (Typed Name of Person Administering Oath)

Article 136, UCMJ
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

Page 4 of 4 pages

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~~015560~~ EXHIBIT 6

020341 00 024

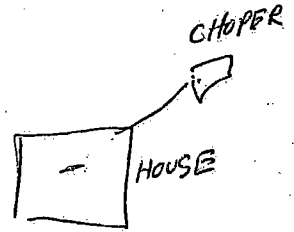
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ho-se-01
[Redacted]

67C-5,665

US ARMY
TANK
[Symbol]

00.000 DAISY CHAW

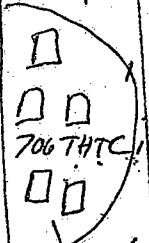


[Redacted] 67C-5,665
Right
Left side

IRAQ NAT
DUG IN

-
-
-
-
-
- ∨

Return
to
BIAP



1st Co
The IRAQ would come out and shoot
around the Building, at all of us.

[Redacted] 67C-5,665
Left Side
Right

SHOT UP
VEH + TANKER

going to
MEK to bring fuel.

[Symbol] TANK
US ARMY

~~015570~~

020342 EXHIBIT 6

00 025

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0254-04-CID899

Page 1 of 1 Page

DETAILS

On 22 Aug 04, this office received a CAT 1 Request For Assistance (RFA), forwarded from the 22nd MP Bn (CID), Camp Victory, Iraq, to the Taji BO (CID), Camp Cooke, Taji Iraq (CCTI), to interview members of the 706th Tran Co, pertaining to an alleged shooting incident involving SSG [REDACTED]

[REDACTED] 706th Trans Co, CCTI

b7c-1,66-1

b7c-5,66-5

b7c-3,66-3

On 24 Aug 04, SA [REDACTED] obtained a copy of a commanders inquiry (Enclosure 2) from LTC [REDACTED] Commander, 593rd Corps Support Group, CCTI, conducted between 20-27 April 04, on the incident which took place on 11 Apr 04. After reviewing the statements it does not appear there was any wrongdoing on the part of SSG [REDACTED] at the time of the incident, however a copy of the report is being forwarded to your office for your evaluation.

b7c-5,66-5

AGENTS COMMENT: Between 27 Aug 04, and 13 Sep 04, numerous attempts were made to contact Fort Carson via email, at several different addresses, in addition to telephonically. Contact was finally established between SA [REDACTED] and SA [REDACTED] 48th MP Det (CID), Fort Cason, Co 80913, after a voice mail message was left containing SA [REDACTED] Army Knowledge Online (AKO) email address and an email was received from SA [REDACTED] on 13 Sep 04. On 16 Sep 04, an email was forwarded to SA [REDACTED] from the 22nd MP Bn (CID), in Baghdad containing several prior attempts to make contact with this office by SA [REDACTED] 48th MP Det (CID), Fort Cason, Co 80913, that were never previously received by SA [REDACTED] or this office. There were evidently some problems at the point of origin with sending email to an America On Line (AOL) account (which has been easier to access from the internet connection here in CCTI than the AKO website) and the messages sent to SA [REDACTED] AKO account were never received. This communication issue is what has resulted in the amount of time having expired between receipt of this RFA and it's completion.

b7c-1,66-1

b7c-4,66-4

b7c-1,66-1

b7c-1,66-1

b7c-4,66-4

b7c-1,66-1

////////////////////////////////////LAST ENTRY////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]
SIGNATURE

b7c-1,66-1,62

b7c-1,66-1

ORGANIZATION

Taji Branch Office (CID)
Camp Cooke, Taji, Iraq APO AE 09378

DATE

18 Sep 04

EXHIBIT

~~015571~~

Page(s)

27-91

Referred to:

U.S. ARMY OFFICE OF
THE JUDGE ADVOCATE GENERAL
ATTENTION: DAJA-AL, ROOM 1E739
2200 ARMY PENTAGON
WASHINGTON, DC 20310-2200

MAJOR NELSON VAN ECK

Nelson.VanEck@hqda.army.mil

(703) 588-6787

020344

~~015572~~

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AGENT'S INVESTIGATION REPORT <i>CID Regulation 195-1</i>	ROI NUMBER 0333-04-CID899
	PAGE 1 OF 1 PAGE

DETAILS
 About 1400, 16 Nov 04, this office received a Category 1 Request for Assistance (RFA) from the Ft. Carson Resident Agency, USACIDC. The RFA requested this office locate, fully identify, and obtain supporting documents detailing the capture and confinement of an unknown Iraqi detained by an unknown unit from 1CD for an attack on a convoy from the 706th Transportation Co on 11 Apr 04.

About 1100, 20 Nov 04, SA [redacted] ^{b7c-1,66-1} coordinated with CW3 [redacted] ^{b7c-6,566} Division Interrogation Facility (DIF), 312th Military Intelligence Battalion, 1CD, Baghdad, Iraq in an attempt to determine the unit which detained the unknown Iraqi on 11 Apr 04. CW3 [redacted] reviewed the DIF detainee roster but was not able to identify a detainee or a specific unit involved in the incident under investigation ^{b7c-6,566}

About 1530, 20 Nov 04, SA [redacted] ^{b7c-1,66-1} coordinated with CW2 [redacted] ^{b7c-1,66-1} Criminal Intelligence Coordinator, 22nd MP Bn (CID), Baghdad, Iraq, who conducted a search of the Biometric Automated Tool Set (detainee data base) to determine the identity of the Iraqi detained by the unknown unit from the 1CD. The search identified Mr. [redacted] ^{b7c-4,66-1}, Lutafiyah, Iraq, Capture Tag 118MPCO-040, as being one of two detainees captured by 188 MP Company during the ambush on the 706th Trans Co convoy. The report indicated two Iraqis were captured and processed at Forward Operating Base (FOB) Kalsu (formerly FOB Phantom), grid coordinates [redacted] As Sulymaniyah, Iraq (Kirkuk area). (See SIGACTS printout for details)

STATUS: The basis of this RFA has been completed. ////////////////////////////////////LAST ENTRY////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [redacted] ^{b7c-1,66-1, 62}		ORGANIZATION 38TH MP DET (CID) (DSE), 22ND MP BN (CID) APO AE 09324	
DATE 20 NOV 04		EXHIBIT 10	

CID FORM 94

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~~015573~~
~~020340~~ 092

Page(s)

93-97

Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
MACDILL AIR FORCE BASE
FLORIDA 33621-5101

Master Sergeant Pamela Andrews
andrewsp@centcom.smil.mil
(813) 827-5341/2830

020346 ~~015574~~

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AGENT'S INVESTIGATION REPORT <i>CID Regulation 195-1</i>	ROI NUMBER 0347-04-CID899
	Page 1 of 2 Page

DETAILS

BASIS FOR INVESTIGATION:

On 2 Dec 04, this office received a Request For Assistance (RFA), from the 48th Military Police (MP) Detachment (DET)(CID), Fort Carson, CO 80913-4203, to locate and interview soldiers of the 706th Transportation (Trans) Company (Co) Camp Taji, Iraq (CTI), who were involved in the convoy attack of 11 Apr 04, as well as obtaining original documents from the Commander's 15-6 investigation following the attack.

DETAILS:

On 2 Dec 04, SA [redacted] ^{67C-1,66-1} sent an email message to Ft Carson requesting they review the 15-6 and determine which individuals were significant interviews and exactly what they wanted to know from those individuals to reduce the scope of this RFA.

On 3 Dec 04, SA [redacted] ^{67C-1,66-1} received email back from Carson identifying 7 key individuals to be interviewed and what questions they wanted asked.

On 3 Dec 04, SA [redacted] ^{67C-1,66-1} coordinated with COL [redacted] ^{67C-3,66-3} (DNVT [redacted] ^{67C-3,66-3} who provide a POC and phone number for the 706th Transportation Company as being MAJ [redacted] ^{67C-3,66-3} Commander 706th Trans Co, (DNVT [redacted] ^{67C-3,66-3} email: [redacted]@us.army.mil. ^{67C-3,66-3}

On 3 Dec 04, SA [redacted] ^{67C-1,66-1} coordinated with MAJ [redacted] ^{67C-3,66-3} who related he believed he no longer had an original copy of the 15-6 investigation pertaining to the incident but that he would look for it to make sure. MAJ [redacted] ^{67C-3,66-3} stated CPT [redacted] ^{67C-3,66-3} who conducted the original inquiry may possibly have the original documents if he did not, but that he had since re-deployed to Ft Lewis, WA. MAJ [redacted] ^{67C-3,66-3} said that SPC [redacted] ^{67C-3,66-3}, SPC [redacted] ^{67C-3,66-3} and SPC [redacted] ^{67C-3,66-3} 706th TRANS CO, CTI, were still located on CTI; SGT [redacted] ^{67C-3,66-3} and SGT [redacted] ^{67C-3,66-3} 706th TRANS CO, CTI, were medically re-deployed to the states, SGT [redacted] ^{67C-3,66-3} to the medical center at Ft Sam Houston, TX, because of burn injuries and SGT [redacted] ^{67C-3,66-3} to Ft Campbell, KY as a result of diabetes; SGT [redacted] ^{67C-3,66-3} and SGT [redacted] ^{67C-3,66-3} 706th TRANS CO, CTI, are both forward deployed to FOB STRYKER for about another week and he would notify this office when they returned. SA [redacted] ^{67C-3,66-3} arranged to have SPC [redacted] ^{67C-3,66-3} and SPC [redacted] ^{67C-3,66-3} escorted to this office for an interview ASAP. MAJ [redacted] ^{67C-3,66-3} stated SPC [redacted] ^{67C-3,66-3} was on loan to A Co and would take a little more time to locate. ^{67C-3,66-3}

About 1545, 3 Dec 04, SA [redacted] ^{67C-1,66-1} interviewed SPC [redacted] ^{67C-5,66-5} and obtained a sworn written statement in which he related the incident of 11 Apr 04, as he remembered it. SPC [redacted] ^{67C-5,66-5} further stated that he did not witness SSG [redacted] ^{67C-5,66-5} apprehend or kill any Iraqi's. (See sworn statement for details)

About 1600, 3 Dec 04, SA [redacted] ^{67C-1,66-1} interviewed SPC [redacted] ^{67C-4,66-4} and obtained a sworn written statement in which he related the incidents of 11 Apr 04, as he recalled it. SPC [redacted] ^{67C-4,66-4} further related he did not witness SSG [redacted] ^{67C-4,66-4} apprehend, detain, or kill any Iraqi's. (See sworn statement for details)

About 1100, 6 Dec 04, SA [redacted] ^{67C-1,66-1} interviewed SPC [redacted] ^{67C-4,66-4} and obtained a sworn written statement in which he related he was near SSG [redacted] ^{67C-4,66-4} the entire time of the incident and did not witness him involved in detaining any Iraqi soldiers, or shooting any Iraqi detainees. (See sworn statement for details)

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [redacted] ^{67C-1,66-1,66-2}	ORGANIZATION Taji Branch Office (CID) Camp Taji, Iraq APO AE 09378	020347
SIGNATURE [redacted] ^{67C-1,66-1}	DATE 20 DEC 04	EXHIBIT 13

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AGENT'S INVESTIGATION REPORT

ROL NUMBER

0347-04-CID899

CID Regulation 195-1

Page 2 of 2 Page

DETAILS

About 1000, 7 Dec 04, SA [redacted] coordinated with SSG [redacted] NFI, (DNVT [redacted] 706th Trans Co, who related he believed that the other 2 soldiers, SGT [redacted] and SGT [redacted] had just arrived back from FOB STRIKER and should be in debriefings all day. He said he would coordinate with the First Sergeant or MAJ [redacted] to contact me regarding setting up interviews for them and also to find out if MAJ [redacted] has the original 15-6 documents.

On 7 Dec 04, SA [redacted] sent an email to MAJ [redacted] requesting times for interviews of SGT [redacted] and SGT [redacted] status of original 15-6 investigation pertaining to the 11 Apr 04, incident and contact information pertaining to SGT [redacted] and SGT [redacted].

About 1140, 7 Dec 04, SA [redacted] was contacted by 1SG [redacted] 706th Trans Co, who related SPC [redacted] would be in the office tomorrow, 8 Dec 04, about 1400, to be interviewed and that CPL [redacted] was still away in Kuwait and would hopefully be back on Camp Taji in about a week. 1SG [redacted] also stated they believed the original 15-6 investigation may have been in the possession of CPT [redacted] OSJA, 13th COSCOM, CTI, and is believed to have been packed away in a connex, already enroute the US where it would arrive in about 90 days.

About 1422, 8 Dec 04, SA [redacted] interviewed SGT [redacted] who provided a sworn written statement in which he related there was one individual who waived a white flag during the incident on 11 Apr 04, but that he never saw SSG [redacted] anywhere near that Iraqi. SGT [redacted] further stated he never saw SSG [redacted] apprehend any Iraqi, or shoot any Iraqi under apprehension. (See sworn statement for details)

On 8 Dec 04, SA [redacted] received an email response from MAJ [redacted] stating that SGT [redacted] was still out of the country until an undetermined time, that they nor CPT [redacted] were in possession of, nor could they locate the original 15-6 investigation. MAJ [redacted] related the only contact information he had for SGT [redacted] was his email address [redacted]@yahoo.com) and that he had no contact information pertaining to SGT [redacted] as well as that SGT [redacted] had been already released from the unit.

Coordinated with 1SG [redacted] who related that SGT [redacted] would be back in the AOR and available to be interviewed on Monday, 20 Dec 04, hopefully by 0900.

About 1137, 20 Dec 04, SA [redacted] interviewed SGT [redacted] who related his account of what took place during the ambush on 11 Apr 04. SGT [redacted] stated he witnessed the flag being waived and an initial apprehension of one Iraqi, however is unsure what happened to the Iraqi after he had to secure another sector. SGT [redacted] further related he saw SSG [redacted] during the incident and he was not involved in attempting any apprehension of any Iraqi, nor did he witness him shooting any Iraqi who was being captured, detained, or waiving a white flag. (See sworn statement for details)

LAST ENTRY

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [redacted] 67C-1,661-1,69		ORGANIZATION Taji Branch Office (CID) Camp Taji, Iraq APO AE 09378	
SIGNATURE [redacted] 67C-1,661		DATE 20 DEC 04	EXHIBIT 020348 015578

CID FORM 1 FEB 77

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LAW ENFORCEMENT SENSITIVE SWORN STATEMENT

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

LOCATION TAJI BO (CID)	DATE 3 Dec 04	TIME 1545	FILE NUMBER 67C-4664
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS E-4 67C-4664	
ORGANIZATION OR ADDRESS 706 th Trans Co. 13 th COSCOM, CTI 67C-4664			

I, [redacted], want to make the following statement under oath:
 On Apr 11th, 2004 we were convoying between BIAP and Falujah. We were about 2 miles north of BIAP when we were attacked by approximately 300 to 500 people. Our convoy was about 10 vehicles deep. We attempted to drive through the ambush but it went on for about 1 and a half miles. Eventually we had to stop because there was a road block ahead and it was suspected that there was an IED in it. We hunkered down and began fighting. We set up security around the vehicles and fought for about 45 minutes until support showed up. Once support showed up the fight continued for approximately one hour. During the fight one helicopter that showed up to help was shot down and both pilots were killed. About an hour after support showed up we saw 1 white flag waiving from behind a building that was about 50 to 100 meters away. The 1SG called a cease fire and when everyone stopped shooting, the same person with the flag, reached around the side of the building and began shooting at us again. At that time about 15 or 20 people began returning fire. After everyone fired for a little while another cease fire was called and 1SG put together a group of people to go search the building for enemy. Then the crew came running back and the building blew up, I think they threw a grenade. Then we changed three tires and turned around and rolled back to BIAP.

Q: Did you see SSG [redacted] during the fight and what he was doing? 67C-566-5
 A: The only time I saw him was when he carried a litter to the medivac helicopter. After he loaded the medivac I saw him in the road standing there after the medivac pulled away and he was yelling about stuff and pointing at the enemy. I think he said something like shoot me, and some other retarded shit I can't remember. Anyway I went out and grabbed him by his vest and pulled him back behind the truck.

Q: Was SSG [redacted] on the group that assaulted the house? 67C-566-5
 A: No. 67C-566-5

Q: Was [redacted] part of the group that was shooting at the guy with the white flag who after waiving it fired at you?
 A: He could have been I don't know. I know at the beginning of the fight, he through his M-249 down to the ground and said it didn't work. At that time my buddy went and picked up the M-249 and realized [redacted] had loaded it improperly and then my buddy used it to fire approximately 3000 rounds through during the duration of the fight. 67C-566-5

Q: Do you think [redacted] was involved in the killing of any unarmed Iraqis? 67C-566-5
 A: Don't know.

Q: Did you see him being involved with the killing of any unarmed Iraqis?
 A: No.

Q: Did you witness anyone take any Iraqis into custody during the incident?
 A: No.

Q: How many Iraqis waived white flags?
 A: Only 1 and after he waived it he fired at us.

Q: Were there any enemy that surrendered during the incident?
 A: No.

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted] 67C-4664	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

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Q: Is there anything else you
A: No.///end of statement///

Additional statement?
LAW ENFORCEMENT SENSITIVE

[Redacted] b7c-4, b6-4

b7c-4, b6-4

AFFIDAVIT

I, [Redacted] 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 OR PUNISHMENT, WITHOUT UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

b7c-4, b6-4

[Redacted Signature] (Signature)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 3 DAY OF Dec, 2004 AT: Taji 80 (CID)

b7c-4, b6-4

ORGANIZATION OR ADDRESS

[Redacted Signature] (Signature of Person Administering Oath)

SA [Redacted] (Name of Person Administering Oath)

b7c-4, b6-4

ORGANIZATION OR ADDRESS

Article 136, UCMJ (Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

PAGE 2 OF 2 PAGES

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EXHIBIT 14

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SWORN STATEMENT

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

LOCATION TAJI BRANCH OFFICE, CAMP TAJI, IRAQ	DATE 3 Dec 04	TIME 1600	FILE NUMBER 67C-4,664
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS E-4/Active 67C-4,664	
ORGANIZATION OR ADDRESS 706 th Transportation Company, Camp Taji, Iraq			

I SPC [redacted] would like to make the following statement under oath: 67C-4,664

Q: On 11 Apr 04, briefly describe what happened regarding the attack?

A: We left BIAP headed for MEK, now called Camp Falluja. We were attacked from both sides of the highway. We kept driving and returning fire but a few of our trailers were hit. They had to stop and drop their trailers because they were leaking fuel. Some of us had to leave the whole system, truck and trailer included. A little ways down the road the entire convoy had to stop to regroup and take care of casualties.

Q: Do you know who attacked you?

A: The enemy, I didn't really care, I just know I was returning fire.

Q: How many vehicles were in your convoy?

A: About 10, or 11.

Q: Do you know how many Iraqi's were involved in the attack?

A: I don't know.

Q: How long did the attack last?

A: It seemed like it was about 1 1/2 or 2 hours.

Q: How many Iraqi's, if any, had white flags?

A: One.

Q: What happened with the Iraqi who waived the white flag?

A: The guy waived a white flag and I yelled "white flag," "white flag," along with everybody else and we stopped firing. Then after we stopped firing the guy waving the white flag kept firing at us and then went back behind the building. There were about 3 of them that were in that particular building. I didn't see anyone kill the guy with the white flag.

Q: Were you involved in, or did you witness any Iraqi's being detained and if so how many?

A: When we finally breached the building the guy waived the flag from, we saw one Iraqi and told him to get down. We were outside guarding the Iraqi on the ground and 2 more standing when someone from the Cav came out and yelled run, pipe leaking. We ran back and reunited with the other people in the road, but the building didn't blow, or anything.

Q: Do you know what happened to the Iraqi's?

A: No.

Q: So did you take, or witness anyone else take any Iraqi's into custody during the incident?

A: No.

Q: Did you witness anyone kill any Iraqi's being detained, that surrendered, or trying to surrender?

A: No.

Q: Do you know SSG [redacted] 67C-5,665

A: Yes.

Q: Was he with you when the individual waived the white flag?

A: He was not right beside me; I was not too worried about where he was at. 67C-4,664

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES."

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EXHIBIT 15

b7c-4,66-4

STATEMENT OF SPC [REDACTED] TAKEN AT Taji BO (CID), Camp Taji, Iraq, DATED 3 DEC 04, CONTINUED:

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b7c-5,66-5

Q: Did you witness SSG [REDACTED] kill, attempt to kill, or harm any Iraqi, or detainee in any way?

A: No, after we were attacked and pinned down, I jumped into a HUMVEE that belonged to the CAV. I was the only one from the 706th Transportation Company that approached the building where the guy had waived the white flag. This was after like us being in a firefight for about an hour and a half.

Q: Do you have anything else to add to this statement? b7c-5,66-5

A: Only that if there was anything that [REDACTED] did at the time that was wrong someone would have brought it up before, back then. All I know is everyone did what was right.

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

A: No. \\End Of Statement\\ [REDACTED] b7c-4,66-4

b7c-4,66-4

AFFIDAVIT

I, SPC [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED SIGNATURE] b7c-4,66-4

(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 3rd DAY OF December, 2004 AT Taji BO (CID), Camp Taji, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]

ORGANIZATION OR ADDRESS

SA [REDACTED] b7c-4,66-1
(Name of Person Administering Oath)

Article 136, (b) (4) UCMJ
(Authority to Administer Oath)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4,66-4

PAGE 2 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 15

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LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

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

LOCATION TAJI BRANCH OFFICE, CAMP TAJI, IRAQ	DATE 6 Dec 04	TIME 11:00	FILE NUMBER b7c-4,665
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-4/Active b7c-4,665
ORGANIZATION OR ADDRESS 706 th Transportation Company, Camp Taji, Iraq			

I SPC [REDACTED] would like to make the following statement under oath: On 11 Apr 04, we were on a convoy with I think 12 fuel tankers to Falluja. Driving down the road we took the initial ambush on the left side, we continued to roll through and I returned fire on the left, I had 4 holes in my tanker. We pulled about 2 Kilometers up past the initial contact point and combat dropped the tanker. They started yelling about injuries over the radio. We all regrouped pulled forward and had to stop because the road was blocked as part of the ambush. We started taking mortar fire, RPG and small arms from the left hand side, sometime after that an Apache helicopter went down. We were then taking fire from the right hand side, I believe and then saw someone wave a white flag. We stopped firing altogether, as cease-fire was called all up and down the convoy. We sent 4 CAV guys and one of our guys SPC [REDACTED] up to the building, but as they were maneuvering up to the building, we took more rounds from that location. They dropped to the ground, we opened fire again and that's about it, we kept shooting on the left hand side and shooting on the right hand side. We changed tires and rolled out.

Q: How long approximately did the incident last?
A: About 2 hours and 15 minutes.
Q: How many Iraqi's did you see wave white flags?
A: I didn't see the person; I saw one white flag being waved around the corner of the building.
Q: Were there any Iraqi's detained during the incident and if so how many?
A: None that I know of, I never saw any brought out, I never saw any Iraqi's being detained.
Q: So you never saw any Iraqi detained, or any detainees killed during the incident?
A: No.
Q: Do you know SSG [REDACTED] b7c-5,665
A: Yes, he was my squad leader.
Q: Do you know where he was during the incident?
A: Yes, he was beside me on the truck to my right during the incident; we were both shooting around the right sides of our trucks. I would have known if they brought out any Iraqi's to our position and they never brought anyone out.
Q: Did he have any contact with any Iraqi detainees during the incident?
A: Nope.
Q: Did you see [REDACTED] b7c-5,665 anywhere near the site of the surrender flag?
A: No, we were on the road the entire time and the house where the flag was waived was a good 50 to 70 meters off of the road, none of us approached the house except the guys I mentioned earlier from the CAV and [REDACTED] b7c-5,665
Q: So did you ever see SSG [REDACTED] kill any Iraqi that was detained, or have any dealings with any Iraqi detainees?

A: Negative, not a damn thing he was nowhere near them. Unless he got lucky he couldn't hit them anyway, because I had to score his range card and he was not to good of a shot.
Q: Do you have anything else to add to this statement?

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4,665 PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."

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0347-04-CID899

STATEMENT OF SPC [REDACTED] TAKEN AT Taji BO (CID), Camp Taji, Iraq, DATED 6 DEC 04, CONTINUED:

0326-05-CID899-76236

A: No. \\End of Statement\\ [REDACTED]

AFFIDAVIT

I, SPC [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED SIGNATURE]

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 6TH DAY OF December, 2004 AT Taji BO (CID), Camp Taji, Iraq

[REDACTED]

SA [REDACTED]

(Name of Person Administering Oath)

Article 136, (b) (4) UCMJ
(Authority to Administer Oath)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."

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EXHIBIT 1/4

SWORN STATEMENT

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

LOCATION TAJI BRANCH OFFICE, CAMP TAJI, IRAQ	DATE 8 DEC 04	TIME 1422	FILE NUMBER b7c-4,664
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER	GRADE/STATUS E-5/Reserve b7c-4,664	
ORGANIZATION OR ADDRESS 706 th Transportation Company, Camp Taji, Iraq			

I SGT [redacted] would like to make the following statement under oath: On 11 Apr 04, we left BIAP out of the South gate and were on Route Tampa headed towards Falluja and started being hit by small arms fire, mortars and RPG's. I was in the rear gun truck a few tankers got hit with RPG's and had to combat drop them. We then came to a halt because the Iraqi's had daisy chained the road with IED's, it was then that all hell broke lose and we started being hit by all types of rounds from all sides. My gun truck was taken out with one shot it seemed. Between returning fire and providing medial assistance I ended up fighting my way to the front of the convoy. When I got to the front of the convoy we were taking fire from the left and two buildings on the right. I was firing at the building on the right and I saw a man wave a white flag from behind the building, we ceased fire and told him to come out. As soon as he came from the building he started shooting at us again so we returned fire and he ran back behind the building again. He went to the other side of the building and 1st CAV had come by that time, he waived the white flag again and after we called cease fire, he started shooting again. That's when we all just lit that building up.

Q: Did you see anyone take any Iraqi soldiers into custody?

A: I saw when they went to get but I never saw them apprehend him, or there were never any shots fired while they were gone, so I know they didn't shoot him.

Q: Who went down to the building to apprehend the Iraqi?

A: I believe it was 4 of 1st CAV's people and 1 of ours.

Q: Who from your unit went down to the building?

A: SPC [redacted] b7c-4,664

Q: How many Iraqi's did you see wave a white flag?

A: Just one.

Q: How many were detained?

A: None, why I don't know they were shooting at us.

Q: Did you witness SSG [redacted] anywhere near the Iraqi with the white flag? b7c-5,665

A: No, he was no where near. b7c-5,665

Q: Did you witness SSG [redacted] involved in detaining any Iraqi, or shooting any Iraqi's being detained, or apprehended?

A: No.

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

A: No. \\End Of Statement\\ [redacted] b7c-4,664

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _ TAKEN AT _ DATED _ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _ OF _ PAGES."

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EXHIBIT 17

STATEMENT OF SGT [REDACTED] TAKEN AT Taji BO (CID), Camp Taji, Iraq, DATED 8 DEC 04, CONTINUED:

b7c-4,66-4

AFFIDAVIT

I, SGT [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

b7c-4,66-4

[REDACTED SIGNATURE]

b7c-4,66-4

(Signature of Person Making Statement)

WITNESSES:

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 8TH DAY OF December, 2004 AT Taji BO (CID), Camp Taji, Iraq

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]

b7c-1,66-1

(Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] (Name of Person Administering Oath)

b7c-1,66-1

Article 136, (b) (4) UCMJ (Authority to Administer Oath)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

b7c-4,66-4

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."

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SWORN STATEMENT

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

LOCATION TAJI BRANCH OFFICE, CAMP TAJI, IRAQ	DATE 20 DEC 04	TIME 1137	FILE NUMBER 67C-4,664
LAST NAME, FIRST NAME, MIDDLE NAME	SOCIAL SECURITY NUMBER		GRADE/STATUS SGT/RESERVE 67C-4664
ORGANIZATION OR ADDRESS 706 TH TRANSPORTATION COMPANY, CAMP TAJI, IRAQ			

I SGT [redacted] would like to make the following statement under oath: On 11 Apr 04, we were in a firefight, I was in the gun truck and my truck was disabled by small arms fire. The moved a tanker up from the rear and as they passed vehicles people jumped up on it. By the time it reached the front of the convoy there was no more room so 3 of us jumped on the top of the vehicle. We moved forward to where the block was for the ambush and because we had SAWS we laid down suppressive fire from the top of the vehicle while people were being medevaced and repairs were being made to trucks so we could move back out. There were some 1st CAV elements that had come out to help and we heard someone from behind us yell there was a white flag that had come out, everyone stopped firing. There was a house approximately 50 meters off the road and there was a stick, or tree branch with a white sheet hanging from it being waived from around the house. A Cav SSG and everyone else started yelling for this guy to come out, the flag finally stopped waving but there was a blue flash and a loud band, some type of explosion happened at the house where the flag was. I don't know what happened, I don't know what set it off, I just heard and saw it. So when the explosion happened everyone started firing at the house, I probably had about 30 rounds left on my SAW belt and they all went into the house. The CAV SSG assembled a team to see what was going on, 4 of his guys and one of our guys to see what was going on, that was after we had stopped firing again. Then they brought out one Iraqi man with black clothing on, blindfolded him and put flex cuffs on him behind his back. I guess he had some kind of propane tank in his house that was leaking and they wanted to get out of there. I went back to my sector of fire on the other side of the road; I did not know that they had released him until after we got back inside BIAP.

Q: How many Iraqi's did you see waiving white flags?

A: I didn't see anybody actually holding the flag I just saw the flag.

Q: Was it only one flag that you saw?

A: Yes.

Q: How many times did you see the flag come out?

A: Just once.

Q: How many Iraqi's did you see being detained?

A: One.

Q: Did you see what happened to him?

A: No, after he was flex cuffed, I didn't see what happened to him after that because I went back to paying attention to the other side of the street where we were drawing fire.

Q: Who detained the Iraqi?

A: This SSG from the 1st CAV, I don't know what his name was.

Q: Did you witness any Iraqi's being killed during the process of being detained?

A: No.

Q: Do you know SSG [redacted] 67C-5,665

A: Yes I do.

Q: Was he anywhere near the site of the apprehension?

EXHIBIT _____ INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [redacted] OF [redacted] PAGES." 02035015585

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EXHIBIT 19

STATEMENT OF SGT [REDACTED] TAKEN AT Taji BO (CID), Camp Taji, Iraq, DATED 20 DEC 04, CONTINUED:

A: Yes he was, he was on the street with the convoy.

Q: Did he take any part in the apprehension of any Iraqi's that you witnessed?

A: Not that I know of, no. *b7c-5166-5*

Q: Did you witness SSG [REDACTED] kill or injure any Iraqi attempting to surrender, or being detained?

A: No.

Q: Who was the individual from your unit that went in to clear the house with the CAV team?

A: It was SPC [REDACTED] *b7c-466-4*

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

A: No. \\End of Statement\\ [REDACTED] *b7c-4,66-4*

AFFIDAVIT

I, SGT [REDACTED] 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 OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. *b7c-4,66-4*

[REDACTED SIGNATURE]
(Signature of Person Making Statement) *b7c-4,66-4*

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW TO ADMINISTER OATHS, THIS 20th DAY OF December, 2004 AT Taji BO (CID), Camp Taji, Iraq

[REDACTED]
[REDACTED]
[REDACTED]

SA [REDACTED]
(Name of Person Administering Oath) *b7c-4,66-4*

Article 136, (b) (4) UCMJ
(Authority to Administer Oath)

EXHIBIT _____

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES."

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AGENT'S INVESTIGATION REPORT 26922CID Regulation 195-1	ROI NUMBER 0011-05-CID044
	PAGE 1 OF 1 PAGES

DETAILS
 About 1335, 10 Jan 05, this office received a Category I Request For Assistance (RFA) from the 718th Military Police Detachment (CID) (Rear), 6th Military Police Group (CID), Fort Carson, CO 80913, to locate, fully identify, and interview SSG [REDACTED] 706th Transportation Company POL, 593D Corps Support Group, Camp Taji, Iraq, regarding the surrender of Iraqi soldiers. *b7c-4, 56-4*

About 1600, 11 Jan 05, SA [REDACTED] interviewed SSG [REDACTED] wherein he provided a sworn statement stating he did not see any Iraqi nationals surrender to SSG [REDACTED] (See Sworn Statement for details) *b7c-1, 56-1* *b7c-4, 56-4* *b7c-5, 56-5*

STATUS: This investigation is closed in the files of this office. All requested investigative activity has been completed.//Last Entry//

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] <i>b7c-1, 56-1, 62</i>	ORGANIZATION Fort Sam Houston Resident Agency Fort Sam Houston, Texas 78234
SIGNATURE [REDACTED] <i>b7c-1, 56-1</i>	DATE: 11 Jan 05
	EXHIBIT 015587

CID/FORM 94
1 FEB 77

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LAW ENFORCEMENT SENSITIVE
SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency [redacted] The Chief of Staff for Personnel.

LOCATION Fort Sam Houston, TX, 78234	DATE 11 Jan 2005	FILE NUMBER 0011-05-CID044
LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	SOCIAL SECURITY NUMBER [redacted]	GRADE/STATUS E-6/AD
ORGANIZATION OR ADDRESS [redacted] Medical Hold Company, Brooke Army Medical Center, Fort Sam Houston, TX 78234		

b7c-4,66-4
b7c-4,66-4
b7c-4,66-4

I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 11 Apr 04, a convoy I was in consisting of approximately 12 vehicles was ambushed on route Mobile. We were receiving small arm, machine gun, and indirect fire from our three and nine o'clock position. We took up a defensive position and returned fire. The firefight lasted about two and a half hours. I saw a white flag from a house on our three o'clock position and we ceased fire. The enemy then opened up and fired on us and we returned fire. This happened three to four more times. A squad of soldiers cleared the house and brought back one male Iraqi National to the convoy defensive position. He was interviewed and released.

- Q: [redacted] b7c-1,66-1
- A: [redacted] b7c-4,66-4
- Q: Who was the convoy commander?
- A: SGT [redacted] b7c-3,66-3
- Q: How many Iraqi soldiers did you see surrender?
- A: One.
- Q: Who was in the squad who cleared the house?
- A: The only one I knew was SPC [redacted] b7c-4,66-4
- Q: Did you see any Iraqi's surrender to SSG [redacted] b7c-5,66-5
- A: No.
- Q: How many U.S. soldiers were in the convoy?
- A: 29 soldiers from the 706th Transportation Company. I don't know who else was in the convoy.
- Q: Was SSG [redacted] in your convoy? b7c-5,66-5
- A: Yes.
- Q: What was his duty position?
- A: Truck Commander of one fuel truck.
- Q: Did SSG [redacted] have any interaction with any Iraqi National? b7c-5,66-5
- A: Not to my knowledge.
- Q: How did the Iraqi surrender?
- A: He waived a white flag.
- Q: Did you see SSG [redacted] shoot anyone during that ambush? b7c-5,66-5
- A: No, I never saw SSG [redacted] fire his weapon. b7c-5,66-5
- Q: Can you describe SSG [redacted] character? b7c-5,66-5
- A: He tells stories, he exaggerates stories, but he is a nice guy.
- Q: Do you have anything else to add to this statement?
- A: No. //End of Statement// [redacted] b7c-4,66-4

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [redacted]	PAGE 1 OF 2 PAGES
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b7c-4,66-4 020360
015588

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted] CONTINUED."
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE
INITIALED AS "PAGE [redacted] OF [redacted] 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. 111

LAW ENFORCEMENT SENSITIVE

67C-466-4

0011-05-CID044

STATEMENT OF [REDACTED] TAKEN AT Fort Sam Houston, TX, 782348234 DATED 11 January 2005

CONTINUED:

STATEMENT (Continued)

[REDACTED]

67C-466-4

67C-466-4

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] Signature of Person Making Statement

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of January, 2005 at Fort Sam Houston, TX, 78234

ORGANIZATION OR ADDRESS

[REDACTED] Signature of Person Administering Oath

ORGANIZATION OR ADDRESS

SA [REDACTED] (Typed Name of Person Administering Oath)

020361

Article 136(b)(4), UCMJ (Authority To Administer Oaths) 015585

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 67C-466-4

PAGE 2 OF 2 PAGES

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EXHIBIT 20

03 112

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LAW ENFORCEMENT SENSITIVE

AGENT'S INVESTIGATION REPORT

VE ROI NUMBER

CID Regulation 195-1

PAGE 1 OF 1 PAGES

DETAILS

b7C-1,66-1
About 1630, 15 Jan 05, SA [redacted] 323d MP Detachment (CID), Jackson, MI telephone contact was made with SGT [redacted] to arrange for an interview during the morning at 1000, 16 Jan 2005, at the Grand Traverse County Sheriff's Department, Traverse City, MI. *b7C-464*

b7C-466-1
About 1000, 16 Jan 05, SA [redacted] interviewed and obtained a sworn statement (EX) from SGT [redacted] in which he stated that he had no knowledge of SSG [redacted] or any other US military personnel from his unit unlawfully killing Iraqi or other insurgent forces while deployed in Iraq. He further related that SSG [redacted] Automatic Weapon (SAW) had misfired soon after they were ambushed and SGT [redacted] did not see SSG [redacted] engage any enemy forces after that point. *b7C-566-5*

b7C-466-1
At 1220, 15 Jan 05, SGT [redacted] was requested to produce a hand drawn sketch (EX) of the ambush site, which he completed. The sketch details the relative position of the troops and vehicles and the terrain features.

////////////////////////////////////LAST ENTRY////////////////////////////////////

TYPED AGENT'S NAME AND SEQUENCE NUMBER [redacted] <i>b7C-1,66-1,62</i>		ORGANIZATION 323D MP Det (CID) 1401 W. Argyle, Jackson, MI 49202	020362
SIG [redacted]	DATE 16 Jan 2005	EXHIBIT 015599	

CID FORM 94
1 FEB 77

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 21
Feb 11 11:32a

280th MP Det CID 5026242192

p.2

JAN. 17. 2005 8:10AM

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341 P. 2

0326-05-CID-76236

SWORN STATEMENT			
For use of this form, see AR 190-45: The proponent agency of the Deputy Chief of Staff for Personnel			
LOCATION	DATE	TIME	TITLE NUMBER
GRAND TRAVERSE SHERIFF'S DEPARTMENT TRAVERSE CITY, MICHIGAN	15 JAN 05	1215	0015-05-CID032
LAST NAME, FIRST NAME, MI	Social Security Number		GRADE/STATUS
			E-5/SGT/USAR
ORGANIZATION OR ADDRESS			
1186 South Coleman Road, Maple City, MI 49664			

b7c-466-4
b7c-466

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

Q: Who were you deployed with in Baghdad, Iraq?
A: The 706th POL Transportation Company
Q: On 11 Apr 04, were you in a convoy with your unit, the 706th POL Transportation Company, from Baghdad International Airport?
A: Yes
Q: What was your destination?
A: Fallauga.
Q: How many vehicles were in your convoy?
A: I was told 15, but I can't remember for sure.
Q: What vehicle were you in?
A: The last vehicle.
Q: What kind of vehicle was it?
A: A five ton, support truck aid truck.
Q: What was your assigned duty during the convoy?
A: Maintenance support, senior.
Q: What time did the convoy leave BIAP?
A: About 0815 or 0830, SRP was at 0800.
Q: Did anything happen during this mission?
A: Yes, we were ambused about two miles outside the back gate from BIAP.
Q: Did you receive enemy fire?
A: Yes.
Q: What was your response to the enemy fire?
A: Vehicle halt, we then determined what side the fire was coming from and returned fire.
Q: What side did the enemy fire originate from?
A: Left side.
Q: Describe the make up of the reinforcements that arrived?
A: Four Hummers, and additional hummers, with missiles and a Mark 19, and two Bradleys.
Q: What unit reinforced your unit?
A: 1st Cav.
Q: What actions did the reinforcing unit take?
A: The hummers stayed with us and the Bradleys went to higher ground for overwatch and to engage the enemy force. The Bradleys never had to fire. None of the 1st Cav. had to

[redacted] b7c-466-4
INITIALS

PAGE 1 of 6

020363

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EXHIBIT 20

JAN. 17. 2005 8:10AM

67C-466-4

1215, 15 JAN 05 Cont.

Statement of [REDACTED]

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fire. All action stopped at that time. The only one that fired was the Mark 19 but he jammed up after three rounds.

Q: During this engagement did you see any insurgent combatants?

A: I saw two, one back by the bridge and another by a berm on the left side with a mortar tube.

Q: Did you see any of the insurgent combatants shot or killed?

A: No, I had heard about one that was shot with the .50 cal.

Q: How long did the ambush take?

A: There was three separate ambushes, over a five and half hour period.

Q: Who was involved in returning fire?

A: Virtually everyone in the unit, except SSG [REDACTED] who told me he never took a shot because he maintained the radio during the whole time.

Q: Do you know SSG [REDACTED]

A: Yes, he was part of the 706th.

Q: What was his position and assigned duties during the convoy?

A: I think he was the second in command NCOIC, and he was to make sure of our health and welfare and insure the mission was accomplished.

Q: What is your relationship with SSG [REDACTED]

A: I didn't respect him and others didn't either. I saw to many flaws in his leadership.

Q: When did he join your unit?

A: I don't know if he was part of the original 706th or if he was a cross level.

Q: When did you first meet him?

A: At Ft Campbell, which is when the company was put together, I was a cross level. I knew him about four and a half months before he was shipped home.

Q: Did you observe SSG [REDACTED] during the ambush?

A: Yes, several times?

Q: What were his actions?

A: Helping the aid and litter, he then gave commands to abandon vehicles and then finally he helped change the tires on the vehicles. I opposed the vehicles being abandoned.

Q: Did you see him engage any insurgents with his weapon?

A: Not at all.

Q: What kind of weapon was he using?

A: A Squad Automatic Weapon (SAW). That's what I was told I didn't see him holding a weapon and I was told his SAW misfired. I didn't see him carrying a weapon the whole

[REDACTED]

67C466-4

INITIALS

page 2 of 6

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EXHIBIT

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JAN. 17. 2005 8:10AM

NO. 341
CONF.

P. 4 67C-4664

Statement of SGT [REDACTED] 1315 15 JAN 05
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LAW ENFORCEMENT SENSITIVE

time we were on the ground.
 Q: Did you see him engage the house off to the right?
 A: No I did not and I was standing in the front of that house.
 Q: Did you observe any insurgents waving a white flag?
 A: Yes I did, from the back door on the house on the right.
 Q: Please describe what you saw?
 A: It was a house about 25 by 30 feet, tan in color, no windows on the road side or on the east side of the house.
 Q: Did you observe any fire coming from that house?
 A: No I did not. And no one told me of any fire coming from that house. But we did receive fire from the right side of the house but it was away from the house. One person, Spc [REDACTED] 70TH TC she told me that there was a guy outside the house moving around the property in the direction of the fire.
 Q: Did Spc [REDACTED] tell you she a weapon in the mans hands?
 A: No she didn't, she just reported a guy moving around in the brush, to the best of my knowledge.
 Q: What is your opinion of SSG [REDACTED] as a leader and as a soldier?
 A: Very bad leader and a bad soldier at the same time, he did not respect the chain of command.
 Q: Was there a cease fire called during the firefight?
 A: Yes there was.
 Q: Who called for the ceasefire and when?
 A: A Command Sgt Major from the 1st Cav.
 Q: Did you see anyone from the 706th capture any enemy combatants?
 A: No I did not.
 Q: Did you see anyone from the 1st Cav capture any enemy combatants?
 A: They did make contact with the man at the house, they searched him and his house and the property near his house and to my knowledge they found no weapons or contraband which I heard them tell the CSM. When we all left the area the man with the white flag was left sitting next to his house. After they cleared his house I believe they threw an explosive in the house I heard an explosion and saw a puff of smoke or dust come out of the roof.
 Q: To your knowledge was the man alive and well?
 A: Yes, he was waving at us in anger, shaking his fist.
 Q: How many insurgents were captured or detained?
 A: None
 Q: Did you observe SSG [REDACTED] interact with any of the Iraqis on that day?

67C-4664

67C-4664

67C-4664

67C-4664

[REDACTED] INITIALS

page 3 of 6

~~015503~~

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EXHIBIT 2

67C-4564-4
07224-05 - CID - 76236
341

JAN. 17, 2005 8:11AM

Statement of [REDACTED]

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A: No I did not.

Q: Approximately how many soldiers were in the 706th convoy?

A: 27 to 33.

Q: Approximately how many insurgents were killed or captured?

A: We were told about 300 to 350 I don't believe that, I think 25 to 30, I estimate attacked us, and I know of one being killed, none got captured and I don't know what happened to the rest. I saw a couple of little white Toyotas dart off about a 1000 yards away.

Q: How many US Soldiers were killed or wounded?

A: Five wounded from the 706th, an two helicopter pilots were killed.

Q: Did anyone come close to capturing any insurgents?

A: Just the man on the right, all the others escaped.

Q: Did he resist?

A: I don't think so but I don't know what happened when they went to the house to detain him but they weren't handling him rough when they walked him out.

Q: Do you have any information regarding any Iraqi or insurgents being shot after being captured or surrendering to US Forces?

A: No.

Q: Did you see SSG [REDACTED] shoot anyone? *67C-5, 66-5*

A: No I did not.

Q: Did SSG [REDACTED] tell you he shot anyone? *67C-5, 66-5*

A: No he did not.

Q: Did you hear any rumors of SSG [REDACTED] shooting anyone? *67C-5, 66-5*

A: No, not until I was contacted by CID and that wasn't until the second or third conversation.

Q: If SSG [REDACTED] made this story up, in your opinion what would his reason be? *67C-5, 66-5*

A: He called me crazy three times that day when I was trying to get our trucks back to the safe zone. I believe he became unstable in his actions on the events that happened that day. He made bad judgement calls, like abandoning the vehicles and just wanting to put two lug nuts on wheels which would be unsafe. He wanted to shortcut the procedures eventhough we were secure and 1st Cav was providing security and we didn't need to take more chances and lose another vehicle because we were short on transportation as it was.

Q: Is there anything you would like to add to this statement?

A: Yes, when we got back to BIAP and went to the hospital

67C-4564
[REDACTED] INITIALS

page 4 of 6

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EXHIBIT 22

EXHIBIT 22

LAW ENFORCEMENT SENSITIVE

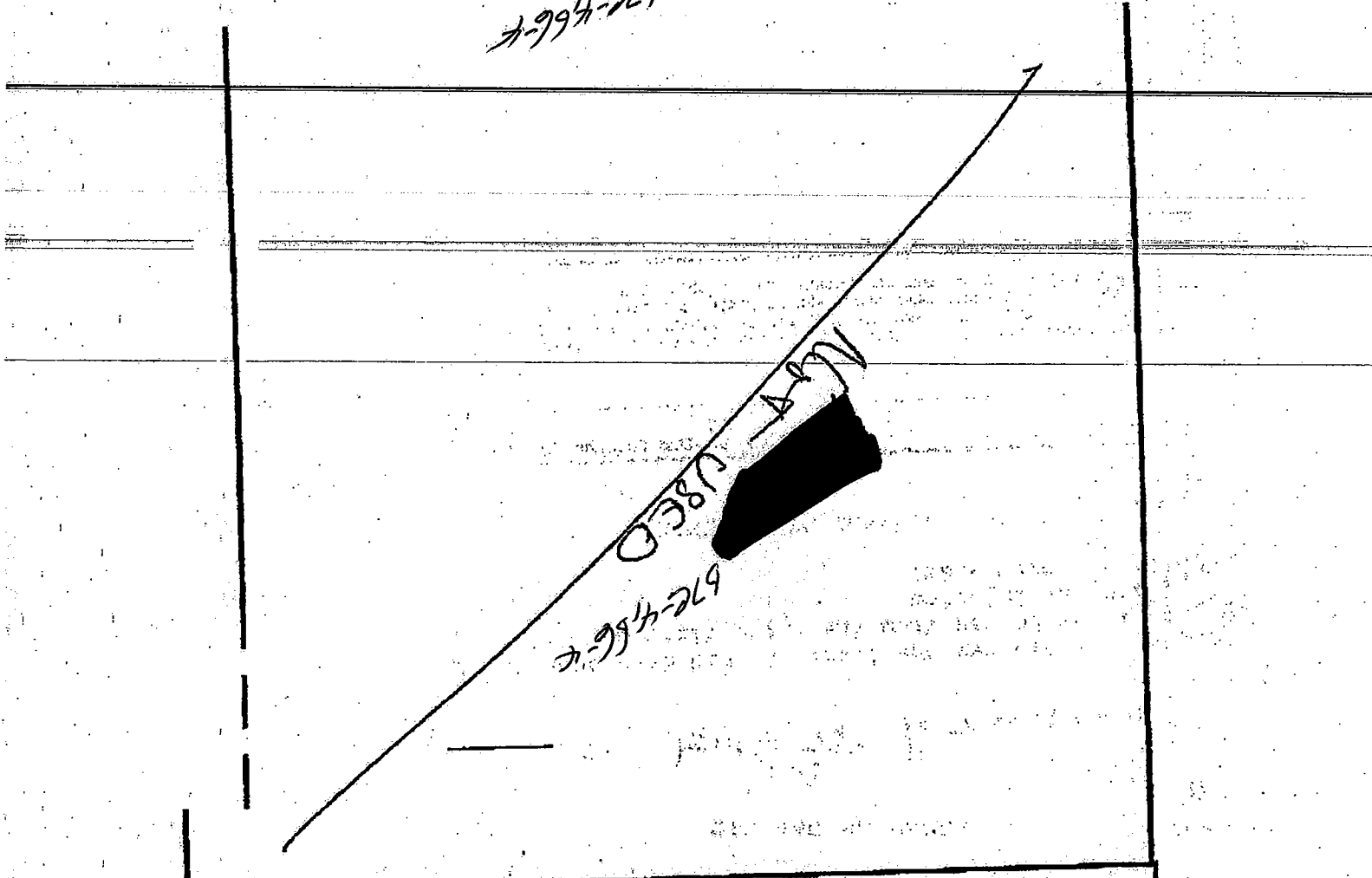
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Page 5 of 6

67C-4664
1215



ADDITIONAL PAGES MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE OF" IN THE BOTTOM OF EACH PAGE. WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE OF ANOTHER COPY OF THIS FORM.

EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 5 of 6

and we did see one trade who had been shot in the hip, I believe he was from the third firelight. I believe he died from the injuries.
Q: Anything else?
A: No.
//////////////////////////////////////
END OF STATEMENT

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Jan 18 05 05:14p 2804 MP Det CID 67C-4664
JAN. 17 2005 8:11AM
40326-154-01971 DR-13A
1215, 1215, 1215
NO. 341
02

JAN. 17. 2005 8:11AM

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67C-4664

STATEMENT OF [REDACTED] b7C-4564

TAKEN AT [REDACTED] b7C-4,664

NOT USED

b7C-4,664

AFFIDAVIT

I, SA [REDACTED] b7C-4,664
 HAVE 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 OR PUNISHMENT, AND
 WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b7C-4,664
 (Name of Person Making Statement)

WITNESSES:

 ORGANIZATION OR ADDRESS

 ORGANIZATION OR ADDRESS

SUBSCRIBED AND SWORN BEFORE ME, A PERSON BY LAW
 TO ADMINISTER OATHS, THIS 15 DAY OF JAN 2005
 AT [REDACTED] b7C-4664-1

[REDACTED] b7C-4,664-1
 (Signature of Person Administering Oath)

SA [REDACTED] b7C-4,664-1
 (Name of Person Administering Oath)

Art 135(b) (4) UCMJ / 5 USC 303

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGES 6 OF 6 PAGES

DA FORM 2823 (AUTOMATED)

[REDACTED] b7C-4,664
 INITIALS

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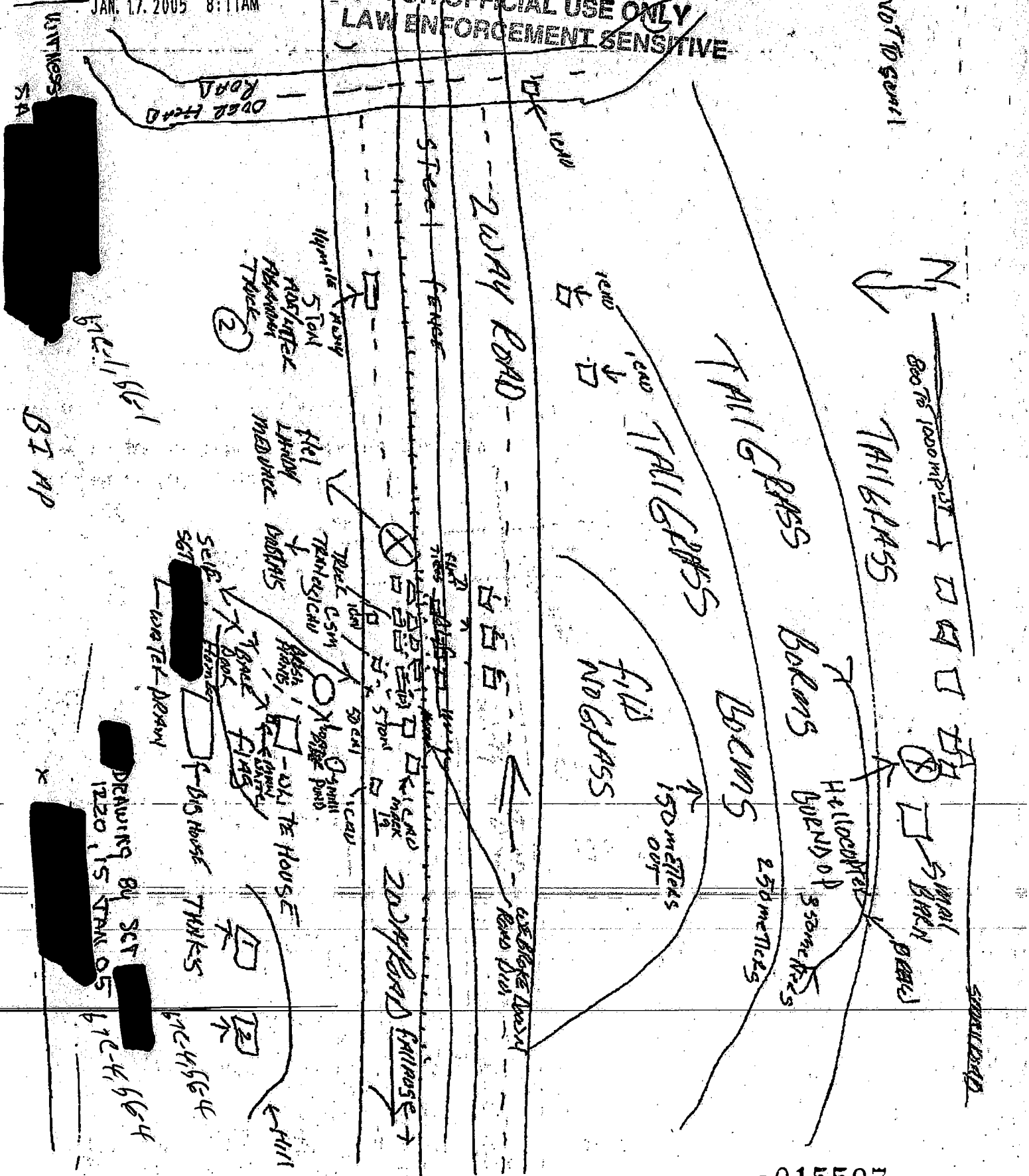
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EXHIBIT 2

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0326-04-CID056-76236

PAGE 1 OF 1 PAGES

DETAILS

67C-1,561
 About 1600, 2 Feb 05, SA [REDACTED] this office, coordinated with CPT [REDACTED] Trial Counsel, Office of the Staff Judge Advocate (SJA), Fort Carson, CO (FCC) 80913, who opined there was no evidence SSG [REDACTED] 5025th Garrison Support, FCC, killed a surrendering Iraqi in violation of Geneva Convention or other laws of war. CPT [REDACTED] further related he recommended no further investigative activity and this investigation be closed unfounded. 67C-3,563

67C-3,563
 About 1630, 10 Feb 05, the undersigned briefed CPT [REDACTED] Commander, 5025th Garrison Support, FCC on all aspects of this investigation. CPT [REDACTED] stated she would brief SSG [REDACTED] and her higher command on the outcome of this investigation. 67C-4,664 67C-5,665

67C-4,664
 At 0910, 17 Feb 05, SA [REDACTED] this office, conducted a check of the files of the Defense Clearance Investigative Index (DCII), and the files of this office, which revealed he was the subject of Police Report 71028587567C, Jul 71, for Burglary and Larceny. He underwent a courts martial, was found guilty, confined for one year and reduced to private. He was the subject of case 749910818Q5C, 4 Dec 74, for threats. He went to Municipal Court in 16 Jan 75, but no charges were filed.

///Last Entry///

020370

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] 67C-4,664

ORGANIZATION

48th Military Police Detachment (CID)
Fort Carson, CO 80913

~~015598~~

SIGNATURE

[REDACTED] 67C-4,664

DATE

17 Feb 05

EXHIBIT

23

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DATE 03 FEB 2005

FROM SAC, 48TH MP DET (CID)

TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR USACIDC DISTRICT FT RILEY KS//CIRFR-ZA//
CHIEF, CRIMINAL LAW, SJA, FORT CARSON, CO
CHIEF OF STAFF, FT CARSON
GARRISON COMMANDER, FT CARSON
SAC USACIDC 48TH MP FT CARSON CO
SAC, FT CARSON RA
SENIOR TRIAL COUNSEL, SJA, FORT CARSON, CO
DIR AFIP AFME WASH, DC//AFIP-CPLF
CDR USACIDC 6TH MP GRP FT LEWIS WA
SAC USACIDC RES AGCY FT RUCKER AL
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//

SUBJECT: CID REPORT OF INVESTIGATION - 2D STATUS/SSI -
0326-2004-CID056-76236 - 5H9B

DRAFTER: [REDACTED] b7c-1,66-1

RELEASER: [REDACTED] b7c-1,66-1

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 JAN 2003, 0001 - 11 AUG 2004, 0900; IRAQ

2. DATE/TIME REPORTED: 11 AUG 2004, 1000

3. INVESTIGATED BY:

SA [REDACTED] b7c-1,66-1,62

SA [REDACTED] b7c-1,66-1,62

SA [REDACTED] b7c-1,66-1,62

4. SUBJECT:

1. CHANGED NONE, ; UNDETERMINED MANNER OF DEATH (UNFOUNDED)
(NFI)

5. VICTIM:

1. UNKNOWN IRAQI, ; MALE; UNDETERMINED MANNER OF DEATH
(UNFOUNDED) (NFI)

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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.

2D STATUS:

THIS REPORT IS BEING GENERATED TO UNFOUND THE OFFENSE OF UNDETERMINED MANNER OF DEATH.

DURING INTERVIEWS OF UNIT PERSONELL WHO WERE PRESENT DURING THE ATTACK ON THE CONVOY, IT WAS DETERMINED THAT AN IRAQI DID PRESENT A WHITE FLAG AT THE END OF HIS WEAPON AS IF HE WAS SURRENDERING. SUBSEQUENTLY TO SURRENDERING, THE IRAQI LOWERED HIS WEAPON AND FIRED UPON THE CONVOY. SEVERAL MEMBERS OF THE CONVOY THEN RETURNED FIRE KILLING THE IRAQI.

ON 2 FEB 05, THIS OFFICE COORDINATED WITH THE OFFICE OF THE STAFF JUDGE ADVOCATE (OSJA), FORT CARSON, CO 80913 (FCC), WHO OPINED THAT THERE WAS NO EVIDENCE SSG [REDACTED] KILLED A SURRENDERING IRAQI IN VIOLATION OF THE GENEVA CONVENTION AND THAT THE DEATH OF THE IRAQI WAS CONSIDERED A HOSTILE FIRE DEATH. *67C-5,56-5*

THIS INVESTIGATION IS PENDING THE ADAMIISTRATIVE PROCESSING OF THE FINAL REPORT.

INITIAL:

ABOUT 1000, 11 AUG 04, THIS OFFICE WAS NOTIFIED BY MILITARY POLICE INVESTIGATION (MPI), OFFICE OF THE PROVOST MARSHALL, FORT CARSON, CO (FCC) 80913, OF AN UNDETERMINED DEATH OF AN IRAQI MALE WHO WAS KILLED IN IRAQ BY AN AMERICAN SOLDIER. THE IRAQI WAS IN A SURRENDER STATUS.

THIS IS AN IRAQI FREEDOM INCIDENT.

DUE TO LACK OF CREDIBLE INFORMATION, THIS REPORT WAS SUBMITTED WITHOUT A SUBJECT UNTIL A FURTHER INVESTIGATION COULD BE CONDUCTED TO DETERMINE IF THE DEATH OF THE UNKNOWN IRAQI SOLDIER WAS JUSTIFIED DUE TO A COMBAT RELATED INCIDENT OR WAS MURDER.

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PRELIMINARY INVESTIGATION DISCLOSED THAT WARRANT OFFICER CANDIDATE (WOC) [REDACTED] WARRANT OFFICER CANDIDATE SCHOOL, FORT RUCKER ALABAMA (FORMERLY 5025TH GARRISON SUPPORT UNIT, FCC), OVERHEARD A CONVERSATION BETWEEN SSG [REDACTED] (NFI) AND MSG [REDACTED], BOTH ASSIGNED TO 5025TH GARRISON SUPPORT UNIT, FCC. SSG [REDACTED] WAS TELLING MSG [REDACTED] A STORY THAT WHILE IN IRAQ, ON ONE OCCASION, WHILE HE WAS THE CONVOY COMMANDER, THE CONVOY WAS AMBUSHED BY IRAQI SOLDIERS. THE CONVOY STOPPED, DISMOUNTED AND ENGAGED THE IRAQI'S. SSG [REDACTED] STATED AN IRAQI SOLDIER THEN SURRENDERED; HOWEVER, SSG [REDACTED] WAS FURIOUS ABOUT BEING AMBUSHED, AND KILLED THE UNKNOWN IRAQI SOLIDER.

ON 11 AUG 04, MSG [REDACTED] WAS INTERVIEWED AND RELATED THE CONVERSATION HE HAD WITH SSG [REDACTED] WAS IN HIS CUBICLE ADJACENT TO WOC [REDACTED] WHO HAD HIS BACK TOWARDS THE CONVERSATION. MSG [REDACTED] RELATED WHAT WOC [REDACTED] FAILED TO HEAR AND OBSERVE WAS THE DEMONSTRATION BY SSG [REDACTED] RELATING THE IRAQI SOLDIER, UNDER SURRENDER STATUS, WAS WALKING TOWARDS SSG [REDACTED] AND CONVOY MEMBERS SPEAKING IN HIS NATIVE LANGUAGE. HE THEN POINTED HIS WEAPON AT THE CONVOY MEMBERS. THE MEMBERS HAD NO CHOICE BUT TO RETURN FIRE AND ENGAGED THE IRAQI SOLDIER KILLING HIM.

THIS INVESTIGATION IS PENDING THE INTERVIEW OF WOC [REDACTED] UNIT MEMBERS THAT WERE INVOLVED IN THIS INCIDENT, IDENTIFYING THE INCIDENT LOCATION AND LOCATING, FULLY IDENTIFYING AND INTERVIEWING OF SSG [REDACTED]

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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DATE 12 AUG 2004
FROM SAC USACIDC 48TH MP FT CARSON CO
TO: DIR USACRC FT BELVOIR VA //CICR-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CDR USACIDC DISTRICT FT RILEY KS//CIRFR-ZA//
CHIEF, CRIMINAL LAW, SJA, FORT CARSON, CO
CHIEF OF STAFF, FT CARSON
GARRISON COMMANDER, FT CARSON
SAC USACIDC 48TH MP FT CARSON CO
SAC, FT CARSON RA
SENIOR TRIAL COUNSEL, SJA, FORT CARSON, CO
DIR AFIP AFME WASH, DC//AFIP-CPLF
CDR USACIDC 6TH MP GRP FT LEWIS WA
SAC USACIDC RES AGCY FT RUCKER AL
CG USACIDC FT BELVOIR VA //CIOP-ZA//
CG USACIDC FT BELVOIR VA //CIOP-ZA//

SUBJECT: CID REPORT OF INVESTIGATION - INITIAL/SSI - 0326-2004-CID056-76236
- 5H9B

DRAFTER: [REDACTED] *b7c-1,56-1*

RELEASER: [REDACTED] *b7c-1,56-1*

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 01 JAN 2003, 0001 - 11 AUG 2004, 0900; IRAQ

2. DATE/TIME REPORTED: 11 AUG 2004, 1000

3. INVESTIGATED BY:

SA [REDACTED] *b7c-1,56-1,62*

4. SUBJECT:

1. UNKNOWN, ; UNDETERMINED MANNER OF DEATH (NFI)

5. VICTIM:

1. UNKNOWN IRAQI, ; MALE; UNDETERMINED MANNER OF DEATH (NFI)

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.

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ABOUT 1000, 11 AUG 04, THIS OFFICE WAS NOTIFIED BY MILITARY POLICE INVESTIGATION (MPI), OFFICE OF THE PROVOST MARSHALL, FORT CARSON, CO (FCC) 80913, OF AN UNDETERMINED DEATH OF AN IRAQI MALE WHO WAS KILLED IN IRAQ BY AN AMERICAN SOLDIER. THE IRAQI WAS IN A SURRENDER STATUS.

THIS IS AN IRAQI FREEDOM INCIDENT.

DUE TO LACK OF CREDIBLE INFORMATION, THIS REPORT WAS SUBMITTED WITHOUT A SUBJECT UNTIL A FURTHER INVESTIGATION COULD BE CONDUCTED TO DETERMINE IF THE DEATH OF THE UNKNOWN IRAQI SOLDIER WAS JUSTIFIED DUE TO A COMBAT RELATED INCIDENT OR WAS MURDER.

PRELIMINARY INVESTIGATION DISCLOSED THAT WARRANT OFFICER CANDIDATE (WOC) [REDACTED] WARRANT OFFICER CANDIDATE SCHOOL, FORT RUCKER ALABAMA (FORMERLY 5025TH GARRISON SUPPORT UNIT, FCC), OVERHEARD A CONVERSATION BETWEEN SSG [REDACTED] (NFI) AND MSG [REDACTED] BOTH ASSIGNED TO 5025TH GARRISON SUPPORT UNIT, FCC. SSG [REDACTED] WAS TELLING MSG [REDACTED] A STORY THAT WHILE IN IRAQ, ON ONE OCCASION, WHILE HE WAS THE CONVOY COMMANDER, THE CONVOY WAS AMBUSHED BY IRAQI SOLDIERS. THE CONVOY STOPPED, DISMOUNTED AND ENGAGED THE IRAQI'S. SSG [REDACTED] STATED AN IRAQI SOLDIER THEN SURRENDERED; HOWEVER, SSG [REDACTED] WAS FURIOUS ABOUT BEING AMBUSHED, AND KILLED THE UNKNOWN IRAQI SOLDIER.

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THIS INVESTIGATION IS PENDING THE INTERVIEW OF WOC [REDACTED] UNIT MEMBERS THAT WERE INVOLVED IN THIS INCIDENT, IDENTIFYING THE INCIDENT LOCATION AND LOCATING, FULLY IDENTIFYING AND INTERVIEWING OF SSG [REDACTED]

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2

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PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR
380-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER
INVESTIGATION.

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PROTECTIVE MARKINGS IN ACCORDANCE WITH CHAPTER 3, AR 25-55.

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