

DEPARTMENT OF THE ARMY
380TH MILITARY POLICE DETACHMENT (CID)
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
LSA ADDER, IRAQ
APO AE 09331

CIRB-BAD

19 FEB 05

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION -FINAL(C)/SSI - 0004-05-CID939-38703 - 5H6/5C1B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 14 JAN 05/1300-14 JAN 05/1330; ROADSIDE ASR KIEV, ASH-SHUMALI, IRAQ.

DATE/TIME REPORTED: 15 JAN 05/1430

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

SUBJECT:

1. NONE; [JUSTIFIABLE HOMICIDE]; [AGGRAVATED ASSAULT (UNFOUNDED)]

VICTIM:

1. HAMZA, FAYSAL KAMEL (DECEASED); CIV; IZ; UNKNOWN; WHITE; SHOMLY, IRAQ; NFI [JUSTIFIABLE HOMICIDE]

2. [REDACTED] CIV; IZ; UNKNOWN; M; WHITE; AL-KUT, IRAQ; NFI [AGGRAVATED ASSAULT (UNFOUNDED)]

3. [REDACTED] CIV; IZ; UNKNOWN; F; WHITE; AL-KUT, IRAQ; NFI [AGGRAVATED ASSAULT (UNFOUNDED)]

4. [REDACTED] (FIRST NAME UNKNOWN); CIV; IZ; UNKNOWN; F; WHITE; AL-KUT, IRAQ; NFI [AGGRAVATED ASSAULT (UNFOUNDED)] [REDACTED] THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR-195-2, PARAGRAPH 4-3F"

INVESTIGATIVE SUMMARY:

THIS IS AN "OPERATION IRAQI FREEDOM 2004-2006" INVESTIGATION.

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About 1430, 15 Jan 05, this office was notified by [REDACTED], Headquarters and Headquarters Company (HHC), 1-185 Armor (AR), Convoy Support Center (CSC) Scania, IRAQ, of a shooting of Iraqi nationals by an American convoy.

Investigation established probable cause to believe the [REDACTED] family was fired upon by a civilian contractor providing convoy security for the U.S. military convoy, operated by the U.S. Army Garrison, An-Numaniyah, Iraq, when the vehicle they were traveling in approached the convoy and failed to yield to multiple warnings from the lead convoy vehicle. As a result, the lead vehicle fired a five round burst of 7.62mm ammunition from an AK47 rifle, into the vehicle injuring [REDACTED]

Further investigation revealed one of the rounds fired by the civilian contractor providing convoy security ricocheted, striking Mr. HAMZA, a bystander in the area. Mr. HAMZA subsequently died while being transported to a nearby medical facility.

Investigation established the incident was a justified response, which was within the established Rules of Engagement (ROE), therefore no crimes were committed.

STATUTES:

Article 134, UCMJ: Justifiable Homicide
Article 128, UCMJ: Aggravated Assault (Unfounded)

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of SA [REDACTED], 21 Jan 05, detailing the initial notification; interviews of [REDACTED]
2. Sworn Statement of [REDACTED], 16 Jan 05, who stated [REDACTED] investigative actions pertaining to the shooting.
3. Sworn Statement of [REDACTED], 16 Jan 05, who stated [REDACTED] investigative actions pertaining to the shooting.
4. Sworn Statement of [REDACTED], 16 Jan 05, who stated [REDACTED] investigative actions pertaining to the shooting.
5. Report prepared by [REDACTED], 15 Jan 05, which related [REDACTED] actions during his investigation.
6. Incident Report prepared by [REDACTED], 15 Jan 05, which related [REDACTED] findings of the incident.
7. Follow up report prepared by [REDACTED], 17 Jan 05, which related the identities of the victims in the civilian vehicle.

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8. Iraqi Police report prepared by [REDACTED] 14 Jan 05.

9. Translation of Iraqi Police report prepared by [REDACTED] 19 Jan 05,
which related the contents of the Iraqi Police Report.

NOT ATTACHED:

None.

The originals of Exhibits 1 through 4 and 9 are attached to the USACRC copy of this report. The originals of Exhibits 5 and 7 are retained in the files of HHC, 1-185 AR, CSC Scania, Iraq. The original of Exhibit 6 is retained in the files of the U.S. Army Garrison, An-Numaniyah, Iraq. The originals of Exhibit 8 are retained in the files of the Iraqi Police Station, Ash-Shumali, Iraq.

STATUS: This is a Final(C) Report. This investigation was terminated in accordance with CIDR 195-1a(6), in that the Special Agent in Charge determined that furtherance of this investigation would be of little or no value and that leads remaining to be developed were not significant. No Commander's Report of Action Taken (DA Form 4833) is not required.

LEADS REMAINING: Autopsy of Mr. HAMZA, interviews of the persons involved in the shooting, canvas interviews of bystanders, and Laboratory examinations.

Report Prepared By:

[REDACTED]
Special Agent,

Report Prepared By:

[REDACTED]
Special Agent-in-Charge

DISTRIBUTION:

- 1 – Director, U.S. Army Crime Records Center, (Attn: CIRC-CR), 6010 6th St., Fort Belvoir, VA 22060-5506 (original)
- 1 – Thru: CDR, 11th MP Battalion, Baghdad, Iraq (e-mail only)
Thru: CDR, 3D MP Group, Forrest Park, GA, 30279
To: CDR, USACIDC, (Attn: CIOP-ZA), 6010 6th St., Fort Belvoir, VA 22060
- 1 – Director, Armed Forces Institute of Pathology, AFIP Annex, Bldg 102, 1413 Research Blvd, Rockville, MD 20850
- 1 – CDR, 122nd CSG, LSA Adder, Iraq (e-mail only)
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