

FOR OFFICIAL USE ONLY-LAW ENFORCEMENT SENSITIVE
DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
PRISONER INTERROGATION TEAM (PIT)(CID)
75TH MILITARY POLICE DETACHMENT (-)
BAGHDAD CORRECTIONAL CONFINEMENT FACILITY
ABU GRAIB, IRAQ APO AE 09342

CIRB-PIT

24 AUG 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 3D FINAL SUPPLEMENTAL -0013-04-
CID789-83982-5H6 / 5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APRIL 2004/1930 HRS - 10 APRIL 2004/2130
HRS, HARDSITE, BAGHDAD CENTRAL CONFINEMENT FACILITY (BCCF), ABU
GHRAIB, IZ, GRID 38S MB130840
2. 11 APRIL 2004/0500 HRS - 11 APRIL 2004/0540 HRS, HARDSITE, BCCF

2. DATE/TIME REPORTED: 10 APRIL 2004, 2200

3. INVESTIGATED BY: SA *7C-1, b6-1 D2* SA *7C-1, b6-1* SA
7C-1 b6-1 D2, SA: *7C-1 b6-1 b2*

4. SUBJECT: 1. [CORRECTED] MAHMOOD, KHALID ABBAS (DECEASED); CIVILIAN;
PRISONER IDENTIFICATION NUMBER (PIN), TAS00012; UNKNOWN, IZ; M; WHITE;
DETAINEE; BCCF, ABU GHRAIB, IZ; (NFI); [RIOTING]

2. [CORRECTED] FARHAN, MUSA ABBAS (DECEASED); CIVILIAN; PIN
3153; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF; (NFI); [RIOTING]

3. NONE. (NFI); [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY) [RIOTING]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINE) [RIOTING]

3. [CORRECTED] MAHMOOD, KHALID ABBAS (DECEASED); CIVILIAN;
PIN TAS00012; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF; (NFI); [JUSTIFIABLE
HOMICIDE]

4. [CORRECTED] FARHAN, MUSA ABBAS (DECEASED); CIVILIAN; PIN
3153; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF; (NFI); [JUSTIFIABLE HOMICIDE]

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

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01480

INVESTIGATIVE SUMMARY:

On 10 Mar 04, this office was notified by the 391st Military Police (MP) Battalion (Bn), Abu Ghryeb Prison, Abu Ghryeb, Iraq that Detainee HAMED, was shot and killed by MP guards and Detainee APOSS, was shot and killed by Marines when they escaped after rioting in tiers 5a and 5b of the Abu Ghryeb Prison Hardsite.

Investigation revealed between 10 Apr 04 and 11 Apr 04, Detainees MAHMOOD and FARHAN were killed while attempting to escape, during a riot at the Hardsite, BCCF.

STATUTES:

18 USC, SEC 1792: Rioting
Article 118, UCMJ: Murder (Justifiable Homicide)

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

8. AIR of SA 7C-1, bb-1 10 Aug 04, detailing a review of Detainee not in camp roster, administrative review of this investigation, and coordination with Arabic Linguist.
9. Database printout.
10. Handwritten Translation.
11. AIR of SA 7C-1, bb-1 23 Aug 04, detailing coordination with Coalition Provisional Authority, Hardsite, BCCF, Ministry of Justice, Hardsite, BCCF, Prison Health Unit, Hardsite, BCCF, 391st MP Bn, 301st MP CO, Magistrate Cell and BCCF Hospital.
12. CPA Database printout.
13. Ledger Entry, Iraqi Corrections Services, Ministry of Justice.
14. Significant Incident Report, 10 Apr 04.
15. Ledger Translation.
16. Packet containing incident reports, 301st MP CO.
17. Compact Disc, 001304.789.

ADDED NOT ATTACHED:

None.

The originals of Exhibits 8 and 10 are maintained in the files of the Detainee Assessment Task Force (DATF), USACIDC. The original of Exhibit 9 is maintained in the files of Detainee Operations, MNC-I. The originals of Exhibit 11, 15 and 17 are attached to the USACRC copy of this report. The original of Exhibit 12 is maintained in the files of CPA, BCCF. The original of Exhibit 13 is maintained in the files of Legal Services, Ministry of Justice, BCCF. The original of Exhibit 14 is maintained in the files of the 391st MP Bn, Abu Ghraib, IZ. The original of Exhibit 16 is maintained in the files of the 301st MP CO, Abu Ghraib, IZ.

Status: This is a Final Supplemental Report. Commander's Report of Disciplinary Action (DA Form 4833) is not needed.

Report Approved By: _____

7C-7, bb-1

CW2, MP

Special Agent in Charge

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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

21 JUN 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 2D FINAL SUPPLEMENTAL-
0013-04-CID789-83982-5H6-5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APR 04/1930 - 11 APR 04/0540, BAGHDAD CENTRAL
CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IRAQ

DATE/TIME REPORTED: 11 APR 2004, 0600

INVESTIGATED BY: SA *R-1, b6-1, b2* SA *7C-1, b6-1 b2*
SA

SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); CIVILIAN; INTERNMENT
SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF,
ABU GHRUYEB, IZ; ZZ (NFI)[RIOTING]

2. APOSS, KNALED (DECEASED); CIVILIAN; PRISONER
IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE,
DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING]

3. NONE. (NFI) [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY
(USAR), BCCF, ABU GHRUYEB, IZ) (SAN JUAN, PR) [RIOTING]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF,
ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING]

3. HAMED, ABBAS KHALID (DECEASED); CIVILIAN; ISN 26162;
UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI)
[JUSTIFIABLE HOMICIDE]

4. APOSS, KNALED (DECEASED); CIVILIAN; PIN 000012;
UNKNOWN, IZ; M; WHITE. DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI)
[JUSTIFIABLE HOMICIDE]

FOR OFFICIAL USE ONLY - LAW ENFORCEMENT SENSITIVE

01483

INVESTIGATIVE SUMMARY:

THIS IS AN "OPERATION IRAQI FREEDOM" INVESTIGATION.

This investigation was initiated upon notification by the 391st MP BBN, BCCF that a riot took place in Tiers 5A and 5B of the BCCF. During the riot, Detainee HAMED was shot and killed by SPC *7C-4, 66-4* 301st MP Company, BCCF, Abu Ghryeb and Detainee APOSS was shot and killed by LCPL *7C-4, 66-4* *7C-4, 66-4* Company, 3/24th Marines, BCCF, Abu Ghryeb.

Investigation established probable cause to believe Detainee APOSS and HAMED committed the offense of Rioting when they caused a commotion in the BCCF. The shooting of both detainees was justifiable and no criminal offenses were committed by either SPC *7C-4* or LCPL *7C, 66-4*

STATUTES:

18 USC, SEC 1792: RIOTING
Article 118, UCMJ: MURDER (JUSTIFIABLE HOMICIDE)

EXHIBITS/SUBSTANTATION:

ADDED ATTACHED:

6. AIR of SA *7C1, 66-4* 7 Jun 04, detailing coordination and attempts to obtain death certificates pertaining to both detainees.

7. Certificate of Death, unsigned, pertaining to Detainee HAMED.

ADDED NOT ATTACHED:

None

The originals of Exhibits 6 and 7 are attached to the USACRC copy of this report.

STATUS: This is a Final Supplemental Report. This investigation was being terminated IAW CIDR 195-1, para 4-17 (a)(6) in that the Special Agent in Charge determined that furtherance of the investigation would be of little or no value and leads remaining are insignificant. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.

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01484

Report Prepared/Approved By:

7C-1, b6-1

Special Agent in Charge

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- 1 - CDR, 16th Military Police Brigade (ATTN: COL *7C-3, b6-3* Victory Camp, APO AE 09342)
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01485

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

CIRD-PIT

26 APR 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL SUPPLEMENTAL -0013-04-CID789-83982-5H6-5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APR 04/1930 - 11 APR 04/0540, BAGHDAD CORRECTIONAL CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IRAQ

DATE/TIME REPORTED: 11 APR 2004, 0600

INVESTIGATED BY: SA *7C-1, 06-1* *b2* SA *7C-1, 06-1*
SA *7C-1, 06-1* *b2*

SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); CIV; INTERNMENT SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF. ABU GHRUYEB, IZ; ZZ (NFI)[RIOTING]

2. APOSS, KNALED (DECEASED); CIV; PRISONER IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE. DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING]

3. NONE. (NFI) [JUSTIFIABLE HOMICIDE]

VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY (USAR), BCCF, ABU GHRUYEB, IZ) (SAN JUAN, PR) [RIOTING]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF, ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING]

3. HAMED. ABBAS KHALID (DECEASED); CIV; INTERNMENT SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF. ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

4. APOSS, KNALED (DECEASED); CIV; PRISONER IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE. DETAINEE; BCCF. ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

01486

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

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION"

This investigation was initiated upon notification by the 391st Military Police (MP) Battalion (BN), BCCF, Abu Ghryeb, Iraq that a riot took place in Tiers 5A and 5B of the BCCF. During the riot, Detainee HAMED, was shot and killed by SPC *7C-4, 66-4* *7C-4, 66-4* 01ST MP Company, BCCF, Abu Ghryeb, Iraq and Detainee APOSS was shot and killed by LCPL *7C-4, 66-4* K Company, 3/24TH Marines, Abu Ghryeb, Iraq.

Investigation established probable cause to believe Detainees APOSS and HAMED committed the offense of Rioting when they caused a commotion in the BCCF resulting in the use of force by responding Military Police. The shooting of both detainees' was justifiable and no criminal offenses were committed by either SPC *7C-4, 66-4* LCPL

STATUTES:

18 USC, SEC 1792: RIOTING
Article 118, UCMJ: MURDER (JUSTIFIABLE HOMICIDE)

EXHIBITS/SUBSTANTIATION:

ADDED ATTACHED:

None.

ADDED NOT ATTACHED:

None.

STATUS: This is a Final Supplemental Report. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.

Report Prepared By:

7C-1, 66-1

02

Report Approved By:

7C-1, 66-1

Special Agent in Charge

01487

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- 1 - LNO, CID, CJTF-7 (For further distribution) (email only)
- 1 - SJA, 504th MI Brigade (ATTN: CPT ~~7C3, b63~~ BCF)
- 1 - CDR, 16th Military Police Brigade (ATTN: COL ~~7C3, b63~~), Victory Camp, APO AE 09342
- 1 - CDR, K Company, 3/24th Marines, BCCF
- 1 - CDR, 391st MP BN (ATTN: LTC ~~7C3, b63~~ BCCF)
- 1 - File

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

CIRD-PIT

22 APR 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - 1ST SUPPLEMENTAL -SSI-0013-04-CID789-83982-5H6-5Y3

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 20 APR 04/1930 - 11 APR 04/0540, BAGHDAD CORRECTIONAL CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IRAQ

2. DATE/TIME REPORTED: 11 APR 2004, 0600

3. INVESTIGATED BY: SA *7C-1, 66-1* *02 SA* *7C-1, 66-1*
62-SA

4. SUBJECT: 1. [CORRECTED] HAMED, ABBAS KHALID (DECEASED); INTERNMENT SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI)[RIOTING]

2. [CORRECTED] APOSS, KNALED (DECEASED); PRISONER IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING]

3. [CORRECTED] UNKNOWN. (NFI) [JUSTIFIABLE HOMICIDE]

5. VICTIM: 1. [CORRECTED] U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY (USAR), BCCF, ABU GHRUYEB, IZ) (SAN JUAN, PR) [RIOTING]

2. [CORRECTED] U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF, ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING]

3. [CORRECTED] HAMED, ABBAS KHALID (DECEASED); INTERNMENT SERIAL NUMBER (ISN) 26162; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [JUSTIFIABLE HOMICIDE]

10

01489

4. [CORRECTED] APOSS, KNALED (DECEASED); PRISONER IDENTIFICATION NUMBER (PIN) 000012; UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [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 IRAQI FREEDOM INVESTIGATION”

ON 11 APR 04, THIS OFFICE WAS NOTIFIED BY THE 391ST MILITARY POLICE (MP) BATTALION (BN), ABU GHRUYEB PRISON, ABU GHRUYEB, IRAQ THAT DETAINEE HAMED, WAS SHOT AND KILLED BY MP GUARDS AND DETAINEE APOSS, WAS SHOT AND KILLED BY MARINES WHEN THEY ESCAPED AFTER RIOTING IN TIERS 5A AND 5B OF THE ABU GHRUYEB PRISON HARDSITE.

1ST SUPPLEMENTAL:

THIS SUPPLEMENTAL REPORT IS BEING GENERATED TO ADD HAMED AND APOSS AS VICTIMS, ADD AN UNKNOWN SUBJECT FOR THE OFFENSE OF JUSTIFIABLE HOMICIDE AND CLARIFY OFFENSES.

ON 21 APR 04, AN ADMINISTRATIVE REVIEW REVEALED HAMED AND APOSS SHOULD HAVE BEEN LISTED AS A VICTIM FOR THE OFFENSE OF JUSTIFIABLE HOMICIDE.

INITIAL REPORT:

PRELIMINARY INVESTIGATION REVEALED A RIOT BEGAN IN TIER 5B OF THE ABU GHRUYEB PRISON HARDSITE AND MP GUARDS SET UP A PERIMETER ON THE OUTSIDE OF TIER 5B. WITHIN TIER 5B THE PRISONERS HAD BROKEN THEIR THE LOCKS TO THEIR CELLS AND WERE THROWING ROCKS AND METAL PIPES AT THE MILITARY POLICE GUARDS. ALL MEMEBERS IF THE GUARD FORCE WERE BRIEFED ON THE RULES OF ENGAGEMENT (ROE) AUTHORIZING THE USE OF DEADLY FORCE. MULTIPLE ATTEMPTS WERE MADE TO STOP THE RIOT UTILIZING VERBAL PERSUASION AND WITH LESS THEN LETHAL MUNITIONS. DETAINEE HAMED THEN JUMPED THROUGH A WINDOW AND WAS ORDERED TO HALT THREE TIMES BY MILITARY POLICE PERSONNEL. DETAINEE THEN ATTEMPTED TO RUN AND SPC *70-4* , *56-4* 301ST MP COMPANY, ABU GHRUYEB, IRAQ, ENGAGED DETAINEE HAMED WITH ONE ROUND OF BUCKSHOT STRIKING HIM IN THE BACK.

LATER THAT EVENING, IN TIER 5A OF THE ABU GHRUYEB PRISON HARDSITE, FIFTEEN DETAINEES ESCAPED OUTSIDE OF THE TEIR. DURING

THE ESCAPE, U.S. MARINES RE-CAPTUREED FOURTEEN OF THE DETAINEES. WHILE THE MARINES WERE COLLECTING THE ESCAPED DETAINEE'S, A GUN SHOT WAS HEARD. DETAINEE APOSS WAS ATTEMPTING TO FLEE THE PRISON BY CRAWLING ON THE GROUND TOWARD AN EXIT. LCPL
7C-4, b6-4 K COMPANY, 3/24TH MARINE, ABU
GHRUYEB, IRAQ, IDENTIFIED DETAINEE APOSS CRAWLING ON THE GROUND AND ENGAGED HIM WITH ONE ROUND OF 5.56MM IN ACCORDANCE WITH THE ROE, STRIKING HIM IN THE UPPER SHOULDER.

AT THE WRITING OF THIS REPORT, THE EXACT TIMES OF DEATH WERE UNKNOWN OR IF AUTOPSY'S WILL BE CONDUCTED ON THE DECEASED DETAINEES.

SA 7C-1, b6-1 ADVISED SPC 7C-4, b6-4 OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND PROVIDED A WRITTEN STATEMENT WHICH DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. SPC 7C-4, b6-4 STATED HE SHOT THE DETAINEE (HAMED) TO PROTECT THE OTHER MP PERSONNEL AND TO PREVENT DETAINEE (HAMED) FROM ESCAPING.

SA 7C-1, b6-1 ADVISED LCPL 7C-4, b6-4 OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND RENDERED A SWORN STATEMENT WHICH HE DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. LCPL 7C-4, b6-4 STATED HE SHOT THE DETAINEE (APOSS) TO PROTECT FELLOW MARINES AND TO PREVENT DETAINEE (APOSS) FROM ESCAPING.

THE OCONUS CID CASUALTY LIASON OFFICER (CLO) IS SA 7C-1, b6-1 75TH MP DETACHMENT (CID), PRISON INTERROGATION TEAM (PIT), ABU GHRUYEB PRISON, ABU GHRUYEB, IRAQ, AT DNV 318-550-

INVESTIGATION CONTINUES BY USACIDC.

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

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

CIRD-PIT

16 APR 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C) - SSI-0013-04-CID789-83982-5H6-5Y3

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 10 APRIL 04/1930 - 11 APRIL 04/0540, BAGHDAD CORRECTIONAL AND CONFINEMENT FACILITY (BCCF), ABU GHRUYEB, IZ

DATE/TIME REPORTED: 11 APRIL 04, 0600

INVESTIGATED BY: SA *7C-1, 106-1* by SA *7C-1, 106-1* *b2*
SA *7C-1, 106-1* *b2*

SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); INTERNMENT SERIAL NUMBER (ISN) 26162; 01 JAN 1986; UNKNOWN, IZ; M; WHITE; DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING][JUSTIFIABLE HOMICIDE]

2. APOSS, KNALED (DECEASED); PRISONER IDENTIFIACATION NUMBER (PIN 000012); UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHRUYEB, IZ; ZZ (NFI) [RIOTING] [JUSTIFIABLE HOMICIDE]

VICTIM: 1. U.S. GOVERNMENT; (301ST MILITARY POLICE COMPANY, (USAR), BCCF, ABU GHRUYEB, IZ) (FORT BUCHANAN, PR) [RIOTING] [JUSTIFABLE HOMICIDE]

2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINES, BCCF, ABU GHRUYEB, IZ) (CAMP PENDLETON, CA) [RIOTING] [JUSTIFABLE HOMICIDE]

INVESTIGATIVE SUMMARY:

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION"

This investigation was initiated upon notification by the 391st Military Police Battalion, BCCF, Abu Ghruyeb, IZ that a riot took place in Tiers 5A and 5B of the BCCF. During the riot, detainee HAMED was shot and killed by SPC *7C-4, 106-4*

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01492

301st MP CO, BCCF and detainee APOSS was shot by LCPL *TC 4, b6*
TC, b6-4 X Company, 3/24th Marines, BCCF.

Investigation established probable cause to believe the shootings of both detainees was justifiable and neither SPC *TC, b6-4* nor LCPL *TC 4, b6* admitted any criminal offenses.

STATUTES:

18 USC, SEC 1792: RIOTING
Article 118, UCMJ: MURDER (JUSTIFIABLE HOMICIDE)

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of SA *TC-1 b6-1* 12 Apr 04, detailing initial notification; interviews; and command coordination.
2. Waiver Certificate and Sworn Statement of LCPL *TC 4, b6-4* 11 Apr 04, wherein he details the shooting of the detainee.
3. Waiver Certificate and Sworn Statement of SPC *TC 4, b6 40* Apr 04, wherein he details the shooting of the detainee
4. AIR of SA *TC-1, b6-1* 13 Apr 04, detailing interviews; command and SJA coordination.
5. Compact Disc 040013.789, containing images of both deceased detainees. (USACRC and File copies only)

NOT ATTACHED:

None.

The originals of Exhibits 1 through 5 were attached to the USACRC copy of this report.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW CIDR 195-1, Chapter 4-17(a)(6) in that the Special Agent-in-Charge determined that furtherance of the investigation would be of little or no value and leads remaining are insignificant. Commander's Report of Disciplinary Action Taken (DA Form 4833) is not required.

LEADS REMAINING: Interview of remaining MP's who were involved in quelling the riot.

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Report Prepared By:

Report Approved By:

7C-1
b6-1

7C-1
b6-1

02

Special Agent in Charge

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- 1 - LNO, CID, CJTF-7 (For further distribution) (email only)
- 1 - SJA, 504th MI Brigade (ATTN: CPT 7C-3, b6-3, BCCF)
- 1 - CDR, 16th Military Police Brigade (ATTN: COL 7C-3 b6-3), Victory Camp, APO AE 09342
- 1 - CDR, 391st MP BN (ATTN: LTC 7C-3, b6-3 BCCF)
- 1 - CDR, K Company, 3/24th Marines, BCCF
- 1 - File

FOR OFFICIAL USE ONLY

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789- 83982

PAGE 1 OF 1 PAGES

Details

BASIS FOR INVESTIGATION: About 0600, 11 Apr 04, this office was notified by the 391st Military Police (MP) Battalion, Abu Ghryeb, Iraq (AGI) that another detainee was shot and killed while trying to escape.

About 0703, 11 Apr 04, SA *TC-1-bb-1* interviewed LCPL *TC-4, bb-4* K Company 3/24 Marines, AGI. *TC-4, bb-4* was advised of his legal rights, which he waived and provided a sworn statement detailing his actions. *TC-4, bb-4* stated that he shot the detainee to protect his position and to keep the detainee from escaping in accordance with the Rules of Engagement (ROE) that he was briefed. (See Waiver and Sworn Statement of *TC-4, bb-4*.)

About 0810, 11 Apr 04, SA *TC-1, bb-1* interviewed SGT *TC-4, bb-4*, K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. *TC-4, bb-4* stated he was the Sergeant of the Guard (SOG) for the midnight shift. *TC-4, bb-4* stated he had to post the shift early as there was a report of escaped detainees loose inside the compound. While posting the shift, they encountered and detained 13 detainees who had escaped. *TC-4, bb-4* stated he briefed his personnel on the use of deadly force. *TC-4, bb-4* stated he told the Marines use of deadly force was authorized if Marines or Coalition Forces were threatened or in fear of grievous bodily harm. *TC-4, bb-4* stated the Marines were also briefed by an Army sergeant (NFI) that deadly force was authorized to capture detainees who had escaped from the hardsite. *TC-4, bb-4* stated after posting his Marines, there was a shot(s) fired from an undetermined location inside the compound, and there was still one escaped detainee unaccounted for inside the compound. *TC-4, bb-4* stated everyone was at a heightened state of alert.

About 0830, 11 Apr 04, SA *TC-1, bb-1* briefed CPT *TC-4* Executive Officer, K Company 3/24 Marines, AGI, on the status of this investigation. *bb-4* stated his Marines are trained and empowered to make decision regarding use of force on the spot. *TC-4, bb-4* stated the Marines are not expect or required to call requesting permission to use deadly force.

About 1000, 11 Apr 04, SA *TC-1, bb-1* coordinated with SSG *TC-4* *bb-4* 301st MP Company, AGI, who was the Hard site Shift NCOIC. SSG *TC-4* stated a review of the pass-on book disclosed the deceased detainee was Khaled APOSS, #TAS00012, Tier 5A Cell 227, (NFI). SSG *TC-4, bb-4* stated the Coalition Provisional Authority (CPA) maintained all of the prisoner files, and there were no additional information available at the hardsite.

About 1030, 11 Apr 04, SA *TC-1, bb-1* interviewed LCPL *TC-4, bb-4* K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. *TC-4, bb-4* stated about 0400, 11 Apr 04, they were notified that there were escaped detainees loose in the compound. *TC-4, bb-4* stated they captured 13 of the 14 detainees prior to taking their post at Tower 3. *TC-4, bb-4* stated they heard a report from Tower 4 of activity in the vicinity of the tower, then heard a report of shot(s) fired. *TC-4, bb-4* stated they (he and *TC-4*) believed the reports were related, and they feared the escaped detainee may have taken a weapon. *TC-4* stated *TC-4, bb-4* saw the detainee low crawling towards their position. *TC-4* stated *TC-4, bb-4* fired at the detainee once, believing the detainee was a threat. **// LAST ENTRY //**

TY		ORGANIZATION	22ND MP BN (CID), FORT LEWIS, WA 98433
S.	<i>TC-1</i>	DATE	12 APR 04
SI	<i>bb-1</i>	EXHIBIT	<i>1</i>

CID FORM 107
1 FEB 77

PROTECTIVE MARKINGS IS EXCLUDED FROM
AUTOMATIC TERMINATION (Para 13, AR 340-16)
(When Data is Entered)

PREVIOUS EDITIONS OF THIS FORM
WILL BE USED UNTIL EXHAUSTED

01495

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 Abu Ghryeb Prison, Abu Ghryeb, Iraq	2 DATE 11 Apr 04	3 TIME 0710	4 FILE NUMBER 7C-4
5 Name (Last First MI) 7C-4, bb-4	8 ORGANIZATION OR ADDRESS K, 3/24 Marines, Abu Ghryeb, Iraq		
6 SSN 7C-4, bb-4	7 GRADE/STATUS LCPL		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

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

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

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-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.

WITNESSES (if availa)		SIGNATURE OF INTERVIEWEE	
1 NAME (Last First MI) 7C-4, bb-4	2 ORGANIZATION OR ADDRESS AND PHONE K 3/24 Marines	7C-4, bb-4	
3 NAME (Type or Print) 7C-1, bb-1	4 ORGANIZATION OR ADDRESS AND PHONE Prison Interrogation Team Abu Ghryeb, Iraq		

SECTION C. Non-waiver

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

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED
DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

SWORN STATEMENT

File Number:

Location: Abu Ghryeb Prison, Abu Ghryeb, Iraq

Date: 11 Apr 04

Time: 08:20 *TC, bb-4*

Statement of: *TC-4, bb-4*

SSN: *TC-4, bb-4*

Grade/Status: LCPL

Org/Address: K 3/24 Marines, Abu Ghryeb, Iraq

TC-4, bb-4, want to make the following statement under oath: I am a Marine reservist on active duty. I am assigned to K 3/24 Marines, Abu Ghryeb Prison, Iraq. About 0400, 11 Apr 04, I enroute to post for my shift as a tower guard, providing exterior security for the prison. When we got to Tower 1A, there was a call over the radio from Shadow Main that 14 detainees had escaped and were loose on the compound. Immediately after that, Tower 3 called on the radio and stated that there were detainees at there location. We responded to Tower 3, which was the next tower we were posting to. Enroute to Tower 3, we found two detainees which we captured. The detainees surrendered to us when we instructed them to halt and get on the ground. The SOG (Sergeant of the Guard) stayed with the captured detainees, while the remainder of us went to Tower 3. When we got to the tower, and the Army guards had already captured two other detainees. We cordoned off the area, swept through the area, and captured 9 additional detainees. We then continued to post (at our respective towers). I posted at Tower 3. After posting, Shadow Main radioed that they were still missing one escaped detainee. About 30 minutes to 1 hour later, there was a report of shots fired over the radio. Shadow Main asked ECP (Entry Control Point) East and West, and towers 5 and 6 to try to pin-point the location the shots were fired from. It was determined that the shots came from northeast of ECP East, which is in the direction of Tower 3. About 5 minutes later, the SOG came by my position, Tower 3, and told us, LCP *TC, bb-4* and I, to be on the look-out for the escaped detainee. *TC, bb-4* kept watch outside the compound and I kept watch inside the compound using ANPVS7B night vision goggles. Within 5 minutes, I spotted the detainee, who was crawling towards my position and the road. He was coming towards me at about 50 meters (inside the wall). It was black and the image was blurry. I tried but couldn't see if he had a weapon or not. I was afraid that the escaped detainee may have had a weapon and may have fired the shots earlier. I was afraid that the detainee might shoot me or *TC, bb-4* in order get past our position. I knew from previous briefings that deadly force was authorized for anyone threatening a Marine. Also, an Army Sergeant told us earlier that night that deadly force was authorized to stop an escape or escaped detainee once they left the hard site. The detainee appeared to be in a prone position. I didn't have time to think, I just shot to protect myself and *TC, bb-4* I shot one time with my assigned M16A4, serial number 10127837, stock number 15, using the ammunition I was issued. I maintained my position and kept the detainee in my sights, while *TC, bb-4* radio Shadow Main for further assistance.

Q: What if any briefings did you receive prior to assuming your duties on 11 Apr 04?

A: Prior to posting, we were briefed that there was intelligence that there was supposed to be an attack; the prisoners were to riot, escape, get weapons; and take over the compound.

Q: Who gave you the intelligence briefing?

A: CPI, *TC, bb-4*, K 3/24 Marines. *TC, bb-4*

INITIALS *TC, bb-4*

FOR OFFICIAL USE ONLY

Page 1 of 2

EXHIBIT 2

01497

STATEMENT OF: LCPL

7C-4, b6-4

DATED: 11 Apr 04

CASE #:

7C-4
b6-4
Were you briefed on the Rules of Engagement (ROE) prior to assuming your duties on 11 Apr 04?

A: Yes. I was told that I was allowed to protect myself or a member of the Coalition Forces if threatened with deadly force, which I believed I was. Also I was told that if the detainees were on the fence or outside the fence (around the hard site) that deadly force was authorized, which the detainee was outside that area and quite a distance from that fence. Additionally, the Army Sergeant who was responsible for getting the detainees also told me during my shift that deadly force was authorized to stop the escaped detainees.

Q: Who gave you the ROE briefing?

A: The Sergeant of the Guard, SGT. 7C-4, b6-4 K 3/24 Marines.

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

A: No. ///END OF STATEMENT// 7C-4, b6-4

-----AFFIDAVIT-----

I, 7C-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.

7C-4, b6-4

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11th day of April 2004 at Abu Ghraib, Iraq

7C-4, b6-4

(Signature of Person Administering Oath)

Special Agent 7C-1, b6-1 b2
(Typed Name of Person Administering Oath)

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

INITIALS 7C/104

FOR OFFICIAL USE ONLY

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 Abu Ghryeb Prison, Abu Ghryeb, Iraq	2 DATE 10 Apr 04	3 TIME 2350	4 FILE NUMBER
5 Name (Last, First, MI) 7C-4 b6-4	8 ORGANIZATION OR ADDRESS 301 th Military Police Company, Abu Ghryeb, Iraq		
7 GRADE/STATUS SPC			

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The invs ^{7C-4} whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Murder ^{7C-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:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-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 ^{7C-4}

WITNESSES (if available)

1a NAME ILT 7C-4, b6-4	1b ORGANIZATION OR ADDRESS AND PHONE 302 nd MP CO
2a NAME (Type of Print)	
1c ORGANIZATION OR ADDRESS AND PHONE Prison Interrogation Team Abu Ghryeb, Iraq	

7C-1, b6-1 b2

SECTION C. Non-waiver

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

2. SIGNATURE OF INTERVIEWEE

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

SWORN STATEMENT

File Number: 0013-04-CID789

Location: Abu Ghuryeb Prison, Abu Ghuryeb, Iraq

Date: 10 Apr 04

Time: 0500 *Ribb*

Statement of: *Ribb-106-4*

SSN:

Grade/Status: SPC

Org/Address: 301th Military Police Company, Abu Ghuryeb, Iraq

7C-4, 106-4

want to make the following statement under oath: I am a Military Police reservist, assigned to work corrections at the hard site. Abu Ghuryeb Prison, Abu Ghuryeb, Iraq. About 1700, 10 Apr 04, I went on shift at the hard site. I was assigned to patrol outside the hard site to prevent the escape of any detainees. When I came on shift, the detainees were being loud. As the shift went on, the detainees proceeded to start breaking out the concrete windows with such things as metal pipes and bars. The detainees were also throwing rocks, chunks of concrete, and trash at the patrols. One of the detainees was shooting rocks at us with a homemade sling-shot. About 1900, the MP XO came to our location and saw the detainees busting out the windows and throwing things at the patrols. The MP XO told us to use less than lethal rounds to prevent them from causing injury to the patrols and to keep them from escaping through the windows. I fired about five less than lethal rounds. The less than lethal rounds did not seem to have any effect, what so ever, on the detainees. About 1930, 10 Apr 04, the MAJ *7C, 106-4* and the MP Battalion CDR, showed up to assess the situation. By then there were breaking a hole in the wall at the back of the tier, Tier 5B. The MP Battalion CDR told us, the MPs outside the tier, the Rules of Engagement (ROE) were to be if any of the detainees escaped and actually got physically outside of the tier deadly force was to be used. After a while, the MP Battalion CDR, the MP Battalion XO, and MAJ *Ribb-4* left. We continued patrolling outside the tier. I sat down with CPL *7C-4, 106-4* and PV2 *Ribb-4* to watch the south side (wall) of the tier, Tier 5B. About 2130, 10 Apr 04, one of the detainees jumped out of the tier through a window. The detainee then started walking towards us. The three of us (me, *7C, 106-4* and *7C, 106-4*) stood up, shouted to stop at the detainee, I held out my hand, then I chambered a round in the shotgun. The detainee kept moving. I shot at the detainee, aiming center mass with one round of 12 gauge 00 Buckshot. The detainee staggered and fell down. I rushed to give medical assistance, but other detainees in the tier above began throwing chunks of concrete at me. I retreated for my safety. Then the other members of the shift and the medics came. They used shields to protect the medics who removed the detainee. I shot him because those were my orders from the Battalion CDR. I was afraid that the detainee would attack us or that he would try to escape.

Q: What kind of shotgun did you use?

A: I had a Mosburg 590 Shotgun 12 gauge with serial number 771353 .

Q: When you shot him could you see/tell if he was moving towards you or if he had turned to run away?

A: No, I could not tell which way he was going because it was dark and there wasn't too much light.

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

A: No. (END OF STATEMENT) *Ribb-4*

INITIALS: *Ribb-4*

FOR OFFICIAL USE ONLY

STATEMENT OF: SPC 7C-4, b6-4 DATED: 10 Apr 04 CASE #: 0013-04-CID789

AFFIDAVIT

7C-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.

7C-4, b6-4
(Signature) _____ g Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of April 2004 at Abu Ghraib, Iraq

7C-4, b6-4
(Signature of Person Administering Oath)

Special Agent 7C-1, b6-1 DZ
(Typed Name of Person Administering Oath)

Art 136 (b)(4) - Article 136-UCMJ
(Authority to Administer Oath)

INITIALS _____

FOR OFFICIAL USE ONLY

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-83982

PAGE 1 OF 2 PAGES

DETAILS

BASIS FOR INVESTIGATION: At 2200, 10 Apr 04, this office was notified by the 391st Military Police (MP) Battalion (BN), Baghdad Correctional Confinement Facility (BCCF), Abu Ghryueb, Iraq, that one Detainee (HAMED) was shot and killed when he tried to escape from 5B of the hardsite.

About 2220, 10 Apr 04, SA *7C-1, bb-1* this office, coordinated with SFC *7C-4, bb-4* *7C-4, bb-4* 391st Military Police (MP) Battalion (BN), Prisoner In-Processing Section, Abu Ghryueb, Iraq (AGI), who stated he could not identify the deceased detainee using a retinal scan. SFC *7C-4, bb-4* ted the detainee was not in the system.

At 2230, 10 Apr 04, SA *7C-1, bb-1* interviewed PVT *7C-4, bb-4* 301st Military Police (MP) Company, Baghdad Correctional Confinement Facility (BCCF), Abu Ghryueb, Iraq. PVT *7C-4, bb-4* stated he was one of three MP's who were guarding the outside of Tier 5B. PVT *7C-4, bb-4* stated a Detainee (HAMED) crawled through a burned out window. The military police directed the detainee to halt three times, but the detainee ignored the command and started to run. SPC *7C-4, bb-4* 301st MP Company, BCCF, Abu Ghryueb, Iraq, fired one round of buckshot which struck Detainee HAMED in the back, fatally wounding him.

About 2235, 10 Apr 04, SA *7C-1, bb-1* xposed photographs of the detainee and his injuries using a Kodak digital camera.

At 2245, 10 Apr 04, SA *7C-1, bb-1* interviewed CPL *7C-4, bb-4*, 301st MP Company, BCCF, Abu Ghryueb, Iraq. CPL *7C-4, bb-4* stated she noticed a Detainee crawling through a window on the bottom floor. She told the detainee to halt three times, but the detainee started to run. SPC *7C-4, bb-4* hen fired one round of buckshot at the detainee. CPL *7C-4, bb-4* related, SPC *7C-4, bb-4* and PVT *7C-4, bb-4* attempted to administer first aid to the detainee, but were forced back by other detainees who were throwing rocks and pipes at them.

At 2300, 10 Apr 04, SA *7C-1, bb-1* oordinated with CPT *7C-4, bb-4* Commander, 301st MP Company, BCCF, Abu Ghryueb, Iraq and briefed him on the status of this investigation.

AGENT'S COMMENT: A Crime Scene Examination was not conducted due to officer safety concerns. As MP and CID personnel were approaching the crime scene, detainees began throwing rocks and pipes.

About 2330, 10 Apr 04, SA *7C-1, bb-1* oordinated with LTC *7C-4, bb-4* Commander, 391st MP BN, Abu Ghryueb Prison, Iraq and briefed him on the status of this case.

AGENT'S NAME AND ASSIGNMENT NUMBER

7C-1- bb-1 *bb*

ORGANIZATION

Prisoner Interrogation Team (PIT) (CID) (FWD)
Baghdad Correctional Facility, Abu Ghryueb, Iraq

DATE

13 Apr 04

EXHIBIT

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-83982

PAGE 2 OF 2 PAGES

DETAILS

About 2350, 10 Apr 04, SA *7C-1, bb-1* in his office, advised SPC *7C, bb-4* of his legal rights, which he waived and provided a sworn statement detailing the incident. (See waiver Certificate and Sworn Statement)

About 0906, 11 Apr 04, SA *7C-1, bb-1* coordinated with SFC *7C, bb-4* and obtained a copy of the death certificate pertaining to Detainee HAMED.

About 0930, 12 Apr 04, SA *7C-1, bb-1* coordinated with CPT *7C, bb-4* Command Judge Advocate, 504th Military Intelligence Brigade and Abu Ghruyeb Prison, Abu Ghruyeb, Iraq. CPT *7C, bb-4* advised that no crime was committed and the shooting was Justifiable Homicide.

About 1230, 13 Apr 04, SA *7C-1, bb-1* interviewed LTC *7C, bb-4* who stated he briefed all military police working at the prison the rules of engagement, which included the use of deadly force if a detainee attempted to escape.///LAST ENTRY///

TYT

7C-1

SA
SIGN

bb-1

b2

ORGANIZATION

Prisoner Interrogation Team (PIT) (CID) (FWD)
Baghdad Correctional Facility, Abu Ghruyeb, Iraq

DATE

13 Apr 04

EXHIBIT

4

PHOTOGRAPHIC PACKET

<u>NUMBER</u>	<u>DESCRIPTION OF PHOTOGRAPHS</u>
1.	Photograph depicting the full body (Side) of HAMED
2.	Photograph depicting the face of HAMED
3.	Photograph depicting the entry wound to the back of HAMED
4.	Photograph depicting the second entry wound to the back of HAMED
5.	Photograph depicting the window where HAMED escaped
6.	Photograph depicting where HAMED fell after being shot
7.	Photograph depicting a overall view of tier 5B
8.	Photograph depicting the building number
9.	Photograph depicting the face of APOSS
10.	Photograph depicting the full body (Side) of APOSS
11.	Photograph depicting the full body (Front) of APOSS
12.	Photograph depicting the full body (Back) of APOSS
13.	Photograph depicting the entry wound to shoulder of APOSS

FOR OFFICIAL
USE ONLY

EXHIBIT _____

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04500

0013-04-CID789-83782

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01505
EX 5

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-83982

PAGE 1 OF 1 PAGES

DETAILS

About 1650, 15 Jun 04, this office was notified by the 22nd MP BN that this investigation was to be re-opened to obtain the death certificate pertaining to both detainees.

About 1100, 16 Jun 04, INV *7C-1 b61* this office, coordinated with SFC *7C-4, b6-4* ~~7C-4, b6-4~~ COIC, Detainee In-Processing Section, BCCF who stated there was not a copy of either detainees death certificate on file.

About 1130, 16 Jun 04, INV *7C1b6-1* coordinated with SPC *7C-4, b6-4* Administration Clerk, Task Force Oasis, 67th Combat Support Hospital, BCCF who stated there was not a death certificate on file for either detainee.

About 1230, 16 Jun 04, INV *7C1b61* coordinated with CW4 *7C-4, b6-4* Senior Interrogator, JIDC, BCCF who related all records pertaining to both detainees were located at CJTF-7. CW4 *7C4, b6-4* added his organization does not obtain death certificates to place in their files.

About 1000, 17 Jun 04, SA *7C66P* coordinated with *7C-4, b6-4* NCOIC, Battalion Aid Station, 391st MP BN, BCCF who provided an unsigned death certificate for Detainee HAMED. (See Death Certificate for details)

About 1300, 17 Jun 04, SA *7C1b61* coordinated with Mortuary Affairs, Baghdad International Airport (BIAP) who related they had no information concerning the death of Detainee AMIR.

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA
SIGNATURE

7C-1, b6-1
b2

ORGANIZATION

Prisoner Interrogation Team (PIT) (CID) (FWD)
Baghdad Correctional Facility, Abu Ghruveb, Iraq

DATE
17 Jun 04

EXHIBIT

5

CID FORM 94
11R77

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01506

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

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OF

1

PAGE

DETAILS:

About 1030, 4 Aug 04, SA 7C-1-bb-1 *bv* Detainee Assessment Task Force (DATF), USACIDC, Fort Belvoir, VA 22060, reviewed the Provost Marshal's Office, Detainee Not In Camp Roster, using query for "dead" and identified entries pertaining to detainee Abbas Khalid HAMED, Detainee 26162, a victim in 0013-04-CID789-83982. According to the roster, HAMED was entered into the database as deceased; however, he was re-entered into the database upon determination he was not dead and issued a new ISN (USIZ-159991CI). HAMED's previously assigned ISN was US9IZ-157073CI. The roster indicated he was released from custody on 4 May 04 (see database printouts for details).

AGENT'S COMMENT: After discussion with CW5 7C-1-bb-4 Operations, DATF, there is a possibility *7C-1-bb-4* the victim listed in 0120-04-CID789, may have been the person who died during this riot. Abbas FARHAN's, reported he had obtained a death certificate which reflected his son 7C-1-bb-4 died at Abu Ghraib on 14 Apr 04, from a gunshot wound. To date, attempts to locate *7C-1-bb-4* on any databases within this office have met with negative results.

About 1500, 6 Aug 04, SA 7C-bb-1 coordinated with SA 7C-bb-1 Operations, USACIDC and arranged for an Arabic linguist to view the digital images exposed of the deceased individual previously identified as HAMED, based upon the tattoo's of potential Arabic writing on the chest of HAMED.

AGENT'S COMMENT: SA *7C-bb-1* related she would attempt to arrange for an Arabic linguist to examine the questioned writing in the images contained on Exhibit 5, Compact Disc 040013.789.

About 0900, 10 Aug 04, SA 7C-bb-1 coordinated with an Arabic Linguist who examined the images in question (DCP_0196 and DCP_0197). According to the Linguist, the questioned writing on the chest of the individual started with "My brother"; however, the remainder of the writing was partially obscured by scar tissue and could not be positively identified. The Linguist did provide the following possible wording, either "Fahim" or "Qasim" (see Linguist's handwritten notes for details).

////////////////////////////////////Last Entry////////////////////////////////////

TYPE

STGT

7C-1
bb-1

bv

ORGANIZATION		DATF, USACIDC	
DATE		10 Aug 04	
EXHIBIT		3	

CID FORM 107 (Automated)

FOR OFFICIAL USE ONLY

Protective Marking is Excluded From Automatic Termination (Para 13, AR 34-16)

30

01508

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

MS. JACQUELINE SCOTT
scottj@centcom.smil.mil
(813) 827-5341/2830

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-82982

PAGE 1 OF 3 PAGES

DETAILS

About 1500, 18 Aug 04, this office received an email from the Assistant Operations Officer (AOPS), 22nd MP Bn, Camp Victory, Baghdad, Iraq, with an attachment which contained a Request for Correction, 0434-04-CID001, from USAACIDC, requesting a corrected final for this investigation, and an attachment which contained a Transmittal of Information, USACIDC, in which an administrative review revealed one of the decedents of this investigation may have been misidentified.

About 1300, 19 Aug 04, SA *7C-bb-1* coordinated with *7C-8, bb-8* GS-14, Coalition Provisional Authority (CPA), Correctional Advisor, Department of Justice (DOJ), and Mr. *7C-4, bb-4* GS-15E, CPA, Correctional Advisor, DOJ, who queried their database for information pertaining to Abbas Khalid HAMED, Interment Serial Number (ISN) 26162, National Detainee Reporting System (NDRS) US9IZ-157073CI and NDRS US9IZ-159991CI, and Knaled APOSS, Prisoner Identification Number (PIN) 000012 and any information pertaining to detainees on or about 10 Apr 04. Mr. *7C-8, bb-8* query revealed no information pertaining to HAMED or APOSS, however, did reveal two deceased Internees, Kalib Abas MAHMUED, TAS 00012, killed by Military Police and Musa Abas FARHAN, 3153, killed by Military Police/Marines. The date associated with these entries reflected 9 May 04. Another entry in the date base listed Internee 3153 was killed by Marines, but listed no name and was dated 13 Apr 04. *7C-8, bb-8* provided a copy of the spreadsheet. *7C-8, bb-8* stated the records kept during the time period in question was not done well (See Spreadsheet for details).

About 1430, 19 Aug 04, SA *7C-bb-1* and *7C-8-bb-8*, with the assistance of linguist *7C-4, bb-4* Badge # *7C-4, bb-4* Titan Corporation, coordinated with *7C-4, bb-4* Badge # *7C-4, bb-4* Legal Department, Iraqi Corrections Services, Ministry of Justice, who conducted a search of record ledgers pertaining to Internees, Hardsite, Abu Ghraib Prison, which revealed two entries dated 12 Apr 04, which reflected Kalid Abas MAHMUED, 00012 and Musa Abas FARHAN, 3153, had been killed. The ledger entry did not reflect the specific date or means of death of the two individuals (See Ledger Record for details).

About 1510, 19 Aug 04, SA *7C-bb-1* coordinated with Mr. *7C-8, bb-8* GS-14, CPA, Warden Advisor, DOJ, who stated he and his staff arrived at the Hardsite on 11 Apr 04 to take over operations. Mr. *7C-8, bb-8* stated he was given custody of the remains of two unknown deceased Internees, who had been killed the previous day or two during a riot/escape attempt. Mr. *7C-8, bb-8* stated the two decedents were identified by other Internees as there was no way to obtain a positive identification. Mr. *7C-8, bb-8* stated he would not be surprised if the two deceased individuals from the riot/escape attempted had been misidentified. Mr. *7C-8, bb-8* referenced the difficulties tracking the Internees and the poor record keeping. Mr. *7C-8, bb-8* stated the situation for tracking Internees has not improved under Iraqi control.

About 1536, 19 Aug 04, SA *7C-bb-1* coordinated with 2LT: *7C-4, bb-4* 428th MP CO, Abu Ghraib, Iraq (USAR, South Bend, IN), who provided a copy of the 391st MP Bn, Significant Incident Report (SIR), dated 10 Apr 04, which listed the decedent as Khalid Apass HEMAD, TAS 00012 (See SIR for details).

7C-1
bb-1

bv

ORGANIZATION PRISONER INTERROGATION TEAM (PIT)(CID) Baghdad Central Confinement Facility, Abu Ghraib 09342	
DATE <i>23 Aug 04</i>	EXHIBIT <i>11</i>

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-82982

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DETAILS

About 1600, 19 Aug 04, SA *7C-1, bb-1* coordinated with CPT *7C-8, bb-8*, 301st MP CO, Abu Ghraib, Iraq (USAR, Fort Buchanan, Puerto Rico), who stated his unit controlled the Hardsite when two Internees were killed in Apr 04. CPT *7C-8, bb-8* stated he remembered the incident, but would have to see if his unit retained any records pertaining to the incident.

About 2000, 19 Aug 04, Linguist *7C, bb-8* and Linguist *7C, bb-8* translated the information obtained from the Ledger (See Translation of Ledger for details).

About 1120, 20 Aug 04, SA *7C-1, bb-1* coordinated with 1LT *7C-8, bb-8* 301st MP CO (USAR, Fort Buchanan, Puerto Rico), provided a packet containing indecent reports from numerous unit members detailing their actions pertaining to events that occurred between 10 Apr 04 and 11 Apr 04 (See Packet for details).

About 1210, 20 Aug 04, SA *7C-1-06-1* coordinated with SGT *7C-8, bb-8* and SPC *7C, bb-8* HHC, 391st MP CO, Abu Ghraib, IZ, who conducted a search of their Biometrics Automated Toolset (BATS) and NDRS databases for information pertaining to Internee numbers 00012 and 3153, which met with negative results. SGT *7C, bb-8* conducted a search of his databases for information pertaining to MAHMUED and FARHAN, which met with negative results. SGT *7-8-06-8* stated the 391st MP CO, Inprocessing Center, stopped inprocessing Iraqi Internees in BATS around early Mar 04. SGT *7C, bb-8* stated Internees processed prior to Mar 04 should had been entered into BATS and assigned a 5 or 6 digit number.

AGENT'S COMMENT: SPC *7C, bb-3* located a capture tag number *7C, bb-3* pertaining to an Internee SPC *7C, bb-3* stated *7C, bb-3* was transferred from the Hardsite on 3 Feb 04. SPC *7C, bb-3* stated Internees/Detainee can have the same capture tag number since they come many different units and areas.

About 1320, 20 Aug 04, SA *7C-1, bb-1* created a photo comparison of the two decedents and HAMED utilizing photos from death scene and from BATS (See CD for Photo Comparison).

About 1340, 21 Aug 04, SA *7C-1, bb-1* coordinated with SPC *7C-3, bb-3* HHC, III Corps, Detention Operations, SJA, Abu Ghraib, IZ, who stated a search of his database met with negative results for information pertaining to FARHAN, MAHMUED, 3153 and TAS 00012.

About 2000, 22 Aug 04, SA *7C-1, bb-1* coordinated with SGT *7C-3, bb-3* Patient Administration Specialist, BCCF Hospital, AGI, who stated no records existed for either detainee. She stated according to her records, neither of the detainees were brought to the hospital after the incidents.

About 1200, 23 Aug 04, SA *7C-1, bb-1* and Mr. *7C-8, bb-8* GS-12, CPA, Corrections Advisor, DOJ, BCCF, Abu Ghraib, IZ with the assistance of Linguist *7C, bb-8* Badge # Titan

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CI

7C-1
bb-1 *b2*

ORGANIZATION PRISONER INTERROGATION TEAM (PIT)(CID) Baghdad Central Confinement Facility, Abu Ghraib 09342	
DATE <i>23 Aug 04</i>	EXHIBIT <i>11</i>

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0013-04-CID789-82982

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DETAILS

Corp, Abu Gharaib, IZ, coordinated with Dr. *7C-4, 66-4* 3adge BCCF *b2* Prison Health Unit, BCCF, Abu Gharaib, IZ, who conducted a search for information pertaining to Detainee FARHAN and MAHMUED, which met with negative results.

AGENT'S COMMENT: Based upon the records obtained from CPA and MOJ it appears the individuals killed on 10 Apr 04 and 11 Apr 04 were Internees MAHMOUD and FARHAN. Internee HAMED was originally listed as one of the decedents, however, on 20 Apr 04, the error was identified and annotated in BATS. HAMED was assigned a new NDRS number then released on 4 May 04. There was no information found on Internee APOSS or the PIN 000012, as originally listed. Based upon the information found, MAHMOUD's PIN was TAS00012, which indicated he was transferred from Tas Farrat Prison, and FARHAN's PIN was 3153. However, a search of numerous databases listed no information for either of the PIN's. Coordination with CPA disclosed the record keeping for the Hardsite Internees was poor at best. Further, since the responsibility of the Hardsite has been turned over to the Iraqi Government, there has been no improvement in record keeping to track Internees.

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

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K-1

b2

SIK

bb-1

ORGANIZATION PRISONER INTERROGATION TEAM (PIT)(CID) Baghdad Central Confinement Facility, Abu Ghraib 09342	
DATE <i>26 Aug 04</i>	EXHIBIT <i>11</i>

Page(s)

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Referred to:

U.S. CENTRAL COMMAND
7115 SOUTH BOUNDARY BLVD
ATTN: CCJ6-DM
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0013-04-CID789-83982

Exhibit 17

DATE: 11 APR 04

FROM: SAC, ABU GHUYEB PRISON COMPLEX (CID)
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, HQUSACIDC //CIOP-ZA//
CDR, 22ND MP BN (CID) (FWD) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
SJA, 16TH MP BDE
LNO CID, CJTF-7 (FOR FURTHER DISTRIBUTION)
CDR, 16TH MP BDE
CDR, 391ST MP BN

SUBJECT: CID REPORT -INITIAL/SSI-0013-04-CID789-83982-5H6-5Y3

DRAFTER: SA
RELEASER: SA *7C-1, 66-1*

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
 1. 10 APRIL 2004/1930 HRS - 10 APRIL 2004/2130 HRS, ABU GHUYEB PRISON, ABU GHUYEB, BAGHDAD, IRAQ
 2. 11 APRIL 2004/0500 HRS - 11 APRIL 2004/0540 HRS, ABU GHUYEB PRISON, ABU GHUYEB, BAGHDAD, IRAQ
2. DATE/TIME REPORTED: 10 APRIL 2004, 2200
3. INVESTIGATED BY: SA *7C-1 66-1 62*; SA *7C-1 66-1 62*
66-1 62 SA *7C-1 66-1 62*
4. SUBJECT: 1. HAMED, ABBAS KHALID (DECEASED); INTERNMENT SERIAL NUMBER (ISN 26162); 01 JANUARY 1986; UNKNOWN, IZ; M; WHITE; DETAINEE; BAGHDAD CORRECTIONAL CONFINEMENT FACILITY (BCCF), ABU GHUYEB, IZ; ZZ [RIOTING] [JUSTIFIABLE HOMICIDE]
2. APOSS, KNALED (DECEASED); PRISONER IDENTIFICATION NUMBER (PIN 000012); UNKNOWN, IZ; M; WHITE, DETAINEE; BCCF, ABU GHUYEB, IZ; ZZ (NFI) [RIOTING] [JUSTIFIABLE HOMICIDE]
5. VICTIM: 1. U.S. GOVERNMENT; (301TH MILITARY POLICE COMPANY) [RIOTING] [JUSTIFIABLE HOMICIDE]
2. U.S. GOVERNMENT; (K COMPANY, 3/24TH MARINE) [RIOTING] [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 IRAQI FREEDOM INVESTIGATION"

ON 10 MAR 04, THIS OFFICE WAS NOTIFIED BY THE 391ST MILITARY POLICE (MP) BATTALION (BN), ABU GHROYEB PRISON, ABU GHROYEB, IRAQ THAT DETAINEE HAMED, WAS SHOT AND KILLED BY MP GUARDS AND DETAINEE APOSS, WAS SHOT AND KILLED BY MARINES WHEN THEY ESCAPED AFTER RIOTING IN TIERS 5A AND 5B OF THE ABU GHROYEB PRISON HARDSITE.

PRELIMINARY INVESTIGATION REVEALED A RIOT BEGAN IN TIER 5B OF THE ABU GHROYEB PRISON HARDSITE AND MP GUARDS SET UP A PERIMETER ON THE OUTSIDE OF TIER 5B. WITHIN TIER 5B THE PRISONERS HAD BROKEN THEIR THE LOCKS TO THEIR CELLS AND WERE THROWING ROCKS AND METAL PIPES AT THE MILITARY POLICE GUARDS. ALL MEMEBERS IF THE GUARD FORCE WERE BRIEFED ON THE RULES OF ENGAGEMENT (ROE) AUTHORIZING THE USE OF DEADLY FORCE. MULTIPLE ATTEMPTS WERE MADE TO STOP THE RIOT UTILIZING VERBAL PERSUASION AND WITH LESS THEN LETHAL MUNITIONS. DETAINEE HAMED THEN JUMPED THROUGH A WINDOW AND WAS ORDERED TO HALT THREE TIMES BY MILITARY POLICE PERSONNEL. DETAINEE THEN ATTEMPTED TO RUN AND SPC *7C-4* *7C1bb-4* 301ST MP COMPANY, ABU GHROYEB, IRAQ, ENGAGED DETAINEE HAMED WITH ONE ROUND OF BUCKSHOT STRIKING HIM IN THE BACK.

LATER THAT EVENING, IN TIER 5A OF THE ABU GHROYEB PRISON HARDSITE, FIFTEEN DETAINEES ESCAPED OUTSIDE OF THE TEIR. DURING THE ESCAPE, U.S. MARINES RE-CAPTUREED FOURTEEN OF THE DETAINEES. WHILE THE MARINES WERE COLLECTING THE ESCAPED DETAINEE'S, A GUN SHOT WAS HEARD. DETAINEE APOSS WAS ATTMPTING TO FLEE THE PRISON BY CRAWLING ON THE GROUND TOWARD AN EXIT. LCPL *7C1bb-4* , K COMPANY, 3/24TH MARINE, ABU GHROYEB, IRAQ, IDENTIFIED DETAINEE APOSS CRAWLING ON THE GROUND AND ENGAGED HIM WITH ONE ROUND OF 5.56MM IN ACCORDANCE WITH THE ROE, STRIKING HIM IN THE UPPER SHOULDER.

AT THE WRITING OF THIS REPORT, THE EXACT TIMES OF DEATH WERE UNKNOWN OR IF AUTOPSY'S WILL BE CONDUCTED ON THE DECEADED DETAINEES.

AT 2350, 10 APR 04, SA 7C166-1 ADVISED SPC OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND PROVIDED A WRITTEN STATEMENT WHICH DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. SPC 7C464 STATED HE SHOT THE DETAINEE (HAMED) TO PROTECT THE OTHER MP PERSONNEL AND TO PREVENT DETAINEE (HAMED) FROM ESCAPING.

AT 0703, 11 APR 04, SA 7C166-1 ADVISED LCPL 7C166-4 OF HIS LEGAL RIGHTS, WHICH HE WAIVED AND RENDERED A SWORN STATEMENT WHICH HE DETAILED THE EVENTS SURROUNDING AND HIS ACTIONS DURING THE SHOOTING OF THE DETAINEE. LCPL 7C166-4 STATED HE SHOT THE DETAINEE (APOSS) TO PROTECT FELLOW MARINES AND TO PREVENT DETAINEE (APOSS) FROM ESCAPING.

THE OCONUS CID CASUALTY LIASON OFFICER (CLO) IS SA 7C166-1 7C166-1 75TH MP DETACHMENT (CID), PRISON INTERROGATION TEAM (PIT), ABU GHUYEB PRISON, ABU GHUYEB, IRAQ, AT DNVN 318-550-

INVESTIGATION CONTINUES BY USACIDC.

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

FOR OFFICIAL USE ONLY

CID Form 66

1. Date: 11 Apr 04		2. Time Received: 2200		7. Case Number: 0013-04-CID789-83982		
3. Offenses(s): Two Detainees shot and killed while trying to escape				8. Assigned To: SA <i>Ebb-1</i>		
4. Subject(s): HAMED and APOSS				9. Type of Action: ROI		
5. Victims: US Gov.				10. Reports		
				Type	Suspense	Completed
				<i>1st Info INF</i>		<i>11 Apr 04</i>
				<i>close</i>		<i>25 APR 04</i>
6. Case Description: At 2200 hrs. this office was notified by the 391 st MP BN operations that two detainees had been shot during a riot at the "hard site". both of which were deceased. <i>This is an Operation Iraqi Freedom Investigation.</i>				<i>Sup</i>	<i>ZIVA</i>	
11. Other Action			12. CID Funds			
Action	Required	Completed	Date	Amount		
Criminal Info						
Evidence Cust						

SAC: _____

000001

INVESTIGATIVE PLAN

SEQUENCE NUMBER
0013-04-CID789-83982

DATE 28 Mar 04	OFFENSE: Shooting	SUBJECT: VICTIM:	ASSIGNED TO: SA <i>701, 20-1</i>
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DATE NOTED	PLANNED ACTIVITY	DATE SUSPENDED	DATE COMPLETED
10 Apr 04	Coordinate with SFC <i>7C-4, 66-4</i>		10 Apr 04
10 Apr 04	Interview PVT <i>7C-4, 66-4</i>		10 Apr 04
10 Apr 04	Photograph Detainee HAMED		10 Apr 04
10 Apr 04	Interview CPL <i>7C-4, 66-4</i>		10 Apr 04
10 Apr 04	Coordinate with Unit CDR		10 Apr 04
10 Apr 04	Conduct Crime Scene Examination		N/A
10 Apr 04	Burn pictures to CD		10 Apr 04
10 Apr 04	Interview SPC <i>7C-4, 66-4</i>		10 Apr 04
10 Apr 04	Interview LCPL <i>7C-4, 66-4</i>		11 Apr 04
10 Apr 04	Interview SGT <i>7C-4, 66-4</i>		11 Apr 04
10 Apr 04	Interview LCPL <i>7C-4, 66-4</i>		11 Apr 04
10 Apr 04	Coordinate with SJC (CPT <i>7C-4, 66-4</i>)		12 Apr 04

MISCELLANEOUS ACTIVITY

ACTION	COMPLETED	ACTION	COMPLETED
Obtain MP Report	<input type="checkbox"/>	Sources targeted	<input type="checkbox"/>
NCIC entry on stolen prop	<input type="checkbox"/>	Medical records requested	<input type="checkbox"/>
Film submitted for contact sheet	<input type="checkbox"/>	Name check dispatched	<input type="checkbox"/>
2701s issued to all of the victims and witnesses	<input type="checkbox"/>	Name check results received	<input type="checkbox"/>

CONTACTS/PHONE NUMBERS

ACTIVITY/PERSON	PHONE NUMBER

INVESTIGATIVE STANDARDS

VICTIMS INTERVIEWED	24 hours
EYE WITNESSES INTERVIEWED	24 hours
EVIDENCE DEPOSITED	1 duty day
LAB REQUESTS	5 duty days
RFA'S SENT OUT	5 duty days
MEANINGFUL INV ACTIVITY	10 duty days
RFA FOLLOW UP	15 duty days
KNOWN SUBJ FINALS	15 duty days
UNFOUNDED FINALS	15 duty days
UNKNOWN SUBJ FINALS	30 cal days
ACTION TAKEN	30 cal days

000002

AGENTS ACTIVITY SUMMARY
(CID Regulation 195-1)

CONTROL NUMBER

0013-04-CID789-83982

TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
2200, 10 Apr 04 <i>7C-1, 66-1</i> I: 10, T: 0	BASIS FOR INVESTIGATION: At 2200, 10 Apr 04, this office was notified by the 391st Military Police (MP) Battalion (BN), Baghdad Correctional Confinement Facility (BCCF), Abu Ghryueb, Iraq, that one Detainee (HAMED) was shot and killed when he tried to escape from 5B of the hardsite.
2220, 10 Apr 04 <i>7C-1, 66-1</i> I: 20, T: 10	About 2220, 10 Apr 04, SA <i>7C-1, 66-1</i> his office, coordinated with SFC <i>7C-3, 66-3</i> 391 st Military Police (MP) Battalion (BN), Prisoner In-Processing Section, Abu Ghryueb, Iraq (AGI), who stated he could not identify the deceased detainee using a retinal scan. SFC <i>7C-3, 66-3</i> stated the detainee was not in the system.
2230, 10 Apr 04 <i>7C-1, 66-1</i> I: 20, T: 10	At 2230, 10 Apr 04, SA <i>7C-1, 66-1</i> interviewed PVT. <i>7C-6, 66-6</i> 301st Military Police (MP) Company, Baghdad Correctional Confinement Facility (BCCF), Abu Ghryueb, Iraq. PVT <i>7C-6, 66-6</i> stated he was one of three MP's who were guarding the outside of Tier 5B. PVT <i>7C-6, 66-6</i> stated a Detainee (HAMED) crawled through a burned out window. The MP's present announced three times for Detainee HAMED to halt and he began to run. SPC <i>7C-6, 66-6</i> 7C-6, 66-6 301st MP Company, BCCF, Abu Ghryueb, Iraq, fired one round buckshot which struck Detainee HAMED in the back which killed him.
2235, 10 Apr 04 <i>7C-1, 66-1</i> I: 10, T: 0	About 2235, 10 Apr 04, SA <i>7C-1, 66-1</i> xposed photographs of the detainee and his injuries using a Kodak digital camera. (See Photo Log)
2245, 10 Apr 04 <i>7C-1, 66-1</i> I: 20, T: 10	At 2245, 10 Apr 04, SA <i>7C-1, 66-1</i> interviewed CPL <i>7C-4, 66-4</i> 7C-4, 66-4 301st MP Company, BCCF, Abu Ghryueb, Iraq. CPL <i>7C-3, 66-3</i> stated she noticed a Detainee crwling through a window on the bottom floor. Detainee HAMED was told three times to stop, then Detainee HAMED started to run. SPC <i>7C-3, 66-3</i> then fired one round of buckshot which killed him. CPL <i>7C-3, 66-3</i> related, SPC <i>7C-3, 66-3</i> and PVT <i>7C-6, 66-6</i> attempted to administer first aid to the Detainee, but were forced back by other Detainee's throwing rocks and pipes at them.
2300, 10 Apr 04 <i>7C-1, 66-1</i> I: 20, T: 0	At 2300, 10 Apr 04, SA <i>7C-1, 66-1</i> coordinated with CPT <i>7C-3, 66-3</i> Commander, 301st MP Company, BCCF, Abu Ghryueb, Iraq and briefed him on the status of this investigation. AGENT'S COMMENT: A Crime Scene Examination was not conducted due to officer safety concerns. As MP and CID personnel were approaching the crime scene, Detainees began throwing rocks and pipes.
2230 10 Apr 04 <i>7C-1, 66-1</i> I: 20, T: 0	About 2330, 10 Apr 04, SA <i>7C-1, 66-1</i> coordinated with LTC <i>7C-3, 66-3</i> 7C-3, 66-3 Commander, 391 st MP BN, Abu Ghryueb Prison, Iraq and briefed him on the status of this case.
2350, 10 Apr 04 <i>7C-1, 66-1</i>	About 2350, 10 Apr 04, SA <i>7C-1, 66-1</i> office, advised SPC <i>7C-6, 66-6</i> his legal rights, which he waived and provided a sworn statement detailing the

000003

TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
I: 40, T: 0	incident. (See Sworn Statement)
0600, 11 Apr 04 <i>7C-1, b6-1</i> I: 10, T: 0	BASIS FOR INVESTIGATION: About 0600, 11 Apr 04, this office was notified by the 391st Military Police (MP) Battalion, Abu Ghruyeb, Iraq (AGI) that another detainee was shot and killed while trying to escape.
0703, 11 Apr 04 <i>7C-1, b6-1</i> I: 40, T: 0	About 0703, 11 Apr 04, SA <i>7C-1, b6-1</i> interviewed LCPL <i>7C-3, b6-3</i> K Company 3/24 Marines, AGI. <i>7C-3, b6-3</i> was advised of his legal rights, which he waived and provided a sworn statement detailing his actions. <i>7C-3, b6-3</i> stated that he shot the detainee to protect his position and to keep the detainee from escaping in accordance with the Rules of Engagement (ROE) that he was briefed. (See Waiver and Sworn Statement of <i>7C-3, b6-3</i>)
0810, 11 Apr 04 <i>7C-1, b6-1</i> I: 30, T: 0	About 0810, 11 Apr 04, SA <i>7C-1, b6-1</i> interviewed SGT <i>7C-3, b6-3</i> , K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. <i>7C-3</i> stated he was the Sergeant of the Guard (SOG) for the midnight shift. <i>7C-3</i> stated he had to post the shift early as there was a report of escaped detainees loose inside the compound. While posting the shift, they encountered and detained 13 detainees who had escaped. <i>7C-3, b6-3</i> stated he briefed his personnel on the use of deadly force. <i>7C-3, b6-3</i> stated he told the Marines use of deadly force was authorized if Marines or Coalition Forces were threatened or in fear of grievous bodily harm. <i>7C-3, b6-3</i> stated the Marines were also briefed by an Army sergeant (NFI) that deadly force was authorized to capture detainees who had escaped from the hardsite. <i>7C-3, b6-3</i> stated after posting his Marines, there was a shot(s) fired from an undetermined location inside the compound, and there was still one escaped detainee unaccounted for inside the compound. <i>7C-3, b6-3</i> stated everyone was at a heightened state of alert.
0830, 11 Apr 04 <i>7C-1, b6-1</i> I: 20, T: 0	About 0830, 11 Apr 04, SA <i>7C-1, b6-1</i> briefed CPT <i>7C-3, b6-3</i> Executive Officer, K Company 3/24 Marines, AGI, on the status of this investigation. <i>7C-3, b6-3</i> stated his Marines are trained and empowered to make decision regarding use of force on the spot. <i>7C-3, b6-3</i> stated the Marines are not expect or required to call requesting permission to use deadly force.
0906, 11 Apr 04 <i>7C-1, b6-1</i> I: 10, T: 0	At 0906, 11 Apr 04, SA <i>7C-1, b6-1</i> coordinated with SFC <i>7C-3, b6-3</i> and obtained a copy of the death certificate pertaining to Detainee HAMED.
1000, 11 Apr 04 <i>7C-1, b6-1</i> I: 20, T: 0	About 1000, 11 Apr 04, SA <i>7C-1, b6-1</i> coordinated with SSG <i>7C-4, b6-4</i> 301st MP Company, AGI, who was the Hard site Shift NCOIC. SSG <i>7C-4, b6-4</i> stated a review of the pass-on book disclosed the deceased detainee was Khaled APOSS, #TAS00012, Tier 5A Cell 227, (NFI). SSG <i>7C-4, b6-4</i> stated the Coalition Provisional Authority (CPA) maintained all of the prisoner files, and there were no additional information available at the hardsite.
1030, 11 Apr 04 <i>7C-1, b6-1</i> I: 20, T: 0	About 1030, 11 Apr 04, SA <i>7C-1, b6-1</i> interviewed LCPL <i>7C-3, b6-3</i> <i>7C-3, b6-3</i> K Company 3/24 Marines, AGI, who provided a verbal statement regarding the incident. <i>7C-3, b6-3</i> stated about 0400, 11 Apr 04, they were notified that there were escaped detainees loose in the compound. <i>7C-3, b6-3</i> stated they captured 13 of the 14 detainees prior to taking their post at Tower 3. <i>7C-3, b6-3</i>

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

stated they heard a report from Tower 4 of activity in the vicinity of the tower, then heard a report of shot(s) fired. *TC, bb-3* stated they (he and *TC, bb-3*) believed the reports were related, and they feared the escaped detainee may have taken a weapon. *TC, bb-3* stated *TC, bb-3* saw the detainee low crawling towards their position. *TC, bb-3* stated *TC, bb-3* fired at the detainee once, believing the detainee was a threat.

0930, 12 Apr 04
TC-1, bb-1
I: 20, T: 0

At 0930, 12 Apr 04, SA *TC-1, bb-1* coordinated with CPT *TC, bb-3* Command Judge Advocate, 504th Military Intelligence Brigade and Abu Ghryeb Prison, Abu Ghryeb, Iraq. CPT *TC, bb-3* opined that no crime was committed and the shootings were Justifiable Homicide.

Pending interviews of MAJ *TC, bb-3* and LTC *TC, bb-3*

File to SAC for review:

1230, 13 APR
TC-1, bb-1

INT. OF LTC *TC, bb-3* INTO RELATED HE PROVIDED ROE, AUTHORIZING DEADLY FORCE IF ANY DETAINEE EXITED THE HARD-SITE.

13 Apr 04
TC-1, bb-1

SAC Reviewed We'll shut this case down Final (C).

18 Apr 04
TC-1, bb-1

Prepared Final To distro. Closed

25 Apr 04
TC-1, bb-1

Sent report via SIPR. To admin for closure

AGENTS ACTIVITY SUMMARY
(CID Regulation 195-1)

CONTROL NUMBER

0013-04-CID789-83982

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

25 May 2004
7C-1, bb-1

To OPS for review:

000000

01523

AGENTS ACTIVITY SUMMARY
(CID Regulation 195-1)

CONTROL NUMBER

0013-04-CID789-83982

TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY
1600, 15 Jun 04 <i>TC 106-1</i> I: 30	Directed by CW3 <i>TC 106-3</i> AOPS, 22nd MP BN that this investigation needed to be reopened to document the receipt of death certificates or lack thereof. (See email #1)
1100, 16 Jun 04 <i>TC 106-1</i> I: 30	Coordinated with detainee in-processing who did not have a copy of either detainees death certificate. (See AIR)
1130, 16 Jun 04 <i>TC 106-1</i> I: 30	Coordinated with Aid Station who only had a copy of HAMED's death certificate. (See AIR)
1230, 16 Jun 04 <i>TC 106-1</i> I: 30	Coordinated with MI. (See AIR)
1930, 16 Jun 04 <i>TC 106-1</i> I: 30	Coordinated with CW3 <i>TC 106-3</i> 22nd MP BN to obtain death certificate from Mortuary affairs.
0900, 17 Jun 04 <i>TC 106-1</i> I: 30	Received information from CW3 <i>TC 106-3</i> at Mortuary Affairs did not have a copy of either detainees death certificate. (See AIR)
1500, 21 Jun 04 <i>TC 106-1</i> I: 90	Prepared Supplemental and distro via SIPR. Case closed.

0000007

Page(s)

8

Referred to:

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

MS. JACQUELINE SCOTT
scottj@centcom.smil.mil
(813) 827-5341/2830

INVESTIGATIVE WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g).

ROUTINE USES: Your social security number and other personal information are used as an additional/alternate means of identification to facilitate filing and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security number is voluntary.

1 REC CODE A4	2 ACTION CODE 2	3 DATE SUBMITTED 1	4 SEQ NUMBER 6	5 YEAR 4	6 UNIT 2	7 POI NUMBER 3	8 REL TO CASE 5	9 CONTROL # 1	
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INDIVIDUAL DATA

10 TC-4 bb-4		11 TC-4, bb-4		12 TC-4-bb-4		13 GRADE SPC		14 POP-UP US			
15 OTHER ID NUMBER TC-4, bb-4		16		17		18		19			
20 SEX M	21 RACE C	22 ETHNIC	23 HEIGHT 6'4"	24 WEIGHT 220	25 HAIR COLOR BRN	26 EYE COLOR BLU	27 CITIZEN US	28 EDUC 12	29 PRIOR RECORD N	30 MARITAL S	
31 MOS 31B		32 MOC		33 POSITION		34 INDUSTRY		35 SECURITY SEC		36 PHYSICAL MARKS TATTOOS (x5)	
37 ALIAS-NICKNAME(S) JON				38 ALIAS-NICKNAME				39 ALIAS-NICKNAME			
40 ORGANIZATION 301ST MP Co (PR) RESERVE						41 IF CONTRACTOR, CONTRACT #					
42 MILITARY SVC		43 SUBUNIT		44 FORT/CITY ABW GARWYEB			45 STATE TX	46 COUNTRY	47 ZIP CODE/ARO		
TC, bb-4						TC-4, bb-4					

FAMILY MEMBER DATA

52 UIC	54 FAMILY REL	55 SPONSOR LAST NAME			56 SPONSOR FIRST NAME			57 SPONSOR MIDDLE NAME		
58 SOCIAL SECURITY NUMBER			59 SPON GRADE	60 SPON MOC	81 SPONSOR UNIT ADDRESS					
62 SPON CITY			63 SPON ST	64 SPON CT	65 SPON ZIP CODE/ARO					

OFFENSE

66 OFFENSE CODE	67 UFC	68 OFFENSE CODE	69 UFC	70 OFFENSE CODE	71 UFC	72 OFFENSE CODE	73 UFC
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ADMINISTRATIVE DATA

TELEPHONE #	ETS	PCS/DEPT	DATE INTERV	TIME INTERV
PLACE OF INTERVIEW		DATE INTERV	TIME INTERV	PLACE OF INTERVIEW
START		END	END	END
VEHICLE DATA			DISPOSITION	

CORPORATION DATA

74 CONTRACTOR NUMBER		75 FED SERV/PROD #	76 CORPORATION NAME				
77 CORP ADDRESS		78 CORP CITY			79 CORP ST	80 CORP CTY	81 CORP ZIP CODE
82 CONTRACT NUMBER							

NOTES

INVESTIGATIVE WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

Title 10, United States Code, Section 3012(g).

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Your social security number and other personal information are used as an additional/alternate means of identification to facilitate filing and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

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1 REC CODE A4	2 ACTION CODE 2	3 DATE SUBMITTED 1	4 SEQ NUMBER 8	5 YEAR 4	6 UNIT 2	7 ROI NUMBER 3	8 REL TO CASE 5	9 CONTROL # 1	
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INDIVIDUAL DATA

10 SEX M		11 RACE C		12 ETHNIC 1		13 GRADE LEPL		14 OTHER ID NUMBER 7C-4, 106-4		15 7C-4, 106-4		16 7C-4, 106-4		17 POP-CAT US	
18 HEIGHT 5'8"		19 WEIGHT 155		20 HAIR COLOR BRN		21 EYE COLOR BRN		22 U.S. CITIZEN US		23 GRADE 12		24 MARRIAGE M		25 MARITAL S	
26 WOS 5		27 WAC 7		28 POSITION 7		29 INDUSTRY 7		30 SECURITY 7		31 PHYSICAL MARKS 40		32 ALIAS-NICKNAME(S) 20		33 ALIAS-NICKNAME 20	
34 ALIAS-NICKNAME(S) 20		35 ALIAS-NICKNAME 20		36 ALIAS-NICKNAME 20		37 ORGANIZATION K 3/4 MARINE (RESERVE)		38 IF CONTRACTOR CONTRACT # 25		39 STATE 13		40 MILITARY SVC 4		41 SUBUNIT 2	
42 FORT/CITY 7C-4, 106-4		43 STATE 7C-4, 106-4		44 COUNTRY 7C-4, 106-4		45 POSITION 7C-4, 106-4		46 STATE 7C-4, 106-4		47 COUNTRY 7C-4, 106-4		48 POSITION 7C-4, 106-4		49 POSITION 7C-4, 106-4	

FAMILY MEMBER DATA

50 SEX 1		51 FAMILY REL. 2		52 SPONSOR LAST NAME 20		53 SPONSOR FIRST NAME 15		54 SPONSOR MIDDLE NAME 15	
55 SOCIAL SECURITY NUMBER 9		56 SPON GRADE 2		57 SPON WAC 2		58 SPON UNIT ADDRESS 11		59 SPON CITY 11	
60 SPON ST. 2		61 SPON CTY. 2		62 SPON ZIP CODE/APO 9		63 OFFENSE 5		64 OFFENSE 1	

OFFENSE

65 OFFENSE CODE 5		66 UFC 1		67 OFFENSE CODE 6		68 UFC 1		69 OFFENSE CODE 5		70 UFC 1		71 OFFENSE CODE 5		72 UFC 1	
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ADMINISTRATIVE DATA

TELEPHONE #		ETS		POS/DIRC		DATE INTERV START		TIME INTERV START			
PLACE OF INTERVIEW START		DATE INTERV END		TIME INTERV END		PLACE OF INTERVIEW END		FINGERPRINT		PHOTO	
VEHICLE DATA						DISPOSITION					

CORPORATION DATA

73 CONTRACTOR NUMBER 12		74 FED SERV/PROG # 4		75 CORPORATION NAME 25		76 CORP ADDRESS 18		77 CORP CITY 2		78 CORP ST. 2		79 CORP CTY. 2		80 CORP ZIP CODE 9	
81 CONTRACT NUMBER 15		82 CONTRACT NUMBER 15		83 CONTRACT NUMBER 15		84 CONTRACT NUMBER 15		85 CONTRACT NUMBER 15		86 CONTRACT NUMBER 15		87 CONTRACT NUMBER 15		88 CONTRACT NUMBER 15	

NOTES

② OLCO NOTIFIED BY SPC (?) 7C-4, 106-4 w/ FATAL SHOOTING BY ONE OF TOWER GUARDS

@ 1000, 11 APR 04

COORD, INI SSC

7C-4, D6-4

~~301~~ MP Co.

7C-4, D6-4

HARD SITE MP NOBLE, ~~FT~~

TAS 00012 (NFI)

Khaled APOSS

THOR SA, CEU ~~ZZ~~

-NEED TO COORD w/ CPA

(7C-4, D6-4)

PROPERTY

DATA REQUIRED BY PRIVACY ACT
Title 10, United States Code Section 3012 (g)

ROUTINE USES

Your social security number and other personal information
Are used as an additional/alternate means of identification
to facilitate and retrieval

PRINCIPAL PURPOSE To provide commanders and law enforcement officials with
means by which information may be accurately identified

DISCLOSURE Disclosure of your social security # is voluntary.

1. Code	2. Action Code	3. Date	4. Rel to Case	5. Control	6. Sequence #	7. Year	8. Office - CID	9. ROI #	Offense
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10. Other ID Number: 7C-4, 166-4		11. Other ID Number: 7C-4, 166-4		12. Other ID Number: 7C-4, 166-4		13. Grade/Rank: SGT
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14. Race: M	15. Ethnic: C	16. Height: 5'5"	17. Weight: 175	18. Hair: BRN	19. Eye Color: BLU	20. Citizen: US	21. Civil: 12	22. Religion: N	19. POB Zip: US	30. Marital: M
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31. Job Description/Location	32. MC	33. Security Clr	34. Physical Marks/Tattoos	35. Spouse Military Yes: <input type="checkbox"/> No: <input type="checkbox"/>	36. Branch
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37. Alias/Nicknames	38. Alias/Nicknames	39. Alias/Nicknames
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40. Organization: 3/24 K MARINES	41. Unit Phone Number	Home	Cell/Pager
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42. Military Service	43. Sub Unit	44. Fort/City	45. State	52. Zip Code/APU: 7C-4, 166-4
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7C-4, 166-4		52. Zip Code/APU
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54. Family Rel	55. Last Name:	56. First Name:	57. Middle Name:
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58. Social Security	59. Grade/Rank	60. MC	61. Unit:
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62. City	63. State	64. ZIP/APO	65. Phone. Wk.	Hm
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66. Offense Code:	67. UFC:	68. Offense Code:	69. UFC:	70. Offense Code:	71. UFC:	72. Offense Code:	73. UFC:
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Home	ETS:	PCS/DEROS:	Date / Time Interview START: Date: Time:
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Date / Time Interview END: Date: Time:

Category:	75. Type:	76. Recovered: Yes: <input type="checkbox"/> No: <input type="checkbox"/>	77. Value:	78. Insurer:	Policy:	Year/Date Exp
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79. Year	80. Make	81. Model	82. Vehicle Style	83. # of Doors	84. Color	85. Size
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86. Year	87. License Plate	88. State	89. DOD Decal Number
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ES: @ 0810, 11 APR 04. INT. OF 7C-4, 166-4 SOL for midday shift. Briefed ROE. TOLD LCP 7C-4, 166-4 HAD TO EMPLOY SHIFT EARLY TO CAPTURE ESCAPEES. AFTER HAD CAPTURED MAJORITY, HAD OPPORTUNITY TO BRIEF. TOLD IF THREATENED THEN DEADLY FORCE AUTHORIZED. ALSO BRIEFED BY ARMY SGT, WHO IN CHARGE OF TAKING CONTROL OF DETAINEES, THAT WE WERE AUTHORIZED DEADLY FORCE TO CAPTURE THE ESCAPEES. DON'T RECALL NAME.

FORM 1041-104 Online Version

FHTX, 1999

01529
JUN 12

THAT NIGHT WAS INTENSE. AFTER SHOT FIRED,
THERE WERE STILL ONE DETAINEE NOT ACCOUNTED
FOR. EVERYONE WAS ON ~~EDGE~~ AT A HIGHLY
ALERT.

01530
JUN 23

AUTHORITY Title 10, United States Code Section 3012 (g) DATA REQUIRED BY PRIVACY ACT ROUTINE USES Your social security number and other personal information are used as an additional/alternate means of identification to facilitate and retrieval.

PRINCIPAL PURPOSE To provide commanders and law enforcement officials with means by which information may be accurately identified. DISCLOSURE Disclosure of your social security # is voluntary.

1. Code	2. Action Code	3. Date	4. Rel to Case	5. Control	6. Sequence #	7. Year	8. Office - CID	9. ROI #	Offense
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10. SSN	11. Identifier ID Number	12. Grade/Rank	13. Grade/Rank	14. POB Zip
	7C-4, b6-4	7C-4, b6-4	7C-4, b6-4	LEPL

15. Race	16. Ethnic (I)	17. Height	18. Weight	19. Hair Color	20. Eye Color	21. Record	22. Marital
M	C	5'7"	150	BRO	BRO	US	M

23. Job Description/Location	24. MC	25. Security Clr	26. Physical Marks/ Tattoos	27. Spouse Military	28. Branch
				Yes: <input type="checkbox"/> No: <input type="checkbox"/>	

29. Alias/Nicknames	30. Alias/Nicknames	31. Alias/Nicknames

32. Organization	33. Unit Phone Number	34. Home	35. Cell/Pager
3/24 MARINE			

36. Military Service	37. Sub Unit	38. Fort/City	39. State	40. ZIP

41. Family Rel	42. Last Name	43. First Name	44. Middle Name

45. Social Security	46. Grade/Rank	47. MC	48. Unit

49. State	50. ZIP/APO	51. Phone	52. Wk	53. Hm

54. Offense Code	55. UFC	56. Offense Code	57. UFC	58. Offense Code	59. UFC	60. Offense Code	61. UFC

62. none	63. ETS	64. PCS/DEROS	65. Date / Time Interview START
			Date: Time:

66. Date / Time Interview	67. Date / Time Interview END
Date: Time:	Date: Time:

68. Category	69. Type	70. Recovered: Yes: <input type="checkbox"/> No: <input type="checkbox"/>	71. Value	72. Insurer	73. Policy	74. Year/Date Exp

75. Make	76. Model	77. Vehicle Style	78. # of Doors	79. Color	80. Size

81. License Plate	82. State	83. DOD Decal Number

ES: @ 1030, 11 APR. INT. @ 0400 notified by detainees detained 13 of 14. TOOK POSITION ON TOWER 3. Heard report of from Tower 4 of activity on area. Then heard report of gun shot. BELIEVED incident related to maybe detainees had gotten weapon. MARSHALL SAW detainees low crawling to my location. Perceived it a threat & fired. Then called it in.

01531
 JUN 1999

Initially.
Had been briefed on ROE. Of 7
deadly force for anyone outside
hard site.

Also briefed ~~briefed~~ ^{briefed} staff by SOC.
after obtained 13 escapes.

INVESTIGATIVE WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY:

Title 10, United States Code, Section 3012(g).

ROUTINE USES:

Your social security number and other personal information are used as an additional/alternate means of identification to facilitate filing and retrieval.

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security number is voluntary.

1 REC CODE A4	2 ACTION CODE 2	3 DATE SUBMITTED 1	4 SEQ NUMBER 8	5 YEAR 4	6 UNIT 2	7 FOR NUMBER 3	8 REL. TO CASE 5	9 CONTR. # 1
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INDIVIDUAL DATA

10 SOCIAL SECURITY NUMBER 70-4, 06-4			11. UNIT # NUMBER 70-4, 16-4			12 GRADE CPF		
13 SEX 1			14 RACE 1			15 ETHNIC 1		
16 HEIGHT 2			17 WEIGHT 3			18 HAIR COLOR 5		
19 EYE COLOR 5			20 CITIZEN 2			21 EDUC 2		
22 PRIOR RECORD 1			23 MARITAL 1			24 MOS 5		
25 MCAC 7			26 POSITION 7			27 INDUSTRY 7		
28 SECURITY 7			29 PHYSICAL MARKS 40			30 ALIAS-NICKNAME(S) 20		
31 ALIAS-NICKNAME 20			32 ALIAS-NICKNAME 20			33 ALIAS-NICKNAME 20		
34 ORGANIZATION 3/24 K MARINES						35 IF CONTRACTOR, CONTRACT # 25		
36 MILITARY SVC 4			37 SUBUNIT 2			38 FORT/CITY 18		
39 STATE 2			40 COUNTRY 2			41 ZIP CODE/APO 9		
42 ADDRESS 25						43 CITY 18		
44 STATE 2			45 COUNTRY 2			46 ZIP CODE/APO 9		

FAMILY MEMBER DATA

47 SPOUSE 1		48 FAMILY REL. 2		49 SPONSOR LAST NAME 20			50 SPONSOR FIRST NAME 15			
51 SPONSOR MIDDLE NAME 15		52 SOCIAL SECURITY NUMBER 9			53 SPON GRADE 7		54 SPON MCAC 7		55 SPONSOR UNIT ADDRESS 25	
56 SPON CITY 18			57 SPON ST. 2		58 SPON CTY. 2		59 SPON ZIP CODE/APO 9			

OFFENSE

60 OFFENSE CODE 5		61 UFC 1		62 OFFENSE CODE 5		63 UFC 1		64 OFFENSE CODE 5		65 UFC 1	
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ADMINISTRATIVE DATA

66 TELEPHONE #		67 ETS		68 POS/DEPT		69 DATE INTERV START		70 TIME INTERV START		
71 PLACE OF INTERVIEW START			72 DATE INTERV END		73 TIME INTERV END		74 PLACE OF INTERVIEW END		75 FINGERPRINT	76 PHOTO
77 VEHICLE DATA						78 DISPOSITION				

CORPORATION DATA

79 CONTRACTOR NUMBER 12			80 FED SERV/PROG # 4			81 CORPORATION NAME 25							
82 CORP ADDRESS 25						83 CORP CITY 18		84 CORP ST. 2		85 CORP CTRY. 2		86 CORP ZIP CODE 9	

87 CONTRACT NUMBER

NOTES: Empower them to make timely decisions
 COMPANY XO
 @ 0833 Briefed 70-4, 06-4 STATED
 HIS MARINES TRAINED & EXPECTED TO MAKE DECISION
 THE

DO NOT USE FORCE OR NOT. ON OWN. NOT EXPECTED
 TO CALL FOR PERMISSION



DEPARTMENT OF THE ARMY
22nd Military Police Battalion (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
CAMP VICTORY, IRAQ, APO AE 09342

REPLY TO
ATTENTION OF:

CIMPL-ZA

26 May 04

MEMORANDUM FOR Commander, USACIDC, Attn: CIOP-COP-OP, 6010 6th St., Fort Belvoir, VA

SUBJECT: Request for Information (RFI 0212-04-CID001)

1. A review of CID Report of Investigation (ROI) 0013-04-CID789-83982 disclosed the investigation was weak in the areas of thoroughness and documentation but strong in timely reporting and timeliness of investigation. Several report writing errors were noted but none that warrant mentioning. Most were corrected through supplemental reports.

2. From a thoroughness perspective, the photographs of the victims and crime scene were not taken consistent with the requirements or protocols of a homicide investigation. An autopsy was not requested based on guidance provided by the Battalion Forensic Science Officer, however, this decision should be explained somewhere in the written report. At a minimum, agents should have conducted a thorough examination of the detainees' remains, and described them in the report. A crime scene examination should have been conducted when hostilities stopped to document the two shooting scenes in the report. An explanation of the lighting conditions, at the time of the shootings and locations, should have been provided in the report. Death certificates for the deceased persons should have been obtained, and included with the report. Lastly, the "shooters" were not titled as subjects, which is inconsistent with Department of Defense guidelines. However, this action was discussed and authorized by battalion supervisory staff.

3. The point of contact is the undersigned at 7C-1, bb-1 s armv mil

7C-1, bb-1

Criminal Intelligence Coordinator

01534

JUN 17

From: *TC-3, 100-3* CW3 MNC-1 22ND MP BN/FSO" *TC-3, 100-3* iraq.centcom.smil.mil >
Add Sender

Sent Tuesday, June 15, 2004 3:44 pm

To: *TC-3, 100-3*@us.army.smil.mil

Subject RE: RE: 0016-04-CID789

Leave it undetermined. If all the leads are complete, close and publish the final supplemental. Did you get a death cert from the doc who declared him? That's something CID CMD is bouncing cases back for. I've got a list of them that are going to be sent back to the field to do exactly that. You've got two of them, 0013-04 and 0040-04, both of them are from riots where detainees were justifiably shot. You'll need to get DC's if they're available, then republish the finals. If not available, publish a final with an AIR documenting the effort to locate them.

Know this is a pain, appreciate the work.

Later,

TC-3, 100-3
CW3, MP
AOPS/FSO
22nd MP BN (CID)
APO AE 09342
DNVT 302.550

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

From: *TC-3, 100-3* us.army.smil.mil [mailto:*TC-3, 100-3* us.army.smil.mil]
Sent: Tuesday, June 15, 2004 3:28 PM
To: *TC-3, 100-3* CW3 CJTF7-22ND MP BN/FSO
Subject: Re: RE: 0016-04-CID789

Mr *TC-3, 100-3*

Here is the email traffic on the case in question about the Undetermined Death.

All the activity has been completed and now I'm wondering what I should do? Change it back to Natural? Leave it as Undetermined? I figure your the best expert on this one. This occurred right before "they" decided we were going to do autopsies.

This case has one interesting fact it occurred on the day when all of Abu (CID) was getting the new CIF stuff on Camp Victory. I remember this day because *TC-3, 100-3* ked me if I knew anything about this death as we were going to get our CIF.

After looking at all the information I think the US military did this guy a great disservice in not treating him properly...then again...I think maybe the US had the means to protect this guy...
Everyone out here in Abu is short-changed in some capacity...
...these data need to not be left in your med file records

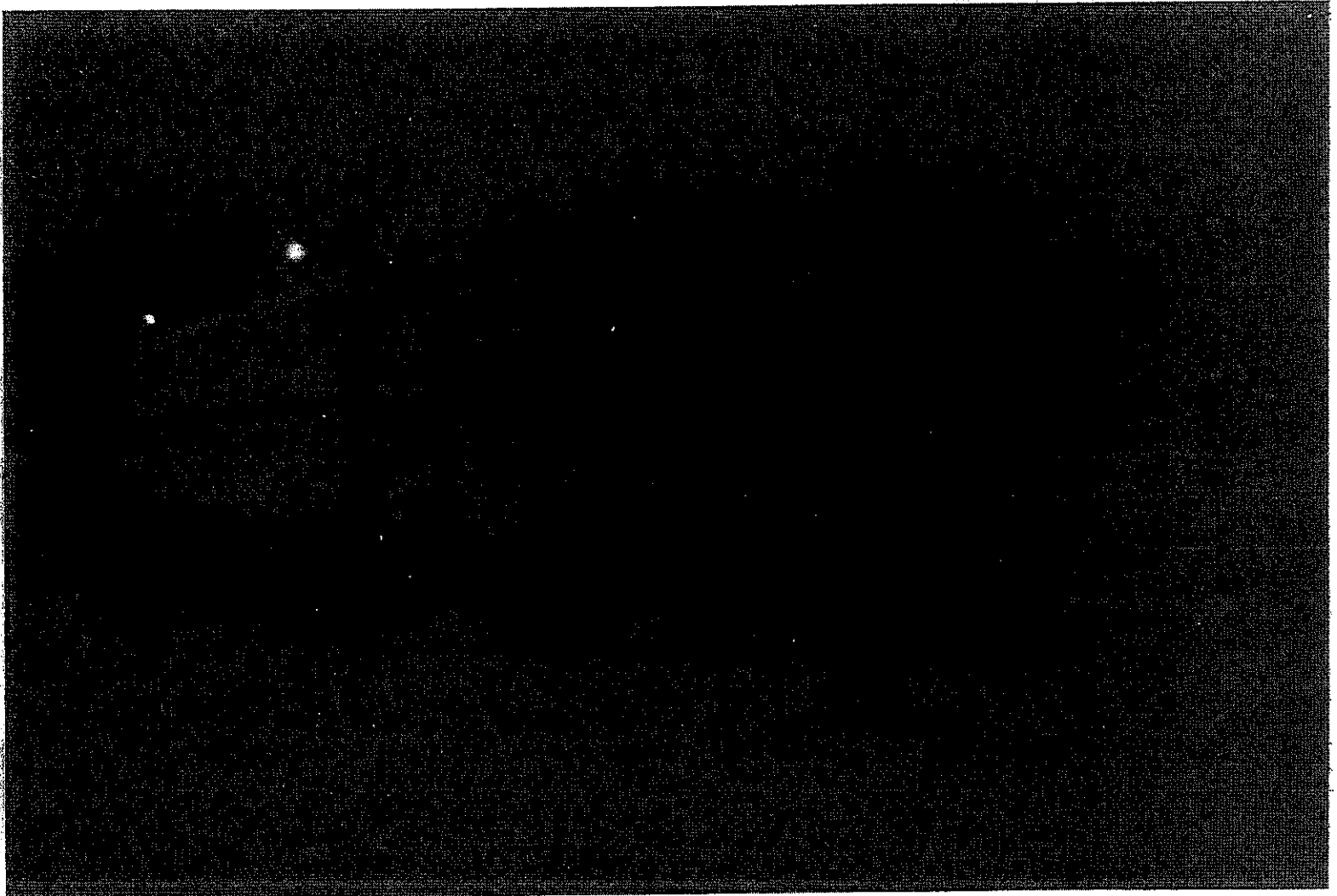
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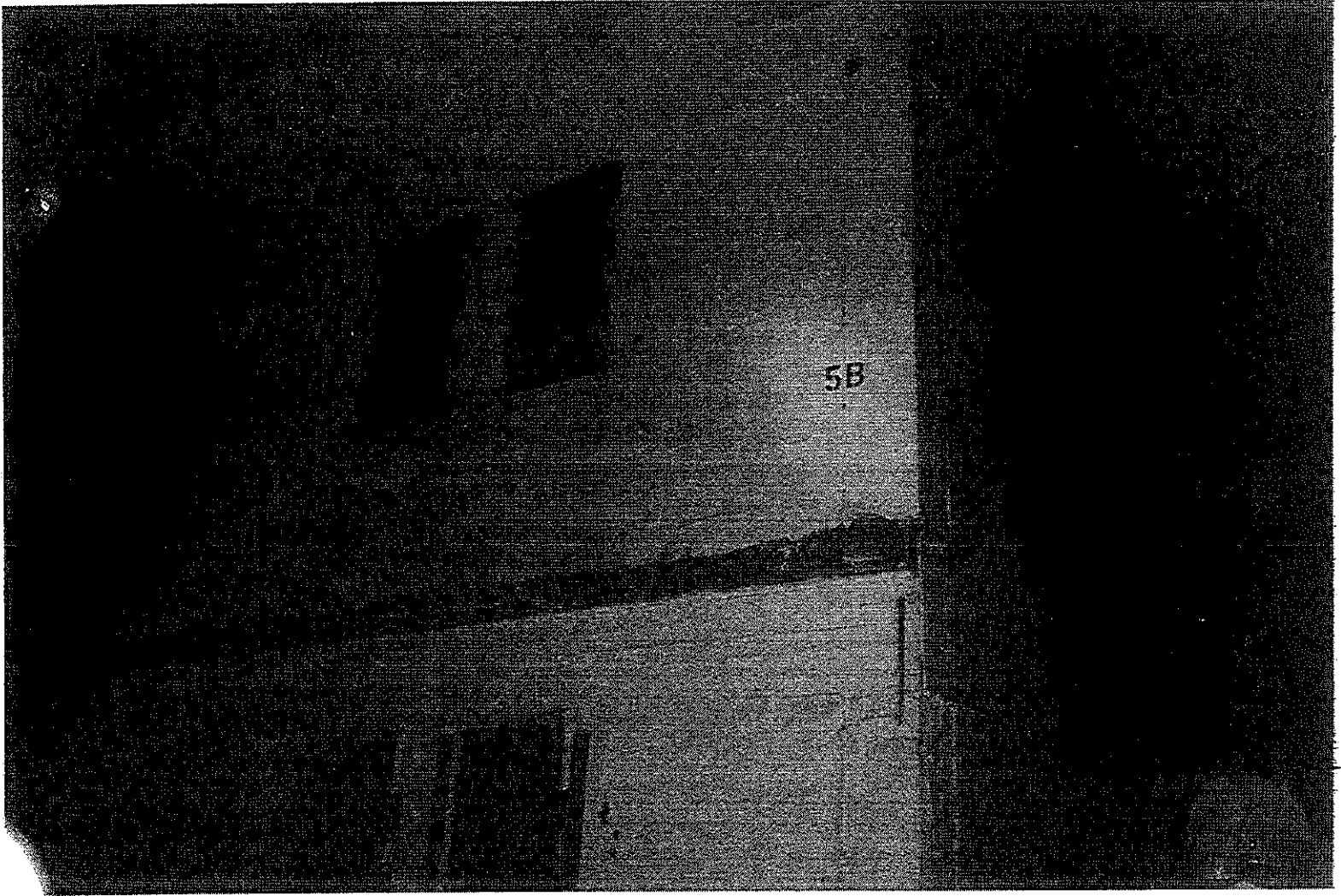
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