

01053

DEPARTMENT OF THE ARMY
43RD MILITARY POLICE DETACHMENT (CID)(FWD)
10TH MILITARY POLICE BATTALION
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
OPERATION IRAQI FREEDOM APO AE 09323-2647

CIRC-AB

23 Nov 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – Final (C) - 0149-03-CID469-60209-5H1A

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 Sep 03/2315 – 11 Sep 03/2320; Grid 38S LD 79352220 (Detainee Collection Point), Forward Operating Base Packhorse, Tikrit, Iraq.

DATE/TIME REPORTED: 15 Sep 2003, 1600

INVESTIGATED BY: SA [REDACTED] b7C, b2, b6 -1; SA [REDACTED] b7C, b2, b6 -1
[REDACTED] b7C, b6 -1; SPC [REDACTED] b7C, b6 -1 M;
SUBJECT: 1 [REDACTED] Black; D Company, 4th Forward Support Battalion (FSB); 4ID, Forward Operating Base (FOB) Packhorse, Tikrit, Iraq, APO AE 09323; [Murder]

VICTIM: 1. RADAD, Obeed Hethere (Deceased); CIV; Detainee Number 0019; Ad Dwar, Iraq; M; Other; Detainee Collection Point, FOB Packhorse, Tikrit, Iraq, APO AE 09323; (NFI); [Murder]

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom" Report of Investigation.

This office was notified by the by the Staff Judge Advocate, 4ID, Camp Iron Horse, Tikrit, Iraq, APO AE 09323, Mr RADAD, a detained Iraqi Local National, was shot and killed by SPC [REDACTED] b7C, b6 -1

Investigation established probable cause to believe SPC [REDACTED] b7C, b6 -1 committed the offense of Murder when he failed to follow proper procedure while performing detainee guard duty and fired his M16 rifle at Mr RADAD, killing him.

STATUTES:

Article 118, UCMJ: Murder

EXHIBITS/SUBSTANTIATION:

~~FOR OFFICIAL USE ONLY~~

7C b6 b2

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01054

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0149-03-CID469-60209-5H1A

ATTACHED:

1. Agent's Investigation Report (AIR) of SA [REDACTED] 20 Nov 03, detailing the initial notification; receipt of the SIR and Commander's Report of Investigation; and the interview of SPC [REDACTED] and SJA coordination. *b7c, b6, b7c, b6, 5*
2. Serious Incident Report, 15 Sep 03, detailing the initial report provided by the 4th FSB, FOB Packhorse, Tikrit, Iraq, APO AE 09323.
3. Commander's Report of Investigation, 14 Sep 03, prepared by MAJ [REDACTED] 720th Military Police Battalion, Camp Iron Horse, Tikrit, Iraq, APO AE 09323, containing witness statements and disclosing that SPC [REDACTED] did not follow proper SOP. *b7c, b6, 4*
4. Non-Waiver Certificate of SPC [REDACTED] 23 Oct 03. *b7c, b6, 4*
5. AIR of SA [REDACTED] 20 Sep 03, detailing the crime scene examination of the detainee collection point. *b7c, b6, 1*
6. Crime scene sketch, 20 Sep 03, prepared by SA [REDACTED] *b7c, b6, 1*
7. Contact sheet comprised of three digital images depicting the crime scene.
8. Compact disc, 03.0149.469 containing all photographic images and the originals of Exhibit 7.

NOT ATTACHED:

None.

The originals of Exhibits 1 and 4 through 8 are forwarded with the USACRC copy of this report. The original of Exhibit 2 is retained in the files of the 4th FSB, FOB Packhorse, Tikrit, Iraq, APO AE 09323. The original of Exhibit 3 is retained in the files of the SJA, 4ID, Camp Iron Horse, Tikrit, Iraq, APO AE 09323.

STATUS: This is a Final (C) Report. This investigation is being terminated IAW Chapter 4-17(6), in that the Special Agent in Charge has determined that furtherance of the investigation would be of little or no value and leads remaining to be developed are not significant. Leads remaining include the collection of SPC [REDACTED] rifle, shell casing and projectile. On 20 Nov 03, this office coordinated with the Staff Judge Advocate, 4ID, who reported that on 12 Nov 03, SPC [REDACTED] was reduced to the grade of E-1 and received a Chapter 10 Discharge from the U.S. Army. *b7c, b6, 4*

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0000002 01055

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 01-9-03-CID469-60209-5H1A

Report Prepared By:

Report Approved By:

[Redacted] b7c, b6, 1
Special Agent, [Redacted] b7c, b2, b6, 1

[Redacted] b7c, b6, 1
Special Agent in Charge

DISTRIBUTION:

1 - Director, USACRC, 6010 6th Street, Fort Belvoir, VA 22060-5505
(Original)

1 - THRU: Commander, 10th MP Battalion (CID), Attn: Opns Officer, USACIDC, Camp Victory, APO AE 09335 (w/o exhibits) (email only)

THRU: Commander, 3d MP Group (CID), Attn: Opns Officer, USACIDC, Camp Victory, APO AE 09335 (w/o exhibits)(email only)

TO: Commander, USACIDC, Attn: CIOP-ZA, 6010 6th Street, Fort Belvoir, VA 22060-5506 (email only)

1 - THRU: Commander, 4th FSB, FOB Packhorse, Tikrit, Iraq, APO AE 09323

TO: Commander, D Company, 4th FSB, FOB Packhorse, Tikrit, Iraq, APO AE 09323

1 - SJA, Chief, Military Justice, 4ID, APO AE 09323 (w/o exhibits) (email only)

1 - SJA, 4ID, Senior TC, APO AE 09323 (w/exhibits)

1 - SJA, 4ID, 1st BCT (email only)

1 - PM, DMain, 4ID, APO AE 09323 (email only)

1 - File

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0149-03-CID469-60209

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR INVESTIGATION: About 1600, 15 Sep 03, this office was notified by the Staff Judge Advocate, 4ID, Camp Iron Horse, Iraq, that Mr [redacted] ^{Radad} detained Iraqi Local National, was shot and killed at Camp Packhorse, Iraq, by SPC [redacted] ^{b7c, b6}

About 1900, 15 Sep 03, SA [redacted] ^{b7c, b6} obtained a Serious Incident Report (SIR), and a 15-6 investigation packet conducted by MAJ [redacted] ^{b7c, b6} 720th Military Police Bn, Camp Iron Horse, Iraq, which disclosed SPC [redacted] was in violation of the U.S. Army Use of Force policy and Task Force Iron Horse directives concerning the use of deadly force. (See SIR and 15-6 investigation packet for details)

About 23 Oct 03, SA [redacted] ^{b7c, b6} advised SPC [redacted] ^{b7c, b6} of his rights, which he invoked and requested a lawyer.

About 20 Nov 03, SA [redacted] ^{b7c, b6} coordinated with CPT [redacted] ^{b7c, b6} SJA, 4ID, who opined there was probable cause to believe SPC [redacted] committed the offense of Murder when he failed to obey SOP and fire his rifle at Mr RADAD, killing him. CPT [redacted] ^{b7c, b6} stated there was already an article 32 hearing where SPC [redacted] was being charged for the offense of Voluntary Manslaughter. She stated the results of the hearing concluded that SPC [redacted] would not be tried at a courts-martial. She stated that on 12 Nov 03, SPC [redacted] was reduced to the grade of E-1 and received a Chapter 10 Discharge from the U.S. Army.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [redacted] ^{b7c, b2, b6}

ORGANIZATION

43rd MP Det (CID) (FWD), Camp Iron Horse, Iraq APO AE 09323-2647

SIGNATURE [redacted] ^{b7c, b6}

DATE

20 Nov 03

EXHIBIT

1

CID FORM 94

1 FEB 77

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Page(s)

5 - 114

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

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 D Co, 4th FSB, Camp Packhorse Tikrit Iraq	2. DATE 23 Oct 03	3. TIME 1104	4. FILE NO. 0149-03-CID469
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS D Co, 4th FSB, 4ID Camp Packhorse Tikrit Iraq		
6. SSN [REDACTED]	7. GRADE/STATUS SPC/AD		

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 (CID) and wanted to question me about the following offense(s) of which I am suspected/accuse MURDER III

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 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)	b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR [REDACTED] b7c, b65
2a. NAME (Type or Print)		
b. ORGANIZATION OR ADDRESS AND PHONE	5. TYPED NAME OF INVESTIGATOR SA [REDACTED] b7c, b61	6. ORGANIZATION OF INVESTIGATOR 43rd MP Det (CID) APO AE 09323

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
[REDACTED] b7c, b65

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

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROL NUMBER

0149-03-CID469-60209

PAGE 1 OF 3 PAGES

DETAILS

CRIME SCENE EXAMINATION: Between 1330 and 1400, 20 Sep 03, SA [REDACTED] b7c, b6, b1 conducted a crime scene examination of the Division Central Collection Point (DCCP) located at Camp Packhorse, south of Tikrit, Iraq (grid coordinates 38S LD 79352220).

Characteristics of Scene: The holding facility was a one story, sandstone constructed building. The building was divided in two parts of which one half was on the western end of the building. The other was on the eastern end. Those two parts were divided by a covered breezeway. The cover was an integral part of the main building roof. The western section was one room that occupied that entire end of the building. The eastern end was broken up into five smaller rooms. One was a central hall that connected the other four rooms and the remaining four rooms were positioned such that they lined the exterior walls of the building. The offense occurred in the central hall the eastern most room in the eastern half of the building.

Condition of Scene: Upon entering the sole entrance to the eastern most portion of the building, one stepped into a hallway which was centrally located within that section of the building and ran lengthwise west to east. The room was about twelve feet long and six feet wide. At the approximate center of the north interior wall of that room, sat an air conditioning unit or similar type appliance approximately one foot away from the northern wall. The unit was approximately four feet high, but did not block much of the view of a person looking over it to the back of the room on the eastern end.

To the left (or north) a door led to a small empty room with dimensions of about eight feet by 4.5 feet. Entering that room, one had access to the room directly to the east through a door frame in the eastern wall and flush against the northern exterior wall of the building. The next room was a bathroom with commode, bidet and sink. The dimensions of the bathroom were 6.5 feet by 7.5 feet and no further access to the building could be gained through this room.

From the hallway, once again, one would proceed directly eastbound to the end of the hall where another door frame was located in the eastern most wall which provided access to the back room. The back room ran

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7c, b2, b6, b1

ORGANIZATION

43d Military Police Detachment (CID)
APO AE 09323-2647

SI [REDACTED] b7c, b6, b1

DATE

20 Sep 03

EXHIBIT

5 (1 of 3) 01060

CID FORM 94

1 FEB 77

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0149-03-CID469-60209

PAGE 2 OF 3 PAGES

DETAILS

lengthwise north to south and had dimensions of approximately 14.5 feet by 6.5 feet. This was the room in which Mr. RADAD was detained when he was shot. No further access could be gained to other parts of the building from this room and no windows existed in the exterior walls of the room. No concertina wire existed separating this room from the central hall as reportedly existed at the time of the offense.

From the hallway, once again, one could proceed southward into a room that extended eastward from the doorway and occupied the majority of the southern exterior wall. That room appeared to be an office of sorts. A work counter was approximately centered on the southern wall and was flush against the wall. A filing cabinet was located in the southwest corner of the room and was flush against the two walls forming that corner with the cabinet facing northward.

Factors Pertinent to Entry/Exit (E/E): Entry to the eastern end of the building could be gained only from one entrance/exit which was located in the approximate center of the breezeway and western wall of the eastern section of the building. There was no door attached to the entrance/exit. The back room where Mr RADAD was shot was similarly missing any door in the door frame.

Environmental Conditions: At the time of the crime scene examination, the outside temperature was about 100 degrees Fahrenheit. The inside temperature was about 90 degrees Fahrenheit with a slight breeze through the building due to the open doors and windows. The sky was clear and sunny. No recent precipitation had been experienced.

Scene Documentation: SA [REDACTED] ^{b7c, b6, b1} prepared a crime scene sketch and exposed photographs utilizing a Nikon Coolpix995, digital camera documenting all rooms in the eastern end of the building, the breezeway entrance and the entrance to the eastern end of the building.

Collection of Crime Scene Evidence: No such evidence was recovered.

Search for Latent Impressions: A search for latent prints was not conducted as they would not have proven to be of any evidentiary value in the circumstances of this investigation.

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] ^{b7c, b2, b6, b1}

SIGNATURE [REDACTED] ^{b7c, b6, b1}

ORGANIZATION

43d Military Police Detachment (CID)
APO AE 09323-2647

DATE

20 Sep 03

EXHIBIT

5 (2 of 3) 01061

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

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DETAILS

Search Beyond the Scene: No search beyond the scene was conducted as it was determined such a search would have not likely have provided anything of evidentiary value in light of the solid wall behind the victim and the fact that the projectile that killed Mr RADAD was determined not to have exited his body.

///LAST ENTRY ///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] *b7C, b6, b2*

ORGANIZATION

43d Military Police Detachment (CID)
APO AE 09323-2647

SIGNATURE

[REDACTED] *b7C, b6, b1*

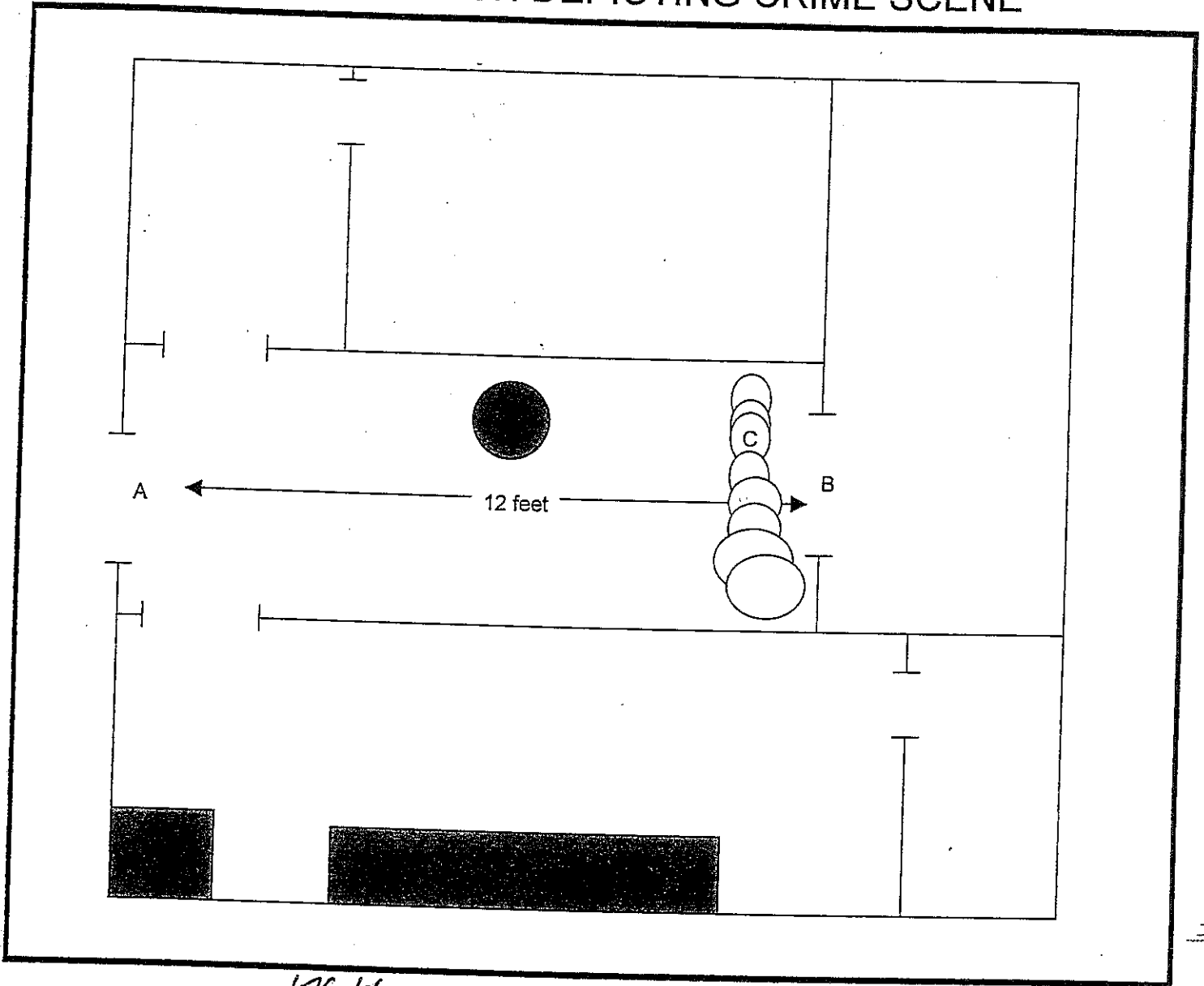
DATE

20 Sep 03

EXHIBIT

5 (30) 3

ROUGH SKETCH DEPICTING CRIME SCENE



LEGEND

- A= Location where [redacted] was allegedly standing at the time he fired upon Mr Rahad
- B= Location of Mr Rahad according to Statements
- C= Concertina wire
- D= Appliance

b7c, b6



N

Not To Scale

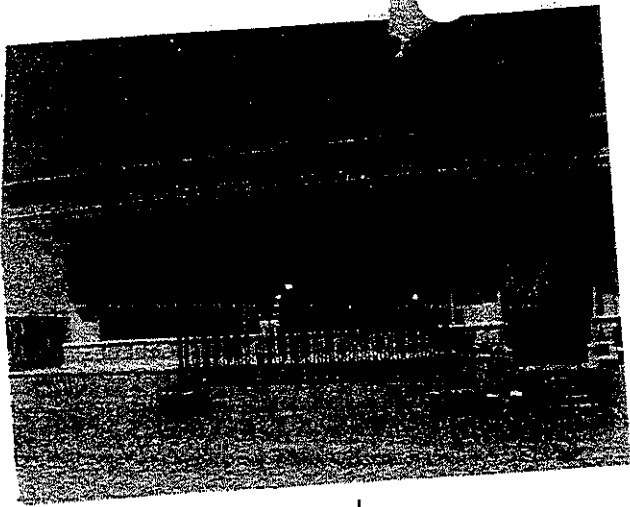
TITLE BLOCK

Case: 0149-03-CID469-60209
 OFFENSE: Murder
 SCENE PORTRAYED: Inside area of the Division Central Collection Point
 LOCATION: Grid Coordinate 38S LD 7935
 2220, Camp Packhorse, Tikrit, Iraq
 VICTIM: RAHAD, Obeed Hethere
 TIME & DATE BEGAN: 1330, 20 Sep 03
 SKETCHED BY: SA [redacted]
 VERIFIED BY: SA [redacted]

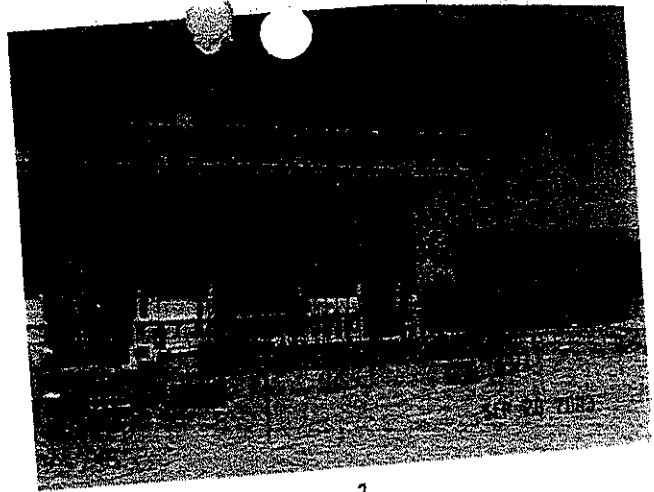
> b7c, b6

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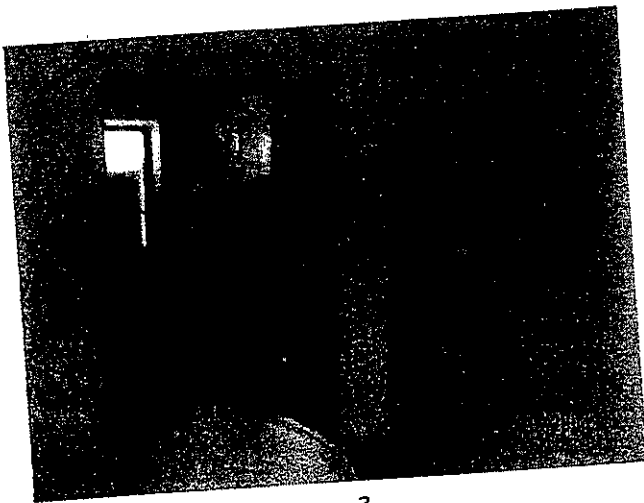
EXHIBIT 6 (of 3) 01063



1



2



3

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Exhibit 7 of 6
01064

0149-03-CID469-60209

Compact Disc
03.0149.469

010651

DATE: 16 SEP 03

FROM: SAC, 43rd MP DET (CID)

TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, HQUSACIDC //CIOP-ZA//
CDR, 10TH MP BN (CID) (ABN) (FWD) //OPS//
CDR, 3D MP GROUP (CID) //OPS//
LNO CID, CJTF-7 (FOR FURTHER DISTRIBUTION)

SUBJECT: CID REPORT - INITIAL/SSI - 0149-03-CID469-60209-5H1H

DRAFTER: [REDACTED]
RELEASER: [REDACTED]

> b7c, b6

UNCLASSIFIED - FOR OFFICIAL USE ONLY

1. DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 SEP 03/2315; GRID 38S LD 79352220 (DETAINEE COLLECTION POINT, FORWARD OPERATING BASE PACKHORSE, TIKRIT, IRAQ)

2. DATE/TIME REPORTED: 15 SEP 03/1600

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

> b7c, b2, b6

4. SUBJECT: 1. [REDACTED] SPC; [REDACTED] M; BLACK; D CO, 4th FORWARD SUPPORT BN, 1BCT, 4ID, APO AE 09323; FC; [MURDER]

b7c, b6

5. VICTIM: 1. RADAD, OBEED HETHERE; DETAINEE NUMBER 0019; M; OTHER; AD DWAR, IRAQ; (NFI); [MURDER]

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.

PRELIMINARY INVESTIGATION DISCLOSED SHORTLY AFTER SPC [REDACTED] WAS PLACED ON DUTY AT THE ENEMY PRISONER OF WAR (EPW) FACILITY, HE HAD BEEN OBSERVED BY GUARDS AND EPWS ALIKE, EXHIBITING BELLIGERENT AND AGGRESSIVE BEHAVIOR TOWARD RADAD AND HAD ENGAGED IN A YELLING SPREE WITH RADAD THE NIGHT BEFORE THE INCIDENT. SPC [REDACTED] HAD ONLY BEEN DETAILED TO GUARD DUTY AT THE FACILITY FOR THREE DAYS AND WAS BRIEFED ON THE USE OF DEADLY FORCE WHICH CONSISTED OF SHOOTING EPWS IF THEY APPROACHED THE WIRE WITHOUT

b7c, b6

*b7c, b6
b7c, b6*

PERMISSION, AND ONLY AFTER VERBAL WARNINGS AND OTHER MEASURES WERE FIRST CONSIDERED BEFORE APPLYING LETHAL FORCE. ON 8 SEP 03, RADAD, WHO WAS DETAINED IN A RAID IN AD DWAR ON 31 AUG 03, WAS PLACED IN AN ISOLATION CELL WITH HIS HANDS FLEXI-CUFFED IN FRONT OF HIM AND HELD FOR QUESTIONING FOR POSSIBLE TIES TO MRS [REDACTED] (WIFE OF [REDACTED]) UPON HIS ARRIVAL, MR RADAD WAS INSTRUCTED TO REMAIN SEATED AND TO STAY AWAY FROM THE CONCERTINA WIRE, OR HE WOULD BE SHOT.

b7c b6

b7c, b6

SPC [REDACTED] WHO WAS THE ON-DUTY GUARD FOR THE ISOLATION CELL, REPORTED DURING THE INITIAL INQUIRY THAT DURING HIS DETAINMENT, MR RADAD WAS "FIDDLING" WITH HIS FLEX-CUFFS AND ATTEMPTING TO SPEAK WITH ANOTHER DETAINEE IN AN ADJACENT HOLDING CELL. AT THE TIME OF THE INCIDENT, SPC [REDACTED] REPORTED HE HAD MOMENTARILY TURNED AWAY FROM MR RADAD AND WHEN HE TURNED BACK TO THE ISOLATION CELL, HE SAW THAT MR RADAD HAD SAT UP AND WAS LEANING OVER THE STRAND OF CONCERTINA WIRE. SPC [REDACTED] WHO STATED HE THOUGHT MR RADAD WAS ATTEMPTING TO ESCAPE, LOWERED HIS M-16 RIFLE AND SHOT MR RADAD. THE ROUND WENT THROUGH MR RADAD'S FLEXI-CUFFED ARM AND INTO HIS ABDOMEN.

b7c b6

b7c b6

b7c b6

SPC [REDACTED] DID NOT FOLLOW PROPER PROCEDURE WHEN HE FIRED HIS M16 AT MR RADAD, DELIBERATELY SHOOTING AND KILLING HIM. PRIOR TO THE SHOOTING, SPC [REDACTED] USED NO VERBAL WARNING NOR DID HE FOLLOW INSTRUCTIONS FOR THE GRADUATED USE OF FORCE AS RELATED IN 4ID FRAGO 422, 16 MAY 03, WHICH PROVIDES GUIDANCE FOR THE USE OF GRADUATED FORCE AND SPECIFICALLY IDENTIFIES A "SHOUT, SHOW, SHOVE, SHOOT, SHOOT" METHODOLOGY, BUT AIMED HIS WEAPON WITH THE INTENT TO KILL MR RADAD BASED ON MR RADAD'S ACTIONS.

b7c b6

b7c b6

MR RADAD WAS TRANSPORTED TO E COMPANY, 4TH FORWARD SUPPORT BN MEDICAL AID STATION WHERE MEDICAL AID WAS GIVEN. MR RADAD DIED FROM HIS WOUNDS AND WAS PRONOUNCED DEAD BY UNKNOWN MEDICAL PERSONNEL AT APPROXIMATELY 2330, 11 SEP 03.

THE CLO IS CW3 [REDACTED] SAC, 43RD MP DET (CID) (FWD), DNV 302-534-[REDACTED]

b7c b6

INVESTIGATION CONTINUES BY USACIDC.

*** REQUEST A USACRC NAMECHECK BE CONDUCTED ON SPC [REDACTED]

[REDACTED] b7c b6

b7c b6

7. COMMANDERS ARE REMINDED OF THE PROVISIONS OF AR 600-8-2 PERTAINING TO SUSPENSION OF FAVORABLE PERSONNEL ACTIONS AND AR 300-67 FOR THE SUSPENSION OF SECURITY CLEARANCES OF PERSONS UNDER INVESTIGATION.

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

01068
JUN 1964

CID FORM 66

1. DATE 15 SEP 03		2. TIME RECEIVED 1600		7. CASE NUMBER 0149-03-469-60209		
3. OFFENSE MURDER				8. ASSIGNED TO [REDACTED] b7C1661		
4. SUBJECT [REDACTED] b7C1665 D.C., 4th FSB				9. TYPE OF ACTION CC		
5. VICTIM RADAD, OSEED METHERS DETASNEC # 0019 b7C1665				10. REPORTS		
6. CASE DESCRIPTION [REDACTED] SHOT IN THE CHEST AN ARM WHILE AN EDW AT CRMA PACIFORSE.				TYPE	SUSPENSE	COMP
				INE	16 SEP 03	16 SEP 03
				SAC	29 SEP 03	11 OCT 03
				SAC	28 OCT 03	29 OCT 03
				SAC	5 NOV 03	7 NOV 03
				SAC	18 NOV 03	
11. OTHER ACTION		12. CID FUNDS				
ACTION	RQRD	COMPL	DATE	AMOUNT		
					Final 17 NOV 03	
					Closed 17 NOV 03 17 NOV 03	
					Closed 20 NOV 03	
					4833 20 JAN 04	

INVESTIGATIVE PLAN	SEQUENCE NUMBER <i>0149-03-469-60209</i>
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DATE <i>15 SEPO3</i>	OFFENSE <i>MURDER</i>	SUBJECT/VICTIM <i>[REDACTED]</i>	ASSIGNED TO: <i>W/C 1105</i>
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DATE NOTED		DATE COMPLETED
	<i>Crime scene examination</i>	<i>20 Oct</i>
	<i>interview Subject</i>	<i>23 Oct</i>
	<i>SJA & commandr court</i>	<i>23 Oct</i>

MISCELLANEOUS ACTIVITY			
ACTION	COMPLETED	ACTION	COMPLETED
NCIC entry on stolen prop		Sources targeted	
2701 Given to Victim(es)		Medical records requested	
2701 Given to Witness(es)		Name check dispatched	
Case # on all documents		Name check results received	

CONTACTS/PHONE NUMBERS		INVESTIGATIVE STANDARDS	
ACTIVITY/PERSON	PHONE NUMBER		
		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

AGENT ACTIVITY SUMMARY
(CID Regulation 195-1)

CONTROL NUMBER

0149-03 469 - 60209

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

26 Nov 03 b7c b6A
SPC [REDACTED]
1035

made 2 copies of case file. one for 4th FSB
and one to STA senior TC. case file closed. b7c, b6

2 APR 04
[REDACTED]

PREP'D FILE ORIGINALS FOR SHIPMENT
TO CRE. NO 4833 ACTION NECESSARY,
FINAL ACTION TAKEN RECORDED IN
FINAL STATUS.

19 May 04
[REDACTED] b7c b6A

Received BR OPS Operational Review Report —
Posted to file.

12 AUG 04
[REDACTED] b7c b6A

Discussed with Admin regarding
Operational Memorandum 006-04 and b7c b6
Instructed her as what needed to be
done. — posted to file.

INV: TVL:

AGENT ACTIVITY SUMMARY
(CID Regulation)

CONTROL NUMBER

0149-03-CID-69-60209

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

1052, 30 Oct 03

[Redacted]

b7c b6

Marked Document # on IS-6 packet. Discussed with SAC who suggested the IS-6 packet be one exhibit since we had a copy of it.

b7c b6

1510, 7 Nov 03

[Redacted]

b7c b6

Completed Final, To SAC.
1. Unable to complete Final by suspense date (8 Nov 03) due to priority counterfeit case.

1635

[Redacted]

b7c b6

Reviewed, returned for corrections

1050, 11 Nov 03

[Redacted]

b7c b6

Received, corrected Final to SAC.

1405, 17 Nov 03

[Redacted]

b7c b6

Reviewed and dispatch final report to Admin for Distribution

19 Nov 03

[Redacted]

b7c b6

contacted by BN OPS. need to correct final before dispatching.

1. Make Final C
2. Draft cover letter explaining delay in being notified
3. obtain final SSA opine

20 Nov 03

[Redacted]

b7c b6

conducted with SSA
corrected final
- closed

b7c b6

INV: TVL:

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

1435, 25 sep 03

[REDACTED]

Unable to travel to Packhorse due to priority travel/investigative work.

b7c, b

0750, 1 oct 03

[REDACTED]

Due to 4ID operations and risk of IED attacks no travel until 96 hrs.

1230, 10 oct 03

[REDACTED]

To SAC for review

1. Case Agent missed SAC review due to over looking the date

2. need Air from you when you can get to it regarding crime scene.

3. Planning to go to Packhorse on 11 oct 03.

11 oct 03

[REDACTED]

REVIEWED

1) CASE AGENT INVOLVED IN DUTY CASE UNDER 0166-03-469 ON 10-11 OCT 03.

2) HAVE YOU PROVIDED COPIES OF WHAT YOU DO HAVE TO SAA? IF NOT, DO SO.

3) GET SUBJECT INVOLVED WRAPPED UP. MIGHT BE BEST TO HAVE THEM BROUGHT TO US, TO CASE AGENT.

0900, 12 oct 03

[REDACTED]

Received

- 1. will coordinate with SAA
- 2. will set interview completed

b7c, b6A

INV:

TVL:

AGENT ACTIVITY SUMMARY
(CID Regulation 195-1)

CONTROL NUMBER

0149-03-CID469-60209

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

0900, 23 Oct 03
[REDACTED]

Coordinated with ISG [REDACTED], DCO, 4th
FSB to have [REDACTED] at the TOC
@ 1030 Today

0945, 23 Oct 03
[REDACTED]

Traveled to Packhorse

1035, 23 Oct 03
[REDACTED]

Briefed Cmdr and ISG on investigation.
[REDACTED] has TDS and preparing Art 32.

1106, 23 Oct 03
[REDACTED]

Advised [REDACTED] of his rights
which he invoked. He has 2 lawyers.
Agent's comment: obtained photo and FP
on [REDACTED]

2130, 28 Oct 03
[REDACTED]

To SAC for review.
1. Preparing Final Report/AIR
2. Will get with SJA on final opine

29 Oct 03
[REDACTED]

REVIEWED
RESUSPENDED. HAVE FINAL COMPLETED +
ALL HOUSEKEEPING ISSUES (FELC) FINISHED
BY THEM.

1000, 30 Oct 03
[REDACTED]

Received. will complete final Report by
Suspense date of 5 Nov 03.

INV:

TVL:

AGENT ACTIVITY SUMMARY
(CID Regulation 195-1)

CONTROL NUMBER

0149-03-469-60209

TIME, DATE, AND AGENT

SUMMARY OF INVESTIGATIVE ACTIVITY

1400/ 15 SEP 03
[REDACTED]

REC'D NOTIFICATION OF AN (FNU)
DEATH UNDER CONTROL OF 1ST BCT
IN WHICH A GUARD SHOT AND
KILLED HIM. NOTIFICATION FROM
CPT [REDACTED] SGA. PROVIDED A COPY
OF THE 15-6 INVESTIGATION WHICH
APPEARS TO REFLECT THE GUARD
ACTED OUT OF MALICE AND WENT
IMMEDIATELY TO NEARBY FORCE
WHEN IT CLEARLY WASN'T WARRANTED
TO CASE AGENT

b7c b6

1400, 15 SEP 03
[REDACTED]

Received. Reviewed 15-6. —

1000, 16 SEP 03
[REDACTED]

Obtained SLR. Obtain Further Bio from 6-1
Drafted initial.
1. To SAC. placed initial on your computer
in the "Pending Shipment to BN" File.

1300/
[REDACTED]

REVIEWED + ATSP ATTACHED INTI.
TO CASE AGENT.

0900, 18 SEP 03
[REDACTED]

Received.

*1000, 20 SEP 03
[REDACTED]

SA [REDACTED] and SA [REDACTED] Traveled
to Packhorse; SA [REDACTED] conducted
Crime Scene ~~SEARCH~~ ^{examination}. (see AIR.)

b7c b64

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. Rec Code:	2. Action Code:	3. Date:	4. Rel to Case:	5. Control:	6. Sequence #	7. Year:	8. Office	9. ROI #	Offense:
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10. Last Name:	11. First Name:	12. Middle Name:
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14. Social Security Number:	15. Other ID Number:	16. Date of Birth:	17. POB City:	18. POB St:	19. POB Zip
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20. Sex: M	21. Race: B	22. Ethnic: 22	23. Height: 72	24. Weight: 200	25. Hair: BRN	26. Eye Color: BRN	27. Citizen: US	28. Educ: 13	29. Prior Record: N	30. Marital: S
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31. MOS: 35F	32. Job Description/Location: Elec tronics	33. MC:	34. Security Clr: SEC	35. Physical Marks/ Tattoos:	36. Spouse Military: Yes <input type="checkbox"/> No <input type="checkbox"/>	39. Alias/Nicknames:
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37. Alias/Nicknames: Device Repair	38. Alias/Nicknames:	39. Alias/Nicknames:
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40. Unit/ Organization: D Co, 4th FSB, 4ID	41. Unit Phone Number:	Home:	Cel/Pager:
--------------------------------------------	------------------------	-------	------------

42. Military Service:	43. Sub Unit:	44. Fort/City: Camp Packhorse	45. State:	46. Country:	47. Zip Code/APO:
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48. Home Address:	49. City:	50. State:	51. Country:	52. Zip Code/APO:
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53. JUV:	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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Telephone:	ETS: 23 Aug 04	PCS/DEROS:	Date / Time Interview START: Date: Time:
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Place of Interview:	Disposition:	Date / Time Interview END: Date: Time:
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74. 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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81. Model:	82. Vehicle Style: SUV	83. # of Doors: 2	84. Color: Blue	85. Size: Mid size
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86. V.I.N.:	87. License Plate:	88. State:	89. DOD Decal Number:
-------------	--------------------	------------	-----------------------

NOTES:

LAST HIV TEST:

BRK
BRK

Page(s)

9-17

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



DEPARTMENT OF THE ARMY
U. S. ARMY CRIMINAL INVESTIGATION COMMAND
6010 6TH STREET
FORT BELVOIR, VIRGINIA 22060-5506

REPLY TO
ATTENTION OF

CIOP-COP-PO

4 August 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Operational Memorandum 006-04, Forwarding of Original Case Files Pertaining to Detainee Abuse/Death Investigations

1. References:

a. Army Regulation 25-400-2, The Army Records Information Management System (ARMIS), 18 Mar 03

b. CID Regulation 195- , Criminal Investigation Operational Procedures, 15 Jun 04.

c. AR 190-8, Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees, 1 October 1997

2. The investigations concerning the abuse of detained persons by U.S. military and civilian contracted personnel and the deaths of detained persons while in U.S. custody have generated significant Department of Defense, Congressional, and international attention. Several Congressional and Department of Defense task forces and commissions have been created to review divergent aspects of detainee operations as well as investigations conducted by the USACIDC. It is expected this scrutiny and oversight will continue for the foreseeable future.

3. Upon closure of any CID Action (non-Report of Investigation (ROI)), any Unfounded CID ROI, or any CID ROI with an Unknown Subject pertaining to allegations of the abuse of detained persons by U.S. military and contracted personnel or the death of a detained person, the original case file, including any Agent's Notes, will be forwarded to Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060-5506, where it will be retained. A copy of the case file should be retained by the CID element IAW the above references.

4. Upon the transmittal of the Final ROI of any CID ROI with a Known Subject pertaining to allegations of the abuse of detained persons by U.S. Military and contracted personnel or the death of a detained person, a copy of the case file, including any Agent's Notes, will be forwarded to Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060-5506. The original of the case file will be retained by the CID element until the closure of the ROI. Once the ROI is closed (completion of adjudication of all subjects in CID ROIs and receipt of all Commander's Report of Disciplinary or Administrative Action Taken (DA Form 4833)), the original case file, including any Agent's Notes, will be forwarded to Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th Street, Fort Belvoir, VA

Printed on  Recycled Paper

CIOP-COP-PO

Operational Memorandum 006-04, Forwarding of Original Case Files Pertaining to Detainee Abuse/Death Investigations


22060-5506, where it will be retained. A copy of the case file should be retained by the CID element IAW the above references.

5. Further, the original case file, including any Agent's Notes, of all previously closed CID Actions concerning allegations of the abuse of detained persons by U.S. military and contracted personnel or the death of a detained person will be forwarded immediately to Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th Street, Fort Belvoir, VA 22060-5506, where it will be retained. A copy of the case file should be retained by the CID element IAW the above references.

6. For the purposes of this requirement, a "detained person" is defined as any person captured or otherwise detained by an armed force. The detention need not occur at a MP controlled detention facility and may include checkpoints and cordon and search operations. "Abuse" includes, but is not limited to, punitive articles of the Uniform Code of Military Justice and/or similar provisions of Title 18, US Code.

7. The POC for HQUSACIDC Policy Branch is CW3 David A. England (Policy Tasker 056-04), DSN 656-0223, 703-806-0223, or e-mail: david.england@belvoir.army.mil.

FOR THE COMMANDER:


KEVIN PALCUT
Colonel, GS
Deputy Chief of Staff, G-3

Distribution:

A



DEPARTMENT OF THE ARMY
 11TH MILITARY POLICE BATTALION (CID)
 6TH MILITARY POLICE GROUP (CID)
 P. O. BOX V
 FORT HOOD, TEXAS 76544-0740

REPLY TO
 ATTENTION OF
 CIRF-OP

19 May 04

MEMORANDUM THRU

Commander, 6th Military Police Group (CID), ATTN: CIRF-OP, Mail Stop #84, Box 339500,
 Fort Lewis, WA 98433-9500

Commander, 3rd Military Police Group (CID), ATTN: CIRC-OP, 4699 N. 1st Street, Forest Park,
 GA 30297-5119

FOR Commander, USACIDC, ATTN: CIOP-COP-CO, 6010 6th Street, Fort Belvoir, VA
 22060-5506

SUBJECT: Operational Review of 0149-03-CID469-60209

1. On 17 May 04, this office received a Request for Investigation (0212-04-CID001) from Headquarters, USACIDC, via 3rd Military Police Group (CID), Forest Park, GA, to conduct an operational review of all detainee deaths and other crimes against detainees by U.S. Military personnel during Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).
2. On 17 and 18 May 04, the undersigned conducted an operational review of the above referenced Report of Investigation to determine if it was operationally sufficient. This ROI was initiated on 15 Sep 03. When the 43rd MP Detachment (CID), Ft Hood, TX was re-deployed from Tikrit, Iraq, they brought the case file back for distribution to Crime Records Center (CRC), Ft Belvoir, VA. The case file is maintained at the Ft Hood RA in accordance with applicable regulations.
3. This investigation was initiated upon notification that detainee Mr. Obeed Hethere RADAD was shot and killed by SPC [REDACTED]. On 23 Nov 03, the investigation was closed as a final(C) under the provisions on CIDR 195-1, chapt 4-17(6) (SAC prerogative). However, on 20 Nov 03, coordination with SJA revealed on 12 Nov 03, SPC [REDACTED] was reduced to E1 and received a Chapt 10 discharge in lieu of court martial. The following information was extracted during the review:
 - a. CID was notified of the incident after a 15-6 determined SPC [REDACTED] did not follow regulations governing the use of deadly force. The notification occurred 4 days after the fact.

b7c, b6, 5
 b7c, b6, 5

b. Three witness statements and SPC [REDACTED] confession during the 15-6 (without rights advisement) substantiated the CID investigation and 15-6. SPC [REDACTED] requested a lawyer when advised of his rights by the unit and CID.

b7C, b6, b5
b7C, b6, b5

c. The delay in reporting prevented the recovery of forensic evidence, specifically:

1. the projectile was not recovered from the deceased nor the scene (although agents did conduct a CS exam upon notification)
2. no autopsy was conducted of the remains
3. the M16 rifle was not collected as evidence.

4. Subsequent to the case review, I discussed with the former SAC why the rifle was not collected as evidence. The former SAC responded that the rifle was not collected because there was no projectile to compare it to. I explained fingerprint evidence could have been a key to the investigation since the subject confessed without rights advisement, which would have meant, if this had gone to court martial, the confession would have been thrown out. Further the witness testimony could have been under question by a good defense attorney. Fingerprint evidence would have supported the events under investigation (and possibly *only* his fingerprints on the weapon verses the defense tactic "it wasn't my client and someone else"). The former SAC rebutted by saying the subject's prints would have been on the weapon anyway, since it was his assigned weapon.

5. The issues addressed in paragraph 4 above will be addressed in training during the upcoming staff (site) assistance visits.

6. Although not completely thorough (i.e. collection of the weapon for fingerprint analysis) this ROI will be NOT be reopened as further investigation would not change the outcome of the investigation. The subject received non-judicial punishment for the offense and is no longer in the military.

7. POC for this action is the undersigned at DSN: 738 [REDACTED] Comm: (254) 288 [REDACTED] or email: [REDACTED]@hood.army.mil

b7C, b6, b5

[REDACTED]

b7C, b6, b5

CW3, MP
Battalion Operations Officer

DRAFT

01082