

DEPARTMENT OF THE ARMY
78th MILITARY POLICE DETACHMENT (CID) (FWD)
3rd MILITARY POLICE GROUP (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
BAGHDAD, IZ
APO AE 09342

CIMPR-FR

7 AUG 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: (U) CID REPORT OF INVESTIGATION - CORRECTED/ INITIAL/ FINAL/ SSI -
0171-04-CID259-80223-5H6

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. (U) 17 MAY 2004/0001 HRS - 17 MAY 2004/2400 HRS; HOUSE#12, STREET
4, DISTRICT 759, BAGHDAD, IZ

DATE/TIME REPORTED: (U) 18 JUN 2004, 0900 HRS

INVESTIGATED BY: (U) SA [REDACTED] SA [REDACTED] SA [REDACTED] SA [REDACTED]

b7c-1, b6-1
b2

SUBJECT: 1. (U) (NONE); [JUSTIFIABLE HOMICIDE]

VICTIM: 1. (U) AL-BAWI, SAJED KADHIM BORI; HOUSE#12, STREET 4, DISTRICT 759,
BAGHDAD, IZ, CIV; M; C; (NFI) [JUSTIFIABLE HOMICIDE]

INVESTIGATIVE SUMMARY:

(U) This is an Operation Iraqi Freedom investigation.

(U) On 18 Jun 04, this office received a Request for Investigation (RFI) from the United States
Army Criminal Investigation Command, Fort Belvoir, VA, to conduct an investigation into the
death of Mr. AL-BAWI.

(U) Investigation established probable cause to believe person(s) unknown operated within the
parameters of the Rules of Engagement (ROE) for that unit, by shooting Mr. AL-BAWI when he
grabbed the M-4 rifle from the soldier and moved the selector switch from safe to semi when
the soldier attempted to detain him at his residence during a raid.

STATUTES:

(U) Article 134, UCMJ: Justifiable Homicide

EXHIBITS/SUBSTANTIATION:

ATTACHED:

- 1. (U) Agent's Investigation Report (AIR) of SA [REDACTED], 26 Jun 04, detailing the receipt of the Request for Investigation; coordination with 5th Group SF, SJA and 3rd Group CID SJA; and the receipt of the AR 15-6 investigation.
- 2. (S) AR 15-6, pertaining to Mr. AL-BAWI, received on 18 Jun 04 (USACRC and file copies Only).

NOT ATTACHED:

(U) None.

(U) The original of Exhibit 1 is forwarded with USACRC copy of this report.

(S) The original of Exhibit 2 is maintained in the files of 2nd Battalion, 5th Special Forces Group, Baghdad, Iraq.

STATUS: (U) This is an Initial/ Final Report. This investigation is terminated in accordance with CIDR 195-1, Chapter 4-17 (a)(6), the Special Agent in Charge determined further of the investigation would be of little or no value.

Report Prepared By: (U)

[REDACTED]

(U)
(U) Special Agent, [REDACTED]

b7c-1, b6-1
b2

Report Approved By: (U)

[REDACTED]

(U)
(U) Special Agent in Charge

b7c-1, b6-1

Distribution:

- 1- (U) DIR, USACRC, 6010, 6th Street, Fort Belvoir, VA 22060-5506 (original)
- 1- (U) Thru: CDR, 22nd MP BN (CID), APO AE 09342
- (U) Thru: CDR, 3rd MP Group (CID)
- (U) To: CDR, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060
- 1- (U) PMO, MNF-I (e-mail only)
- 1- (U) CID LNO, MNF-I, APO AE 09335 (e-mail only)
- 1- (U) Office of the Staff Judge Advocate, III Corps, ATTN: CPT [REDACTED] (email only)
- 1- (U) File

b7c-3, b6-3

DEPARTMENT OF THE ARMY
78th MILITARY POLICE DETACHMENT (CID) (FWD)
3rd MILITARY POLICE GROUP (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
BAGHDAD, IZ
APO AE 09342

CIMPR-FR

28 Jun 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION – INITIAL/ FINAL/ SSI – 0171-04-CID259-80223-/5H6

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 17 MAY 2004/0001 HRS – 17 MAY 2004/2400 HRS; HOUSE#12, STREET 4, DISTRICT 759, BAGHDAD, IZ

DATE/TIME REPORTED: 18 JUN 2004, 0900 HRS

INVESTIGATED BY: SA [REDACTED] SA [REDACTED] SA [REDACTED] SA [REDACTED]

b7c-1, b6c
b2

SUBJECT: 1. (NONE); [JUSTIFIABLE HOMICIDE]

VICTIM: 1. AL-BAWI, SAJED KADHIM BORI; HOUSE#12, STREET 4, DISTRICT 759, BAGHDAD, IZ, CIV; M; C; (NFI) [JUSTIFIABLE HOMICIDE]

INVESTIGATIVE SUMMARY:

On 18 Jun 04, this office received a Request for Investigation (RFI) from the United States Army Criminal Investigation Command, Fort Belvoir, VA, to conduct an investigation into the death of Mr. AL-BAWI.

Investigation established probable cause to believe person(s) unknown operated within the parameters of the Rules of Engagement (ROE) for that unit, by shooting Mr. AL-BAWI when he grabbed the M-4 rifle from the soldier and moved the selector switch from safe to semi when the soldier attempted to detain him at his residence during a raid.

STATUTES:

Article 134, UCMJ: Justifiable Homicide

EXHIBITS/SUBSTANTIATION:

Attached:

b7c-1, b6c-1

1. Agent's Investigation Report (AIR) of SA [REDACTED] 26 Jun 04, detailing the receipt of the Request for Investigation; coordination with 5th Group SF, SJA and 3rd Group CID SJA; and the receipt of the AR 15-6 investigation.

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

3

DODDOACID-004896

2. AR 15-6, pertaining to Mr. AL-BAWI, received on 18 Jun 04 (File Copy Only).

Not Attached:

None.

The originals of Exhibit 1 is forwarded with USACRC copy of this report.

STATUS: This is an Initial/ Final Report. This investigation is terminated in accordance with CIDR 195-1, Chapter 4-17 (a)(6), the Special Agent in Charge determined further of the investigation would be of little or no value.

Report Prepared By:

Report Approved By:

[Redacted Signature]

[Redacted Signature]

b7c-1, b6-1
b2

b7c-1, b6-1

Special Agent, 5817

Special Agent In Charge

Distribution:

1-DIR, USACRC, 6010, 6th Street, Fort Belvoir, VA 22060-5506 (original)

1-Thru: CDR, 22nd MP BN (CID), APO AE 09342

Thru: CDR, 3rd MP Group (CID)

To: CDR, USACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060

1-PMO, MNF-I (e-mail only)

1-CID LNO, MNF-I, APO AE 09335 (e-mail only)

1-Office of the Staff Judge Advocate, III Corps, ATTN: CPT [Redacted] (email only)

1-File

b7c-3, b6-3

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

Basis for Investigation: This investigation was initiated based on receipt of RFI 0282-04-CID001, which requested this office initiate an investigation in reference to the death of Mr. Sajid KADHIM.

b7c-1,66-1

b7c-3,66-3

About 1000, 18 Jun 04, SA [redacted] coordinated with 1LT [redacted] Legal Advisor, Office of the Staff Judge Advocate, 5th Special Forces Group, Baghdad International Airport (BIAP), APO AE 09342, who briefed the aspects of the incident and provided a copy of the 15-6 investigation.

About 1010, 18 Jun 04, SA [redacted] reviewed the 15-6 investigation pertaining to the incident, which reflected Mr. KADHIM was shot when he engaged in a struggle with a soldier and resisted apprehension. Mr. KADHIM attempted to gain control of the soldier's M4 Carbine rifle, while entangled with the soldier, and the soldier fired his pistol five times at Mr. KADHIM to nullify the threat to himself and the other soldiers. 5th Group SJA opined that it was reasonable for the soldier to believe that Mr. [redacted] had committed a hostile act and had further hostile intent (See 15-6).

b7c-1,66-1

b7c-4,66-4

About 1130, 18 Jun 04, this office provided a copy of the 15-6 to the 22nd MP Battalion Operations Officer who would send a copy to the 3rd Group SJA for legal opine.

b7c-3,66-3

About 1500, 28 Jun 04, this office received an opine from CPT [redacted] 3rd Group Criminal Investigation Command, SJA, that probable cause existed to believe the soldier committed justifiable homicide and acted within the limits of his Rules of Engagement (ROE).///LAST ENTRY///

*b7c-1,66-3
62*

SA [redacted]
Special Agent, [redacted]

78th MP DET Forward (CID)
Baghdad, Iraq APO AE 09342

Signature: [redacted]

Date: 28 Jun 04 Exhibit: 1

LAW ENFORCEMENT SENSITIVE

Page(s)

6-54

Referred to:

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

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

INVESTIGATIVE PLAN

SEQUENCE NUMBER
0171-04-00259-80223

DATE NOTED	PLANNED ACTIVITY	SUSPENSE DATE	DATE COMPLETED
18 Jun 01	Receive Opme from 3 rd Group SJA Get 15-6 back from BN - Write IFE	21 Jun 01	29 Jun 01

VICTIM / WITNESS FORMS (DD Form 2701) (annotate on AAS)											
V	W	Last Name	Date Issued	V	W	Last Name	Date Issued	V	W	Last Name	Date Issued
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>		

MISCELLANEOUS ACTIVITY			
Action	Completed	Action	Completed
Photograph /fingerprint subjects		NCIC entry on stolen prop	
Film submitted for contact sheet		Contact sheet submitted for photos	

CONTACTS / PHONE NUMBERS	
Activity / Person	Phone Number

INVESTIGATIVE STANDARDS	
INTERVIEW VICTIM / EYE WITNESS	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 & UNFOUNDED FINALS	15 duty days
UNKNOWN SUBJ FINALS	30 work days
ACTION TAKEN FINALS	30 work days

TIME, DATE, AND AGENT SUMMARY OF INVESTIGATIVE ACTIVITY

<p>0900, 18 Jun 04 [redacted] b7c-1,66-1</p>	<p>Basis for Investigation: This investigation was initiated based on a receipt of RFI 0282-04-CID001, which requested this office initiate an investigation in reference to the death of Mr. Sajid KADHIM.</p>
<p>1000, 18 Jun 04 [redacted] b7c-1,66-1</p>	<p>Coordinated with 1LT [redacted] who provided a copy of the 15-6 investigation and brief of the incident. (See AIR) b7c-3,66-3</p>
<p>1010, 18 Jun 04 [redacted] b7c-1,66-1</p>	<p>Reviewed 15-6 investigation.</p>
<p>1130, 18 Jun 04 [redacted] b7c-1,66-1</p>	<p>Coordinated with BN OPS who related he would send a copy of the 15-6 to the 3rd Group SJA for review and legal opine. Advised to open an IFI with justifiable Homicide as the offense.</p>
<p>1230, 18 Jun 04 [redacted] b7c-1,66-1</p>	<p>Briefed SAC on all aspects of this investigation who advised to not send report prior to 3rd Group SJA opine.</p>
<p>1900, 18 Jun 04 [redacted] b7c-1,66-1</p>	<p>Assembled case file</p>
<p>19 Jun 04 [redacted] b7c-1,66-1</p>	<p>SAC Review 1. Pending 3rd Grp SJA opine 2. If 3rd Grp SJA opines the incident was justifiable Homicide, then generate IFI with subject as none, then we will close file, 3. Good Job To SA [redacted] b7c-1,66-1</p>
<p>19 Jun 04 [redacted] b7c-1,66-1</p>	<p>Acknowledge SAC Review: 1. Noted 2. will do 3. Noted</p>
<p>21 Jun 04 [redacted] b7c-1,66-1</p>	<p>Received hard copy 15-6 back from BN</p>

b7c-1,66-1

22 Jun 04

[Redacted] b7c-1,66-1

Reassigned to SA [Redacted] pending opine
Then draft IFI. Coordinate w/ 3rd Group SJA for
opine.

23 Jun 04

[Redacted] b7c-1,66-1

Coord w/ SAC, briefed that SJA opined justifiable
Homicide, but pending another approval from someone else
at 3rd Grp. BN will notify us with info.

24 Jun 04

[Redacted] b7c-1,66-1

Received printout from SAC, pertaining to a
news article from the Boston Globe pertaining
to this investigation, added to non-attached
section of case file

24 Jun 04

[Redacted] b7c-1,66-1

During a review, found documents marked "~~Secret~~"
put under 6b, and marked cases appropriately.

28 Jun 04

[Redacted] b7c-1,66-1

Drafted IFI, to SAC for review, still pending
opine.

28 Jun 04

[Redacted] b7c-1,66-1

Reviewed IFI

1. Make minor corrections (pg 2)
2. Attach Exhs 1 & 2 w/ final
3. I will coord w/ BN for e-mail message from
3rd Grp SJA, who opine for justifiable homicide.

TO SA [Redacted] b7c-1,66-1

28 Jun 04/1500

[Redacted] b7c-1,66-1

Obtained opine from 3rd Grp SJA for justifiable
Homicide (see Attc). Corrections to IFI to SAC.

28 JUN 04

[Redacted] b7c-1,66-1

SAC Review:

1) IFI reviewed. Nothing further required by this office

2) File closed

TO ADMIN FOR DISTRO

FOR OFFICIAL USE ONLY

28 Jun 04

PTC [redacted]

DISTRO DONE
COPY IN FILE

5 Aug 04 b7c-1, b6-1
[redacted] b7c-1, b6-1

Received email from [redacted] to correct final and mark documents accordingly. Corrected final to SAC.

7 AUG 04

[redacted] b7c-1, b6-1

SAC Review:

1. Make minor corrections to report, then I'll close.

TO SA [redacted] b7c-1, b6-1

7 AUG 04

[redacted] b7c-1, b6-1

Reviewed Corrected Final Report.

Exhibit 2 only goes to CRC & copy stays in this file.

TO ADMIN FOR DISTRO

11 AUG 04

[redacted] b7c-1, b6-1

DISTRO DONE
COPY ON CD IN FILE

11 AUG 04

[redacted] b7c-1, b6-1

FIN SUP w/ Exhibit was registered mail
RC 02521063745 to USA CRC

CID FORM 66

1. DATE: 18 JUN 64
 2. TIME RECEIVED: 0900
 7. CASE NUMBER: 071-04-CF0259-80223
 8. ASSIGNED TO: SA [REDACTED] 676-166-1
 9. TYPE OF ACTION: GC/SSE

3. OFFENSE
 4. SUBJECT: None
 5. VICTIM
 10. REPORTS

TYPE	SUSPENSE	COMP
OPEN		18 JUN
INT/FIN		28 JUN
SAC	3 JUL	28 JUN
CLO		28 JUN

11. OTHER ACTION | 12. CID FUNDS

ACTION	RQRD	COMPL	DATE	AMOUNT	ADJUDICATED	DATE	AMOUNT
CRIMINAL INFO					Admin		
EVIDENCE CUST					Re-opens		
					CORRECTED	11 AUG	7 AUG
					FINANC		
					CLO		7 AUG

5000 5

[REDACTED] CW2 MNC-I Special Agent to Chage

b7c-1, b6-1

From: [REDACTED] CW2 MNC-I 22ND MP BN/Criminal Intel
Sent: Monday, July 26, 2004 8:18 PM
To: [REDACTED]
Subject: CIDROI 0171-04

b7c-1, b6-1

Need you to do a corrected IFI for 0171-04-CID259-80223, and make Exhibit 2 (USACRC and file copies only). Here's an example. Please forward to USACRC using the appropriate measure for classified documents (e.g. proper markings, packaging, registered, etc.).



0028-04-CID259-80
145_FIN_HFD.p...

Please call if you have questions.

Thanks!

Respectfully,

//s//

[REDACTED]
CW2, MP
Criminal Intelligence Coordinator
DVNT: 302-550-[REDACTED]

b7c-1, b6-1

"Serving America and those who serve our great country!"

b7c-1,66-1

From: [redacted] CW4 MNC-I Operations Officer
Sent: Monday, June 20, 2004 3:27 PM
To: CW2 [redacted] (E-mail)
Subject: FW: 15-6 for Review

b7c-1,66-1

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

From: [redacted] CPT
Sent: Saturday, June 26, 2004 12:18 AM
To: [redacted] CW4 MNC-I Operations Officer
Subject: RE: 15-6 for Review

b7c-1,66-1

Chief:

Both I and OPS say good shoot.

CPT [redacted]

b7c-2,66-2

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

From: [redacted] CW4 MNC-I Operations Officer
Sent: Wednesday, June 23, 2004 11:27 PM
To: [redacted] CPT
Subject: RE: 15-6 for Review

b7c-1,66-1

Sir,

b7c-2,66-2

Anything on this from Mr. [redacted] We would like to write this case, hopefully justifiable. Thanks for the assistance.

On a side note, I received your response on the CCCI issue. Thanks on that also.

VR

b7c-2,66-2

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

From: [redacted] CPT
Sent: Tuesday, June 22, 2004 9:13 PM
To: [redacted] CW4 MNC-I Operations Officer
Subject: RE: 15-6 for Review

b7c-1,66-1

Chief:

I just reviewed. I am waiting on OPS as my OPS wants to review before we give you our "official" position. I also see a good shoot. I will let you know what ops says asap.

CPT [redacted]

b7c-2,66-2

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

From: [redacted] CW4 MNC-I Operations Officer
Sent: Friday, June 18, 2004 8:27 AM
To: CPT [redacted] (E-mail)
Cc: CW5 [redacted] (E-mail)
Subject: 15-6 for Review

b7c-1,66-1

CPT [redacted]

b7c-2,66-2

Could you please review this 15-6. This is an RFI on an alleged bad shoot. We see good shoot and so does SJA, 5th SF. We want your opinion to get someone out of the chain of command.

██████████ b7c-8110
-----Original Message-----

From: ██████████ CW2 MNC-I 22ND MP BN/Criminal Intel
Sent: Friday, June 18, 2004 11:40 AM
To: ██████████ CW4 MNC-I Operations Officer
Subject:

b7c-6,66-6

<< File: 1.pdf >> << File: 2.pdf >> << File: 3.pdf >> << File: 4.pdf >> << File: 5.pdf >>

Respectfully,

//s//

██████████
CW2, MP
Criminal Intelligence Coordinator
DVNT: 302-550-██████████

b7c-6,66-6

"Serving America and those who serve our great country!"

FR

Page(s)

9-19

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-CO

S: 30 Jul 04
15 Jun 04

MEMORANDUM FOR Commander, 3rd Military Police Group (CID), USACIDC (ATTN: CIRC-OP), 4699 North 1st Street, Forest Park, GA 30297

SUBJECT: Request for Investigation (0282-04-CID001)

1. On 15 Jun 04, this office received information from the Detainee Assessment Task Force, USACIDC, Ft Belvoir, VA, regarding an alleged incident in which Mr Sajid Kadhim was murdered by US forces. The information is documented in the attached Washington Post article, dated June 15, 2004.
2. Request a Report of Investigation be initiated concerning the information reflected above.
3. Request acknowledgment of this RFI no later than 22 Jun 04. Further, request the sequence/report of investigation (ROI) number of the investigation no later than 29 Jun 04. A response to this RFI, to include sequence/ROI number and the status of the investigation, will be forwarded to this headquarters, ATTN: CIOP-COP, no later than the above suspense date. If no ROI is initiated, that information will be provided to this headquarters. All correspondence will clearly identify the HQUSACIDC control number.
4. Point of contact for this action is CW3 [REDACTED] at (703) 806-[REDACTED] or [REDACTED]@belvoir.army.mil.

b7c-3, b6-3

FOR THE DEPUTY CHIEF OF STAFF, G-3:

as

//orig signed//

[REDACTED]

CW5, MP
Chief, Investigative Operations Division

b7c-6, b6-6



157C-1,56-1

CW2 MNC-I Special Agent to Chage

From: [redacted] CW4 MNC-I Operations Officer
Sent: Friday, June 18, 2004 12:25 PM
To: [redacted] CW2 MNC-I Special Agent to Chage
Subject: RE: Justifiable Homicide Case

157C-1,66-1

Sounds good to me.

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

From: [redacted] CW2 MNC-I Special Agent to Chage
Sent: Friday, June 18, 2004 12:18 PM
To: [redacted] CW4 MNC-I Operations Officer
Subject: Justifiable Homicide Case

157C-1,66-1

Sir,

I would like to run the justifiable homicide case as None for Subject and list the Iraqi Civilian for the victim as long as 3rd Group SJA agrees with Justifiable Homicide. Thanks.

[redacted] 157C-1,66-1

[redacted]
Special Agent In Charge
78th MP DET (CID) (FWD)
Baghdad, Iraq
APO AE 09342

157C-1,66-1

CW4 MNC-I Operations Officer

From: [redacted] CW3
Sent: Tuesday, June 15, 2004 9:06 PM
To: [redacted] CW4 MNC-I Operations Officer (E-mail); [redacted] SFC MNC-I
 22ND MP BN/OPS NCO (E-mail); [redacted] CW3 CJTF7-22ND MP BN/FSC [redacted] (E-mail)
Cc: [redacted] MAJ MNC-I BN S3 (E-mail)
Subject: FW: RFI 0282-04-CID001

b7c-3,66-3

b7c-2,66



RFI (0282-04).doc

22d OPNS: This new ROI requests ROI to be initiated based a media article which can be read at the hyper-link.

Please acknowledge receipt of this RFI (either SIPR or NIPR)

v/r

b7c-3,66-3

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

From: [redacted] [mailto:[redacted]@SBELVOIRDMS.ARMY.SMIL.MIL]
Sent: Tuesday, June 15, 2004 4:31 PM
To: 'CW4 [redacted] (3d MP Gp (CID))' (E-mail); [redacted] CW5 [redacted] (E-mail);
 Lamp3sok (E-mail)
Cc: 'Mr. [redacted] (HQUSACIDC) ' (E-mail); [redacted]@us.army.smil.mil'
Subject: RFI 0282-04-CID001

b7c-2,66-2

b7c-1,66-1

Gentlemen

Please find the attached RFI.

Please acknowledge receipt of this message.

<<RFI (0282-04).doc>>

The website for the article is as follows" SIPR will not allow me to attach the article itself.

<http://ebird.afis.osd.mil/ebfiles/e20040615294983.html>

7C4 b6 4
Statement of ██████ taken on 10 June 04, at Fort Carson, CO, continued:"

started beating his head against the wall. We moved him to the center of the room so he could not cause further injury to himself. ██████ did suffer self-inflicted cuts and bruises to his head and hands at this time. We restrained him at this time by holding him still on the floor and telling him to calm down. After a short while ██████ calmed down. I asked him questions pertaining to his capture and he provided short answers to the questions. I had the ODA medic examine ██████ prior injuries to see what care he required. The ODA medic said that his injuries had been well taken care of by the first aid station personnel at FOB Danger. The cuts and bruises he inflicted upon himself were treated but they were minor in nature. (The ODA medic removed the staples and stitches from ██████ head once his injuries healed.) I interviewed ██████ several times over the next few days concerning his anti-coalition activity. ██████ was evasive at first giving up relatively little information. I informed him we had his signed confession from the first time he was detained stating he killed American soldiers in an ambush in August of 2003. At this time he then admitted he was involved in anti-coalition activities. I did not have his confession but I knew of the confession. Over the course of the next several day's interviews ██████ became much more cooperative. The reason for his change of heart was because he wanted to see his family again and I informed him that the more he cooperated with us the less time he would spend in jail. ██████ informed on several members of his cell and even signed two confession detailing time, place and circumstances of his anti-coalition activities. ██████ admits to killing four American soldiers.

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7C
7F
b6
4

was transferred down to Abu Ghareb prison in April 04. When he was being loaded on the ODA Defender truck he started crying. I asked our interpreter to ask him why he was crying. ██████ stated that he wanted to stay with us and not be transferred to another facility. I informed him he could not stay with us any longer and he would get transferred to another facility. During ██████s stay with us he was under constant guard by 1 member of the ODA guard force consisting of a squad of 1st infantry soldiers. He occasionally was guarded by a member of the ODA's Peshmerga guard force. The holding facility was constantly monitored by closed circuit TV by a member of ODA 065 24 hours a day. The guards had been given strict orders not to have any interaction with ██████. They were informed if he had any requests or complaints I or another ODA member was to be informed and we would see to him. ██████ was fed and 3 times a day. He ate the same food the ODA ate. He was given large portions each time. He had access to water and restroom facilities at all times. I informed the ODA members who pulled operations watch that if anything was reported to them by the guards or they observed anything suspicious concerning ██████ I was to be informed. This occurred on two occasions. Both times I was went with an interpreter to see what he wanted and both times it was for trivial reasons. I think he just wanted attention. I never witnessed or heard of any abuse committed against ██████ while he was in the custody of ODA 065.

7F 7C b6 4

7F
7C
b6
4

- Q: SA ██████ 7C b6 4
- A: MSG ██████ 7C4 b6 4
- Q: Who was the other member of the ODA 065 who helped you move ██████ into the interview room after you first took him into custody?
- A: SFC ██████ 7C4 b6 4
- Q: Who was the ODA medic?
- A: SFC ██████ And CPT ██████ helped me pick him up from the 1-18th holding facility.
- Q: Was CPT ██████ involved in any interrogations?
- A: No. ██████ 7C4 b6 4

DODDOACID-004912

INITIALS OF PERSON MAKING STATEMENT ██████ 7C4 b6 4

FOR OFFICIAL USE ONLY
FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

Page(s)

23 - 25

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

UNCLASSIFIED - FOUO

Washington Post

June 15, 2004

Pg. 13

Family Seeks Justice In Case Of Iraqi Slain By U.S. Troops

By Jackie Spinner, Washington Post Staff Writer

BAGHDAD, June 14 -- The first thing they heard was the crash from the Humvee pushing through the metal courtyard gate. Then two shots were fired into the tile at the entryway before a team of U.S. soldiers and Iraqi military guards burst into the house where Sajid Kadhim was sleeping in the front room with his wife and five children, his family recalled.

The soldiers rounded up other relatives scattered about the house and herded the women and children into a room with a colorful mural depicting a popular Iraqi play called "The Battle of Tuf." Sajid, a moderately well-known Baghdad actor, had played the role of the murdered brother of Imam Hussein, the grandson of the prophet Muhammad, in that play days earlier.

The power was out in Kamiliya, a suburb of Baghdad, in the early morning hours of May 17, when the soldiers came, the family said. So in the pitch black, they

listened carefully. They heard the soldiers drag Sajid into the room where his mother slept. "Oh, you coward," they heard Sajid yell. Then there were shots.

The soldiers left, taking with them a hooded man they said was Sajid. But the family found the actor's body stuffed under some mats behind a refrigerator. He was dead. The U.S. military confirmed Friday that an American soldier had shot him.

When Saddam Hussein ruled Iraq, the family would have held the funeral, buried the dead and moved on with life. But Qasim Kadhim, Sajid's brother, said the Americans who toppled Hussein promised democracy and justice in a new Iraq. So he hired a lawyer, presented the case to a local neighborhood council that the U.S.-led occupation authority set up after the war and demanded that the military investigate. When days turned into weeks and he started to feel as if no one was listening, he went to the news media.

More than anything, Qasim wants to make sense of what this new justice was supposed to look like, he said in an interview. "All the criminals of the first regime were arrested," he said. "They didn't kill any of them. What happened to my brother was a crime. This was an execution of a civilian in his house.

"But who was the judge? Who defended the suspect? Where is the democracy? Where is the freedom that a person can be killed without a court, without an investigation?"

In a statement issued Friday that did not name Sajid Kadhim but that a military spokesman said referred to his case, the U.S. military said an informant led them to Sajid with information that he "bragged to his neighbors about murdering a 1st Cavalry soldier at a checkpoint."

"During the raid, the Iraqi attempted to grab the weapon of a U.S. soldier, who shot and killed him," the statement said. "Until the investigation is complete, it would be inappropriate to comment further."

As an occupying army, U.S. military personnel stationed in Iraq have had immunity from Iraqi law since U.S.-led forces took over the country in April of last year.

Family members, neighbors and fellow actors said Sajid was a peaceful, law-abiding man who supported the U.S. presence in Iraq. They said he was a religious moderate and a member of a local security league that spoke out against the violence that has gripped this country in recent months.

Qasim said when he first went to the U.S. military to find out what had happened to his brother, a captain apologized and told him the killing was an accident. The captain asked Qasim to return with letters of support vouching for his brother, Qasim said.

Qasim got letters from the Iraqi Theater Union, from local government leaders and from sheiks. "Sajid was one of the notable figures of the Kamiliya neighborhood," said a letter from the National Front of the Iraqi Tribes. "He used to stick to law and order. He used to hold several meetings to fight terrorism and chaos, helping people and telling them not to fight the coalition forces." A letter from Abdul Redha Sheik Muhsin Egeili, the chief of the Union of Notable Figures of the Zahraa, Ghadeer and Hussein neighborhoods, called Sajid "the dove of peace."

Qasim said he returned with the letters to Camp Falcon, the U.S. base closest to the neighborhood and the one responsible for security in this part of Baghdad. This time the captain told Qasim that his brother had resisted arrest, he said.

The official report from the morgue said Sajid was shot five times, once in the leg, once in the throat, once in the armpit and twice in the chest.

In the room where Sajid died, his brothers Haider and Jawad showed the holes in the wall and floor where the bullets struck after passing through Sajid's body.

The electricity was out again, and the soft light from a broken window created shadows on the walls as the brothers reenacted the scene to show how they had been placed.

They had been tied up in the kitchen across a dim hallway, forced to kneel on the tile, their foreheads pressed against the cold cement wall. They were there when they heard the shots that killed their brother, Haider and Jawad said.

Haider said that when he heard the shots, he asked if his brother had been killed. He said a soldier told them they were just checking the gun that Haider had brought to them, the Kalashnikov assault rifle that Sajid kept upstairs to protect his family. Haider said the soldier then struck him in the head with the butt of his gun, leaving a wound that had to be stitched.

In a video of Sajid's funeral procession on May 20, Haider can be seen in front, striking his head and his hands in a gesture of mourning. A blood-spotted bandage around his head covers the wound that was visible as a scar last week.

Sajid's coffin, borrowed from a local mosque, is shown draped in the Iraqi flag, the sign of a martyr.

U.S. soldiers had been to this neighborhood before, the family and neighbors said, but there had been few clashes between residents and the troops. "It was very quiet," said Nasr Kadhim, another of Sajid's brothers, who lives next door. "When they used to come, they used to knock on the door, and they would take the family outside, search the house and then leave."

One of the things that bothers Qasim the most, he said, is the way in which his brother died, killed at home with his wife and children in the next room.

"Saddam was a tyrant, but he did not commit such an inhumane crime," Qasim said. "This happened in the quietness of night, which goes against our values and the religious values of Moses and Jesus and Muhammad."

Even if the Americans believed that his brother was guilty, he did not deserve to die without having a chance to defend himself, Qasim said. This is the irony of the new justice that he cannot comprehend.

"This crime happened after Abu Ghraib and after the apology of President Bush," Qasim said, referring to the scandal in which U.S. soldiers were accused of abusing Iraqi detainees in their custody. "We wish for the American press to publish the truth, for the American society to see this."

Sajid's eldest son, Ali, 12, stood by his uncle's side as he talked. The women of the household sat on rugs around the perimeter of the room, fanning themselves with pieces of cardboard. Sajid's widow, completely covered in black, including her face and hands, tried to comfort her youngest child, 1-year-old Abbas.

"He was the source of our living," Ali said of his father. "Why did they do that? Even Saddam didn't kill a person in front of his children."

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Special correspondent Bassam Sabti contributed to this report.

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Special correspondent Bassam Sabti contributed to this report.

█████ suspect this RFI was passed to you since it appears to deal with a ICD raid in Baghdad.

b7c-3,66-3

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

From: █████ CW3 - 3d MP Group (CID)
[mailto:█████@forscom.army.mil]

b7c-2,66-2

Sent: Tuesday, June 22, 2004 8:06 PM

b7c-2,66-2

b7c-1,66-1

To: CW3 █████ (Iraq FWD); CW4 █████ SA █████ (Iraq FWD)
Subject: Additional info for RFI 0282-04 FW: Shooting Death Angers Iraqi Family

█████ I cut/pasted the below news article for easy read.

b7c-3,66-3

This is additional information pertaining to RFI 0282-04

Boston Globe
June 21, 2004
Pg. 1

Shooting Death Angers Iraqi Family

US tactics in raid raise concerns

By Thanassis Cambanis, Globe Staff

BAGHDAD -- American soldiers stormed into Sajid Kadhum Bouri al-Bawi's house three hours after midnight on May 17, breaking two doors and rousing the dozen children who live there.

An hour later, family members recalled, the soldiers led a hooded man from the house and told the family they were arresting Bawi. Only after the soldiers left with what appeared to be a prisoner did Bawi's brother find his bloodied body, shot five times and stuffed behind a refrigerator underneath a pile of mattresses.

The US Army is investigating the shooting, and admits that Bawi was shot and killed by an American when, according to the soldiers involved, he tried to seize a soldier's weapon.

Bawi's slaying during the kind of routine night raid that is the military's bread-and-butter counterinsurgency tactic raises questions about the control and supervision of soldiers on those raids, and the reliability of the local informants whose tips are often behind the arrest lists.

The events described by family members are chilling: They say Bawi was killed in his mother's bedroom during an interrogation, while soldiers banged on metal doors to dull the sound of the shots.

The soldiers then pretended they were detaining Bawi, according to several members of the family who were present, parading another man in a dishdasha,

26

or robe, through the darkened house to trick the family into thinking that the head of the household was still alive.

Brigadier General Jeffery Hammond, the number two commander of the First Armored Cavalry Division, which patrols Baghdad, said the shooting was unlikely to have occurred as described by the family.

"We have too many lines of supervision on any operation we do," Hammond said. "It would be hard for me to believe that could happen."

In a terse statement released more than two weeks after Bawi's death, after repeated visits by his relatives to military officers stationed near the slum where his family lives, the military admitted the shooting and said it had officially opened an investigation.

"According to a source, the Iraqi was an anti-Iraqi forces operative who bragged to his neighbors about murdering a First Cavalry soldier at a checkpoint," the statement said.

Acting on the informant's tip, soldiers raided the house in Kamalaya, a mostly Shi'ite slum south of the Sadr City section of Baghdad.

"It is reported that during the raid, the Iraqi attempted to grab the weapon of a US soldier who shot and killed the subject," the statement said.

Through a spokesman, Hammond said it would be inappropriate to comment any further before the investigation was complete. It is not clear when that will be, nor has other information been disclosed regarding the identity of the unit or the names of the soldiers involved. In the past year, investigations into shootings by US troops have taken anywhere from a few weeks to several months.

It was not clear why the interrogation of Bawi took place in his house, rather than at an American base after his arrest.

The shooting, as recalled by a half-dozen family members present the night of the raid, has left deep scars on the family. The Bawis live in a two-story home on a narrow dirt lane just off the main road in Kamalaya. On the night of the raid, Bawi, his wife, and five children were sleeping in the front room, the only one with an air conditioner.

According to the family, US soldiers, accompanied by a translator, a group of Iraqi Civil Defense Corps soldiers, and an informant -- hooded to mask his identity -- entered the house. They demanded to know where Bawi was, and the hulking man -- he was 6 feet 6 inches tall and weighed about 265 pounds -- immediately identified himself.

Bawi was taken to an empty bedroom just behind the living room, family members said. The soldiers roused the families of two other brothers, who live in the same house. In a standard practice, they held the three other men in the house in the kitchen, and separately kept the women and children in the living room, where they sat on the mattresses in front of a

wall-sized mural depicting the battle of Karbala, the signal event in the founding of Shi'ite Islam.

The soldiers found a machine gun in the upstairs bedroom belonging to Haidar Bawi, one of Bawi's brothers.

"I could only hear muffled sounds from the other room," said Wathiq Jawad Kadhum, 27, a nephew who was held in the kitchen during the roughly 45 minutes that soldiers interrogated his uncle in the bedroom.

Kadhum, his brother Muthanah Kadhum, and his uncle Haidar Bawi were handcuffed and kept on their knees at gunpoint, they said.

Several times, the translator and an American officer came to the kitchen and addressed the three men. "They said, Sajid is in the resistance, isn't he?" Wathiq Kadhum said. "They asked me, what do you do?"

About half an hour into the interrogation, Wathiq Kadhum and Muthanah Kadhum said they heard Bawi shout, "Oh, you bastard!" Then, they said, a series of gunshots rang out. A soldier kicked the metal door to the washroom, the family theorized, perhaps to mask the noise of the bullets.

The translator and officer came to the kitchen and told the relatives they had test-fired the confiscated weapon. Wathiq Kadhum said he demanded to know what happened.

"The translator told me, shut up, don't ask questions," he said. Someone -- in the darkened kitchen, he could not tell who -- then hit him in the face with the butt of a gun, he said. His forehead bears a seven-stitch scar, and videotapes from his uncle's funeral show a bandage around his forehead with a streak of blood.

"Anyone who moves, we'll kill him," Muthanah Kadhum said the translator told him.

Shortly before 4 a.m., the soldiers left, taking with them a hooded man wearing one of Bawi's white robes, family members said.

The family regrouped in the yard.

"It was ordinary. We thought they had taken Sajid and maybe they would return him within a month," said his brother Nasser Bawi, 36, who lives in the next-door house, which is separated from Bawi's by a 3-foot-wide alley. He had waited in front of the house during the raid with another brother, Qasim Bawi, 40, and with a group of neighbors.

"We were sure he was just arrested and would come back."

One neighbor brought wire cutters to remove the plastic cuffs binding the hands of the three men.

DODDOACID-004924

When the power came back on, family members and neighbors filtered into the house to survey the mess and damage left from the soldiers' search -- cabinet doors askew, doors broken, bedding and clothes thrown to the floor.

That's when Hathima Hakim, Nasser Bawi's mother, saw a pair of feet protruding from under a mattress.

"It was as if the ceiling had opened up and dropped him," she said. She screamed: "It's Sajid!"

Nasser Bawi came running, thinking that American soldiers had brought his brother home.

"I found him soaked in blood," he said, breaking into sobs as he stood next to the same refrigerator that had partially hidden Bawi's body.

The coroner's report from the Baghdad Morgue, dated May 29, said Bawi had five bullet wounds: two in the torso, near the heart; two on his left side; and one in his right thigh.

Qasim Bawi represented the family in several visits to a nearby US base, the first one a few days after the funeral.

At an officer's request, he brought letters -- from neighborhood and tribal councils, from an Islamic charity, and from the actors' union -- attesting to Bawi's good character.

According to his brothers, Bawi, like the rest of the family, welcomed the United States as liberators. "When Saddam was captured, he hired a band for the neighborhood," Qasim Bawi said.

Family snapshots show Wathiq Kadhum, the brother with the forehead scar, frolicking in a waterfall last summer, his arm around a female US soldier.

Now the family lives in fear. The children said they can't sleep. Knocks at the door make the men jump.

Ali, at 11 the eldest of Bawi's children, said he has a recurrent nightmare in which he cannot find his family. "I don't go near the Americans anymore, because I'm afraid they will kill me," Ali said.

Bawi's relatives say they want an apology from the Army, a trial for the person who shot him, and only then, financial compensation.

Qasim and Nasser Bawi think the soldiers were tricked by an Iraqi informant who had a personal gripe against their slain brother, a well-known figure in the neighborhood who ran a business renting tents and chairs for funerals.

They do not have a guess as to who the informant was, but they refer to him as "Hassan," because one of the neighbors contends he heard an American soldier say, "No, Hassan," to the informant as they left the house.

Less than a month before his death, Bawi starred as Abbas, a founding figure of Shi'ite Islam, in a Sadr City production.

His brothers scoffed at the allegation that Bawi had killed an American soldier, or that he fought the soldiers who were interrogating him during the raid. "He was so fat, he couldn't run," Nasser Bawi said. "How could he be in the resistance?"

With school over for the summer and their mother in mourning, Sajid Bawi's five children stay in the house all day. The women cry ritualistically, especially when visitors come. They refuse to clean a spot of blood on the wall where they say Bawi was shot, or replace a shattered windowpane, or move the refrigerator into its proper place.

"They think they have killed one man," Qasim Bawi said. "They have killed the whole family."

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

From: [REDACTED] CW3 [mailto:[REDACTED]@belvoir.army.mil]

Sent: Tuesday, June 22, 2004 9:22 AM

To: [REDACTED] MAJ - 3d MP Group(CID); [REDACTED] (E-mail); [REDACTED] b7c-2,66-2

[REDACTED] CW4; [REDACTED] (E-mail)

Subject: FW: Shooting Death Angers Iraqi Family

Gentlemen

The below refers to RFI 0282-04-CID001. A more definitive name versus what I sent originally.

Also, I sent three new RFI's to you for 22nd via SIPR this morning.

Numbers are 0302/0303/0304.

[REDACTED] b7c-3,66-3
> -----Original Message-----

> From: [REDACTED] b7c-3,66-3

> Sent: Tuesday, June 22, 2004 9:06 AM

> To: [REDACTED] CW3

> Subject: Shooting Death Angers Iraqi Family

>

> <<Shooting Death Angers Iraqi Family.htm>>

> This article concerns victim of RFI 0282-04-CID001 -

> We have his name as SAJID KADHUM but in this

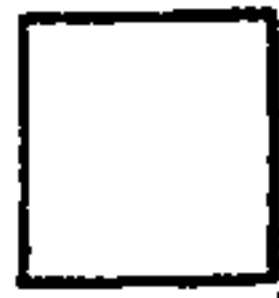
> article they id him as SAJID KADHUM BOURI AL-BAWI. Just thought ya'll

> ought to know.

>

> V/R

> MSG [REDACTED] b7c-3,66-3



Shooting Death Angers Iraqi Family.htm