

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL [REDACTED] CDR 18th Military Police Brigade, Baghdad, Iraq APO AE 09302
(Appointing authority)

on 20030612 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Cropper, Baghdad, Iraq at 0930
(Place) (Time)

on 20030612 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 2005 on 20030621
(Time) (Date)

and completed findings and recommendations at 1000 on 20030622
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ¹⁾	NA ²⁾
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)	X		X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?	X		
	e. Privacy Act Statements (Certificate, if statement provided orally)?			
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

ANNEX 6

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (<i>para 3-16, AR 15-6</i>)			
	a. Are all items offered (<i>whether or not received</i>) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (<i>if substituted for real or documentary evidence</i>) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (<i>para 3-6b, AR 15-6</i>)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (<i>para 3-16d, AR 15-6</i>)?			X
				X
3	Was a quorum present when the board voted on findings and recommendations (<i>paras 4-1 and 5-2b, AR 15-6</i>)?			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (<i>para 5-3b, AR 15-6</i>)?			
5	Was a quorum present at every session of the board (<i>para 5-2b, AR 15-6</i>)?			
6	Was each absence of any member properly excused (<i>para 5-2a, AR 15-6</i>)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (<i>para 3-1, AR 15-6</i>)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (<i>para 5-2d, AR 15-6</i>)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>)				
9	Notice to respondents (<i>para 5-5, AR 15-6</i>):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate—			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (<i>or otherwise was absent during part of the proceedings</i>):			
	a. Was he properly notified (<i>para 5-5, AR 15-6</i>)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (<i>para 5-4c, AR 15-6</i>)?			
11	Counsel (<i>para 5-6, AR 15-6</i>):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(<i>If counsel is a lawyer, check here <input type="checkbox"/> </i>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (<i>or, if oral, a summary</i>) of the request and the action taken on it included in the report (<i>para 5-6b, AR 15-6</i>)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (<i>para 5-7, AR 15-6</i>):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (<i>para 5-8a, AR 15-6</i>):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (<i>para 5-9, AR 15-6</i>)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (<i>para 5-8b, AR 15-6</i>)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (<i>para 5-11, AR 15-6</i>)?			

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

See attached Memorandum.

----- Nothing else follows -----

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)


In view of the above findings, the (investigating officer) (board) recommends:

See attached memorandum.

----- Nothing else follows -----

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

_____	
(Recorder)	(Investigating Officer) (President)
_____	_____
(Member)	(Member)
_____	_____
(Member)	(Member)


SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

_____	_____
(Member)	(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)



Brigadier General, USA
Commanding
802TH MP BDE



DEPARTMENT OF THE ARMY
115th MILITARY POLICE BATTALION
BAGHDAD INTERNATIONAL AIRPORT
BAGHDAD, IRAQ

REPLY TO
ATTENTION OF

23 June 2003

MEMORANDUM FOR: COMMANDER, 18TH MILITARY POLICE BRIGADE

SUBJECT: Army Regulation 15-6 Investigation

1. The undersigned was appointed as an AR 15-6 Investigating Officer by you on 12 June 2003 to look in to the circumstances involving the escape of two Civilian Internees (CI) from the Camp Cropper Corps Holding Area (CHA) and subsequent shooting and death of one of those CI on 12 June 2003 at approximately 0300 hours.
2. Backeround: Two CI's successfully exited the CHA and made it outside the berm. SPC [REDACTED] 186th Military Police Company, who was on exterior guard duty, observed the escape and fired his weapon at the two CI's, striking one, who died shortly thereafter of his wounds. This detainee, registered under the name [REDACTED], Sequence #7166, was transported to the 581st ASMC for initial treatment. [REDACTED] was then air medevaced to the 28th CSH, were he was pronounced dead on arrival. The other detainee, [REDACTED] Sequence #8399, was recaptured within several hours and was returned to the CHA.
3. Scope: The scope of this investigation was twofold. First, to investigate the circumstances surrounding the escape and second, to investigate the circumstances surrounding the shooting and subsequent death of the CI.
4. Conduct of the Investigation: The undersigned spoke with medical personnel involved in treating the deceased CI first; to ensure any perishable physical evidence was collected. The undersigned then spoke to security personnel and other witnesses and obtained statements (most of which had already been taken in the form of sworn statements by 186th MP CO staff prior to my assignment as a AR 15-6 Investigating Officer).
5. Summary of Interviews:
 - a) CPT [REDACTED] (MD), 581st Area Medical Support Company, BIAP, Baghdad, Iraq. On 12 Jun 03 at approximately 1149 hours, the undersigned spoke to [REDACTED] who was the doctor who treated [REDACTED] on 12 June 03 at approximately 0320 hours. [REDACTED] stated that [REDACTED] was bleeding profusely from wounds in his chest, back and both legs when he arrived. [REDACTED] stated that the wound in the back was consistent with an entrance wound from a 5.56 mm projectile, the wound in the chest was consistent with a exit wound from the same type of projectile, and the leg wounds were consistent with one 5.56 mm projectile passing completely thru one leg and entering the other leg. [REDACTED] opined that [REDACTED] had lost at least one half of his vital fluids by the time [REDACTED] saw him. [REDACTED] stated [REDACTED] was given two liters of saline

and one liter of hespan volume expander. [REDACTED] also stated that he noticed that while giving [REDACTED] an IV, [REDACTED] blood was extremely watery, indicating that very little blood was present, relative to the amount of intravenous fluids. [REDACTED] felt, however, that [REDACTED] was stable when [REDACTED] was placed on the helicopter for transport to the 28th Combat Support Hospital (CSH). Based on his observations, [REDACTED] felt that the cause of death was hypovolemic shock, or bleeding out. [REDACTED] also felt that everything medically possible was done in an attempt to save [REDACTED]

b) MAJ B. [REDACTED] (MD) 28th CSH, LSA Dogwood, Iraq. On 12 Jun 03 at approximately 1545 hours, the undersigned spoke with [REDACTED] a doctor with the 28th CSH. [REDACTED] was not the doctor who pronounced [REDACTED] dead, but was present when another doctor, MAJ [REDACTED] (MD), pronounced [REDACTED] dead. [REDACTED] stated that he was very confident in determining cause of death to be hypovolemic shock from one or both of the gunshot wounds. [REDACTED] stated [REDACTED] had an entrance wound in the back consistent with a 5.56 mm projectile, an exit wound in the chest, consistent with that same projectile and wounds in both legs consistent with a 5.56 mm projectile. [REDACTED] completed a DA Form 2669-R (Certificate of Death) and made sure the undersigned received a copy of the Hospital Report of Death signed by [REDACTED]

c) SFC [REDACTED] 186th Military Police Company, BIAP, Baghdad, Iraq. On 12 Jun 03 at approximately 2000 hours, the undersigned spoke to [REDACTED], who is [REDACTED] Platoon Sergeant. [REDACTED] had no direct knowledge of the incident, but had spoken to [REDACTED] and other soldiers with direct knowledge. [REDACTED] did provide the undersigned with an overview of what occurred. [REDACTED] advised the undersigned that he personally briefed [REDACTED] and the rest of his platoon on the Rules Of Engagement (ROE) at least twice since assignment to Camp Cropper, BIAP. [REDACTED] checked [REDACTED] magazine and discovered [REDACTED] had 24 of 28 issued rounds in the magazine. [REDACTED] also had the remainder of his issued basic load. [REDACTED] also provided the undersigned with four M-16A2 shell casings on 14 Jun 2003 at approximately 1710 hours. [REDACTED] stated that he obtained the casings from SSG [REDACTED] 186th Military Police Company, on 12 Jun 03 in the afternoon. [REDACTED] told [REDACTED] that the casings were recovered from the berm, near where [REDACTED] was standing when he fired. [REDACTED] also showed the undersigned where an additional point and light set had been added to eliminate the shadow behind the latrines.

d) SPC [REDACTED] 186th Military Police Company, BIAP, Baghdad, Iraq.

(1) On 14 Jun 03 at approximately 1629 hours, the undersigned spoke to [REDACTED], who has been assigned as a Military Police soldier since October 2000. On 12 Jun 03 at approximately 0259 hours (just prior to the 0300 hour radio check), [REDACTED] was manning guard point #4 at the CHA. Guard point #4 is located at the Northeast corner of the CHA. [REDACTED] noticed movement out of the corner of his eye. [REDACTED] looked towards the latrine area, which is located near the center of the east side of the CHA, and noticed a detainee manipulating the wire on the outer perimeter of the camp. [REDACTED] stated that the portable chemical style

latrines created two large shadows across the east wire and onto the berm and this is where the detainees were manipulating the wire.

2) [REDACTED] called for a spotlight to illuminate the latrine area. [REDACTED] then attempted to send a radio message stating there was an escape in progress. [REDACTED] also stated he yelled that there was an escape in progress and yelled for the detainee to stop. [REDACTED] also noticed that a second detainee had exited the outer wire perimeter and was also running up the berm and a third detainee was at the wire. The third detainee saw [REDACTED] jump down from his static HMWWV guard point, and turned around and went back into the main compound.

(3) [REDACTED] ran towards the latrine point and ran up the berm, following in the same basic track as the two detainees who had escaped. When [REDACTED] reached the top of the berm, he stated he yelled "stop" again. [REDACTED] saw the detainee who was the first one out of the wire from the top of the berm. [REDACTED] fired one shot from his assigned weapon (M16A2) and noticed that the detainee was still running. [REDACTED] fired a second round and saw the detainee drop. The detainee was approximately 150' to 200' from the berm when [REDACTED] fired at him. [REDACTED] then saw the second detainee running in the same general area as the first detainee, which was east of the camp, towards the main road. [REDACTED] fired two rounds at the second detainee, but stated the detainee was still running when [REDACTED] lost sight of him. [REDACTED] believed he had fired four rounds total. [REDACTED] denied hearing anyone else fire any rounds.

(4) After firing at the second detainee, [REDACTED] went back to the bottom of the berm, made contact with another guard to get a flashlight. [REDACTED] then proceeded to the injured detainee, who was laying in the roadway, and called for a medic. [REDACTED] stated that medics from Task Force 20 arrived before CHA medics. The detainee was treated by medics then transferred to the 581st ASMC. [REDACTED] attempted to locate the other detainee and told other soldiers what had transpired. [REDACTED] was told by a supervisor to return to his post.

(5) [REDACTED] stated that he knew the ROE, acted within the ROE and accomplished his mission of preventing escape. [REDACTED] reviewed the written sworn statement he had completed on 12 Jun 03 for [REDACTED] 186th Military Police Company, and stated the sworn statement was accurate with no additions, deletions or corrections needed. [REDACTED] drew a map for the undersigned, showing pertinent information relative to the incident.

6. Additional Interviews: The undersigned spoke with the following individuals and had them review their sworn statements that they prepared on 12 June 2003 for the 186th Military Police Company. A summary of the pertinent parts of the sworn statement and subsequent statement to the undersigned is included.

a) [REDACTED], 186th Military Police Company. On 21 Jun 03 at approximately 1900 hours, the undersigned spoke to [REDACTED] who was on guard point #6 (South side of CHA, behind warehouse) during the time in question. [REDACTED] stated

that on 12 Jun 03 at approximately 0300 hours, she noticed [REDACTED] scaling the berm, near the middle of the east side of the CHA. [REDACTED] noticed [REDACTED] stop at the top of the berm and fire at least 5 shots from his rifle. [REDACTED] then heard someone yell for a medic. [REDACTED] was unsure as to whether she would have heard [REDACTED] yell "halt" or anything similar, sighting distance as a factor preventing her from hearing. [REDACTED] stated that the Quick Reaction Force (QRF) went inside the camp to assist with the headcount. [REDACTED] read and confirmed that her sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.

b) SGT [REDACTED] 186th Military Police Company. On 21 Jun 03 at approximately 1905 hours, the undersigned spoke to [REDACTED] who was on guard point #5 (Southeast corner of CHA) at the time of the incident. [REDACTED] stated that he heard [REDACTED] yell that there was a detainee outside the wire. [REDACTED] read and confirmed that his sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.

c) SPC [REDACTED] 186th Military Police Company. On 21 Jun 03 at approximately 1910 hours, the undersigned spoke to [REDACTED] who was on guard point #2 (Northwest corner of CHA) at the time of the incident. [REDACTED] stated that he heard [REDACTED] say over the radio that "They're going over the berm." [REDACTED] read and confirmed that his sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.

d) SGT [REDACTED] 186th Military Police Company. On 21 Jun 03 at approximately 1920 hours, the undersigned spoke to [REDACTED] who was on guard point #3 (middle of North side of CHA) at the time of the incident. [REDACTED] stated that he heard [REDACTED] say over the radio that he needed a spotlight to shine on the wire between points #4 and #5. [REDACTED] then reported a prisoner going over the berm. [REDACTED] observed [REDACTED] going up the berm, heard [REDACTED] yell from the top of the berm towards the other side, then heard [REDACTED] fire twice, pause and fire twice again. [REDACTED] stated that he could not hear specifically what [REDACTED] yelled from the berm because of distance and ambient noise from the generators. [REDACTED] also stated that he briefed the SRT/QRF on the events that transpired and the direction of travel. [REDACTED] read and confirmed that his sworn statement dated 12 June 2003 was accurate with no additions, deletions or corrections needed.

e) [REDACTED] 186th Military Police Company. On 21 Jun 03 at approximately 2005 hours, the undersigned spoke to [REDACTED] who was the guard shift NCOIC/Rover, at the time of the incident. He was co-located with [REDACTED] at guard point #6. [REDACTED] stated that he heard a radio message that he couldn't make out, but immediately assumed it was [REDACTED] reporting a prisoner escaping. [REDACTED] observed [REDACTED] going up the berm and heard [REDACTED] yell "Halt" numerous times. [REDACTED] heard [REDACTED] fire two to three rounds, pause and fire two or three more rounds. [REDACTED] account of the actions after the shots being fired is consistent with [REDACTED] account. [REDACTED] stated that responding soldiers were directed to begin an organized search. [REDACTED] also said

that a piece of cloth had been used to tie the wire apart to permit a person to squeeze through the wire. [REDACTED] read and confirmed that his sworn statement dated 12 June 2003 was accurate with no additions or deletions needed. [REDACTED] did state that near the end of his sworn statement, he referred to a subject as [REDACTED]. [REDACTED] is not sure now whether the individual was in fact [REDACTED] or if it was SFC [REDACTED]. This change would not materially affect the statement. [REDACTED] stated that lack of adequate lighting contributed to the escape. [REDACTED] did not believe any other factors contributed to the escape.

7. Camp Rule Considerations: 13th PSYOPS Detachment has been playing camp rules in Arabic several times a day since early May 2003. Included in the camp rules is the statement that "If you climb over the barbwire, and attempt to escape, you will be shot." Also played is an announcement that states "Any attempt to escape or uprising will result in the use of deadly force by the coalition soldiers." PSYOPS also plays a message that states that detainees must stay one meter from the fence line and not to touch or place any objects on the barbwire fence. One last message of significance states that "The English words 'Stop' and 'Halt' mean 'Kiff' in Arabic. You must immediately halt when a coalition soldier uses the English or Arabic command. Failure to do so may result in disciplinary action up to and including the use of force. 'Stop' and 'Halt' mean 'Kiff'". These messages are also played for new detainees upon in processing. [REDACTED] had been in the CHA since on or about 14 May 2003. [REDACTED] had been in the CHA since 28 May 2003. Both detainees had ample opportunity to hear the PSYOPS messages.
8. Rules of Engagement: [REDACTED] legal advisor to Camp Cropper, provided the undersigned with written and verbal guidance from Annex D, 115th Military Police Battalion Tactical Standard Operating Procedure (TACSOP) concerning ROE that has been given to soldiers. Included in this guidance is rule #1 - "Necessary Force, including deadly force, is authorized to prevent escapes." Sub-paragraph (a) states "If a detainee attempts to escape, guards must use graduated force, first, if possible. (b) Guards should shout 'halt' in Arabic three times ('kiff', pronounce 'cough') before using deadly force. (c) Deadly force is authorized to prevent escape only where the detainee is crossing the last wire and there is no other lesser means to prevent escape. (e) Do not continue firing, once the subject has stopped. The purpose of shooting a detainee is to stop him or her from escaping." Also pertinent to this investigation is rule #5 - "Prevent all escapes by all detainees, by order of the Brigade Commander."
9. Discussion:
 - a) The purpose of this investigation is to answer two main questions, how did the escapes occur and did the Military Police respond appropriately. These two questions are closely intertwined because the personnel with the most knowledge on how these escapes occurred are also the same personnel who had to make the decision on how to respond. Additionally, several specific questions were addressed to the undersigned. These are answered in the narrative.
 - b) The lack of adequate lighting at the CHA was a major factor that permitted the escapes. In any detention facility, perimeter lighting must be designed to reduce shadows as

much as possible. The worst-case scenario is what occurred at CHA Cropper, which is that a shadow went from inside the wire, across the wire and onto the ground outside the wire. This made it relatively easy for detainees to begin escape operations from inside the compound and operate relatively concealed until they were outside the wire.

c) The undersigned, as the battalion S2, received indications from inside the wire in the days leading up to 12 Jun 03 that due to the presence of hardened criminals, relative overcrowding in the facility, frustration over lack of resolution of the detainees cases and primitive conditions inside the camp, some detainees were planning to escape, no matter what the consequences were. These indications were passed to appropriate staff sections, commanders and guard force personnel. Additionally, some detainees, despite our PSYOPS messages and the shootings that occurred on 9 Jun 03, believed that the Coalition Forces would not use deadly force to prevent escapes. Some of these detainees actively tried to convince other detainees of this.

d) These factors contributed to three detainees attempting escape by proceeding to the latrine area, stripping off their shirts to prevent snagging on concertina wire, tying cloth to the wire to give additional room and crawling under and through the wire.

e) The undersigned also learned that the second detainee, [REDACTED] Sequence #8399, was recaptured at approximately 0545 hours, near were [REDACTED] had last seen him running by an Military Police search team.

f) The second question is, "Did the Military Police act appropriately, once the detainees were outside the wire?" They did. [REDACTED] fulfilled, almost to the letter, the requirements to use deadly force according to the ROE spelled out in the 115th Military Police Battalion TACSOP. The only possible technical exception is that he yelled, "halt" or "stop" in English, not Arabic, at least twice. [REDACTED] stated [REDACTED] yelled "halt" "numerous times." PSYOPS messages make it clear to the detainees that they must know what the English words "halt" or "stop" mean. In the heat of the moment, KLOSTERMAN fulfilled the spirit of the ROE. The detainees knew what they were doing when they went to the latrine area, stripped off their shirts, tied the wire apart, crawled under the wire and ran up the berm. They were committed to escaping and were not going to stop unless they were physically stopped.

f) [REDACTED] observation and quick reaction prevented one detainee from even getting through the wire, stopped another one, [REDACTED] using appropriate deadly force and probably assisted in the recapture of the third detainee, [REDACTED] who was so scared he hid and passed out near where [REDACTED] had last seen him rather than continue to run away. The actions of the other soldiers of the 115th Military Police Battalion were also appropriate. They ensured medical aid was rendered, searched for and found the second detainee, completed a headcount and took corrective action.

6. Recommendations: No disciplinary action should be taken against any soldiers of the 115th Military Police Battalion. There is no evidence that they acted inappropriately. To the contrary, SPC [REDACTED] should be commended for taking appropriate action during

difficult circumstances. Additionally, the other soldiers present also took appropriate actions, given the circumstances. Areas that should be addressed, however, include:

[REDACTED]

The 115th Military Police Battalion, except for providing handheld spotlights and posting a hard copy of the camp rules in Arabic, has addressed these areas satisfactorily. Additionally, a guard post has been added directly behind the latrines, giving security and visibility to this vulnerable area.

[REDACTED]

S2

Timeline for AR 15-6 Investigation, dated 12 June 2003

Appointing Officer: COL [REDACTED]

Investigating Officer: CPT [REDACTED]

Approx DTG	Who	What
120930JUN03	LTC [REDACTED]	Informally assigned Cmdr's Inquiry
120935JUN03	CPT [REDACTED]	Informal interview on medical circumstances
120945JUN03	CPT [REDACTED]	Discussed Scope
121000JUN03	MAJ [REDACTED]	Discussed Time Frame
121015JUN03	1LT [REDACTED]	Arranged to interview witnesses
121030JUN03	581 st ASMC	Attempted Contact with CPT (DR) [REDACTED]
121050JUN03	CPT [REDACTED]	Was informed that it was a AR 15-6
121100JUN03	CPT [REDACTED]	Learned of two sworn statements
121149JUN03	CPT [REDACTED]	Discussed medical treatment
121606JUN03	MAJ [REDACTED]	Discussed medical treatment
122000JUN03	SFC [REDACTED]	Background information
141629JUN03	SPC [REDACTED]	Witness Statement
211900JUN03	SGT [REDACTED]	Witness Statement
211905JUN03	SGT [REDACTED]	Witness Statement
211910JUN03	SPC [REDACTED]	Witness Statement
211920JUN03	SGT [REDACTED]	Witness Statement
212005JUN03	SSG [REDACTED]	Witness Statement
221645JUN03	CPT [REDACTED]	Draft review
231230JUN03	CPT [REDACTED]	Final Submission

Index of Exhibits for AR 15-6 Investigation, dated 12 June 2003

Appointing Officer: COL [REDACTED]

Investigating Officer: CPT [REDACTED]

1. Original appointment memorandum signed by COL [REDACTED] dated 12 June 03.
2. Copy of DA Form 2669-R (Certificate of Death) for Detainee #7166, Akel Abebal Hussein Jabar, dated 12 Jun 03.
3. Copy of Hospital Report of Death for Jabar, dated 12 Jun 03.
4. Copy of Standard Form 600 (Chronological Record of Medical Care) for Jabar, signed by CPT (DR) Leifeste, dated 12 Jun 03.
5. Original DA Form 2823 (Sworn Statement) of SPC [REDACTED] dated 12 Jun 03.
6. Hand drawn map of CHA by SPC [REDACTED]
7. Original DA Form 2823 (Sworn Statement) of SGT [REDACTED] dated 12 Jun 03.
8. Original DA Form 2823 (Sworn Statement) of SPC [REDACTED] dated 12 Jun 03.
9. Original DA Form 2823 (Sworn Statement) of SPC [REDACTED] dated 12 Jun 03.
10. Original DA Form 2823 (Sworn Statement) of SGT [REDACTED] dated 12 Jun 03.
11. Original DA Form 2823 (Sworn Statement) of SSG [REDACTED] dated 12 Jun 03.
12. Copy of PSYOPS message scripts.

26m



REPLY TO
ATTENTION OF:

#1
DEPARTMENT OF THE ARMY
18TH MILITARY POLICE BRIGADE
Baghdad, Iraq APO AE 09302

AETV-MP-JA

12 June 2003

MEMORANDUM FOR CPT [REDACTED], S-2, 115th MP BN.

SUBJECT: Appointment as an AR 15-6 Investigating Officer

1. Reference: AR 15-6, Procedure for Investigating Officers and Boards of Officers, 11 May 88, with Change 1, 30 Oct 96.
2. You are hereby appointed to conduct an investigation concerning the escapes and shootings at Camp Cropper on 12 Jun 03. You may incorporate the results of any Commanders Inquiry that has been begun on these escapes.
3. You are to investigate all details concerning these escapes, attempted escapes, and the responses by the Military Police that were on duty at those times. You are directed to specifically address the following questions:
 - a. How did the prisoners escape?
 - b. What steps could have been taken to prevent these escapes?
 - c. What was the response of the Military Police on duty?
 - d. Was the response of the Military Police on duty reasonable, or was excessive force used?
 - e. Is there an SOP in place to deal with this situation, and if so, was it followed?
 - f. Is there additional training that needs to be implemented to cover these situations?
 - g. What actions, if any, were taken by the QRF?
4. During the course of your investigation, you will record all interviews on DA Form 2823 (Sworn Statement). If, during any interview, you suspect a violation of the UCMJ by the person you are interviewing, you are required to stop the interview, and advise the interviewee of their Article 31(b) rights, using a DA Form 3881 (Right Warning Waiver Certificate). You may continue to interview that person if they agree to make further statements. If they do not, terminate the interview and contact your legal advisor. If you have any questions about whether or not the person made a knowing and valid waiver, terminate the interview and contact your legal advisor. You will advise all persons being interviewed that their statements can be discovered

AETV-MP-JA


SUBJECT: Appointment as an AR 15-6 Investigating Officer

under the Freedom of Information Act, and you will further advise them that any actions taken in reprisal against them for making a statement should be reported immediately to their Commander, the Office of the Inspector General, or to the Office of the Staff Judge Advocate. Per Article 136.b.(4) and 136.b.(6) of the UCMJ, you are authorized, as an Investigating Officer, to swear people in.

5. You are authorized to investigate any issue(s) that arise during your investigation that are related to the primary purpose of your investigation. CPT [REDACTED] HVD/CHA Judge Advocate, will serve as your legal advisor for this investigation. The completed investigation will be turned in to CPT [REDACTED] for legal review.

6. This is your primary duty until you complete it, and you will submit a chronology of your actions along with your completed report. The report of investigation will be submitted to the appointing authority NLT 23 Jun 03. Requests for extension must be made in writing to the undersigned.

7. The POC for this memorandum is CPT [REDACTED] 18th MP BDE Judge Advocate, DNVT 559-5110, SIPR: [REDACTED] NIPR: [REDACTED]



[REDACTED]
COL, MP
Commanding

TAB

CERTIFICATE OF DEATH

For use of this form, see AR 190-8: the probonant agency is DCRPFR

INTERMENT SERIAL NUMBER
115 MP BN 4 7166

FROM:

TO:

NAME (Last, First MI)		GRADE	SERVICE NUMBER
[REDACTED]		N/A	N/A
NATIONALITY	POWER SERVED	PLACE OF CAPTURE/INTERMENT AND DATE	
IRAQI	N/A	MAY 09 13 JUNE 03	
PLACE OF BIRTH	DATE OF BIRTH		FIRST NAME OF FATHER
UNK	UNK		
NAME, ADDRESS AND RELATIONSHIP OF NEXT OF KIN			
UNK			
PLACE OF DEATH	DATE OF DEATH	CAUSE OF DEATH	
27 1/2 St, FLE (baker)	0447, 12 Jun	Hypovolemic Shock	
PLACE OF BURIAL	DATE OF BURIAL		
MB1153857262	DOGWOOD - TRUNK # 4		12 JUNE 03
IDENTIFICATION OF GRAVE			
SPACE # 4			
PERSONAL EFFECTS (to be filled in by Office of Deputy Chief of Staff for Personnel)			

RETAINED BY DETAINING POWER
 FORWARDED WITH DEATH CERTIFICATE TO (Specify)
 FORWARDED SEPARATELY TO (Specify)

BRIEF DETAILS OF DEATH/BURIAL BY PERSON WHO CARED FOR THE DECEASED DURING ILLNESS OR DURING LAST MOMENTS (Driver, Nurse, Minister of Religion, Fellow Inmate) IF CREMATED, GIVE REASON. (If more space is required, continue on reverse side)

He arrived by aircraft medevac. GSW to chest/back and both femur/thigh, Pt 1
 no vital signs/pulse/blood pressure on arrival to hospital. CPR was initiated, no spinal
 breathing or movement. Pt's pupils were fixed, dilated, no salvageable signs of life
 Resuscitative efforts were ceased. Pt died of hypovolemic shock as a result of
 gunshot wounds in chest and thighs. Gunshot wounds were clearly the cause of death

DO NOT WRITE IN THIS SPACE CERTIFYING A TRUE COPY	DATE	SIGNATURE OF MEDICAL OFFICER
		[REDACTED]
	SIGNATURE OF COMMANDING OFFICER	GDVZ642, 66 MO
	[REDACTED]	
	WITNESSES	
	SIGNATURE	ADDRESS
	[REDACTED]	CPT, USA, M1 115TH MP BN, BIAF
	SIGNATURE	ADDRESS

HEALTH RECORD CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE SYMPTOMS, DIAGNOSIS, TREATMENT TREATING ORGANIZATION (Sign each entry)

12 June 83
0515

EPW SHOT

Arrived At 581st ASMC ~ 0320, when patient arrived he was in shock. HR ~ 160's
 BP ⁸⁵/₄₀'s patient was dyspneic and we were unable to obtain pulse ox 2nd re-assessment
 Patient was bleeding heavily from 2 GSW. Chest wound w/ Entrance in center left
 of back w/ Exit wound in left upper anterior chest with about a 2.5 inch circular
 Exit wound. The other GSW was through (B) Thighs both about 2 inches in diameter.
 ABC's were performed, IV access was very difficult. 3 medics were attempting
 to place an IV, I saw an IV was placed in (L) arm. Patient was combative & yelling
 "he did not want to die" per translator. A chest Tube was placed by myself after
 2 Aschmanns were placed over the chest wounds. Initial CT did not return
 much blood. Patient continued to deteriorate and IV access was poor so I
 placed a (D) Femoral 14g Antul catheter so fluid could be administered. Patient's
 respirations ↓ & combative was ↓ slightly - ↑ Blood loss & ↑ shock. The patient
 was intubated, Initial attempt was unsuccessful 2nd to large amount of blood & secretions
 in airway. This was removed and an 8.5 ETT was successfully placed & confirmed
 by (B) BS. There was a bronchial air leak as the Aschmann would flatten w/ each
 given breath. Prior to intubation a portable CXR was shot. This revealed that
 the chest Tube was kinked. Thus it was replaced after intubation. Upon replacing
 the CT (32F) a large amount of blood was returned ~ 1300cc w/in 5 minutes.
 Thus patient had large Hemothorax. Patient began to Revive After ETT & CT and
 became more combative. His BP improved to ¹⁰⁷/₆₀'s - HR in low 100's. At this
 point he had 3 active IV's all under pressure infusion. His fluids consisted of

10mg IM
Morph given >

OV6N

PATIENT'S IDENTIFICATION (Use this space for Mechanical Imprint)

♂ EPW SHOT
12 June 83

RECORDS MAINTAINED AT:			
PATIENT'S NAME (Last, First, Middle Initial)			SEX
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME		ORGANIZATION	
DEPART./SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	

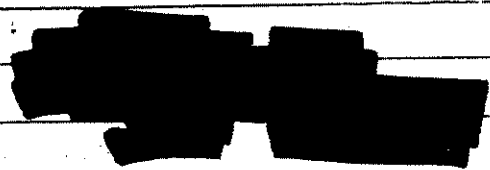
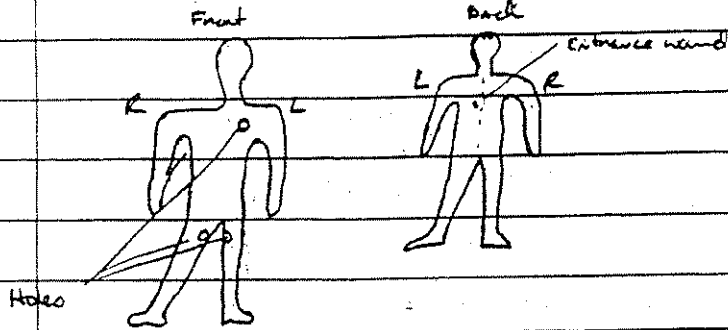
DATE

SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (Sign each entry)

cont

L24NS (2L) 5 he had received Hepan 500cc

Medivac was called and was standing by. Pahl was transported to the 28th CASH where he died. Prior to transport pressure dressing were applied to both upper thigh GSW.



#15

SWORN STATEMENT

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

LOCATION CP Woppev, BIAP, TMA	DATE ^{RDC} 6/12/03	TIME ^{RDC} 0453	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER. [REDACTED]	GRADE/STATUS E4/SPC	
ORGANIZATION OR ADDRESS 136 MP CO			

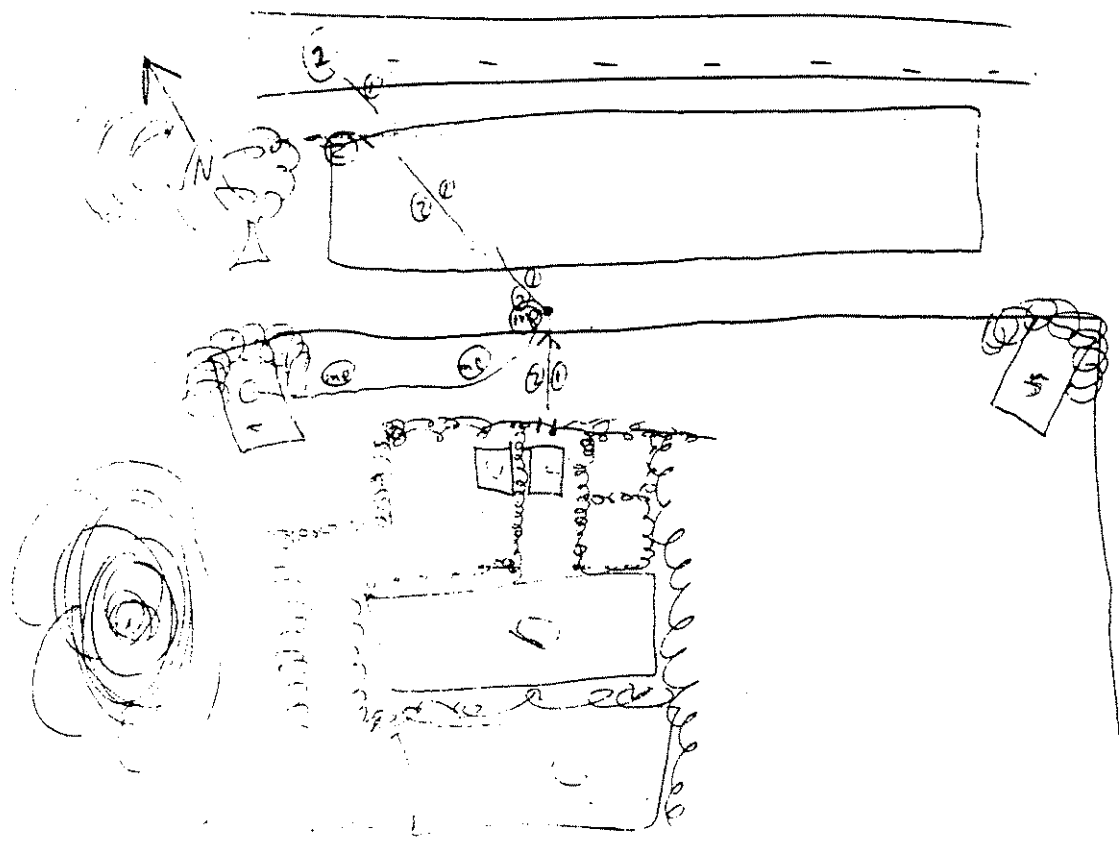
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AT APPROX. 0259 ON 12 JUNE 03, I WAS OBSERVING MY COMPOUND, COMPOUND DELTA. I NOTICED SOMETHING MOVING OUT OF THE CORNER OF MY LEFT EYE. I LOOKED AND NOTICED AN EPW MESSING WITH THE FORCE. I NOTICED CHA POINT 5 THAT I NOTICED A SPOTLIGHT ON THE FORCE AT THE PORTAPOTTIES AT CHARKE AND DELTA COMPOUNDS. I LOOKED AGAIN AT THE FORCE AND NOTICED AN EPW RUNNING UP THE BERM. I NOTICED LIBERTY BASE OF AN ESCAPE. AND MADE MY WAY OUT OF THE VEHICLE. AS I GOT OUT I NOTICED A SECOND EPW RUNNING UP THE BERM. I LOOKED BACK TOWARD THE FORCE AND NOTICED A THIRD EPW STILL INSIDE THE WIRE CAME BACK TOWARD THE PORTAPOTTIES. I YELLED STOP AS THE SECOND EPW RAN OVER THE BERM. I RAN TOWARD THE TOP OF THE BERM, YELLING ESCAPE, ESCAPE. I GOT TO THE TOP OF THE BERM AND YELLED STOP. I NOTICED A SHADOW AND THEN SAW AN EPW CRAWLING UP THE OTHER SIDE OF THE BERM TOWARD THE ROAD. I FIRED ONE AND HE KEPT RUNNING. I FIRED AGAIN AND HE DROPPED IN THE ROAD. AS THE FIRST EPW DROPPED I NOTICED THE SECOND EPW RUNNING TOWARD THE ROAD. I FIRED TWO ROUNDS, BUT THEN I LOST SIGHT OF HIM. I YELLED FOR A FLASHLIGHT. I RAN BACK DOWN TO THE CHA AND GOT A FLASHLIGHT FROM AN INTERNAL GUARD. I RAN BACK UP THE BERM AND CAME TO THE ROAD WHERE A VEHICLE WAS WAITING. ONE EPW WAS SHOT IN THE LEG AND IN THE CHEST, WE ASKED FOR A MEDIC. I ASKED IF HE SAW THE OTHER EPW, BUT HE DIDN'T. OTHER SOLDIERS MADE THEIR WAY OUT OF THE BUILDING ON THE OTHER SIDE OF THE ROAD. ONE SOLDIER SAID HE SAW AN EPW RUNNING DOWN THE ROAD, I SAW HIM RUNNING DOWN THE ROAD WITH ANOTHER SOLDIER. [REDACTED] AND ANOTHER SOLDIER MADE THEIR WAY DOWN THE OTHER SIDE. [REDACTED] GOT ON A VEHICLE AND MADE HIS WAY DOWN THE ROAD. THE TWO SOLDIERS [REDACTED] TOLD ME TO GO BACK AND RADIO FOR MORE SAVING PATROLS FROM CHA 4. I NOTICED INTO LIBERTY BASE AND WAS REMOVED AT MY POSITION.

///END OF STATEMENT ///

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



MAP PREPARED
ON 14 JUN 03 BY
[REDACTED]

SWORN STATEMENT

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

LOCATION Bardad International Airport, Iraq	DATE 12 June 2003	TIME 0541	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER. [REDACTED]		GRADE/STATUS E-5
ORGANIZATION OR ADDRESS 186 th MP Co.			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

At approximately 0300 on 12 JUN 03 I was on shift and noticed a disturbance. I was at point 6 of the CHA located to the south of the compounds. Sitting atop a water truck I had a good view of almost the entire perimeter. While speaking briefly with the Rover I noticed a movement out of the corner of my right eye. I turned my head to the East burm as the guard from position 4 went scaling up the middle of it. He stopped at the top and fired off at least 5 shots from his rifle. I then noticed the interior guards, who most of them had been sitting in a group in front of my position talking, jump up and run in the direction of the shots fired. The position 4 guard yelled for a medic while still atop the burm. More interior guards were running around, many donning vests and Kevlar. After a short period of time many 186th soldiers came out to supplement the search of the lost prisoners. GRE went into the CHA and they helped with headcount.

- Q. Are you positive you heard five shots?
- A. NO, it is possible that I heard an echo.
- Q Do you have anything else you wish to add
- A. NO

///END OF STATEMENT///

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ___ TAKEN AT ___ DATED ___ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE ___ OF ___ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Baghdad International Airport	2. DATE (YYYYMMDD) 20030611	3. TIME 0435	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS 115 BN MP / 186th MP Co			

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

I [REDACTED] was working the night of the eleventh at the chaw when the escape happen. I was on point five, at the very back of the chaw. At around two in the morning [REDACTED] took over for me so I could go to the bath room and grab a soda. I returned around two-thirty in the morning. I had been at my point for about forty-five mintues to an hour when I saw [REDACTED] running towards my point a yelling "There's one out" I then ran up the burm, but did not see any one. [REDACTED] at that time fired rounds, I could not see where he was firing. I didn't see where the escape was made from. I also could not here the call over the radio for the use of the flash light that was at my point. After the firing was done I went back to my point. About five mintues later the exterior of the chaw was being maned by more of our company. We stayed ~~at~~^{work} out at the chaw until four in the morning

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF

[REDACTED]

TAKEN AT

0435

DATED

2003 06 11

II. STATEMENT (Continued)

went my shift was up. The exterior stayed out and was still out when I came back in.

Q. what time did the shots occur?

A. 0300 or a little after.

/// END OF STATEMENT ///

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of June, 2003 at Camp Cropper, 21st, Baghdad, Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136 (6) (4) UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

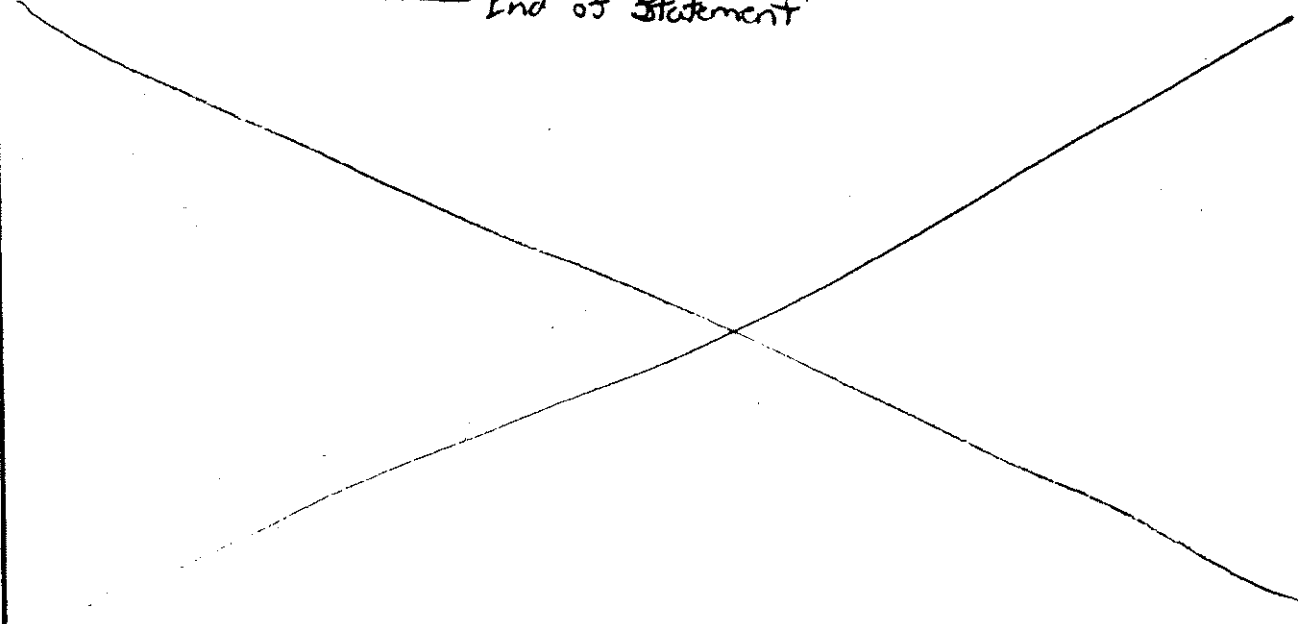
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AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social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

1. LOCATION	2. DATE (YYYYMMDD) 20030611	3. TIME 0730	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS 1st MP Co			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: *that on June 11, 2004 at approx. 0510 0250 I heard point 4 attempt to contact point 5 and direct point 5 attention towards the breakout point. Then approximately 10 seconds later I heard point 4 call out "there going over the beam". Then approximately 10 seconds later I heard between 5 and 6 shots fired. At that time I then saw between 6 and 7 people in the internal part of compound go running towards the processing tent. The 1st SRT team responded around 0300 to these points at which time several mounted patrols and several MPs on foot proceeded to search to the north of the chow. I proceeded to monitor radio traffic at that point. till I was relieved on shift. At which point I reported to company command center. ///*

End of Statement



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>1</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

3. STATEMENT (Continued) *end of statement*

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of June, 2003 at Camp Cropper Iraq

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

Act 186 (b)(4) laws
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION <i>Camp Cropper CHA Pt #3 Baghdad</i>	2. DATE (YYYYMMDD) <i>2003 06 12</i>	3. TIME ^{NZS} <i>0455</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS <i>E-5</i>	

8. ORGANIZATION OR ADDRESS
186 MP Co Camp Cropper Iraq

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 At approximately 0300 12 Jun 03 while on external security duty on point 3 I ^{NZS} listened to [REDACTED] request point ^{NZS} 5 to shine the spotlight on the wire between points 4 and 5. Immediately after the request SPC [REDACTED] reported a prisoner going over the Berme on the East side. SPC [REDACTED] pursued the prisoner to the top of the berme. He yelled several times and fired his weapon approximately 4 times. SSG [REDACTED] the routing patrol joined SPC [REDACTED] on the berme with a spotlight. I relayed all information to the TOC. SPC [REDACTED] proceeded over the berme while the rover shined the light for him. SRT team arrived and I briefed them on events and direction taken by prisoners. I continued observing my sector and relaying information until relieved by SPC [REDACTED]

/// END OF STATEMENT ///

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF

[REDACTED]

TAKEN AT Camp Cooper

DATED 12 Jun 03

STATEMENT (Continued)

NOT USED

NOT USED

AFFIDAVIT

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

[REDACTED]
 (Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of June, 2003
 at Camp Cooper, 310P, Baghdad, Iraq

[REDACTED]
 (Signature of Person Administering Oath)

[REDACTED]
 (Typed Name of Person Administering Oath)

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

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Camp Cropper, Iraq	2. DATE (YYYYMMDD) SAK 20030612	3. TIME SAK 0614	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6/MP	
8. ORGANIZATION OR ADDRESS 186 th MPCC			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On 12 JUNE 02 at approximately 0215hrs while performing the duties as KOPER for the CIA, Pt 5 requested relief. I proceeded to pt 5 from Point 1 then 5 inspecting the perimeter as I went. I saw no activity at that time. I then relieved Pt 5 [REDACTED] for a latrine break. I continuously scanned the perimeter wire, I saw only a few detainees moving in and out of the latrines throughout the compound. At approximately 0230hrs [REDACTED] returned from the latrine, I then proceeded to point 6 to relieve [REDACTED] on the white water truck. While at Point 6 I scanned the entire camp and saw nothing out of the ordinary. [REDACTED] returned shortly before 0300. Shortly after the commo check at 0300, [REDACTED] informed me of a brief message that she could not make out. I assumed that it was point 3 [REDACTED] calling in that he was witnessing an escape, because within seconds I looked to my right and saw [REDACTED] running up the side of the berm located between pt 4 and Point 5 yelling Halt numerous times. I then grabbed my weapon and started to get off the water truck. I heard approximately 2-3 shots being fired prior to me jumping off the the ladder^{SAK} of the truck. I started to run towards pt 5 and heard 2-3 more shots. As I passed pt 5 I grabbed the spotlight and proceeded to [REDACTED] location on the berm. I was yelling questions of "How many" and "where they were". [REDACTED] replied out of breath that 2 detainees had gone over the berm. I then proceeded up the berm with the spotlight as [REDACTED] went down the other side to pursue. I provided security and light for him. I heard someone yell for the medics, so I moved down the berm handing the light to SSG [REDACTED] - [REDACTED] had ~~should~~^{SAK} responded to the shots, and moved to the road

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF [REDACTED]

TAKEN AT _____

DATED 2003 06 12

9. STATEMENT (Continued)

located east of the CHA. I again made contact with [REDACTED] at the scene where the detainee that had been shot was laying in the street. He stated that the other had taken off running north on the pavement. By this time, numerous other individuals had also responded to the incident, and aided in first-aid and pursuit of the fleeing detainee. [REDACTED] had arrived behind me so I sent him and [REDACTED] ahead to search for the detainee. I told him that I would take ~~PT 4~~^{SPT} care of pt 4. I looked back across the street towards the CHA and saw that our soldiers were in place on the exterior perimeter, so I stayed on the scene. [REDACTED] arrived at my location and I started to brief him on the chain of events. [REDACTED] returned to the scene, I then sent him back to pt 4. During this I did look at the detainee in the street and noticed a chest wound and leg wound. [REDACTED] had made it to the scene and read the wrist-band number off 45 A-7911 (I believe). I then left the scene and proceeded back to the CHA, and made contact with [REDACTED] and began to search the wire for the route of escape. In the shadows between the porta-johns between pt 4 and pt 5 we found a section of wire that had been tied apart with blue cloth as to permit enough room for someone to squeeze through. We reported the findings to [REDACTED] who also looked at the wire. ~~STARTER~~

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

A. NO [REDACTED]

/// End of Statement ///

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF ~~3~~⁵ PAGES

B. STATEMENT (Continued)

[Large blank area for the statement content]

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of JUNE 2003 at Camp Cropper, Bagg, Baghdad, Iraq

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

UNCLASSIFIED

For new arrivals

1. INTRO

You are now entering a United States enemy prisoner of war/ civilian internec camp. No harm will come to you as long as you follow instructions and obey the camp rules. You are about to be searched. You will receive further instructions after you are searched.

2. WAITING AREA

Attention detainees: To ensure your safe and timely in processing it is essential for you to follow all instructions.

- Remain seated with your feet crossed, head lowered, and your hands on your head.
- Remain calm.
- Be patient.
- You are going to be searched, some personal information will be collected, and your personal property will be inventoried and secured.
- You will be issued an identification bracelet.
- You must not remove or alter it in any manner.
- This is a temporary holding area.
- Your stay will be brief.
- You will be moved to a more established facility soon for further review and possible/ eventual release.

3. CAMP RULES

- All orders from the guards must be followed immediately.
- Do not touch any of the guards at any time.
- Do not touch the barbwire.
- If you climb over the barbwire, and attempt to escape, you will be shot.
- No yelling.
- No fighting.
- No hand signals or other non-verbal communication allowed.
- Nothing may be passed between cages.
- Save your empty water bottles so you can exchange them for more water.
- All trash will be placed in the bag provided with the meal.
- You must only use the trench as a latrine

4. ALERT/ ALARM INSTRUCTIONS

Attention detainees:

When you hear the following alarm... (Whistle) you must immediately lie down on your stomach and remain still. Any one who fails to follow these instructions will be considered a threat towards the safety of others and will be dealt with accordingly. You must remain on your stomach and still, until a soldier gives you permission to rise.

UNCLASSIFIED

✓ 5. FAILURE TO COMPLY

Attention detainees: Failure to follow all holding area rules or disobeying orders from coalition forces may result in the following:

- Your placement in an isolation holding area.
- A notation in your records of non-compliance and an upgrading of your risk status, which may result in a longer period of detention.
- The use of the amount of force and the application of restraints is deemed necessary by coalition forces to maintain the security, safety and the good order of this holding area.
- Any attempt to escape or uprising will result in the use of deadly force by coalition soldiers
- Physical contact with any coalition soldier is prohibited at all times.
- Follow all holding area rules and obey all orders from coalition forces and you will not be harmed.

ALTERNATIVE

6. PROTECTIVE CUSTODY

Attention detainees:

Anyone who fears that their life is in danger or that they might be harmed by other detainees will report that fact to any of the U.S. Army personnel. From that time on, the camp command will take measures to insure the detainee's safety by segregation, transfer, or other means. Detainees who harm or attempt to harm other detainees will be punished.

WEATHER
DEPENDENT

7. HYDRATION

Attention Detainees: For your continued good health, it is important for you to drink lots of water. High temperatures make you susceptible to dehydration and heat related injuries.

@ MEAL
TIME

8. MEALS @ 9

Attention Detainees: Meals are served at 9:00 am every day. To receive your meal, all trash from the previous meal must be collected for disposal. At 9:00 am after all trash has been disposed of, you will be given your meal.

9. NO HAND SIGNALS

Attention detainees: Hand signals and other non-verbal communications are prohibited.

10. ESCORT

Attention detainees:

When being escorted within the holding area, it is essential that you follow all instructions given to you by the coalition soldiers. Coalition forces will not hesitate to defend themselves and each other. For your own safety, follow all instructions and directions given by the coalition soldiers in the holding area.

UNCLASSIFIED

Used As recorded

11. NO FIRES

Attention detainees:

Fires within the holding area are prohibited. Failure to follow this guideline will result in being restrained by coalition forces.

12. FENCE LINE

Attention detainees: You must stay at least one meter away from the fence line at all times. Do not touch or place anything on the barbwire fence. Failure to follow these instructions will result in disciplinary action.

13. HALT

Attention detainees:

The English words "Stop" and "Halt" mean "Kiff" in Arabic. You must immediately halt when a coalition soldier uses the English or Arabic command. Failure to do so may result in disciplinary action up to and including the use of force. "Stop" and "Halt" mean "Kiff."

14. TWO METERS

Attention detainees: Only one person at a time may approach the gate. All others must stay at least two meters away.

15. LATRINE USE

Attention detainees: In order to maintain sanitary conditions within the holding area you must use the trenches in each containment area as a latrine site. After use, cover your waste material with a small amount of lime. Then put a layer of dirt over the line to help minimize odor and the presence of insects.

16. PREPERATION FOR TRANSPORT

Attention detainees: You are being moved from this holding area to a more established facility. The facility you are being moved to should be better prepared to deal with your individual needs. It is important for you to follow all instructions to ensure that your transport proceeds quickly and safely.

- Be patient.
- Be calm.
- Follow all instructions.

17. RELEASE

Attention detainees: You are being released. Thank you for your patience and cooperation. Please follow all instructions given by Coalition Forces.

18. * LATRINE

Attention Detainees: Please do not use the old latrines in your enclosures. You will go to new latrines in groups of ten people. Notify your guard when you need to use the latrine.

UNCLASSIFIED

✓ 19. **WRISTBANDS**

All detainees must keep tags and wristband on. The guards can't identify who you are without these items and it will be harder to release you.

20. **SPOON MESSAGE**

You will be issued a spoon with your meal. Your spoon will be accounted for so please turn in your spoon with your trash when asked by the guard.

INITIALS
DEPENDENT

21. * **FOUR BOTTLES**

You are required to drink 4 - 1.5 liters of water and eat one humanitarian meal each day to avoid becoming a heat casualty. You will be here a short time relative to your life; you must stay strong to help rebuild Iraq. Do not endanger your life by not eating properly.

22. **HEAD COUNT**

Attention: The Guards are going to conduct a count of all prisoners. Move to your tents and sit in rows until told to move. No water or trash runs will be done until count is completed. DO not disobey this order or force will be used against you. Thank you for your cooperation.

UNCLASSIFIED
Modified June 17, 2003

MEMORANDUM THRU Staff Judge Advocate, 800th Military Police Brigade

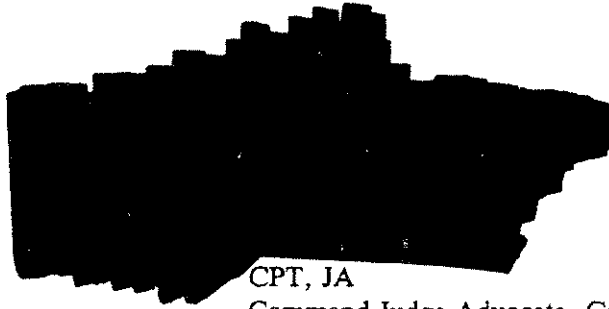
MEMORANDUM FOR Commander, 800th Military Police Brigade, BG Paul Hill.

SUBJECT: Legal Review of AR 15-6 Investigation – Escape and Shooting 12 June 2003

1. On 12 June 2003, COL [REDACTED] Commander, 18th Military Police Brigade, appointed CPT [REDACTED] to conduct an informal investigation into the escape and subsequent shooting and death of a civilian internee held at the Camp Cropper Corps Holding Area.
2. On June 20, 2003, the 115th Military Police Battalion was OPCONed to the 800th Military Police Brigade. LTC [REDACTED] 800th Military Police Brigade Staff Judge Advocate advises that BG Paul Hill, Commander 800th Military Police Brigade, is the appropriate appointing authority. A courtesy copy of the DA 1574 and attachments was furnished to COL [REDACTED] but the original was directed to be turned over to BG Hill and the undersigned was directed by LTC [REDACTED] to complete the legal review of the AR 15-6 investigation. The DA 1574 and supporting documentation was timely submitted on 23 JUNE 03 by the IO.
3. Under AR 15-6, paragraph 2-3b, I reviewed the investigation and make the following determinations:
 - a. The investigation complies with legal requirements for an AR 15-6 investigation.
 - b. There are no procedural errors or irregularities that invalidate the investigation.
 - c. Sufficient evidence supports the investigating officer's findings.
 - d. The investigating officer's recommendations are consistent with her findings. The original scope of work did not specifically ask whether or not the ROE was followed, but it is the advice of the undersigned that ROE was followed. Lethal force was not used until the escapee(s) had crossed the last wire. The shot used was a "well-aimed shot to center of mass" that did not endanger innocent bystanders. The guard shouted "halt" or "stop" numerous times prior to the shooting. The Camp Commander, Ronald G. Chew, had fulfilled his legal obligation under AR 190-8, par. 3-6.f(2) to ensure that the detainees understood what the words "halt" and "stop" meant.
4. I am the POC at DNVT 550-1451 or [REDACTED]

AETV-MP-JA

SUBJECT: Legal Review of AR 15-6 Investigation – Escape and Shooting 12 June
2003



CPT, JA
Command Judge Advocate, Camp Cropper

5 FEB 2024

CASE NOTE:

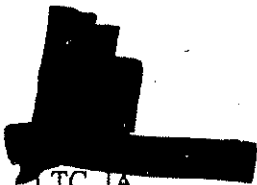
18th MP BIDE

Escape, Shooting

Camp Cropper

12 June ~~1968~~

115th



LTC, JA
Staff Judge Advocate