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DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
12th MILITARY POLICE DETACHMENT (CID) (FWD)
BAGHDAD BRANCH OFFICE
APO AE 09335

CIRC-ABE (195)

7 AUG 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: (U) CID REPORT OF INVESTIGATION - CORRECTED FINAL (C) 0264-03-CID259-61231/5H6

DATES/TIMES/LOCATIONS OF OCCURRENCES:

(U) 1. 24 NOVEMBER 2003/1300 HRS - 24 NOVEMBER 2003/1347
HRS, CAMP GANCI, ABU GHURAYB PRISON, GRID MB 127218365

DATE/TIME REPORTED: (U) 2 DECEMBER 2003/1030

INVESTIGATED BY: (U) SA ^{b7c-1, b6-1, b2} [REDACTED]; SA ^{b7c-1, b6-1, b2} [REDACTED]
SA [REDACTED], SA [REDACTED], SA [REDACTED] ^{b7c-1, b6-1}
^{b2} [REDACTED]

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

VICTIM: (U) 1. SALMAN, JUSSAYN ALI (DECEASED); INTERNMENT SERIAL
NUMBER (ISN) #153399; M; 1 JAN 69; COMPOUND ASSIGNMENT CAMP GANCI
#7, IZ; (NFI) [JUSTIFIABLE HOMICIDE]

(U) 2. SHAALAN, RAED (DECEASED); ISN #20257; M; 1 JAN 78;
COMPOUND ASSIGNMENT CAMP GANCI #1, IZ; ZZ; (NFI) [JUSTIFIABLE
HOMICIDE]

(U) 3. SAYAR, MADOOR HUSSEIN (DECEASED); ISN #150348; M; 1 JAN
82; COMPOUND ASSIGNMENT CAMP GANCI #5, IZ; (NFI) [JUSTIFIABLE
HOMICIDE]

(U) 4. THAWIN, DAWOOD MAZIN (DECEASED); ISN #152616; M; 1 JAN
78; COMPOUND ASSIGNMENT CAMP GANCI #4, IZ; (NFI) [JUSTIFIABLE
HOMICIDE]

(U) This is an "Operation Iraqi Freedom" investigation.

(U) Investigation was initiated when the 10th Military Police Battalion (CID), U.S. Army
Criminal Investigation Command, Baghdad, Iraq (IZ) APO AE 09335, notified this office

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REGARD UNCLASSIFIED WHEN SEPARATED FROM CLASSIFIED ENCLOSURE

^{b7c-2, b6-2}

^{8/13/04}

*CHIEF OF SECURITY
USACIDC*

01902

of four prisoners killed during a prison riot at the Abu Ghurayb Correction Facility, Baghdad, IZ.

(U) Investigation determined the shootings of Mr. SALMAN, Mr. SHAALAN, Mr. SAYAR, and Mr. THAWIN were justifiable when they participated in an organized, violent uprising within the prison, in attempt to escape detainment.

STATUTES: (U) None (Justifiable Homicide)

EXHIBITS/SUBSTANTIATION:

Attached:

1. (U) Agent's Investigative Report of SA [REDACTED] ^{b7c-1, b6-1}, 4 Dec 03, detailing the basis for investigation, interview of LTC PHILLABAUM, interview of SFC [REDACTED], and coordination with SPO [REDACTED] ^{b7c-1, b6-1}
2. (U) Serious Incident Report, 24 Nov 03, detailing the disturbance.
3. (S) Camp Ganci Emergency Action Plan - Prisoner Disturbance in Camp Ganci.
4. (U) 800th Military Police Brigade Rules of Engagement for Operations in Iraq.
5. (U) Baghdad Correctional Facility Lethal Force Scenario.
6. (U) Certificate of Death of Mr. SHAALAN, 24 Nov 03, stating cause of death as Gun Shot wound to the chest.
7. (U) Certificate of Death of Mr. SALMA, 24 Nov 03, stating cause of death as Gun Shot wound to the face and skull.
8. (U) Certificate of Death of Mr. MAAZIN, 24 Nov 03, stating cause of death as Gun Shot wound to the chest.
9. (U) AIR of SA [REDACTED] ^{b7c-1, b6-1}, 2 Dec 03, detailing the crime scene examination of Baghdad Correctional Facility.
10. (U) Sketch, 2 Dec 03, depicting a layout of the Camp Ganci and the location of the detainee pens.
11. (U) Photographic packet comprised of five photographs of the crime scene.
12. (U) Compact disc 030103.259 containing the originals of Exhibit 11. (USACRC COPY only)
13. (U) AIR of SA [REDACTED] ^{b7c-1, b6-1}, 2 Dec 03, detailing the collection of statements of SGT

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b7c-4, b6-4, b7c-4, b6-4, b7c-4, b6-4, b7c-4, b6-4
[redacted] SGT [redacted], SPC [redacted] and SGT [redacted].

14. (U) Statement of SGT [redacted] b7c-4, b6-4 25 Nov 03, detailing her knowledge of the riot.

15. (U) Statement of SGT [redacted] b7c-4, b6-4 25 Nov 03, detailing his knowledge of the riot.

16. (U) Statement of SPC [redacted] b7c-4, b6-4 25 Nov 03, detailing his knowledge of the riot.

17. (U) Statement of SGT [redacted] b7c-4, b6-4 25 Nov 03, detailing his knowledge of the riot.

18. (U) AIR of SA [redacted] b7c-1, b6-1 4 Dec 03, detailing his forensic examination and photography of the victims.

19. (U) Photographic Log comprised of 5 1 photographs.

- a. (U) Photograph log containing 1-20 (victims).
- b. (U) Photograph log containing 2 1-40 (victims).
- c. (U) Photograph log containing 41 -5 1 (victims).

20. (U) Compact disc 030103.259 containing the originals of Exhibit 19. (USACRC COPY only)

21. (U) AIR of SA [redacted] b7c-1, b6-1 6 Dec 03, detailing the canvass interviews of the Correctional Facility guards, interview of SGT [redacted] b7c-4, b6-4, interview of LTC PHILLABAUM, and interview of SGT [redacted] b7c-4, b6-4

22. (U) Sworn Statement of SGT [redacted] b7c-4, b6-4 6 Dec 03, detailing his knowledge of the incident.

23. (U) Sworn Statement of LTC PHILLABAUM, 6 Dec 03, detailing his knowledge of the incident.

24. (U) Sworn Statement of SGT [redacted] b7c-4, b6-4 6 Dec 03, detailing his knowledge of the incident.

25. (U) AIR of SA [redacted] b7c-1, b6-1 13 Dec 03, detailing the SJA coordination.

Not Attached:

(U) None.

(U) The originals of exhibits 1, and 9 through 25 are forwarded with the USACRC copy of this report. The originals of exhibits 2 through 8 are retained in the files of 320th Military Police Battalion, Baghdad Correctional Facility, APO AE 09335.

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STATUS: (U) This is a Final (C) Report. This investigation is being terminated in accordance with CID Regulation 195-1, paragraph 4-1 7a (8b) in that the supported Staff Judge Advocate is of the opinion that the deaths resulted from Justifiable Homicide and it was clear no criminal act was involved. Commander's Report of Disciplinary and/or Administrative Action, DA Form 4833, is not required.

(U) REPORT PREPARED BY:

[REDACTED] b7c-1, b6-1, b2
(U) Special Agent, [REDACTED]

(U) REPORT APPROVED BY:

[REDACTED] b7c-1, b6-1
(U) Special Agent-in-Charge

DISTRIBUTION:

- 1 - (U) DIR, USACRC, 6010 6th Street, Fort Belvoir, VA 22060-5506 (original)
- 1 - (U) THRU: Cdr, 10th MP BN (CID), ATTN: Operations Officer, APO AE 09335
(U) Cdr, 3rd MP Group (CID), ATTN: S-3, Camp Victory, APO AE 09335
(U) TO: Cdr, HQUSACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060-5506
- 1 - (U) CID LNO, V Corps, (ATTN: CPT [REDACTED] b7c-3, b6-3) (e-mail only/less exhibits)
- 1 - (U) PMO, 1st Armored Division (ATTN: LTC [REDACTED] b7c-3, b6-3) Victory Camp, APO AE 09335 (e-mail only/less exhibits)
- 1 - (U) PMO, V Corps (ATTN: SFC [REDACTED] b7c-3, b6-3) Victory Camp, APO AE 09335 (e-mail only/less exhibits)
- 1 - (U) SJA, (ATTN: COL [REDACTED] b7c-3, b6-3), Chief Counsel, Coalition Provisional Authority, Office of General Counsel, APO AE 09335 (e-mail only/less exhibits)
- 1 - (U) Commander, 800th Military Police Brigade, Camp Victory, APO AE 09335
- 1 - (U) Armed Forces Institute for Pathology, 6825 16th Street NW Washington, DC 20306-6000
- 1 - (U) File

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DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
12th MILITARY POLICE DETACHMENT (CID) (FWD)
BAGHDAD BRANCH OFFICE
APO AE 09335

CIRC-ABE (195)

19 Feb 04

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C) 0264-03-CID259-61231
/5H6

DRAFTER: SA ^{b7C-1, b6-1} [REDACTED]
RELEASER: SA ^{b7C-1, b6-1} [REDACTED]

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 24 NOVEMBER 2003/1300 HRS - 24 NOVEMBER 2003/1347
HRS, CAMP GANCI, ABU GHURAYB PRISON, GRID MB 1272/8365

DATE/TIME REPORTED: 2 DECEMBER 2003, 1030

INVESTIGATED BY: SA ^{b7C-1, b6-1, b2} [REDACTED], SA ^{b7C-1, b6-1, b2} [REDACTED], SA ^{b7C-1, b6-1} [REDACTED],
^{b2} [REDACTED]

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

VICTIM: 1. SALMAN, JUSSAYN ALI (DECEASED); INTERNMENT SERIAL
NUMBER (ISN) #153399; M; 1 JAN 69; COMPOUND ASSIGNMENT CAMP GANCI
#7, IZ; (NFI) [JUSTIFIABLE HOMICIDE]

2. SHAALAN, RAED (DECEASED); ISN #20257; M; 1 JAN 78;
COMPOUND ASSIGNMENT CAMP GANCI #1, IZ; ZZ; (NFI) [JUSTIFIABLE
HOMICIDE]

3. SAYAR, MADDOOR HUSSEIN (DECEASED); ISN #150348; M; 1 JAN
82; COMPOUND ASSIGNMENT CAMP GANCI #5, IZ; (NFI) [JUSTIFIABLE
HOMICIDE]

4. THAWIN, DAWOOD MAZIN (DECEASED); ISN #152616; M; 1 JAN
78; COMPOUND ASSIGNMENT CAMP GANCI #4, IZ; (NFI) [JUSTIFIABLE
HOMICIDE]

This is an "Operation Iraqi Freedom" investigation.

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This office was notified by the 10th Military Police Battalion, U.S. Army Criminal Investigation Command, Baghdad, IZ APO AE 09335, of four Iraqi prisoners killed during a prison riot at the Abu Ghurayb Correction Facility, Baghdad, IZ.

The conduct of this investigation determined the shootings of Mr. SALMAN, Mr. SHAALAN, Mr. SAYAR, and Mr. THAWIN were justifiable when they participated in an organized, violent uprising within the prison, in attempt to escape detainment.

STATUTES: None (Justifiable Homicide)

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agent's Investigative Report of SA ^{b7c-1, b6-1} [REDACTED], 4 Dec 03, detailing receipt of initial notification, interview of LTC PHILLABAUM, interview of SFC ^{b7c-4, b6-4} [REDACTED] and coordination with SPC ^{b7c-4, b6-4} [REDACTED]
2. Serious Incident Report, 24 Nov 03, detailing the Internee/Detainee disturbance.
3. Camp Ganci Emergency Action Plan-Prisoner Disturbance in Camp Ganci.
4. 800th Military Police Brigade Rules of Engagement for Operations in Iraq.
5. Baghdad Correctional Facility Lethal Force Scenario.
6. Certificate of Death of Mr. SHAALAN, 24 Nov 03, stating cause of death as Gun Shot wound to the chest.
7. Certificate of Death of Mr. SALMA, 24 Nov 03, stating cause of death as Gun Shot wound to the face and skull.
8. Certificate of Death of Mr. MAAZIN, 24 Nov 03, stating cause of death as Gun Shot wound to the chest.
9. AIR of SA ^{b7c-1, b6-1} [REDACTED], 2 Dec 03, detailing the crime scene examination of Baghdad Correctional Facility.
10. Sketch, 2 Dec 03, depicting a layout of the Camp Ganci and the location of the detainee pens.
11. Photographic packet comprised of five photographs of the crime scene.
12. Compact disc 030103.259 containing the originals of Exhibit 11. (USACRC copy only)

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13. AIR of SA ^{b7C-1, b6-1} [REDACTED] 2 Dec 03, detailing the collection of statements of SGT ^{b7C} [REDACTED] SGT [REDACTED] SPC [REDACTED] and SGT [REDACTED] ^{b7C-4, b6-4}

14. Statement of SGT ^{b7C-4, b6-4} [REDACTED] 25 Nov 03, detailing her knowledge of the riot.

15. Statement of SGT ^{b7C-1, b6-4} [REDACTED] 25 Nov 03, detailing his knowledge of the riot.

16. Statement of SPC ^{b7C-4, b6-4} [REDACTED] 25 Nov 03, detailing his knowledge of the riot.

17. Statement of SGT ^{b7C-4, b6-4} [REDACTED] 25 Nov 03, detailing his knowledge of the riot.

18. AIR of SA ^{b7C-1, b6-1} [REDACTED] 4 Dec 03, detailing his forensic examination and photography of the victims.

19. Photographic Log comprised of 51 photographs.

- a. Photograph log containing 1-20 (victims).
- b. Photograph log containing 21-40 (victims).
- c. Photograph log containing 41-51 (victims).

20. Compact disc 030103.259 containing the originals of Exhibit 19. (USACRC copy only)

21. AIR of SA ^{b7C-1, b6-1} [REDACTED] 6 Dec 03, detailing the canvass interviews of the Correctional Facility guards, interview of SGT [REDACTED] interview of LTC ^{b7C-4, b6-4} PHILLABAUM, and interview of SGT [REDACTED] ^{b7C-4, b6-4}

22. Sworn Statement of SGT ^{b7C-4, b6-4} [REDACTED] 6 Dec 03, detailing his knowledge of the incident.

23. Sworn Statement of LTC PHILLABAUM, 6 Dec 03, detailing his knowledge of the incident.

24. Sworn Statement of SGT ^{b7C-4, b6-4} [REDACTED] 6 Dec 03, detailing his knowledge of the incident.

25. AIR of SA ^{b7C-1, b6-1} [REDACTED] 13 Dec 03, detailing the SJA coordination.

Not Attached:

None

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The originals of exhibits 1, and 9 through 25 are forwarded with the USACRC copy of this report. The originals of exhibits 2 through 8 are retained in the files of 320th Military Police Battalion, Baghdad Correctional Facility, APO AE 09335.

STATUS: This is a Final (C) Report. This investigation is being terminated in accordance with CID Regulation 195-1, paragraph 4-17a (8b) in that the supported Staff Judge Advocate is of the opinion that the deaths resulted from Justifiable Homicide and it was clear no criminal act was involved. Commander's Report of Disciplinary Action taken (DA Form 4833) is not required.

Report Prepared By:

Report Approved By:

b7C-1, b6-1, b2

Special Agent,

b7C-1, b6-1

Special Agent-in-Charge

DISTRIBUTION:

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

1 - THRU: Cdr, 10th MP BN (CID), ATTN: Operations Officer, Camp Victory, APO AE 09335 (w/exhibits)

Cdr, 3rd MP Group (CID), ATTN: S-3, Camp Victory, APO AE 09335.

TO: Cdr, HQUSACIDC, ATTN: CIOP-ZA, Fort Belvoir, VA 22060-5506

1 - CID LNO, V Corps, (ATTN: CPT [REDACTED] b7C-3, b6-3) (e-mail only/less exhibits)

1 - PMO, 1st Armored Division (ATTN: LTC [REDACTED] b7C-3, b6-3) Victory Camp, APO AE 09335 (e-mail only/less exhibits)

1 - PMO, V Corps (ATTN: SFC [REDACTED] b7C-3, b6-3) Victory Camp, APO AE 09335 (e-mail only/less exhibits)

1 - SJA, (ATTN: COL [REDACTED] b7C-3, b6-3) Chief Counsel, Coalition Provisional Authority, Office of General Counsel, APO AE 09335 (e-mail only/less exhibits)

~~SECRET~~

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1 - Commander, 800th Military Police Brigade, Camp Victory, APO AE 09335 (with exhibits)

1 - Armed Forces Institute for Pathology, 6825 16th Street NW Washington, DC 20306-6000 (with exhibits)

1 - File

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AGENT'S INVESTIGATION REPORT

ROI NUMBER

0264-03-CID259-61231

CID Regulation 195-1

PAGE 1 OF 1 PAGES

DETAILS

BASIS FOR INVESTIGATION: This office was notified by the 10th Military Police Battalion, U.S. Army Criminal Investigation Command, Baghdad International Airport (BLAP) of four Iraqi Prisoners who were killed during a prison riot at the Abu Grihab Prison, Baghdad, IZ.

About 0800, 2 Dec 03, SA [REDACTED] b7C1,b6-1 coordinated with SA [REDACTED] b7C1,b6-1 Operations Officer, CJTF-7, Liaison, Camp Victory APO AE 09335. SA [REDACTED] provided the Serious Incident Report (SIR) detailing the synopsis of this b7C-1, b6-1 investigation. (See SIR for details)

About 1030, 2 Dec 03, SA [REDACTED] b7C1,b6-1 interviewed LTC Jerry L. PHILLABAUM, [REDACTED] b7C4,b6-4 Battalion Commander, 320th Military Police Battalion, Baghdad Correctional Facility (BCF), Abu Ghurayb, IZ. LTC PHILLABAUM stated during the prison riot his soldiers were exposed to violent rock and foreign objects being thrown. The detainees were anticipating release and were restless with the judicial process. LTC PHILLABAUM implemented Operation "Golden Spike", which was an emergency action plan for Prisoner Disturbance. LTC PHILLABAUM ordered Lethal Force be used after all actions of Non-Lethal means were exhausted. He based his decision on the safety of his soldiers and to maintain the prison integrity.

LTC PHILLABAUM provided copies of the Emergency Action Plan (EAP), 800th Military Police Brigade Rules for Engagement (ROE), and Scenario for Use of Force, (See EAP, ROE and Scenario forms for details)

About 110, 2 Dec 03, SA [REDACTED] b7C1,b6-1 interviewed SFC [REDACTED] b7C4,b6-4 320th Military Police Battalion, Abu Ghurayb, Baghdad, IZ APO AE 09335. SFC [REDACTED] stated he was the Non-Commissioned Officer in Charge of the shift and made numerous verbal attempts to the detainees to keep off the wire. SFC [REDACTED] stated he fired two or three Non-Lethal rounds at a crowd. The crowd immediately started pelting him with rocks and foreign objects. SFC [REDACTED] stated all posts were notified and he took cover in a guard tower for approximately 10 minutes from the flying rocks. The battalion re-supplied the guards with non-lethal rounds, but an assessment determined that Lethal force had to be used as the safety of soldiers, and that the facility needed to maintain security. SFC [REDACTED] stated he did not fire any lethal rounds at any prisoners. b7C-4, b6-4

About 1100, 4 Dec 03, SA [REDACTED] b7C1,b6-1 coordinated with SPC [REDACTED] b7C4,b6-4, 54th Quartermaster Company, Baghdad, IZ APO AE 09335 who provided the supporting certificates of death for the victims. Mr. SHAALAN cause of death was an apparent gunshot. Mr. SALMAN cause of death was from a gunshot wound to the face and skull. Mr. THAWIN was pronounced dead by CW4 [REDACTED] Physician Assistant, 28th b7C-3, b6-3 Combat Support Hospital (CSH), Baghdad, IZ. Mr. THAWIN cause of death was listed as gunshot wound to the chest. (See Certificate of Deaths for details)

Agent's Note: There was no death certificate for Mr. SAYAR and his remains were already released to the International Red Crescent, Baghdad, IZ, to be given to the family. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C1,b6-1,b2

ORGANIZATION

12th MP Det. (CID), 3d MP Grp (CID), USACIDC
Baghdad, Iraq APO AE 09335

SIGNATURE

DATE

4 Dec 03

EXHIBIT

1

CID FORM 94

1 FEB 77

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Page(s)

11-19

Referred to:

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20-27

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

01915

Page(s)

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U.S. ARMY MEDICAL COMMAND
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FLORIDA 33621-5101

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Page(s)

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

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

AGENT'S INVESTIGATIVE REPORT

ROI # 0264-03-CID259-41231

CID Regulation 195-1

PAGE / OF 2 PAGES

b7C/b6-1
About 1100, 2 Dec 03, SA [REDACTED] conducted a crime scene examination of Camp Ganci, Abu Ghurayb Prison, Baghdad, IZ MB 1272/8365.

CHARACTERISTICS OF SCENE: The Camp Ganci Prison area is located on a large internment facility. The facility is approximately 1 square mile. The Camp Ganci facility was approximately 800 feet long by 400 feet wide and contained eight (8) equally square sized detention fences. Each fenced in area contained approximately 550 prisoners. The facility had approximately 5,000 prisoners in the Camp Ganci Facility alone. There was three guard towers per each confined area.

CONDITION OF SCENE: At the time of the crime scene examination, the scene was wet. It had rained the last three nights previous to the incident. The ground was muddy and there was sufficient natural lighting in the area.

ENVIRONMENTAL CONDITIONS: During the crime scene examination, the outside temperature was approximately 60 degrees Fahrenheit with overcast skies and wind factor. The area was muddy and Rocky

FACTORS PERTINENT TO ENTRY/EXIT (E/E): Access to the scene could be gained from all directions due to being in the middle of the compound. It is a foot accessible area and access into the individual confinement facility could be gained through only one manned entrance, which was guarded by armed personnel. There are also numerous roving guards in the Camp Ganci area in support of security operations.

b7C/b6-1
SCENE DOCUMENTATION: SA [REDACTED] obtained a crime scene sketch of the scene from the 320 MP TOC. The sketch is an aerial layout of Camp Ganci. Photographs were exposed of the scene utilizing a Hewlett and Packert 320 Photo smart digital camera. (See crime scene sketch for details).

SA [REDACTED] b7C/b6/b2	12 th Military Police Detachment (CID) 3d Military Police Group, USACIDC Baghdad, Iraq
Signature: [REDACTED] b7C/b6-1	Date: 2 DEC 03
	Exhibit: 9

CID FORM 94

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Agent's Note: No photographs were taken of the facility area, as there were prisoners present. Briefed by Force Protection personnel of Geneva Convention of photographing prisoners.

COLLECTION OF CRIME SCENE EVIDENCE: There was no evidence collected at the time of the examination due to the prisoners still inhabiting the crime scenes area. There was no determination as to which prisoner died in either confinement facility. The incident occurred on 24 Nov 03. CID Was dispatched to the scene on 2 Dec 03.

SEARCH FOR LATENT IMPRESSIONS: A search of latent prints was not conducted due to the circumstances of this investigation.

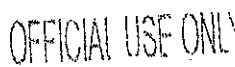
SEARCH BEYOND THE SCENE: A search beyond the crime scene was conducted, which met with positive results. There were signs of fresh rock, boulders, tent stakes and other foreign objects on the ground in the entire compound of Camp Ganci. Their where no objects in the towers as the soldiers had already removed all debris.

NEGATIVE EVIDENCE: There were no signs of negative evidence at the time of the examination. The prison was secure and evidence of humane surroundings. No mistreatment of prisoners was evident///LAST ENTRY///

SA <u>b7G, b6, b2</u>	12 th Military Police Detachment (CID)
<u>b7G, b6-1</u>	3d Military Police Group, USACIDC
Signature: <u>[REDACTED]</u>	Baghdad, Iraq
Date: <u>2 DEC 03</u>	Exhibit: <u>9</u>

CID FORM 94 FOR OFFICIAL USE ONLY

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United States Army Criminal
Investigation Command
PHOTOGRAPHIC PACKET

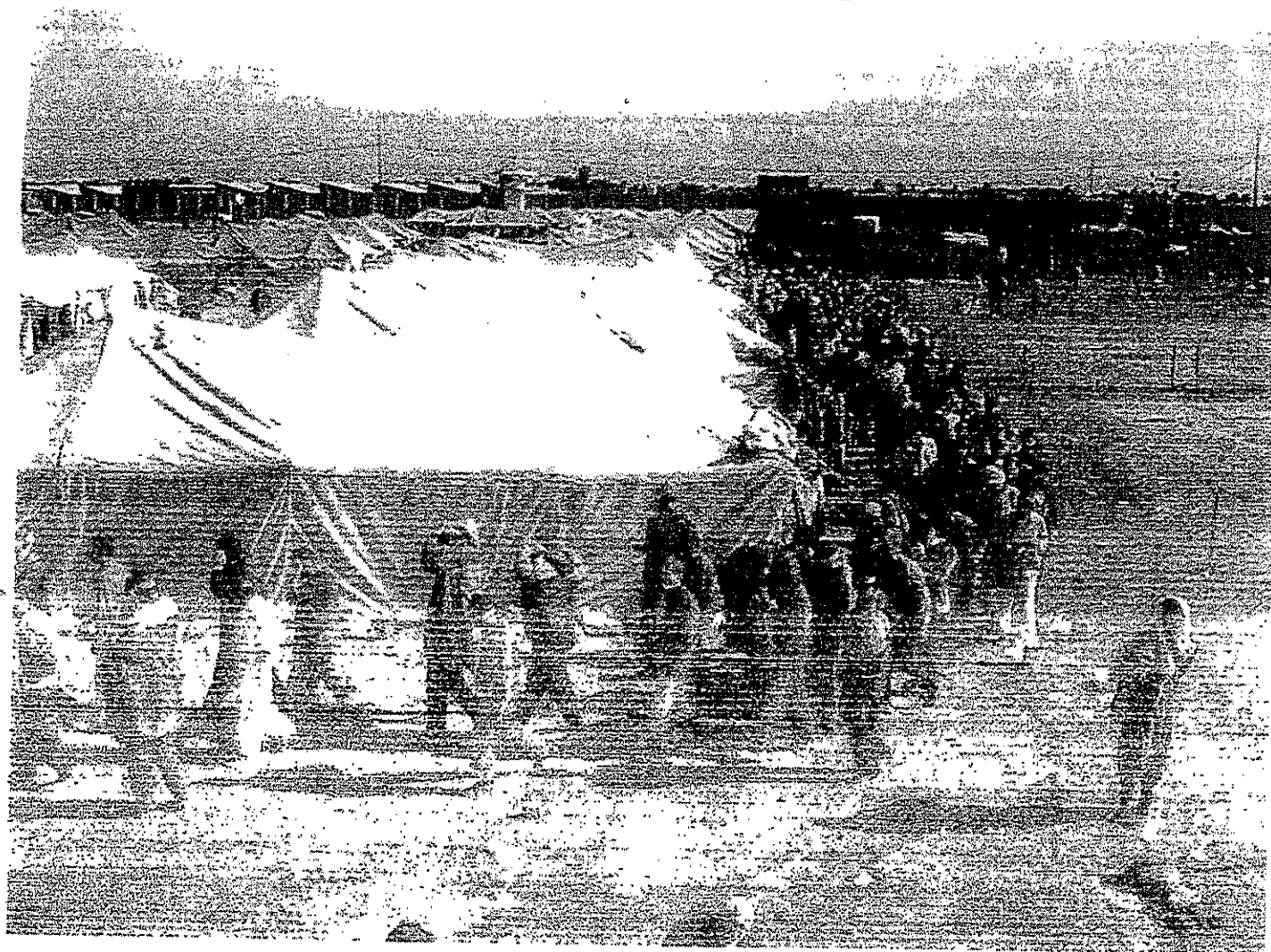


<u>NUMBER</u>	<u>DESCRIPTION OF PHOTOGRAPH</u>
1.	Photograph depicting the prisoners in compound four.
2.	Photograph depicting debris on a guard tower.
3.	Photograph depicting debris on a guard tower.
4.	Photograph depicting debris inside a guard tower.
5.	Photograph depicting debris inside a guard tower.

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Exhibit 11

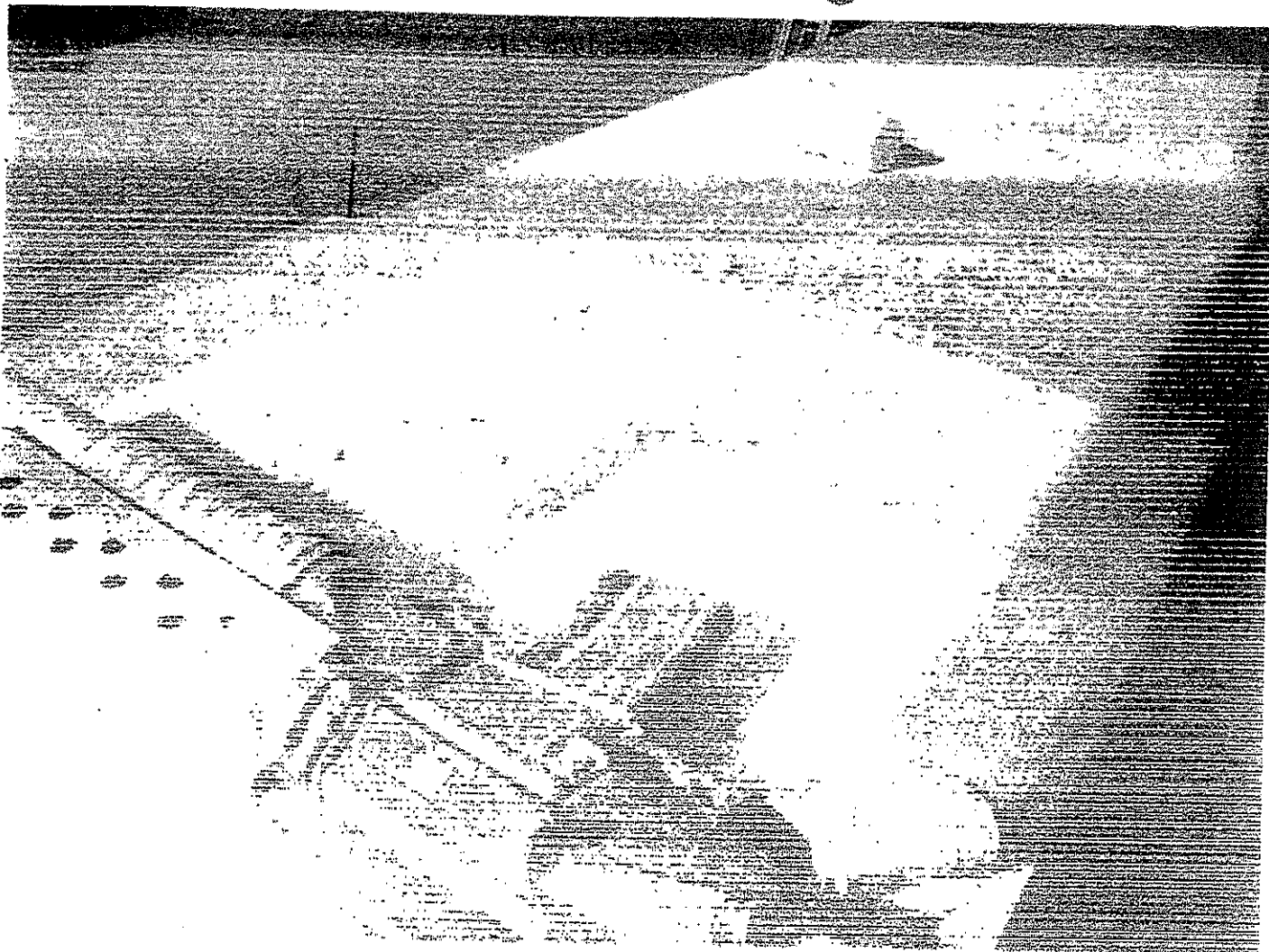
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Exhibit 11

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Exhibit //

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Exhibit 11

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~~6259-03-CID258-61231~~
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Compact Disc

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Exhibit 6/2

AGENT'S INVESTIGATION REPORT CID Regulation 195-1		ROI NUMBER 4 0268-03-CID259-61231
		PAGE 1 OF 1 PAGES
DETAILS About 1520, 2 Dec 03, SA b7c4,b6-1 coordinated with 1LT b7c4,b6-4 b7c4,b6-4 229TH Military Police Company, Virginia Beach, b7c4,b6-4 Virginia deployed to Abu Ghurayb Prison, Abu Ghurayb, Iraq, who relinquished the sworn statements of the soldiers involved in the incident. The following soldiers sworn statements were collected; b7c4,b6-4 SGT b7c4,b6-4 229TH MP Company. SGT b7c4,b6-4 229TH MP Company. b7c4,b6-4 SPC b7c4,b6-4 229TH MP Company. b7c4,b6-4 SGT b7c4,b6-4 229TH MP Company. b7c4,b6-4 (See sworn statements for details). AGENTS COMMENT: The sworn statements provided by 1LT b7c4,b6-4 were not signed or sworn to by the soldiers who provided them to this office and due to the daily operations at the Abu Ghurayb Prison, every soldier involved in the incident could not be located and/or were on duty.///LAST ENTRY///		
TYPED AGENT'S NAME AND SEQUENCE NUMBER b7c4,b6-1/pa SA b7c4,b6-1		ORGANIZATION 12 th MP Det (CID), 3 ^d MP GRP (CID), Baghdad, Iraq, APO AE 09335
SIGNATURE b7c4,b6-1		DATE 2 Dec 03
		EXHIBIT 13

CID FORM 94

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Page(s)

49-59

Referred to:

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

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

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER

0264-03-CID259

PAGE 1 OF 1 PAGE

DETAILS

About 1330, 4 Dec 03, SA **[REDACTED]** ^{b7C-1, b6-1} Forensic Science Officer, 10th Military Police Battalion, Baghdad International Airport (BIAP), APO AE 09335, and SA **[REDACTED]** 12th MP Det (CID), BIAP, conducted an ^{b7C-1, b6-1} examination of three of the prisoners remains who were shot during the incident that occurred on 24 Nov 03, at the Abu Ghurayb Prison.

The first set of remains was that of an adult Caucasian male with black hair, a moustache and a beard. There was a toe identification tag bearing the name SALMAN, HUSSAYN A. There was a gunshot wound to the right side of the skull about 10cm by 5 cm. Parts of the Frontal and right Temporal bones were shattered. The skin was torn in a stellate pattern. There were no signs of powder residue or an abrasion collar on the edges of the wound. There were no apparent signs of another wound in the skull. The distal two phalanges of the index finger on the right hand were missing. The amputation appeared to be post mortem.

The second set of remains was that of an adult Caucasian male with black hair, a moustache and a beard. There was a toe identification tag bearing the name MAAZIN, THAWENE. There was a wound that had been sutured in the center of the chest about 20cm in length extending from the sternum towards the abdomen. There was a wound that had been sutured on the right lateral anterior side of the chest about 20cm in length extending from just below the right nipple towards the back. There were two sutured small wounds on the back above the right hip.

The third set of remains was that of an adult Caucasian male with black hair, a moustache and a beard. There was a toe identification tag bearing the name SHALAN, RAED. There was a tattoo on the right chest of a heart with two swords. There was a tattoo with Arabic writing on the right arm. There was a gunshot entrance wound to the lateral part of the upper left arm. It was obvious the left Humerus was broken. There was an exit wound to the anterior part of the upper left arm. The two wounds together appeared to be a perforating gunshot wound. There was an irregular entrance wound to the lateral portion of the left chest. These wounds were indicative of a gunshot wound going through the arm and re-entering the chest cavity.

^{b7C-1, b6-1} SA **[REDACTED]** exposed digital photographs of the remains and the injuries (see photographic logs and CD Rom for details).

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

TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] ^{b7C-1, b6-1, b2}		ORGANIZATION 10 th MP BN (CID) (ABN) (FWD) BIAP, APO AE 09335	
SIGNATURE [REDACTED] ^{b7C-1, b6-1}		DATE 12/4/2003	EXHIBIT 18

PHOTOGRAPHIC PACKET

CASE NUMBER: 0264-03-CID259 -61231

NUMBER:

DESCRIPTION OF PHOTOGRAPH

1	Establishing photograph of SALMAN's tag
2	Establishing photograph of SALMAN
3	Establishing photograph of SALMAN
4	Establishing photograph of SALMAN
5	Establishing photograph of SALMAN's head with gunshot wound
6	Establishing photograph of SALMAN's thorax
7	Establishing photograph of SALMAN's lower body
8	Photograph depicting SALMAN's hand
9	Photograph depicting SALMAN's missing finger
10	Photograph depicting SALMAN's missing finger
11	Photograph depicting SALMAN's missing finger
12	Photograph depicting the writing on SALMAN's foot
13	Photograph depicting the gunshot wound to SALMAN's head
14	Photograph depicting the gunshot wound to SALMAN's head
15	Photograph depicting the gunshot wound to SALMAN's head
16	Photograph depicting the left side of SALMAN's head
17	Photograph depicting the right side of SALMAN's head
18	Establishing photograph of the back of SALMAN's body
19	Establishing photograph of the back of SALMAN's body
20	Establishing photograph of MAAZIN's tag

EXHIBIT 19

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PHOTOGRAPHIC PACKET

CASE NUMBER: 0264-03-CID259-61231

NUMBER:

DESCRIPTION OF PHOTOGRAPH

21	Establishing photograph of MAAZIN
22	Establishing photograph of MAAZIN
23	Establishing photograph of MAAZIN
24	Establishing photograph of MAAZIN
25	Photograph depicting trauma to MAAZIN's thorax
26	Photograph depicting trauma to MAAZIN's thorax
27	Photograph depicting trauma to MAAZIN's thorax
28	Photograph depicting trauma to MAAZIN's thorax
29	Establishing photograph of the back of MAAZIN's body
30	Establishing photograph of the back of MAAZIN's body
31	Photograph depicting trauma to MAAZIN's thorax
32	Photograph depicting trauma to MAAZIN's thorax
33	Photograph depicting the gunshot wounds to MAAZIN's back
34	Photograph depicting the gunshot wounds to MAAZIN's back
35	Establishing photograph of SHAALAN's tag
36	Establishing photograph of SHAALAN
37	Establishing photograph of SHAALAN
38	Establishing photograph of SHAALAN's head
39	Photograph depicting a tattoo on SHAALAN's chest
40	Photograph depicting a tattoo on SHAALAN's chest

EXHIBIT 19

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PHOTOGRAPHIC PACKET

CASE NUMBER: 0264-03-CID259-61231

NUMBER:

DESCRIPTION OF PHOTOGRAPH

41

Photograph depicting a tattoo on SHAALAN's arm

42

Establishing photograph of the gunshot wound to SHAALAN's arm

43

Photograph depicting the entrance gunshot wound to SHAALAN's arm

44

Photograph depicting the entrance gunshot wound to SHAALAN's arm

45

Photograph depicting the exit gunshot wound to SHAALAN's arm

46

Photograph depicting the exit gunshot wound to SHAALAN's arm

47

Photograph depicting the re-entrance gunshot wound to SHAALAN's arm

48

Photograph depicting the re-entrance gunshot wound to SHAALAN's arm

49

Photograph depicting the glass and pin found in SHAALAN's pocket

50

Establishing photograph of the back of SHAALAN's body

51

Establishing photograph of the back of SHAALAN's body

EXHIBIT

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0264-03-CID259-61231

Photos of Victim

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EXHIBIT 20

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AGENT'S INVESTIGATION REPORT		ROI NUMBER
CID Regulation 195-1		0264-03-CID259-61231
		PAGE 1 OF 3 PAGES
DETAILS Between 1115 and 1220, 6 Dec 03, SA [REDACTED] b7C, b6-1 and SA [REDACTED] b7C, b6-1 this office, conducted canvass interviews of the following personnel involved in the prison riot, 24 Nov 03. [REDACTED] b7C-4, b6-4 SGT [REDACTED] 870th Military Police Company, Pittsburgh, CA SPC [REDACTED] 870th Military Police Company, Pittsburgh, CA b7C-4, b6-4 SSG [REDACTED] 229th Military Police Company, Virginia Beach, VA b7C-4, b6-4 SPC [REDACTED] 229th Military Police Company, Virginia Beach, VA b7C-4, b6-4 SGT [REDACTED] 229th Military Police Company, Virginia Beach, VA b7C-4, b6-4 SGT [REDACTED] 229th Military Police Company, Virginia Beach, VA b7C-4, b6-4 SPC [REDACTED] 229th Military Police Company, Virginia Beach, VA b7C-4, b6-4 SGT [REDACTED] 320th MP Co, Correctional Facility, Iraq b7C-4, b6-4 SPC [REDACTED] 320th MP Co, Correctional Facility, Iraq b7C-4, b6-4 SPC [REDACTED] 320th MP Co, Correctional Facility, Iraq b7C-4, b6-4 [REDACTED] b7C-4, b6-4 SGT [REDACTED] related he was a roving guard that day and only fired less than lethal rounds. SSG [REDACTED] b7C-4, b6-4 SPC [REDACTED], and SGT [REDACTED] got off of shift about an hour and a half earlier when they were recalled to [REDACTED] b7C-4, b6-4 stage outside of Compound 4. None of the individuals related they fired any shots. SGT [REDACTED] related he [REDACTED] b7C-4, b6-4 was stationed in Tower 1, Compound 2, but did not have much debris thrown at him. SGT [REDACTED] also related [REDACTED] b7C-4, b6-4 he fired two less than lethal rounds. SPC [REDACTED] related he was stationed in Tower 2, Compound 1, but he only [REDACTED] b7C-4, b6-4 had about three rocks thrown at him. SPC [REDACTED] also related a group of about 10 individuals approached his [REDACTED] b7C-4, b6-4 tower, but retreated after he visibly charged his M249 Squad Automatic Weapon and pointed it at them. SGT [REDACTED] and SPC [REDACTED] were part of a response team that was not activated during the riot. SPC [REDACTED] b7C-4, b6-4 performed duties as a roving guard during the riot, but did not see who used deadly force. SPC [REDACTED] b7C-4, b6-4 performed duties as a static guard during the riot and did not use deadly force or see anyone who [REDACTED] b7C-4, b6-4 used deadly force. [REDACTED] b7C, b6-1 About 1125, 6 Dec 03, SA [REDACTED] b7C, b6-1 this office, conducted canvass interviews of tower guards who were on duty 24 Nov 03, when the Iraqi detainees were rioting. SA [REDACTED] interviewed the following tower guards: SGT [REDACTED] Compound 8, Tower 8-3, 870th MP Company, Abu Ghraib Prison, [REDACTED] b7C-4, b6-4 fired one less than lethal round; SGT [REDACTED] Compound 8, Tower 8-1, 870th MP [REDACTED] b7C-4, b6-4 Company, Abu Ghraib Prison, did not fire and non lethal or lethal rounds; SPC [REDACTED] [REDACTED] b7C-4, b6-4 Compound 3, Tower 3-3, 320th MP Company, Abu Ghraib Prison, did not fire any non lethal or lethal rounds. [REDACTED] b7C-4, b6-4 PFC [REDACTED] Compound 5, Tower 5-1, 320th MP Company, Abu Ghraib Prison, did not [REDACTED] b7C-4, b6-4 fire any non lethal or lethal rounds; and SGT [REDACTED] Compound 6, Tower 6-3, 870th [REDACTED] b7C-4, b6-4 MP Company, Abu Ghraib Prison, who related he fired one lethal round but it did not strike anyone as the round sailed beyond its intended target.		
TYPED AGENT'S NAME AND SEQUENCE NUMBER		ORGANIZATION
SA [REDACTED] b7C-1, b6-1, b2		12 th MP Det. (CID), 3d MP Grp (CID), USACIDC
SIGNATURE [REDACTED] b7C-1, b6-1		Baghdad, Iraq APO AE 09335
DATE		EXHIBIT
6 Dec 03		21

AGENT'S INVESTIGATION REPORT

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DETAILS

At 1215, 6 Dec 03, SA [REDACTED] b7C-1, b6-1 interviewed SGT [REDACTED] b7C-4, b6-4 870th Military Police Company, Pittsburgh, CA, who provided an Investigator's Statement regarding his actions during the prison riot on 24 Nov 03. SGT [REDACTED] related he fired three shots during the riot, hitting three prisoners. SGT [REDACTED] also related the orders for the use of deadly force were constantly changing over his radio, but he was concerned for the safety of other members of his unit, and therefore went through the Rules of Engagement (ROE), and fired at the hostile crowd. SGT [REDACTED] finally related after he shot the first individual, he immediately called for medical attention to Compound 6. (See Statement for details) b7C-4, b6-4

At 1250, 6 Dec 03, SA [REDACTED] b7C-1, b6-1 interviewed SPC [REDACTED] b7C-4, b6-4 870th Military Police Company, Pittsburgh, CA, who was in Tower 3, Compound 7, during the prison riot. SPC [REDACTED] related that during the prison riot, only a few rocks were thrown at his tower, but saw a lot of rocks and debris thrown at Tower 1, Compound 7. SPC [REDACTED] also related he shouted a verbal warning three times from his tower for the prisoners to move away from the wire, but they did not respond. SPC [REDACTED] further related he fired three warning shots into the ground away from the crowd and U.S. personnel, but the prisoners did not respond. SPC [REDACTED] related he was told by his shift NCOIC not to fire unless it was absolutely necessary. SPC [REDACTED] also related the crowd began to move back in his direction, and SPC [REDACTED] saw a prisoner throwing a lot of rocks and debris at U.S. personnel, and that was the individual he fired at when the crowd began throwing more rocks at his tower. SPC [REDACTED] further related he saw the individual go down after the shot was fired. SPC [REDACTED] related he did not have a M203 40mm grenade launcher on his M16A2 rifle, and he did not have a shotgun in his tower in order to shoot less than lethal rounds at the crowd. b7C-4, b6-4

About 1145, 6 Dec 03, SA [REDACTED] b7C-1, b6-1 interviewed LTC Jerry L. PHILLABAUM, [REDACTED] b7C-4, b6-4 Battalion Commander, 320th Military Police Battalion (MP BN), Baghdad Correctional Facility (BCF), APO AE 09335 who rendered a sworn statement detailing his decision to implement the Prison Emergency Action Plan, "Golden Strike". (See sworn statement of LTC PHILLABAUM for details)

About 1259, 6 Dec 03, SA [REDACTED] b7C-1, b6-1 conducted an interview of SGT [REDACTED] b7C-4, b6-4 320th MP Company, BCF, APO AE 09335, who rendered a sworn statement detailing his actions during the prison riot and his use of deadly force. (See sworn statement for details)

Between 1200 and 1400, 6 Dec 03, SA [REDACTED] b7C-1, b6-1 conducted canvass interviews of the following personnel working at the Baghdad Correctional Facility, Abu Graihab, IZ:

SPC [REDACTED] b7C-4, b6-4 229th MP Company, who stated he was on duty and was on line to form a strength support at the end of the prison yard, by tower #3. This was done to secure an area if the break out occurred. SGT [REDACTED] stated he was armed with a M249 SAW and did not fire any rounds. b7C-4, b6-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-1, b6-1, b2

ORGANIZATION

12th MP Det. (CID), 3d MP Grp (CID), USACIDC Baghdad, Iraq APO AE 09335

SIGNATURE

DATE

6 Dec 03

EXHIBIT

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AGENT'S INVESTIGATION REPORT

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DETAILS

b7C-4, b6-4

SSG [REDACTED] 229th MP Company, who stated he was the NCOIC in charge of Compound #1 and #2. SSG [REDACTED] stated he fired a total of 12 less than lethal rounds during the riot of crowd dispersal rounds and never fired any lethal rounds. The riot kept escalating and the less than lethal rounds were not effective towards the prisoner's accuracy with throwing rocks at the tower guards. The towers were notified by the TA-312 field phones in each tower to use lethal ammunition from the Battalion TOC. SSG [REDACTED] stated the use of lethal rounds was needed as the riot was getting. b7C-4, b6-4

b7C-4, b6-4

SPC [REDACTED] 229th MP Company, was on TOC Duty during the riot.

b7C-4, b6-4

SPC [REDACTED] 229th MP Company, stated he was in Tower #3 and armed with a M203, but did not fire his weapon or witness any soldier firing from his position.

b7C-4, b6-4

SSG [REDACTED] 229th MP Company, NCOIC Compound #4, tower #1, was armed with an M16A2. SSG [REDACTED] stated he and SPC [REDACTED] were both hit by rocks but maintained cover. SSG [REDACTED] stated he did not fire any type of rounds. b7C-4, b6-4

b7C-4, b6-4

SPC [REDACTED] 229th MP Company, stated she was a rover on the ground and shot one less than lethal round at a crowd, to disperse them. SPC [REDACTED] did not witness any soldiers firing lethal rounds. b7C-4, b6-4

b7C-4, b6-4

SPC [REDACTED] 229th MP Company, stated she did not shoot. SPC [REDACTED] was located in a stationary vehicle at a static position near compound #1. b7C-4, b6-4

The following soldiers from HHC, 320th MP Company were interviewed and stated the following. All were armed with M16A2 and did not fire any rounds. They were all stationed by Compound 1 and 2, to form a security line. They did not witness any soldiers shooting as they were on the ground.

b7C-4, b6-4

SPC [REDACTED]

SPC [REDACTED] b7C-4, b6-4

SPC [REDACTED] b7C-4, b6-4

SPC [REDACTED] b7C-4, b6-4

b7C-4, b6-4

SGT [REDACTED] was on leave during the riot, and therefore did not have any knowledge of the incident.

b7C-4, b6-4

CPL [REDACTED] worked in tower #3, Compound #4 and fired 2 non-lethal rounds from his M203. CPL [REDACTED] stated he was hit by rocks, but did not witness any other shots. ///LAST ENTRY///

b7C-4, b6-4

TYPED AGENT'S NAME AND SEQUENCE NUMBER

SA [REDACTED] b7C-4, b6-1, b2

ORGANIZATION

12th MP Det. (CID), 3d MP Grp (CID), USACIDC Baghdad, Iraq APO AE 09335

SIGNATURE

Er [REDACTED]

b7C-4, b6-1

DATE

6 Dec 03

EXHIBIT

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CID FORM 94

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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 ABU Graib IRAQ	2. DATE (YYYYMMDD) 2003 11 24	3. TIME 1530	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] b7C-4, b6-4	6. SSN [REDACTED] b7C-4, b6-4	7. GRADE/STATUS E5 / TM LDR	
8. ORGANIZATION OR ADDRESS 870th MP CO.			

9. I, Sgt [REDACTED] b7C-4, b6-4, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
During what seem to be a ritual march and chant which preceded a prayer-
section turned out to be some kind of protest which is unknown to me. I was at Compound
6 Tower 2 watching the show if that's what you want to call it. While compound
6 was at ease for the moment compound 4 prisoners for the third time started
a walk and chant and lined up on the west wire of compound 4. 2 MP's on
the ground between compounds 4 and 6 confronted the prisoners of compound
4. When all of a sudden 2 shots from a shotgun were fired from the
MP's on the ground. Then I saw rocks thrown over the crowd from the
back at the MP's. At that time compound 6 prisoners also started
throwing rocks at the MP's on the ground. Seeing the MP's in major trouble
I scanned compound 6. 1 prisoner was throwing rocks a little bigger than his
hand. Rocks were hitting the MP's on ground from both compounds. At that time
I shot the first prisoner in compound 6 when throwing his next rock at the
MP's. Then seeing that the prisoners had not stopped throwing rocks and MP's
were not clear I saw a second prisoner with a brick. I then took my second
shot. The second prisoner dropped to the ground and the crowd in compound 6
started to disperse. Prisoners dispersed behind tents so I couldn't see them.
Prisoners in compound 4 then turned their attention to the towers and continued throwing
rocks. Then seeing rocks and bricks being thrown at tower 6-1/4-3. I assessed the
situation with compound 6 and saw the prisoners hiding behind tents and a few rocks
still being thrown. I then saw tower 6-1/4-3 being over whelmed with rocks and
bricks being thrown in to the tower. I couldn't see Sgt [REDACTED] b7C-4, b6-4 and his partner
and at that time I saw a prisoner throwing a brick into the tower I then
took a shot at the prisoner. I saw him fall and two other prisoners grabbed him

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	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 INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

and The prisoners moved away from the Tower out of view. Then I noticed the rocks quit, and two prisoners were taken to the gates of compound 6, at that time I tried to find out by radio if sgt ^{b7c-4, b6-4} [REDACTED] was ok and his partner too. Medical attention arrived for the prisoners. Once the area was cleared the wounded prisoners were treated at that time from what I could see at Tower 6-2.

End of Statement

[REDACTED]

b7c-4, b6-4

sgt MP

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

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INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

4-03-CID059-61231

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION <u>Baghdad Correctional Facility</u>	DATE <u>6 DEC 03</u>	TIME <u>1145</u>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <u>Phillabaum, Jerry Lester</u>	SOCIAL SECURITY NUMBER <u>676-41664</u>		GRADE/STATUS <u>LTC</u>
ORGANIZATION OR ADDRESS <u>320th MP Battalion, Abu Ghraib Prison, Baghdad, IZ. APO AE 09335</u>			
I, <u>Jerry Lester Phillabaum</u>, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 24 November 2003 around 1300 hours, I was in the Life Support Area monitoring Motorola radio traffic. By getting spot reports from Camp Ganci, I realized that the situation was deteriorating and required additional forces. On my way to Camp Ganci, the riot broke out and I ordered execution of Golden Spike. Golden Spike is the plan used in response to a Camp Ganci wide riot where all military police units were assigned areas of responsibilities to control the riot and keep all prisoners within Camp Ganci compounds. As I walked the main runway, rocks were continuing to be thrown at MPs in the tower and in the runway. MPs on the ground were using non-lethal shotgun rounds to shot prisoners attempting to throw rocks. The prisoners were in the central part of each compound at a distance that was ineffective for non-lethal ammunition. As the prisoners advanced to throw rocks, the MPs would engage with non-lethal ammunition. Prisoners ignored all verbal commands to stop throwing rocks. After this rock throwing and non-lethal shotgun firing occurred throughout Camp Ganci compounds for at at			
EXHIBIT	INITIALS OF PERSON MAKING STATEMENT <u>SLA</u>		PAGE 1 OF <u>3</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF <u> </u> TAKEN AT <u> </u> DATED <u> </u> CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE <u> </u> OF <u> </u> 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.			

0000070

STATEMENT (Continued)

Not
Used

AFFIDAVIT

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

WITNESSES:

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this ____ day of _____, 19 ____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

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EXHIBIT 25
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0004-03 CID 257 61231

STATEMENT OF

Jenny Lester Phillabum

TAKEN AT

Baghdad Correctional Facility

DATED

6 Dec 2003

9. STATEMENT (Continued)

least 20 minutes, compounds began to report exhaustion of all non-lethal ammunition and requested authorization to use lethal force if the rock throwing continued. I granted approval to use lethal force, provided the Rules of Engagement (ROE) were followed with emphasis on well-aimed shots from the towers when soldiers felt threatened. Units on the ground sought confirmation of authorization to use lethal force, and I again provided the authorization with the limitation to comply with the ROE. As limited application of lethal force occurred, the rioting in the compounds ceased. Prisoners became more concerned with caring for their injured fellow prisoners than continuing the riot. MPs nervously allowed prisoners to carry wounded to the gate of the compound and then get away. This permitted medics to treat injuries appropriately. Bodies of those dead were expeditiously removed to calm the scene in the compound. After all injured prisoners were treated and removed from a given compound, the prisoners complied with orders to assemble so that a sweep of their tents could be made to look for weapons and so that accountability could be completely established. Later in the afternoon, the 800th MP Brigade ordered information collected as to number of lethal rounds shot and type of weapon. To the best of my knowledge, all lethal rounds were fired from towers. 9mm pistols were not fired, nor were lethal rounds fired from shotguns.

Q. Were ROE's followed?

A. Yes.

Q. Was their previous intelligence that a riot was anticipated?

A. Yes, the CIA provided reports that Former Regime Loyalists were planning an attack to free high value detainees that they

INITIALS OF PERSON MAKING STATEMENT

JLP

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EXHIBIT 3

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STATEMENT (Continued) believed to have been moved from BIAP to BCF. The signal to start the riot would be a vehicle moving along our perimeter wall playing loud music or barking its horn.

Q. Do you have anything else to add to this statement?

A. On 4 November 2003, LTC [redacted] b7c-3, b6-3 who is the SJA of the 800th MP Bde gave instruction on revised rules of engagement. The instruction included scenarios to illustrate the response expected by the ROE. In followup discussion with LTC [redacted] b7c-3, b6-3, he determined that questions asked at the training were good and felt that my soldiers understood the ROE. In separate discussions with my soldiers, they all stated clear understanding of the revised ROE and their willingness to follow them.

AFFIDAVIT

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

WITNESSES:

Jerry Phillabum
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by Law to administer oaths, this 12 day of DECEMBER 2003 at Abu Ghraib Prison

ORGANIZATION OR ADDRESS

[redacted] b7c-1, b6-1
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [redacted] b7c-1, b6-1
(Typed Name of Person Administering Oath)
Article 136
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

JLP

PAGE 3 OF 3 PAGES

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EXHIBIT 23

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 Abu Ghraib Prison, Iraq 2. DATE (YYYYMMDD) 2003 12 06 3. TIME 1259 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME b7C-4, b6-4 6. SSN b7C-4, b6-4 7. GRADE/STATUS E-5 / Reserve

8. ORGANIZATION OR ADDRESS 320th MP Company, Abu Ghraib Prison, Iraq

9. b7C-4, b6-4

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

ON 24 NOVEMBER 2003, AT APPROXIMATELY 14:00 HOURS, I WAS POSTED IN TOWER #1 OF COMPOUND #3 IN CAMP DUKKI IRAQ. I WAS ACCOMPANIED BY A SGT [REDACTED] OF THE 22ND MP CO. DETAINEES WITHIN THE COMPOUND BEGAN THROWING ROCKS AT TOWERS, U.S. PERSONNEL, AND EQUIPMENT. A MEMBER OF MY TEAM APPROACHED BLEEDING PROFUSELY FROM HIS FOREHEAD IN ROUTE TO TAKE UP A POSITION ON THE COMPOUND PERIMETER. ROCKS WERE STILL BEING HURLED AT MY POSITION, AND I IMMEDIATELY FELT A THREAT AS WELL AS AN ABILITY BY INDIVIDUALS TO INFLICT SERIOUS BODILY INJURY. UTILIZING A TABIZ FIELD PHONE I MADE CONTACT WITH COMPOUND TOC FOR MEDICAL ATTENTION FOR MY SOLDIER, AND FURTHER INSTRUCTION. SGT [REDACTED] ADVISED ME THAT HIS TOC WAS AUTHORIZED THROUGH BATTALION FOR SOLDIERS TO USE LETHAL FORCE AFTER EXPENDING NON LETHAL ROUNDS. SGT [REDACTED] FIRED A NON LETHAL M-203 ROUND, AS IT WAS THE ONLY NON LETHAL MUNITION PRESENT. AFTER FIRING NON LETHAL INTO COMPOUND 1, SGT [REDACTED] CHARGED HIS M-16. I TOOK AIM AT AN INDIVIDUAL PREPARING TO THROW A ROCK AT MY LOCATION AND AIMED CENTER MASS. THE INDIVIDUAL FELL BEHIND A TENT, AND SHORTLY THEREAFTER, WAS CARRIED TO THE ENTRANCE OF THE COMPOUND. I THEN DUCKED DOWN TO REGROUP, AND STOOD BACK UP. I TOOK AIM AT AN INDIVIDUAL WEARING A BLUE JACKET WHO WAS PREPARING TO THROW A ROCK, AND AIMED CENTER MASS. I FIRED AND SAW THE INDIVIDUAL FALL TOWARD A TENT. I BELIEVE I STRUCK HIM IN THE CHEST. LATER INFORMATION RECEIVED FROM MY CHAIN OF COMMAND INFORMED ME THAT ONE INDIVIDUAL WAS STRUCK IN THE CHEST AND EXPIRED IMMEDIATELY, AND THE OTHER INDIVIDUAL WAS STRUCK IN HIS MID SECTION/THIGH AREA AND EXPIRED AT A LATER DATE. IN TOTAL, I FIRED TWO ROUNDS OF 5.56MM M-16 AMMUNITION AT TWO SEPARATE INDIVIDUALS. ~~NOTHING FOLLOWING~~

Q. Can you describe the individuals that you shot? b7C-4, b6-4

A. THE FIRST INDIVIDUAL WAS FULLY CLOTHED, AND TO THE BEST OF MY RECOLLECTION WAS WEARING KHAKI/GREENISH COLORED PANTS AND A T-SHIRT. HE HAD DARK HAIR. THE SECOND INDIVIDUAL WAS WEARING A BLUE JACKET AND HAD A BEARD AND HAIR THAT WERE DARK IN COLOR.

Q. Do you know anyone else that fired shots?

A. No.

Q. Do you have anything else to add to this statement concerning the matter under investigation?

A. NO. // End of Statement //

b7C-4, b6-4

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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 INDICATED.

b7c-4, b6-4

STATEMENT OF [REDACTED] TAKEN AT

FILE NUMBER:
DATED 6 Dec 03 CONTINUED:

STATEMENT (Continued)

Not Used

[REDACTED] b7c-4, b6-4

b7c-4, b6-4

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. b7c-4, b6-4

WITNESSES:

[REDACTED] (Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of Dec, 2003 at Abu Ghraib Prison, Iraq

ORGANIZATION OR ADDRESS

[REDACTED] b7c-4, b6-4

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

SA [REDACTED] b7c-4, b6-4

(Typed Name of Person Administering Oath)

Art 136, § UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED] b7c-4, b6-4

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EXHIBIT 27

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AGENT'S INVESTIGATION REPORT		ROI NUMBER 0264-03-CID259-61231
CID Regulation 195-1		PAGE 1 OF 1 PAGES
DETAILS About 1500, 13 Dec 03, SA [REDACTED] b7C-1, b6-1 briefed CPT [REDACTED] b7C-3, b6-3 Staff Judge Advocate, CJTF-7, Baghdad, IZ APO AE 09335 on the merits of this investigation. CPT [REDACTED] b7C-3, b6-3 opined probable cause existed to believe the action performed by the personnel was justifiable homicide. CPT [REDACTED] b7C-3, b6-3 based his opine on the fact there was no excessive force or over kill of the victims and Standard Operating Procedures were followed. ///LAST ENTRY///		
TYPED AGENT'S NAME AND SEQUENCE NUMBER SA [REDACTED] b7C-1, b6-1, b2		ORGANIZATION 12 th MP Det. (CID), 3d MP Grp (CID). USACIDC Baghdad, Iraq APO AE 09335
SIGNATURE [REDACTED] b7C-1, b6-1	DATE 13 Dec 03	EXHIBIT 25

CID FORM 94
1 FEB 77

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DATE: 3 Dec 03

FROM: SAC, 12TH MILITARY POLICE DET (CID)
TO: DIRECTOR, USACRC, USACIDC, FORT BELVOIR, VA
CDR, 10TH MILITARY POLICE BATTALION (CID) (FWD)
CDR 3D MILITARY POLICE GROUP (CID) (FWD)
CDR, USACIDC, ATTN: CIOP-COP-CO, FORT BELVOIR, VA
AFIP, ATTN: OAFME, ROCKVILLE MD
PROVOST MARSHAL, 1ST ARMORED DIVISION
SJA, V CORPS
LNO CID, CJTF (FOR FURTHER DISTRIBUTION)

SUBJECT: CID REPORT -INITIAL/SSI/0264-03-CID259-61231-5H6

DRAFTER: SA [REDACTED] b7c-1, b6-1

RELEASER: SA [REDACTED] b7c-1, b6-1

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1. DATES/TIMES/LOCATIONS OF OCCURRENCES:
 1. 24 NOVEMBER 2003/1300 HRS - 24 NOVEMBER 2003/1347 HRS, (CAMP GANCI) ABU GHRAIB PRISON, ABU GHRAIB, IZ, GRID MB 1272/8365
2. DATE/TIME REPORTED: 2 DECEMBER 2003, 1030
3. INVESTIGATED BY: SA [REDACTED] b7c-1, b6-1, b2 SA [REDACTED] b7c-1, b6-2
[REDACTED], SA [REDACTED] b7c-1, b6-1
4. SUBJECT: 1. (NONE); [JUSTIFIABLE HOMICIDE].
5. VICTIM: 1. SALMAN, JUSSAYN ALI (DECEASED); INTERNMENT SERIAL NUMBER (ISN) #153399; M; 1 JAN 69; COMPOUND ASSIGNMENT CAMP GANCI #7, IZ; ZZ; (NFI) [JUSTIFIABLE HOMICIDE]
 2. SHAALAN, RAED (DECEASED); ISN #20257; M; 1 JAN 78; COMPOUND ASSIGNMENT CAMP GANCI #1, IZ; ZZ; (NFI) [JUSTIFIABLE HOMICIDE]
 3. SAYAR, MADDOOR HUSSEIN (DECEASED); ISN #150348; M; 1 JAN 82; COMPOUND ASSIGNMENT CAMP GANCI #5, IZ; ZZ; (NFI) [JUSTIFIABLE HOMICIDE]
 4. THAWIN, DAWOOD MAZIN (DECEASED); ISN #152616; M; 1 JAN 78; COMPOUND ASSIGNMENT CAMP GANCI #4, IZ; ZZ; (NFI) [JUSTIFIABLE HOMICIDE]

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

"THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION"

THIS OFFICE WAS NOTIFIED BY THE 10th MILITARY POLICE BATTALION (CID) (FWD), BAGHDAD, IRAQ, OF FOUR IRAQI PRISONERS KILLED DURING A PRISON RIOT AT THE ABU GHRAIB CORRECTION FACILITY.

PRELIMINARY INVESTIGATION REVEALED COALITION GUARD FORCE PERSONNEL SHOT AND KILLED FOUR DETAINEES THAT WERE AGGRESSIVELY CONTRIBUTING TO A PRISONER RIOT. THE PRISONERS WOULD NOT COMPLY WITH ORDERED COMMANDS FROM GUARD FORCE PERSONNEL TO CEASE AND DESIST, AND WERE THREATENING TO AFFECT A BREACH OF THE CONTAINMENT PERIMETER.

PRELIMINARY INVESTIGATION REVEALED DETAINEES IN COMPOUND FOUR AT CAMP GANCI INITIATED A DEMONSTRATION, PROTESTING CIRCUMSTANCES OF THEIR CAPTURE, JUDICIAL PROCEDURES, AND PRISONER RELEASE CONDITIONS. THE DETAINEES RALLIED BY YELLING, CHANTING AND INCITING OTHER COMPOUNDS TO BECOME NON-COMPLIANT WITH INSTITUTIONAL STANDARDS. AFTER SEVERAL MINUTES, THE DETAINEES TURNED VIOLENT AND STARTED THROWING ROCKS AT THE GUARDS. THIS INSTIGATED THE ADJACENT DETAINEE COMPOUNDS TO BEGIN RIOTING. IN COMPLIANCE WITH INSTITUTIONAL STANDARD OPERATING PROCEDURES GOVERNING RULES OF ENGAGEMENT, LESS-THAN-LETHAL FORCE WAS INITIALLY UTILIZED AGAINST THE RIOTERS. AFTER REPEATED, FAILED ATTEMPTS TO QUELL THE RIOTING, AUTHORIZATION WAS GRANTED TO EMPLOY LETHAL FORCE IN ORDER TO AFFECT ORDER AND DISCIPLINE WITHIN THE INSTITUTION. AT THIS TIME, ALL EIGHT CAMP GANCI PRISONER DETENTION COMPOUNDS WERE ACTIVELY ENGAGED IN VIOLENT AND AGGRESSIVE BEHAVIOR TOWARD US FORCES. AN ASSESSMENT OF THE SITUATION DETERMINED THAT A "MASS PRISON BREAK" WAS IMMINENT AND US FORCES WERE IN GRAVE DANGER DUE TO THE INEFFECTIVENESS AND DEPLETION OF LESS-THAN-LETHAL AMMUNITION STOCKS.

ABOUT 1335, 24 NOV 03, DEADLY FORCE WAS APPLIED AT COMPOUND FOUR. THE MOST IMMEDIATE THREAT WAS IDENTIFIED AND ENGAGED WITH SEVERAL AIMED SHOTS, RESULTING IN THE DEATH OF ONE DETAINEE AND MULTIPLE OTHERS WOUNDED. GUARDS AT COMPOUND

JUL 78

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SEVEN WERE NEXT TO APPLY DEADLY FORCE, WHICH RESULTED IN THE DEATH OF ONE DETAINEE. NO OTHER INJURIES WERE REPORTED. GUARDS AT COMPOUND ONE AND COMPOUND THREE FOLLOWED WITH THE USE OF DEADLY FORCE, RESULTING IN THE DEATH OF TWO DETAINEES. THESE USE OF FORCE ACTIONS DISRUPTED AND DEFUSED THE RIOTING TO AN EXTENT THAT ORDER WAS RESTORED AT 1347, 24 NOV 03, AND MEDICAL PERSONNEL COULD REACT TO THE INJURED.

MR. SALMAN, MR. SHAALAN, AND MR. SAYAR WERE PRONOUNCED DEAD AT THE SCENE BY LTC (DR) [REDACTED], 320TH MILITARY POLICE BATTALION, ABU GHRAIB PRISON. MR. SALMAN SUFFERED AN APPARENT GUN SHOT WOUND TO THE HEAD. MR. SHAALAN SUFFERED AN APPARENT GUN SHOT WOUND TO THE CHEST. MR. SAYAR SUFFERED AN APPARENT GUN SHOT WOUND TO THE ABDOMEN. LIFESAVING MEASURES WERE NOT PERFORMED ON THE DECEASED AT THE SCENE. MR. THAWIN WAS TRIAGED AT THE SCENE FOR A GUN SHOT WOUND TO THE CHEST, AND WAS ADMINISTERED INTRAVENOUS FLUIDS AND PRESSURE DRESSING TO THE CHEST. HE WAS EVACUATED TO THE 28TH COMBAT SUPPORT HOSPITAL, BAGHDAD, IZ, WHERE HE WAS LATER PRONOUNCED DEAD. THE IDENTITY OF THE PHYSICIAN OR APPLICABLE MEDICAL PERSONNEL PRONOUNCING MR. THAWIN DEAD WAS UNKNOWN AT THE WRITING OF THIS REPORT. b7c-3, b6-3

THE CASUALTY LIAISON OFFICER (CLO) FOR THIS MATTER IS CW2 [REDACTED] SPECIAL AGENT IN CHARGE, AT [REDACTED] b7c-3, b6-3
b7c-3, b6-3

INVESTIGATION CONTINUES BY USACIDC.

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

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