

DEPARTMENT OF THE ARMY  
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND  
PRISONER INTERROGATION TEAM (PIT)(CID)  
75TH MILITARY POLICE DETACHMENT (-)  
BAGHDAD CENTRAL CONFINEMENT FACILITY  
APO AE 09342

CIRD-PIT

11 NOV 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – FINAL/SSI-0139-04-CID789-83995-5H6

DRAFTER: [REDACTED]  
RELEASER: [REDACTED]

*57C-1166-1*

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 18 AUG 04/0530 – 18 AUG 04/0600; GANCI 3 DETENTION CAMP, BAGHDAD  
CENTRAL CONFINEMENT FACILITY (BCCF), ABU GHRAIB, IZ, GRID 38S MB 130840

2. DATE/TIME REPORTED: 18 AUG 04, 0635

3. INVESTIGATED BY: SA [REDACTED]; SA [REDACTED]; SA [REDACTED]

*b7c-1166-1  
62*

4. SUBJECT: 1. NONE; [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. HABIB, FRAS MOAZAHIM (DECEASED); CIV; INTERNMENT SERIAL  
NUMBER (ISN) US9IZ-156860-CI; UNKNOWN, IZ; M; WHITE; DETAINEE; BAGHDAD  
CORRECTIONAL CONFINEMENT FACILITY (BCCF), ABU GHRAIB, IZ; (NFI); XZ;  
[JUSTIFIABLE HOMICIDE]

2. GHAFAR, HUSHAM NAFIT (DECEASED); CIV; ISN US9IZ-160915-CI;  
UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRAIB, IZ; (NFI); XZ;  
[JUSTIFIABLE HOMICIDE]

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

This is an Operation Iraq Freedom investigation.

This investigation was initiated upon notification from the Tactical Operations Center (TOC),  
391<sup>st</sup> Military Police (MP) Battalion (BN), BCCF, Abu Ghraib, Iraq, (AGI), that one detainee  
was shot and killed on BCCF.

Investigation established probable cause to believe HABIB died as a result of a gunshot wound to the chest during a riot inside Ganci 3. Further, investigation established probable cause to believe GHAFAR died as a result of a gunshot wound to the head during the same incident.

On 31 Aug 04, autopsies of HABIB and GHAFAR were performed by the Dr. (CDR) [REDACTED] b7c-3, 6-3  
[REDACTED] Armed Forces Institute of Pathology (AFIP), Rockville, MD. Dr. [REDACTED] listed the cause of death of HABIB as Gunshot Wound to the Chest and manner of death as Homicide. Dr. [REDACTED] listed the cause of death of GHAFAR as Gunshot Wound to the Head and manner of death as Homicide.

On 2 Sep 04, LTC [REDACTED] Office of the Staff Judge Advocate (OSJA), Multi-National Forces-Iraq (MNC-I), Camp Victory, Baghdad, Iraq, opined the investigation revealed the incident demonstrated the proper escalation of the use of force, as outlined by the Coalition Forces Land Component Command (CFLCC) and 16<sup>th</sup> MP Brigade Rules of Engagement (ROE). LTC [REDACTED] opined the deaths of HABIB and GHAFAR were Justifiable Homicides. b7c-3, 56-3

STATUTES:

None.

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of SA [REDACTED], 19 Aug 04, detailing initial notification, death scene examination, witness and significant interviews, and unit coordinations. b7c-1, 56-1
2. Photographic Packet containing 6 photographs. (HABIB's body)
3. Arabic Statement of [REDACTED], 18 Aug 04. b7c-4, 56-4
4. Translated Statement of [REDACTED], 18 Aug 04, b7c-4, 56-4
5. Death Certificate of HABIB, dated 18 Aug 04. b7c-4, 56-4
6. Waiver Certificate and Statement of SGT [REDACTED], 18 Aug 04, wherein he stated he shot two lethal rounds at detainees while on guard duty at Ganci 3 on 18 Aug 04.
7. Photographic Packet containing 4 photographs. ([REDACTED] injuries) b7c-4, 56-4
8. 16<sup>th</sup> MP Brigade Rules of Engagement [REDACTED]
9. BCCF Standard Operating Procedures (SOP)
10. Statement of SPC [REDACTED], 18 Aug 04, wherein he stated he engaged a group of detainees with non-lethal ammunition on 18 Aug 04. b7c-4, 56-4

- 11. Sketch of Ganci 3, prepared by SPC [REDACTED] 18 Aug 04.
- 12. Statement of SPC [REDACTED], 18 Aug 04, wherein he stated he engaged a group of detainees with non-lethal ammunition on 18 Aug 04.
- 13. Statement of SSG [REDACTED], 18 Aug 04, wherein he stated he engaged a group of detainees with non-lethal ammunition on 18 Aug 04.
- 14. Photographic Packet containing 4 photographs. (shotgun)
- 15. Medical Treatment Records pertaining to HABIB.
- 16. Medical Treatment Records pertaining to GHAFAR.
- 17. DA Form 1594, Duty Officers Log, dated 18 Aug 04.
- 18. AIR of SA [REDACTED], 22<sup>nd</sup> MP BN (CID), Camp Victory, Baghdad, Iraq, 31 Aug 04, detailing the results of the autopsies of HABIB and GHAFAR.
- 19. Death Certificate pertaining to HABIB, prepared by CDR [REDACTED] Armed Forces Institute of Pathology (AFIP), Rockville, MD, dated 30 Aug 04.
- 20. Preliminary Autopsy Report pertaining to HABIB, 30 Aug 04, listing the preliminary cause of death as gunshot wound to the chest and preliminary manner of death as homicide.
- 21. Death Certificate pertaining to GHAFAR, prepared by CDR [REDACTED] Armed Forces Institute of Pathology (AFIP), Rockville, MD, dated 30 Aug 04.
- 22. Preliminary Autopsy Report pertaining to GHAFAR, 30 Aug 04, listing the preliminary cause of death as gunshot wound to the head and preliminary manner of death as homicide.
- 23. AIR of SA [REDACTED], 6 Nov 04, detailing medical coordinations and receipt of Final Autopsy Reports.
- 24. Medical Treatment Records pertaining to Detainee [REDACTED], ISN [REDACTED]
- 25. Medical Treatment Records pertaining to Detainee [REDACTED]
- 26. Medical Treatment Records pertaining to Detainee [REDACTED]
- 27. Medical Treatment Records pertaining to Detainee [REDACTED]
- 28. Final Autopsy Report pertaining to HABIB, dated 12 Oct 04.

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-1, b6-1

b7c-3, b6-3

b7c-3, b6-3

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

29. Final Autopsy Report pertaining to GHAFAR, dated 12 Oct 04.

30. Medical Treatment Records pertaining to GHAFAR.

31. AIR of SA [REDACTED] 78<sup>th</sup> MP Detachment, Camp Victory, Baghdad, Iraq, 22 Oct 04, detailing the collection of the death certificate pertaining to GHAFAR.

*b7c-1, b6-d*

32. Death Certificate of GHAFAR, 18 Aug 04.

33. Hospital Report of Death, 18 Aug 04.

34. Compact Disc 013904.789 containing all photographic images and the originals of Exhibits 2, 7 and 14. (USACRC copy only)

35. Evidence/Property Custody Document, voucher (VO) 694-04.

NOT ATTACHED:

36. Metallic Projectiles, VO 694-04

The originals of Exhibits 1, 3, 4, 6, 10 through 13, 18, 23 and 31 are forwarded with the USACRC copy of this report. The originals of Exhibits 5, 15, 16 and 24 through 27 are retained in the files of the 115<sup>th</sup> Field Hospital (FWD), Abu Ghraib Prison, APO AE 09342. The originals of Exhibits 8, 9 and 17 are retained in the files of the 391st MP BN, Abu Ghraib Prison, APO AE 09342. The original of Exhibit 19 through 22, 28 and 29 are retained in the files of the Armed Forces Institute of Pathology, 1413 Research Blvd., Building 102, Rockville, MD. The originals of Exhibit 30, 32 and 33 are retained in the files of the 31<sup>st</sup> Combat Support Hospital (CSH), International Zone, Baghdad, Iraq. The original of Exhibit 35 is retained in the files of the Evidence Depository, 22<sup>nd</sup> MP BN, Camp Victory, Baghdad, Iraq.

STATUS: This is a Final Report.

Report Prepared By:

Report Approved By:

*for* [REDACTED] *b7c-1, b6-d*  
*62*

[REDACTED] *b7c-1, b6-d*

Special Agent, [REDACTED]

Special Agent in Charge

DISTRIBUTION:

1 - Director, USACRC, (ATTN: CICR-CR), 6010 6<sup>th</sup> Street, Fort Belvoir, VA 22060-5506 (original)

1 - Thru: CDR, 22d MP BN (CID) (FWD), Camp Victory, APO AE 09342

Thru: CDR, 3rd MP Group (CID), Ft Gillem, GA

To: CDR, HQUSACIDC, ATTN: CIOP-COP (email only)

- 1 - AFIP, Attn: OAFME, 1413 Research Blvd, Rockville, MD
- 1 - LNO, CID, MNC-I (For further distribution) (email only)
- 1 - Chief of Staff, Detainee Operations, MNC-I (email only)
- 1 - CDR, 391ST MP BN, BCCF (email only)
- 1 - CDR, BCCF (email only)
- 1 - File

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0139-04-CID789-83995

PAGE 1 OF 4 PAGES

DETAILS

Basis of Investigation: On 18 Aug 04, this office was notified by the 391<sup>st</sup> Military Police (MP) Battalion (BN) Tactical Operations Center (TOC), Baghdad Central Confinement Facility (BCCF), Abu Ghraib, Iraq (AGI), that Detainee Fras Moazahim HABIB, Internment Serial Number (ISN) US9IZ-160915-CI, was dead and Detainee Husham Nafit GHAFAR, ISN US9IZ-160915-CI, was critically injured, as a result of a riot in Ganci #3, BCCF.

About 0645, 18 Aug 04, SA [redacted], SA [redacted], SA [redacted] and SA [redacted] responded to the BCCF Hospital and viewed the body of HABIB. HABIB appeared to have two gunshot wounds to the back. SA [redacted] exposed photographs of HABIB. (See Photographs)

About 0655, 18 Aug 04, SA [redacted] coordinated with MAJ (Dr.) [redacted] BCCF Hospital, AGI, who stated she believed the HABIB had been pronounced dead by CPT (DR) [redacted] 391<sup>st</sup> MP BN, Detainee Aid Station (DAS), BCCF, AGI. She stated that she also pronounced HABIB dead at 0615, 18 Aug 04, with a cause of death of Respiratory Arrest, caused by gunshot wounds to the back.

About 0705, 18 Aug 04, SA [redacted] coordinated with SFC [redacted] BCCF Hospital, AGI, who stated two other detainees injured in the riot were being medivaced to 31<sup>st</sup> Combat Support Hospital (CSH), International Zone, Baghdad, Iraq. She stated GHAFAR suffered a gunshot wound to the head and was critical. She identified the other detainee as [redacted] and stated he suffered a gunshot wound to the face, but was stable.

About 0715, 18 Aug 04, SA [redacted] coordinated with SSG [redacted] NCOIC, Ganci #3, 152<sup>nd</sup> FA, BCCF, AGI, who said about 0535, the detainees finished praying and he saw a large crowd gather around tent four. The detainees were beating other detainees loyal to the MPs with tent poles and rocks. He and other soldiers fired non-lethal rounds into the rioting crowd. The crowd then started toward the Command Post (CP), while throwing rocks. He then moved from his position near tower three, towards the CP. When he arrived at the CP, SGT [redacted] informed him he fired a couple of lethal rounds.

AGENT'S COMMENT: A crime scene examination was not conducted, due to the volatility of the detainees and concern for officer safety. At the time CID personnel responded, the camp still contained approximately 500-600 detainees who appeared to be still excited from the incident. The initial reporting of this incident contained misinformation claiming the riot was actually aimed at Detainee [redacted] because of gay pornographic magazine that was found in his possession. However, upon inspection of the magazine, it was determined to be a combination of pages from various "men's entertainment" magazines, and contained one page with a woman's breasts exposed.

TYPE AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

PRISONER INTERROGATION TEAM (PIT)(CID)  
Baghdad Central Confinement Facility, Abu Ghraib 09342

SIGNATURE

DATE

19 Aug 04

EXHIBIT

1

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

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DETAILS

About 0745, 18 Aug 04, SA [redacted] with the assistance of Linguist [redacted] interviewed Detainee [redacted] who provided a sworn statement detailing what he witnessed during the incident. [redacted] stated he was awoken by chanting and screaming. He observed over 200 detainees aggressively chanting and beating one detainee with tent poles. He then observed the detainees throwing rocks at the CP. He stated he felt the shooting was for good reason, although a non-rioting person was killed. He also stated that he believes SGT [redacted] thought [redacted] was fighting in front of the tent. (See Sworn Statement of [redacted])

AGENT'S COMMENT: The statement provided by [redacted] was written in Arabic and was subsequently translated by Mr. [redacted] (See Translation)

About 0815, 18 Aug 04, SA [redacted] with the assistance of [redacted] interviewed Detainee [redacted] Camp Chief, Ganci #3, BCCF, AGI, who stated he was at prayer in the rear of the camp prior to the incident. He said after the prayer ended, about 250 detainees praying rushed to the front of the camp near Tent 4. He said he saw several of the detainees beating one of the service detainees [redacted] with tent poles and rocks. He said most of the participants were recently moved to Ganci #3 from Ganci #4 and were highly religious. He said the guards started shooting. He then saw the group of detainees moving towards the CP with the tent poles and throwing rocks. The camp chief was talking on the loud speaker to stop the riot, but it did not work. He stated he could not see what happened in front of the crowd because he was in the rear of the group. He further stated that the guards of the camp were good to the detainees and did not believe they would have done anything wrong.

AGENT'S COMMENT: [redacted] could not write Arabic.

About 0840, 18 Aug 04, SA [redacted] interviewed DR [redacted] who stated he arrived at the BCCF Hospital after being advised that three detainees had been shot during a riot in Ganci #3. He met with SSG [redacted] at the entrance of the BCCF Hospital and observed HABIB showed no signs of life. He pronounced HABIB dead at 0615, 18 Aug 04, as a result of Respiratory Arrest, due to the gunshot wound to his back. He provided a copy of the death certificate. (See Death Certificate)

About 0850, 18 Aug 04, SA [redacted] advised SGT [redacted] Headquarters and Headquarters Company (HHC), 391st MP BN, BCCF, AGI, of his legal rights, which he waived and provided a sworn statement wherein he stated he utilized non-lethal and lethal ammunition to control the detainees of Ganci 3. (See Waiver Certificate and Statement of SGT [redacted])

About 0950, 18 Aug 04, SA [redacted] interviewed SSG [redacted] 391st MP BN, Detainee Aid Station (DAS), BCCF, AGI, who stated she was the initial medic to arrive on the scene. She stated when she arrived she saw SGT [redacted] doing chest compressions on HABIB. She attached a heart monitor to HABIB and determined he had an agional heart rhythm. She also observed GHAFAR with a head injury and agional respirations. The

TYPE AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

PRISONER INTERROGATION TEAM (PIT)(CID)  
Baghdad Central Confinement Facility, Abu Ghraib 09342

SIGNATURE

[redacted signature]

DATE

19 Aug 04

EXHIBIT

1

CID FORM 14

000007

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

third detainee injured, [redacted], was responsive with injuries to his face. She immediately transported the detainees to the BCCF Hospital, where she was met by CPT [redacted]. She said DR [redacted] pronounced HABIB dead at that time.

About 1015, 18 Aug 04, SA [redacted] with the assistance of Linguist [redacted] attempted to interview Detainee [redacted] who was identified as the service worker who was beaten with tent poles by the rioting detainees. He was unable to effectively communicate due to his injuries. This agent exposed photographs of his injuries using Kodak Digital Camera. (See Photographs)

About 1045, 18 Aug 04, SA [redacted] interviewed MAJ (Dr.) [redacted] BCCF Hospital, AGI, who stated she treated GHAFAR once he arrived at her location. When he arrived, she observed a wound to the back of the head and gray brain matter exposed and lying on the stretcher. She determined he was comatose with labored breathing. She ordered him be medivaced immediately and performed life saving measures until his departure.

About 1200, 18 Aug 04, SA [redacted] interviewed SPC [redacted], HHC, 391<sup>st</sup> MP BN BCCF, AGI, who stated he was assigned to tower three for Ganci #3. SSG [redacted] was checking on him in the tower when the detainees returned from their morning prayer. He heard some screaming and saw a large group of detainees running towards tent four from the prayer tent. The detainees were hitting other detainees with tent poles and sticks. SSG [redacted] grabbed SPC [redacted] shotgun and shot two non-lethal rounds at the crowd of detainees around tent four from inside the tower. SSG [redacted] then went to the ground and shot several more non-lethal rounds. When SSG [redacted] ran out of non-lethal rounds, SPC [redacted] went to the base of the tower to reload the weapon with more non-lethal rounds. After giving the weapon to SPC [redacted], SSG [redacted] ran to the CP. SPC [redacted] fired four rounds into the crowd in an attempt to get them to disperse. He then saw a group of detainees with tent poles moving towards the CP and throwing rocks. He heard gunshots and went back into his tower and saw the crowd disperse and a couple of injured detainees being brought to the front gate.

About 1300, 18 Aug 04, SFC [redacted] Superintendent, Detainee Operations, BCCF, AGI, provided this office with a copy of the Rules Of Engagement (ROE) and Standard Operating Procedures (SOP) pertaining to the guards on BCCF, AGI. (See ROE and SOP)

About 1335, 18 Aug 04, SA [redacted] interviewed SPC [redacted] 301<sup>st</sup> MP CO, BCCF, AGI, who provided a sworn statement wherein he stated he engaged the detainees with non-lethal ammunition. SPC [redacted] prepared a sketch detailing the layout of Ganci 3 and the locations of the guards on 18 Aug 04. (See Statement of SPC [redacted] and Sketch)

TYPE AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted]

ORGANIZATION

PRISONER INTERROGATION TEAM (PIT)(CID)  
Baghdad Central Confinement Facility, Abu Ghraib 09342

SIGNATURE

[redacted signature]

DATE

19 Aug 04

EXHIBIT

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AGENT'S INVESTIGATION REPORT

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DETAILS

About 1345, 18 Aug 04, SA [redacted] interviewed SPC [redacted] 152 Field Artillery (FA)(FWD), BCCF, AGI, who provided a sworn statement wherein he stated he engaged the detainees with non-lethal ammunition. (See Statement of SPC [redacted])

About 1401, 18 Aug 04, SA [redacted] interviewed SSG [redacted] 152 FA, BCCF, AGI, who provided a sworn statement wherein he stated he engaged the detainees with non-lethal ammunition. (See Statement of SSG [redacted])

About 1530, 18 Aug 04, SA [redacted] and SA [redacted] photographed the shotgun used by SGT [redacted] (See Photographs)

AGENT's COMMENT: The shotgun was not collected, as it possessed no evidentiary value. This office coordinated with the CW3 [redacted], Assistant Operations Officer (AOPS), 22nd MP BN, Camp Victory, Baghdad, Iraq, who agreed.

About 2330, 18 Aug 04, SA [redacted] coordinated with SFC [redacted], who provided copies of the medical treatment records pertaining to HABIB and GHAFAR. (See Medical Records)

About 2300, 19 Aug 04, SA [redacted] interviewed SPC [redacted] HHC, 391st MP BN, BCCF, AGI, who stated he was the Radio/Telephone Operator (RTO) on-shift at the time the incident occurred at Ganci 3 Detention Camp. He stated SGT [redacted] called him at 05:38 and requested that the Immediate Reaction Force (IRF) and medics be dispatched to the camp. SGT [redacted] told him there was a "major uproar, people were going crazy using tent poles to beat on each other and they were throwing rocks." SGT [redacted] hung up the phone and called again about five minutes later and requested two trauma teams because there were three injured detainees. SPC [redacted] dispatched the IRF and notified the BN trauma team after the first call from SGT [redacted]. SGT [redacted] called an additional two times over the next 5-10 minutes and informed SPC [redacted] that lethal ammunition had been used to control the detainees. SPC [redacted] dispatched the Quick Reactionary Force (QRF) as per SOP. SPC [redacted] explained the QRF is dispatched to establish a perimeter around the camp to establish security, to prevent the escape of the detainees and to prevent further injuries. SPC [redacted] stated after the QRF team was dispatched and the detainees were contained, there were no further incidents at Ganci 3. SPC [redacted] provided a copy of the DA Form 1594, Duty Officer Log, documenting the notification by SGT [redacted]. (See Duty Log)///LAST ENTRY///

TYPE AGENT S NAME AND SEQUENCE NUMBER

SA [redacted] *b7c-4, b6-4*

ORGANIZATION PRISONER INTERROGATION TEAM (PIT)(CID) Baghdad Central Confinement Facility, Abu Ghraib 09342

SIGNATURE

*for*

DATE

19 Aug 04

EXHIBIT

1

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PHOTOGRAPHIC PACKET OF THE REMAINS OF DETAINEE FRAS MOAZAHIM  
HABIB, INTERNMENT SERIAL NUMBER US91Z-156860-CI.

1. Photograph depicting establishing view of the front of the body.
2. Photograph depicting establishing view of the back of the body.
3. Photograph depicting close up view gunshot wound with scale. (center-left)
4. Photograph depicting establishing view of gunshot wound (right side)
5. Photograph depicting close up view of gunshot wound. (right side)
6. Photograph depicting close up view of gunshot wound with scale. (right side)

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**Page(s)**

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**Withheld due to:**

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

SWORN STATEMENT

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

LOCATION BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF)	DATE 18 Aug 04	TIME 0830 AA	FILE NUMBER b7c-4/6-4
LAST NAME, FIRST NAME, MIDDLE NAME LAST [REDACTED]	NDRS # ISN [REDACTED]		GRADE/STATUS DETAINEE
ORGANIZATION OR ADDRESS BCCF, ABU GHRUYEB, IRAQ			

I, \_\_\_\_\_, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

*(Foreign Language)*

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7c-4/6-4	PAGE 1 OF 3 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." 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		

DA FORM 2823  
1 JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

For Official Use Only / Law Enforcement Use Only

Exhibit 3  
000012

STATEMENT OF: [REDACTED]

TAKEN AT: BCCF

DATED: 18 Aug 04 CONTINUED

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*(Foreign Language)*

*(Foreign Language)*

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

b7c-4, b6-4

PAGE 2 OF 3 PAGES

Exhibit 3

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000013

STATEMENT OF [REDACTED]  
STATEMENT (Continued)

TAKEN AT: BCCF

DATED: 18 Aug 09 CONTINUED

(Foreign Language)

/// End of Statement ///

AFFIDAVIT

(Foreign Language)

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.

WITNESSES

[REDACTED]

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of Aug, 2004 at BCCF ABU GHURYEB, IRAQ

[REDACTED]

(Signature of Person Administering Oath)

SA [REDACTED]

(Typed Name of Person Administering Oath)

ART 136 (b) (4) UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

Translation of Statement Provided by Detainee: [REDACTED] b7c-4,66-4

[REDACTED] 25 May 04/1550

At the beginning, a man or two came to the tent where [REDACTED] was in charge of cleaning the camp, and they dragged him to the rioting area, which started after the morning prayer. The reason of the riot, was that they found sex magazines at [REDACTED] property, and they saw [REDACTED] and another guy, who his face was not seen, and the rioters beat [REDACTED] with tent poles and rocks, and they were chanting, "Allah Akbar". When I came with [REDACTED] the translator, and also [REDACTED], and [REDACTED] the camp chief, and we talked to the rioters to calm the situation, but they asked for changing the chief and the service men, and at that time, the MP guards started shooting from the CP and the towers with non lethal bullets, but when that situation got worse, we, me and [REDACTED] and [REDACTED] and the camp chief, told them to tell us their requirements and we are ready to negotiate, then they hit [REDACTED] with the tent poles, then [REDACTED] went to get a tent pole from the tent, and he was too mad, but before he approach them, me and [REDACTED], who is in critical condition now, by pulling [REDACTED] towards the side of the tent. The distance between me and [REDACTED] and the rioters was approximately ten meters. I was too close to [REDACTED] and I was right next to him, The shooting was at [REDACTED] who was in front of the tent No.4, which was on the side of the riot, but the unexpected happened.

Note:

When [REDACTED] was beaten, he ran to the main gate of the camp, and the rioters kept on throwing rocks at [REDACTED] who was near the CP.

Q: Do you think SGT [REDACTED] shot [REDACTED] on purpose?

A: No, but SGT [REDACTED] was in a panic, but he did not shoot at the rioters, but he shot at the direction of the tent No.4, where me and [REDACTED] were standing in front of that tent.

Q: Why did SGT [REDACTED] was shooting at [REDACTED]?

A: SGT [REDACTED] thought that [REDACTED] was one of the rioters.

Q: What was the distance between the rioters and [REDACTED] when he was shot?

A: I think that the distance between [REDACTED] and the rioters approximately ten meters

Q: Is there any thing you want to add to the statement?

A: No.

TRANSLATED BY:

Mr. [REDACTED]  
Translator  
Titan Corporation

Assigned to:  
Prisoner Interrogation Team (PIT)(CID)  
75<sup>th</sup> Military Police (MP) Det. (CID)(FWD)(-)  
Baghdad Central Confinement Facility (BCCF)  
Abu Ghraib, Iraq APO AE 09342

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# Page(s)

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## 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



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 <i>Baghdad Central Confinement Facility</i>	2 DATE <i>18 Aug 04</i>	3 TIME <i>0850</i>	4 FILE NO <i>0139-04-CID789</i>
5 NAME (Last, First, MI) [REDACTED]	8 ORGANIZATION OR ADDRESS <i>HHC, 391ST MP BN Columbus, OH</i>		
6 SSN [REDACTED]	7 GRADE/STATUS <i>E-5/AR</i>		

*b7C-4, 66-4*  
*b7C-4, 66-4*

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *Criminal Investigation Command*  
*as a Special agent* and wanted to question me about the following offense(s) of which I am  
suspected/accused *Negligent Homicide*

*b7C-4, 66-4*

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

- I do not have to answer any question 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.
- (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.
- If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time or speak privately with a lawyer before answering further, even if I sign the waiver below.

5 COMMENTS (Continue on reverse side)

Section B. Waiver

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

WITNESSES (If available)		3 SIGNATURE OF INTERVIEWEE
1a NAME (Type or Print) <i>SA [REDACTED]</i>	<i>b7C-4, 66-4</i>	[REDACTED]
b ORGANIZATION OR ADDRESS AND PHONE <i>75th MP Det Abu Ghraib, Iraq</i>		4 SIGNATURE OF INVESTIGATOR
2a NAME (Type or Print)		[REDACTED]
b ORGANIZATION OR ADDRESS AND PHONE		5 TYPED NAME OF INVESTIGATOR <i>SA [REDACTED]</i>
		6 ORGANIZATION OF INVESTIGATOR <i>75th MP Det. Abu Ghraib, Iraq</i>

*b7C-4, 66-4*  
*b7C-4, 66-4*  
*b2*

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

THE WARNING

- 1 WARNING - Inform the suspect/accused of:
  - a Your official position.
  - b Nature of offense(s)
  - c The fact that he/she is a suspect/accused
- 2 RIGHTS - Advise the suspect/accused of his/her rights as follows:
 

"Before I ask you any questions, you must understand your rights "

  - a "You do not have to answer my questions or say anything "
  - b "Anything you say or do can be used as evidence against you in a criminal trial "
  - c (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you or both "

or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins "

- d "If you are now willing to discuss the offense(s) under investigation with or without a lawyer present you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further even if you sign a waiver certificate "

Make certain the suspect/accused fully understands his/her rights

THE WAIVER

"Do you understand your rights?"  
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"  
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"  
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS

- 1 If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

- 2 If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer.") further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney."

COMMENTS (Continued)

SWORN STATEMENT

For use of this form, see AR 190-45, the proponent agency is Office of T [redacted] Chief of S [redacted] Personnel

b7c-466-4

LOCATION BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF)	DATE 18 AUG 04	TIME 11:37	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	ISN # [redacted]	GRADE/STATUS E-5/AR	

b7c-466-4

HHC, 391st MP Bn, Abu Ghraib Iraq

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

b7c-466-4

AT 2400 HRS. I ARRIVED ON SHIFT AND WAS WORK'G IN THE CP AT GIANCI 3. EVERYTHING SEEMED QUITE UNTIL APPROX. 0445 WHEN THE DETAINEES STARTED TO WAKE UP AND MOVE AROUND. AT 0530 I GAVE [redacted] SEVERAL ISN'S TO GET READY FOR 0600 PICK-UP FOR COURT. I THEN WENT TO THE RESTROOM IMMEDIATELY AFTER SPEAKING WITH [redacted].

b7c-466-4

AT APPROX 0534 ± I RETURNED TO THE CP AND AS I ROUNDED THE CORNER I SAW A "FULL BLOWN RIOT" IN PROGRESS. I SAW SEVERAL TENT POLES BEING <sup>SMASHED</sup> AT A DETAINEE ON THE GROUND. I STARTED TO RUN INTO THE CP AND TRIPPED OVER THE SAND & BAGS AT THE ENTRANCE. I PICKED MYSELF UP AND RAN INTO THE CP, PUT ON MY GEAR AND GRABBED A SHOTGUN. WHILE IN THE CP I HEARD SEVERAL ROUNDS FIRED FROM OTHER LOCATIONS AROUND THE COMPOUND. AT THIS TIME I RAN OUT TO THE EDGE OF THE C-WIRE WITH THE SHOT GUN AND SHOUTED SOMETHING AT THE CROWD OF DETAINEES. I SAW SEVERAL DETAINEES WITH TENT POLES BEATING ONE, POSSIBLY TO TWO OTHER DETAINEES ON THE GROUND. I FIRED 5 NON-LETHAL ROUNDS AT THE CROWD TO DISPERSED THE CROWD. HOWEVER AT A RANGE OF 30+ METERS, THERE WAS LITTLE TO NO EFFECT. I RETREATED BACK INTO THE CP AND TRIED TO CALL SHADOW MAIN. I COULD HEAR ROCKS HITTING [redacted]

b7c-466-4

b7c-466-4

b7c-466-4

EXHIBIT 6	INITIALS OF PERSON MAKING STATEMENT [redacted] b7c-466-4	PAGE 1 OF 5 PAGES
<small>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</small>		

DA FORM 2823

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

1 JUL 72

STATEMENT OF SGT [REDACTED] TAKEN AT BCCF

DATED 18 Aug 04 CONTINUED

b7c-4, b6-4

THE CP AND SEE THE CROWD OUTSIDE, I THEN COMBAT LOADED 1 LETHAL ROUND IN THE CHAMBER AND 1 LETHAL ROUND INTO MAGAZINE, THEN WENT BACK TO MY POSITION AT THE C-WIRE. AT THIS POINT THE ROCKS WERE PRETTY STEADY TOWARDS MY POSITION. I COULD SEE TENTS POLES GOING UP AND DOWN AND A LARGE CROWD WAS AGAIN MASSING IN THE MIDDLE OF THE COMPOUND AND WAS CHANTING. I TOOK AIM AND FIRED AT ONE INDIVIDUAL PICKING UP AND THROWING A ROCK. I THEN TOOK AIM AND FIRED AT A SECOND INDIVIDUAL WHO HAD THROWN A ROCK AND POSSIBLY HAD A TENT POLE. THIS DETAINEE WAS ON THE OTHER SIDE OF THE TENT; DEEPER INTO THE COMPOUND, BUT STILL A PART OF THE CROWD. I THEN RETURNED TO THE CP AND CALLED SHADOW MAIN. I WAS ABLE TO GET THROUGH ON THE HAND HELD RADIO. I REQUESTED THE IRF AND 2 F.L.A.'S (MEDICS). I INFORMED THEM WE HAD A RIOT AND POSSIBLY WOUNDED. AT SOME POINT A DETAINEE KNOWN AS [REDACTED] HAD RUN TO THE GATE CALLING FOR HELP. AT FIRST GLANCE HE APPEARED TO HAVE BEEN INJURED. I GRABBED SEVERAL MORE ROUNDS OF LETHAL FROM THE WEAPONS TRAY, LOADED THEM AND AGAIN TOOK UP A POSITION CLOSE TO THE C-WIRE, BUT CLOSER TO THE <sup>GATE</sup> WITH "BABY FACE". THE CROWD WAS STILL IN MASS IN THE CENTER OF THE COMPOUND AND CHANTING. THERE WERE SEVERAL TENTS POLES IN THE AIR. I FELT THAT THIS WAS THE MOMENT THEY WERE GOING TO BUST THROUGH THE WIRE AND BEAT SSG. [REDACTED] AND MYSELF TO DEATH. THIS WAS THE ORGANIZED ATTACK. THERE WAS ALSO STILL A NUMBER OF PEOPLE IN FRONT OF THE FIRST TENT; THE AREA THAT "[REDACTED]" HAD RUN FROM TO ESCAPE. THERE WERE BROKEN TENT POLES AND [REDACTED]

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

b7c-4, b6-4

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 5 PAGES

b7c-4,66-4

STATEMENT OF SGT [REDACTED]

TAKEN AT BCCF

DATED 18 AUG 04

CONTINUED

b7c-4,66-4

DETAINEE'S RUNNING AROUND. I TOOK AIM AT THIS CROWD AND FIRED A THIRD LETHAL SHOT. AT THIS POINT I DID SEE SOME ONE FALL AND SEVERAL DETAINEE'S BEGAN BRINGING WOUNDED TO THE GATE. SSG [REDACTED] WAS THERE AND I GAVE HIM THE KEYS TO THE GATE. I THEN LOCKED AND LOADED MY 9MM AND COVERED SSG [REDACTED] WHILE HE OPEN THE GATE FOR THE WOUNDED. ONCE THE GATE WAS CLOSED, I WENT BACK INSIDE THE CP, GRABBED MY MEDICAL BAG AND AGAIN CALLED SHADOW MAIN. THE IRF HAD ARRIVED, BUT MEDIC'S HAD NOT ARRIVED. I AGAIN REQUESTED 2 FLA'S AND STATED WE HAD 3 WOUNDED. I THEN WENT OUTSIDE AND BEGAN FIRST AID ON ALL 3 WOUNDED DETAINEE'S. TWO DETAINEE'S HAD HEAD WOUNDS WITH ONE TO BE LIFE THREATING. A THIRD DETAINEE APPEARED TO BE UNCONSCIOUS AND I COULD NOT LOCATE HIS WOUND. SEVERAL MP'S WERE ASSISTING WITH FIRST AID WHEN THE MEDICS ARRIVED. MYSELF AND SPC [REDACTED] PERFORMED CPR ON 1 DETAINEE. THE IRF TEAM WENT INTO THE COMPOUND AND SECURED THE DETAINEE'S IN THE HOLDING AREA. MYSELF AND THE MEDICS LOADED THE WOUNDED ONTO THE FLA FOR TRANSPORT TO THE CSH. AFTER THE COMPOUND WAS BACK UNDER CONTROL, 4 ADDITIONAL DETAINEE'S WERE TREATED FOR EITHER GUN SHOT WOUNDS OR BEATING RELATED INJURIES. ~~END THE~~ IN THE END, I FELT THAT AT ANY MOMENT THE 585 OF THEM WAS PREPARED, AND QUITE POSSIBLY GOING TO OVERTURN THE WIRE THE HELL THAT HAD BEEN STARTED WAS ONLY GOING TO GET WORSE. ALL OF OUR INTEL POINTED TO A SITUATION SUCH AS THIS.

b7c-4,66-4

b7c-4,66-4

b7c-4,66-4

R: SA [REDACTED] b7c-1,66-1

A: SGT [REDACTED] b7c-4,66-4

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7c-4,66-4

PAGE 3 OF 5 PAGES

67C-4156-4

STATEMENT OF

SGT [REDACTED]

TAKEN AT: BCCF

DATED 18 Aug 04

CONTINUED

67C-4156-4

Q: What are the rules of engagement pertaining to use of non-lethal and lethal ammunition?

A: WE ARE SUPPOSE TO SHOUT, SHOVE, SHOW YOUR INTENT, AND THEN SHOOT. WE ARE SUPPOSE TO USE LESSER MEANS OF FORCE BEFORE GOING TO LETHAL. ONCE LETHAL IS USED WE SHOULD STOP SHOOTING WHEN THE THREAT OR DISTURBANCE HAS CEASED.

Q: Did you follow these rules?

A: YES, I FELT THAT I DID, BUT THEY ADVANCED VERY QUICKLY.

Q: When you fired the 5 non-lethal rounds, did it seem to do anything to calm or suppress the situation?

A: NO, IT DID NOT.

Q: What was your reason for firing the non-lethal rounds?

A: TO DISPERSE THE CROWD AND PROTECT WHO EVER WAS BEING BEATEN.

Q: What was your reason for firing the lethal rounds?

A: TO PREVENT CONTINUED ROCK THROWING, TO PROTECT ADDITIONAL DETAINEES FROM GETTING BEATEN AND TO PREVENT AN OVERRUN OF THE WIRE.

Q: Do you believe you followed the proper progression of use of force based upon the situation as you perceived it?

A: YES

Q: Have you ever been involved in an incident like this before?

A: NO, WE HAVE HAD TO USE NON-LETHAL, BUT IT HAS NEVER GONE TO THE POINT WHERE LETHAL WAS USED.

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

A: IT IS GOOD THAT WAR IS SO TERRIBLE, LEST WE WOULD BECOME TO FOUND OF IT.

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

A: NO /// END OF STATEMENT /// [REDACTED] 67C-4156-4

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] 67C-4156-4

PAGE 4 OF 5 PAGES

b7c-4,664

STATEMENT OF SGT [REDACTED] TAKEN AT BCCF DATED 18 Aug 04 CONTINUED

STATEMENT (Continued)

*NOT USED*

b7c-4,664

AFFIDAVIT

b7c-4,664

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED] b7c-4,664  
(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of August, 2004 at BCCF, ABU GHRAIB, IRAQ

ORGANIZATION OR ADDRESS

[REDACTED] b7c-1,664  
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] b7c-1,664  
(Typed Name of Person Administering Oath)

Article 136, UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7c-4,664

PAGE 5 OF 5 PAGES

PHOTOGRAPHIC PACKET OF THE INJURIES OF DETAINEE [REDACTED]  
[REDACTED] INTERNMENT SERIAL NUMBER [REDACTED]

*b7c-4, 66-4*

1. Photograph depicting establishing view of the detainee's back.
2. Photograph depicting close up view of wound to lower left back.
3. Photograph depicting close up view of wound to center left back.
4. Photograph depicting close up view of wound to left shoulder.



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# Page(s)

26

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## Withheld due to:

Foreign Language

Photos depicting Americans

Photos depicting foreign nationals

Civilian Agency Records

For Official Use Only - Law Enforcement Sensitive

SWORN STATEMENT

For use of this form see AR 190-45, the proponent agency is Office of [redacted] by Chief of Staff Personnel

LOCATION BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF)	DATE 18 Aug 04	TIME 1335	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [redacted]	SSN# [redacted]	GRADE/STATUS E4/AR	
ORGANIZATION OR ADDRESS 301st MP CO, (Puerto Rico) USAR (attached: 366th MP CO, OK)			

[redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

At 0535 on 18 Aug 2004 a large group of detainees chased to other detainees, down the alley way at Ganci 3. The mob then proceeded to beat the other men with tent poles and assorted make shift weapons. At that time I ordered them to stop four times. When that failed I engaged the mob with less than lethal rounds. I point control and four crowd dispersal. I then loaded my last two rounds. By that time I heard what in my opinion was a lethal round. I looked and saw two detainees down and the crowd quit fighting, but did not disperse.

Q: SA [redacted] b7C-4,66-4

A: SPC [redacted] b7C-4,66-4

Q: Do believe the mob of detainee's intended to kill the two detainee's they chased then began beating?

A: Yes

Q: Did the non lethal rounds you fired have an effect on dispersing the mob?

A: Very little.

Q: Did feel the situation escalated to a level in which lethal force needed to be used?

A: Yes

Q: Would have used lethal force if the situation would have continued?

A: Yes

Q: Do you believe the proper progression of levels of force were properly executed

EXHIBIT [redacted] INITIALS OF PERSON MAKING STATEMENT [redacted] b7C-4,66-4

PAGE 1 OF 3 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" 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

b7C-4,66-4  
b7C-4,66-4  
b7C-4,66-4

b7C-4,66-4

DA FORM 2823 JUL '72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

For Official Use Only - Law Enforcement Sensitive

STATEMENT OF [REDACTED] TAKEN AT BCCF

DATED 18 Aug 04 CONTINUED

b7c-4,66-4

with the situation at Banci 3, today?

b7c-4,66-4

A: Yes

Q: In your opinion, was the lives of the two detainees being beaten, at risk?

A: Yes

Q: Did you have any items or objects thrown at you or your guard tower?

A: No

Q: Did observe detainees throwing items or objects at the CP or guards near the CP?

A: Yes

Q: At any point, did you believe the detainees were attempting to charge the main gate, near the CP?

b7c-4,66-4

A: Yes

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

A: No /// End of Statement ///

b7c-4,66-4

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

b7c-4,66-4

PAGE 2 OF 3 PAGES

67C-45664

0139-04-CID789-83995

STATEMENT OF [REDACTED]

TAKEN AT BCCF

DATED 18 Aug 04

CONTINUED

STATEMENT (Continued)

67C-45664

NOT USED

AFFIDAVIT

67C-45664

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.

67C-45664

WITNESSES

[REDACTED]

(Signature of Person Making Statement)

Subscribed and sworn to before me a person authorized by law to administer oaths, this 18 day of August 2004 at BCCF ABU GHRAIB IRAQ

ORGANIZATION OR ADDRESS

[REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED]

(Typed Name of Person Administering Oath)

Article 136, UCMJ (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

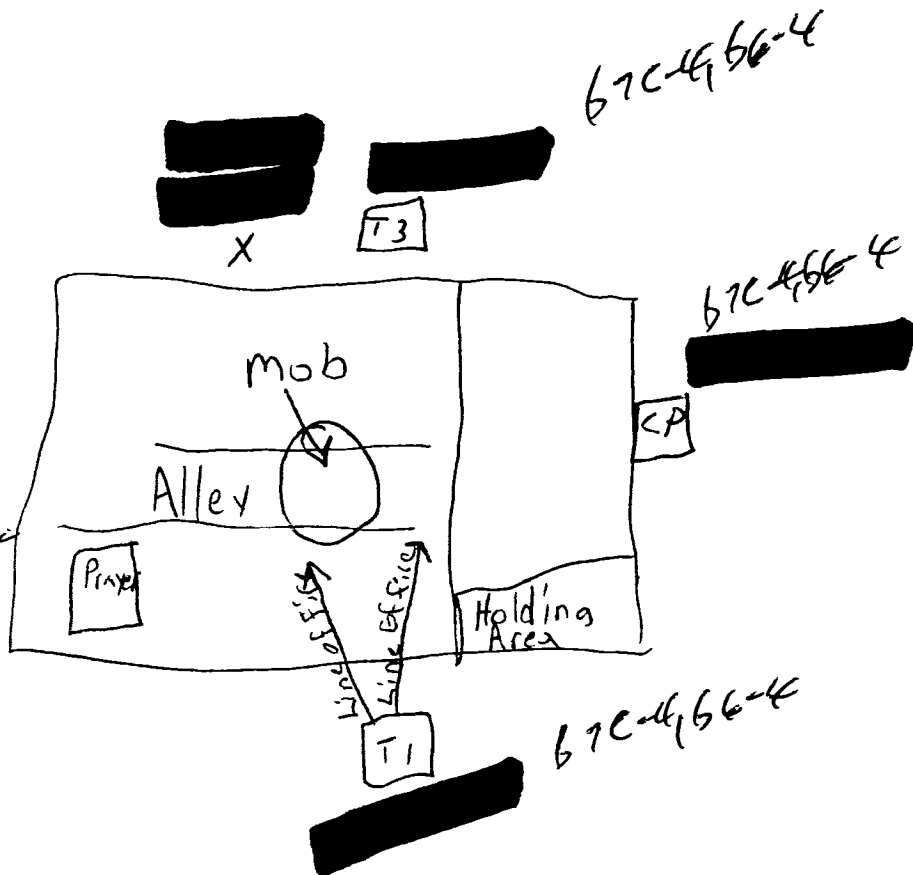
[REDACTED]

67C-45664

PAGE 3 OF 3 PAGES

Sketch depicting Ganci 3

sketched by: [redacted] 18 Aug 04 1336 [redacted] T2  
SPC [redacted] b7C-4, 66-4



Witnessed by: [redacted] b7C-1, 66-4  
62  
SPECIAL AGENT  
[redacted]

SWORN STATEMENT

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

LOCATION BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF)	DATE 18 Aug 04	TIME 1345	FILE NUMBER b7C-4, b6-4
LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	SSN # [REDACTED]	GRADE/STATUS E-4 / USAZ b7C-4, b6-4	
ORGANIZATION OR ADDRESS 152 Field Artillery (FA) (FWD), BCCF, AGI.			

I, [REDACTED] b7C-4, b6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

At 0500 I was sitting in tower 3-2 directly across from the CP watching their prayer. It didn't seem much time at first that they were sitting instead of praying. At 0530 the detainees left the prayer tent and proceeded to the front of the compound toward the CP. That time they started chanting. Then I seen people with tentpoles beating each other with them and a number of detainees throwing rocks at the CP. I would assume at least 400 detainees were involved. At that time I stood up in my tower. I heard towers 1 and 3 yelling at the detainees I yelled at the detainees 4 times to break it up and go to their tents. they did not comply Tower one and tower 3 started shooting nonlethal and I shot 1 non lethal point and 2 non lethal crowd dispersal in hopes of breaking up the riot. Rocks continued to fly and tentpoles continued being used as weapons. The detainees just started using tents as shelter against the rubber bullets. Then it looked like from where I was standing that they started rushing the CP I heard a number of shots still from CP and tower 3 but they kept on rioting. I heard the last shot come from the CP then they backed off behind the fence and kept chanting.

Q: What is a nonlethal point round and non lethal crowd dispersal round?  
 A: A point round is one solid rubber bullet and the dispersal is 25 small rubber bullets.

Q: Did you shoot any lethal rounds?  
 A: No

Q: Did you see SGT [REDACTED] shoot any rounds? b7C-4, b6-4  
 A: No, I could not see him from where I was.

Q: Did you see detainees using the tent poles against other detainees?  
 A: I could not see who they were hitting, but I saw 6 or so groups

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED] b7C-4, b6-4	PAGE 1 OF 3 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 SIDE OF ANOTHER COPY OF THIS FORM

b7c-4,66-4

STATEMENT OF: [REDACTED]

TAKEN AT: BCCF

DATED: 18A, 04 CONTINUED

using the tent poles to hit someone.

Q: Did you receive any communication during the incident from the CP?

b7c-4,66-4

A: SGT [REDACTED] called once during the riot and said "if they go through the wire and try to escape, go to lethal."

Q: What is your Rules of engagement as it pertains to the throwing of rocks during a riot?

A: If they are using rocks and you feel threaten, you can go to lethal without permission.

Q: What is your ROE as it pertains to protecting the life of a detainee during a riot?

A: If a detainee's life is in danger and you have a clear shot, take it.

Q: Did you feel the riot and actions of the detainees were a danger to you, other guards or nonviolent detainees?

A: I felt they were more of a danger to the CP and anyone in it, because all of the rocks were directed toward the CP.

Q: From your vantage point, were any of the non-lethal rounds effective?

A: No, they never dispersed. They just used the tents as shelter.

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

A: No ||| End of Statement ||| [REDACTED] b7c-4,66-4

b7c-4,66-4

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

000042

b7c-4, b6-4

STATEMENT OF [REDACTED]

TAKEN AT: BCCF

DATED: 18 Aug 04 CONTINUED

STATEMENT (Continued)

[Lined area for statement content, mostly blank with a diagonal line and a small redaction]

b7c-4, b6-4

AFFIDAVIT

I, [REDACTED] b7c-4, b6-4, 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.

WITNESSES

[REDACTED] b7c-4, b6-4  
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18 day of Aug, 2004 at BCCF, ABU GHRAIB IRAQ

[REDACTED] b7c-4, b6-4  
(Signature of Person Administering Oath)

SA [REDACTED] b7c-4, b6-4  
(Typed Name of Person Administering Oath)

Art 136(b)(4)  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

b7c-4, b6-4

PAGE 3 OF 3 PAGES



SWORN STATEMENT

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

b7c-4/66-4

LOCATION BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF) DATE 18 AUG 2009 TIME 0535 FILE NUMBER

LAST NAME, FIRST NAME, MIDDLE NAME SSN# GRADE/STATUS E-6/SSG b7c-4/66-4

ORGANIZATION OR ADDRESS 152 FA FWD

SSG [redacted] b7c-4/66-4

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

18 AUG 2009 at 0012 hours started shift duty at Camp - 3. From 0015 to 0515 everything seemed to be normal. Until 0530 when 250 to 300 detainees started a riot. Around 0535 it turned into a beating of detainees. Tent Poles were used as weapons. Rocks were thrown into the crowd and at soldiers. I SSG [redacted] fired 5 non-lethal rounds. These that I fired had no impact on the crowd. The fighting continued, along with the rocks. At this time rocks were being hurled at the CP tent and chaos was still happening in the compound. I then ran to the front of the CP thinking that it was going to be over soon. The crowd started moving toward the double gates located in the middle of the compound. Rocks were still being thrown and the detainees never settled down. When I arrived at the CP SGT [redacted] was there. SGT [redacted] had told me that he fired two lethal rounds, which did not impact the crowd nor the situation. As rocks were still being thrown and a few detainees were still being attacked. The crowd was still moving toward the middle of the compound and advancing toward the CP. SGT [redacted] fired another round of ~~non~~ lethal after that was fired the crowd stopped, but still was gathered in large numbers. We had the wounded brought out and notified BN TOL that lethal rounds have been fired. We continued to treat the wounded.

Q: SA [redacted] b7c-4/66-4

A: SSG [redacted] b7c-4/66-4

Q: What are the rules of engagement pertaining to the use of non-lethal and lethal ammunition?

A: use only when force is necessary, use non lethal first and if situation dictates and the situation is called for in the event of weapons or life threatening situations and non-lethal has failed then lethal force is authorized

Q: Did you fire any lethal ammunition? [redacted] b7c-4/66-4

EXHIBIT INITIALS OF PERSON MAKING STATEMENT [redacted] b7c-4/66-4 PAGE 1 OF 3 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" 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

A: NO 67C-4,66-4

Q: Who fired lethal ammunition?

A: SGT [REDACTED] 67C-4,66-4

Q: Did SGT [REDACTED] fire non-lethal ammunition prior to firing lethal ammunition? 67C-4,66-4

A: Yes

Q: Were the rules of engagement pertaining to the escalation of force followed by SGT [REDACTED] and yourself? 67C-4,66-4

A: Yes

Q: ~~Were~~ Who else was on-site during this incident?

A: SGT [REDACTED], SFC [REDACTED], SPC [REDACTED], SPC [REDACTED], SSG [REDACTED] 67C-4,66-4

Q: Did everyone fire non-lethal ammunition?

A: Yes

Q: What effect did the non-lethal ammunition have on the detainees?

A: None they continued to grow and numbers and the situation was growing more intense

Q: What effect did the lethal ammunition fired by SGT [REDACTED] have on the detainees? 67C-4,66-4

A: 2 rounds fired had no impact, these were fired behind 1 another and then the third round was fired and the crowd ceased their movements and activity.

Q: Is it your opinion that the lethal ammunition was justified, due to the situation?

A: Yes

Q: What did you think <sup>was</sup> the intent of the detainees?

A: At first I knew it was between them and whoever they were beating, but after 1 minute or 2 it looked to me that they were advancing toward the CP.

Q: Why didn't you fire any lethal ammunition?

A: I was getting to the CP and going to grab a shotgun. I stopped to monitor a few seconds with SGT [REDACTED] and then they were advancing and my 9mm was out of the holster lock and loaded I thought this would be the day my thoughts of the CP would be over 67C-4,66-4

Q: How many detainees were in the camp?

A: 585

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

A: NO /// END OF STATEMENT /// [REDACTED] 67C-4,66-4

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

67C-4,66-4

PAGE 2 OF 3 PAGES

638945

67C-4166-4

STATEMENT OF SSG [REDACTED]

TAKEN AT BCCF

DATED 18 Aug 04

CONTINUED

STATEMENT (Continued)

[Large section of the page is crossed out with a large 'X' and contains the handwritten text 'NOT USED' and '67C-4166-4' multiple times.]

67C-4166-4  
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 Signature]

67C-4166-4

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this \_\_\_\_\_ day of \_\_\_\_\_, 2004 at BCCF, ABU GHRAIB, IRAQ

[REDACTED Signature]

67C-4166-4

(Signature of Person Administering Oath)

SA [REDACTED]

67C-4166-4  
52

(Typed Name of Person Administering Oath)

Article 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

67C-4166-4

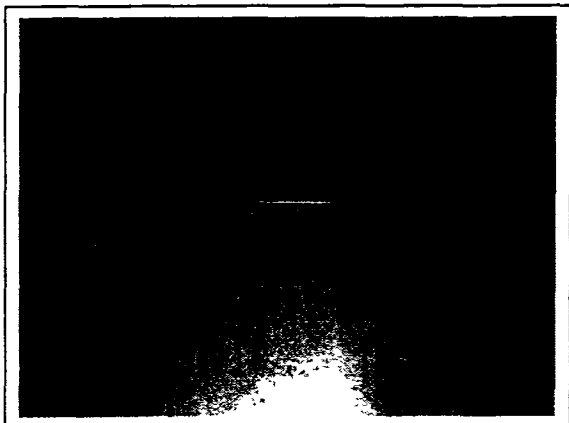
PAGE 3 OF 3 PAGES

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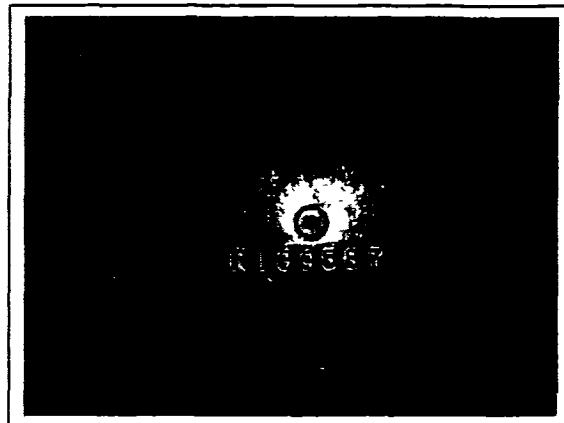
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PHOTOGRAPHIC PACKET OF THE MOSSBURG SHOTGUN, SERIAL NUMBER  
R139587.

1. Photograph depicting establishing view of shotgun.
2. Photograph depicting close up view of serial number.
3. Photograph depicting close up view of markings.
4. Photograph depicting establishing view of 18 expended rounds.



1



2



3



4

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# Page(s)

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## Referred to:

U.S. ARMY MEDICAL COMMAND  
FREEDOM OF INFORMATION/  
PRIVACY ACT OFFICE  
ATTENTION: MCFP  
2050 WORTH ROAD, SUITE 13  
FORT SAM HOUSTON, TEXAS  
78234-6013

MR. JOHN PETERSON  
John.Peterson1@cen.amedd.army.mil  
(210) 221-7826

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**Page(s)**

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**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

# AGENT'S INVESTIGATION REPORT

0139-04-CID789

CID Regulation 195-1

PAGE 1 OF 1 PAGES

## DETAILS

On 30 Aug 04, the undersigned attended the autopsy of two detainees who were shot during a prison uprising on 18 Aug 04. The detainees were identified as:

Believed to be (BTB) HABIB, Fras Moazahim ISN 156860  
BTB Ghafar, Nafit Husham ISN 160915

Detainee HABIB's autopsy revealed he suffered a penetrating shotgun wound of the chest, perforating shotgun wound of the right upper back, perforating shotgun wound of the right arm and a perforating shotgun wound of the left arm. The wound to the chest involved both lungs and the heart. A single metallic projectile was recovered in the right upper chest. No evidence of significant natural disease was noted during the autopsy. Based on the direction of travel it was determined Detainee HABIB was very likely facing away from the direction of fire when he was shot.

Detainee GHAFAR's autopsy revealed he suffered a penetrating shotgun wound of the head. The entrance wound was located in the right side rear of the head. The wound involved a large portion of the right side of the brain. A single metallic projectile was recovered from within the skull. Based on the direction of travel it was determined Detainee GHAFAR was very likely facing away from the direction of fire when he was shot. Additionally, based on the deformation of the projectile, it seems likely the projectile struck an intermediate target prior to striking Detainee GHAFAR. No evidence of significant natural disease was noted during the autopsy.

On 30 Aug 04, the undersigned obtained copies of the Preliminary Autopsy Diagnosis, photographs and Death Certificates pertaining to the two autopsies. (See attached documents for details.)

///Last Entry///

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] 67011664 62		ORGANIZATION 22 <sup>nd</sup> MP BN (CID) Camp Victory, APO AE 09342	
SIGNATURE [REDACTED] 67011664		DATE 31 AUG 04	EXHIBIT .8

CID FORM 9  
1 FEB 77

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# Page(s)

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## Referred to:

U.S. ARMY MEDICAL COMMAND  
FREEDOM OF INFORMATION/  
PRIVACY ACT OFFICE  
ATTENTION: MCFP  
2050 WORTH ROAD, SUITE 13  
FORT SAM HOUSTON, TEXAS  
78234-6013

MR. JOHN PETERSON  
John.Peterson1@cen.amedd.army.mil  
(210) 221-7826

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0139-04-CID789-83995

PAGE 1 OF 2 PAGES

DETAILS

About 0900, 2 Sep 04, SA [redacted] coordinated with LTC [redacted] Office of the Staff Judge Advocate (OSJA), Multi-National Forces-Iraq (MNF-I), Camp Victory, Baghdad, Iraq, who reviewed the results of the investigation and opined there was sufficient evidence to believe the shooting of HABIB and GHAFAR by SGT [redacted] was justified. *67C-1,567* *67C-3,56-3*

AGENT's COMMENT: LTC [redacted] recommended this office obtain the medical records of the injured detainees to further substantiate the imminent danger to the other detainees in the camp as a result of the riot. *67C-3,56-3*

About 1800, 3 Sep 04, SA [redacted] coordinated with SPC [redacted] Radio Telephone Operator (RTO), TOC, 391<sup>st</sup> MP BN, BCCF, AGI, who stated the following detainees were also injured at Ganci 3 on 18 Aug 04: Detainee [redacted] *67C-4, 56-4*

Detainee [redacted] Detainee [redacted] *67C-4, 56-4*

Detainee [redacted] Detainee [redacted] *67C-4, 56-4*

Detainee [redacted] and Detainee [redacted] *67C-4, 56-4*

About 1900, 3 Sep 04, SA [redacted] re-interviewed SGT [redacted], who stated he wanted to clarify a point in his previous statement wherein he said he aimed his third shot at a crowd of detainees. SGT [redacted] stated there were several individuals in the crowd who were throwing rocks at the CP and acting aggressively towards the other detainees. He stated he aimed his shotgun at an individual, not just "the crowd," and fired. *67C-1,56-1* *67C-4,56-4*

About 1230, 6 Sep 04, SA [redacted] coordinated with SFC [redacted] and obtained copies of the medical records pertaining to the treatment of [redacted] and [redacted] at the BCCF Hospital. SFC [redacted] stated there were no treatment records for [redacted] and [redacted] which indicated they were no treated at the BCCF Hospital. She added the detainees were probably treated by medical staff at the camp and the DAS may have records of their treatment. (See Medical Treatment Records) *67C-3,56-3* *67C-4, 56-4*

About 1200, 10 Sep 04, SA [redacted] coordinated with SSG [redacted] Patient Administration Department (PAD), 115<sup>th</sup> Field Hospital, AGII, who provided copies of the detainee medical records pertaining to [redacted] and [redacted]. A review of the documents revealed each had a single Physical Exam Form dated prior to the incident on 18 Aug 04. (15 Aug 04 and 30 Jul 04 respectively) No additional medical documentation was present for the injured detainees *67C-1,56-1* *67C-3,56-3* *67C-4, 56-4*

About 1000, 25 Oct 04, this office received the Final Autopsy Reports pertaining to HABIB and GHAFAR, which documented the cause of death as Shotgun Wound to the Chest for HABIB and Shotgun Wound to the Head for GHAFAR, and manner of death as Homicide for both detainees. (See Final Autopsy Reports)

TYPE AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] *67C-1,56-1* *52*

ORGANIZATION

PRISONER INTERROGATION TEAM (PIT)(CID)  
Baghdad Central Confinement Facility, Abu Ghraib 09342

SIGNATURE

[redacted] *67C-1,56-1*

DATE

6 Nov 04

EXHIBIT

23

**AGENT'S INVESTIGATION REPORT**

CID Regulation 195-1

ROI NUMBER

0139-04-CID789-83995

PAGE 2 OF 2 PAGES

DETAILS

*b7c-1, b6-1*

*b7c-3, b6-3*

About 1100, 6 Nov 04, SA [REDACTED], this office, coordinated with MSG [REDACTED] G-3, 2<sup>nd</sup> Medical Brigade (BDE), Baghdad, Iraq, who provided copies of the treatment records pertaining to GHAFAR. (See Medical Treatment Records)///LAST ENTRY///

TYPE AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED]

*b7c-1, b6-1  
b2*

ORGANIZATION  
PRISONER INTERROGATION TEAM (PIT)(CID)  
Baghdad Central Confinement Facility, Abu Ghraib 09342

SIGNATURE

[REDACTED]

*b7c-1, b6-1*

DATE  
6 Nov 04

EXHIBIT  
23

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# Page(s)

67-106

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## Referred to:

U.S. ARMY MEDICAL COMMAND  
FREEDOM OF INFORMATION/  
PRIVACY ACT OFFICE  
ATTENTION: MCFP  
2050 WORTH ROAD, SUITE 13  
FORT SAM HOUSTON, TEXAS  
78234-6013

MR. JOHN PETERSON  
John.Peterson1@cen.amedd.army.mil  
(210) 221-7826

# AGENT'S INVESTIGATION REPORT

ROI NUMBER

0276-04-CID259

CID Regulation 195-1

PAGE 1 OF 1 PAGES

**DETAILS**

Basis For Investigation: On 12 Aug 04, this office received a Request for Assistance (0139-04-CID789-83995) from the Baghdad Central Confinement Facility (BCCF) to obtain the records of medical treatment and death certificate of Mr. Husham N. GHAFAR, ISN US9IZ-169915-CI (NFI), from the 31<sup>st</sup> Combat Support Hospital (CSH), Baghdad, IZ.

*b7c-156-1*

*b7c-356-3*

About 1300, 21 Aug 04, SA [redacted] coordinated with SGT [redacted] Mortuary Affairs, Baghdad, IZ, who provided copies of the death certificate which annotated the time/date of death as 0900, 18 Aug 04, by MAJ (Dr.) [redacted] and the Hospital Report of Death. (See certificate and report for details)

*b7c-156-1*

About 1300, 23 Aug 04, SA [redacted] coordinated with the Patient Administration Division (PAD), 31<sup>st</sup> CSH, Baghdad, IZ, requesting the medical records of Mr. GHAFAR.

*b7c-156-1*

About 0900, 22 Oct 04, SA [redacted] coordinated with 38<sup>th</sup> MP Det (CID), Camp Liberty, Baghdad, IZ, who coordinated with the PAD, 31<sup>st</sup> CSH, Baghdad, IZ, who related the medical records were unavailable for Mr. GHAFAR.

STATUS: This investigation is being terminated within this office and no further investigative activity is anticipated.///LAST ITEM///

*b7c-156-1, 52*

*b7c-156-4*

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SIGNATURE

SA [redacted]  
78<sup>th</sup> MP Det (CID) (FWD)

[redacted signature]

22 Oct 04

CID FORM 94-E

1 OCT 95

FOR OFFICIAL USE ONLY

EXHIBIT 31

LAW ENFORCEMENT SENSITIVE  
PROTECTIVE MARKING IS EXCLUDED FROM  
AUTOMATIC TERMINATION (Para 13, AR 340-16)  
(When Data Is Entered)

000157

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## Page(s)

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## Referred to:

U.S. ARMY MEDICAL COMMAND  
FREEDOM OF INFORMATION/  
PRIVACY ACT OFFICE  
ATTENTION: MCFP  
2050 WORTH ROAD, SUITE 13  
FORT SAM HOUSTON, TEXAS  
78234-6013

MR. JOHN PETERSON  
John.Peterson1@cen.amedd.army.mil  
(210) 221-7826

01 39 04 789 83995

Exhibit 34

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MPR/CID SEQUENCE NUMBER		
For use of this form see AR 190-45 and AR 195-5, the proponent agency is US Army Criminal Investigation Command		CRD REPORT/CID ROI NUMBER 0139-04-CID789-83950		
RECEIVING ACTIVITY 22nd MP BN (CID)		LOCATION Camp Victory, APO AE 09342		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER CDR [REDACTED], USN, MA <input checked="" type="checkbox"/> OTHER [REDACTED]		ADDRESS (Include Zip Code) Mortuary Collection Point BIAP, APO AE 09342		
LOCATION FROM WHERE OBTAINED From The Hands Of Dr [REDACTED]		REASON OBTAINED Evaluation as Evidence	TIME/DATE OBTAINED 1230-1500 30 Aug 04	
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES <i>(Include model, serial number, condition and unusual marks or scratches)</i>		
1	1	Metallic projectile, about 3/8" in diameter, shiny on one side and black on the other, removed from the body of the Detainee believed to be Ghafar, Huham, Nafit (Detainee # US91Z-160915-CI), sealed in a paper envelope and MFID, 1230, 30 Aug 04, EPB		
2	1	Metallic spherical projectile, about 3/8" in diameter, black in color, removed from the body of the Detainee believed to be Habib, Fras Moazahum (Detainee # US91Z-156860-CI), sealed in a paper envelope and MFID 1500, 30 Aug 04///Last Item///  MEMO FOR RECORD: ITEM #2 WAS ALSO MARKED FOR ID W/ THE INITIALS [REDACTED] ISEPOY [REDACTED] 67C-356-3		
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	30 Aug 04	SIGNATURE [REDACTED] NAME, GRADE OR TITLE [REDACTED] CDR, USN	SIGNATURE [REDACTED] NAME, GRADE OR TITLE [REDACTED] SA, FSO	Seized as Evidence
1-2	31 Aug 04	SIGNATURE [REDACTED] NAME, GRADE OR TITLE [REDACTED] SA, FSO	SIGNATURE [REDACTED] NAME, GRADE OR TITLE [REDACTED] SA	SCRCNI RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE [REDACTED]	SIGNATURE [REDACTED]	
		NAME, GRADE OR TITLE [REDACTED]	NAME, GRADE OR TITLE [REDACTED]	
		SIGNATURE [REDACTED]	SIGNATURE [REDACTED]	
		NAME, GRADE OR TITLE [REDACTED]	NAME, GRADE OR TITLE [REDACTED]	
		SIGNATURE [REDACTED]	SIGNATURE [REDACTED]	
		NAME, GRADE OR TITLE [REDACTED]	NAME, GRADE OR TITLE [REDACTED]	

67C-356-3

67C-356-3

67C-356-3

67C-356-3

DA FORM 4137, 1 JUL 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 25 Sep 75 Which are Obsolete

USAPPC V1 00

DOCUMENT NUMBER 699-04

COPY

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030111 EXHIBIT 35

ACLU-RDI 157 p.48

Law Enforcement Sensitive

DODDOACID 009289