



DEPARTMENT OF THE ARMY
UNITED STATES ARMY CRIMINAL INVESTIGATION COMMAND
CAMP BUCCA CID OFFICE, 386TH MILITARY POLICE DETACHMENT
CAMP BUCCA, IRAQ APO AE 09375

CIRB-BAD

26 Jun 05

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL - 0009-05-CID579-40002-5H6 /
5C1B / 9G2C

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 31 JAN 2005/1130 - 31 JAN 2005/1155; COMPOUND 5, THEATER
INTERNMENT FACILITY (TIF), CAMP BUCCA, IRAQ (IZ) APO AE 09375 (CBI), GRID
38S MB 130840

DATE/TIME REPORTED: 31 JAN 2005, 1200

INVESTIGATED BY: [REDACTED]

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

VICTIM: 1. ABID, ISMAIL HAMMED (DECEASED); CIV/DETAINEE; INTERNMENT
SERIAL NUMBER (ISN) US9IZ-152900-CI; 1 JAN 1976; BAGHDAD, IZ; M; OTHER; CBI;
[JUSTIFIABLE HOMICIDE].

2. MOUSA, MAHMOOD ISMAEEL (DECEASED); CIV/DETAINEE; ISN US9IZ-
159768-CI; 1 JAN 1967; DIALA, IZ; M; OTHER; CBI; [JUSTIFIABLE HOMICIDE].

3. HAMED, KHALEED YASSEN (DECEASED); CIV/DETAINEE; ISN US9IZ-
166794-CI; 1 JAN 1969; BAGHDAD, IZ; M; OTHER; CBI; [JUSTIFIABLE HOMICIDE].

4. TAWFEEEK, HAUTHAIFAH NAZAR (DECEASED); CIV/DETAINEE; ISN
US9IZ-156940-CI; 2 FEB 1977; BAGHDAD, IZ; M; OTHER; CBI; [JUSTIFIABLE
HOMICIDE].

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

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8. [REDACTED]

9. [REDACTED]

INVESTIGATIVE SUMMARY:

This is an "Operation Iraqi Freedom 2004-2006" investigation.

This investigation was initiated upon notification from the 105TH Military Police (MP) Battalion (BN), CBI, of a riot inside the TIF, CBI, wherein Detainees ABID, MOUSA, HAMED and TAWFEEEK were shot and killed by [REDACTED] Headquarters and Headquarters Company (HHC), 105th MP BN, CBI. [REDACTED] fired seven lethal bullets [REDACTED] fired one to control the riot. The eight shots resulted in the deaths of the aforementioned detainees and injuries to Detainees [REDACTED]. Detainee [REDACTED] was injured during the riot when non-lethal ammunition, which was used by security personnel to control the riot, struck [REDACTED] in the eye.

Investigation determined [REDACTED] were justified in their use of lethal force during the riot. After approximately 2 hours of rioting, with the riot escalating and non-lethal ammunition almost expended, [REDACTED] fired a total of eight lethal rounds at detainees engaged in the riot because of fear for their own lives and the lives of other U.S. security personnel. The use of deadly force was consistent with applicable regulations and policies.

The cause of death for Detainees ABID, MOUSA, HAMED, and TAWFEEEK was gunshot wounds. The manner of their deaths was homicide. The manner of death is a medical classification that should not be confused with criminal statutes. No personnel involved in controlling the riot, including [REDACTED] violated criminal statutes.

STATUTES:

Article 128, UCMJ: Aggravated Assault (Unfounded)

EXHIBITS/SUBSTANTIATION:

Attached:

1. Agents Investigation Report (AIR) of [REDACTED] 31 Jan 05, detailing the initial notification; interviews of [REDACTED] coordination with [REDACTED] evidence collection; and crime scene examination.

2. Rights Waiver Certificate, Sworn Statement and sketch of [REDACTED] 31 Jan 05, wherein [REDACTED] stated [REDACTED] shot one lethal round at a detainee during the riot, but observed it miss the detainee and strike the ground in Compound 5. [REDACTED] illustrated the location of the detainee [REDACTED] aimed at in [REDACTED] sketch.

3. Rights Waiver Certificate, Sworn Statement and sketch of [REDACTED] 31 Jan 05, wherein [REDACTED] was told to assist in Tower 5A. [REDACTED] said [REDACTED] fired seven times after being given authorization to use lethal force to quell the riot. [REDACTED] illustrated the location where [REDACTED] fired in [REDACTED] sketch.

4. Medical records pertaining to Detainees HAMED, MOUSA, ABID, and TAWFEEEK.

5. Sworn Statement of [REDACTED] 31 Jan 05, wherein [REDACTED] stated [REDACTED] heard authorization to use lethal force given after a large rock broke the tower's window.

6. Sworn Statement of [REDACTED] 31 Jan 05, wherein [REDACTED] stated [REDACTED] was at Compound 5 during the riot and witnessed the use of deadly force against detainees.

7. Death scene sketch, prepared by [REDACTED] 31 Jan 05.

8. Printout of 18 thumbnail digital images of injuries to Detainees HAMED, MOUSA, ABID and TAWFEEEK.

9. Printout of 39 thumbnail digital images of the death scene.

10. Copy of 105th MP BN statements and reports, which documented the use of non-lethal ammunition by security personnel involved in controlling the riot.

11. AIR of [REDACTED] 1 Feb 05, detailing interviews of Detainees [REDACTED] receipt of medical records, and collection of evidence.

12. Medical records of Detainees [REDACTED] 31 Jan 05.

13. AIR of [REDACTED] 6 Feb 05, detailing coordination with medical personnel and the HHC, 105th MP BN staff, and interviews of Soldiers and Airmen present during the shakedown and riot in Compound 5.

14. Medical records pertaining to Detainees [REDACTED]

15. Sworn Statement of [REDACTED] 1 Feb 05, wherein [REDACTED] saw two detainees on the ground after [REDACTED] fired lethal ammunition.

16. Sworn Statement of [REDACTED] 1 Feb 05, wherein [REDACTED] stated [REDACTED] was in Tower 5B/4D when the riot started in Compound 5 and used non-lethal force to attempt to control the situation.

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17. Sworn Statement of [REDACTED] 1 Feb 05, wherein [REDACTED] stated [REDACTED] gave the order to load lethal ammunition.

18. Sworn Statement and diagram of [REDACTED] 2 Feb 05, wherein [REDACTED] stated [REDACTED] responded to Compound 5 during the riot and was in Tower 5A when lethal force was used against detainees.

19. Arabic language note found near the Compound 5 perimeter fence, which indicated that the riots started because Korans were damaged. (USACRC and file copy only)

20. English translation of Exhibit 19.

21. Sworn Statement and diagram of [REDACTED] 2 Feb 05, wherein [REDACTED] stated [REDACTED] heard lethal ammunition being fired. [REDACTED] illustrated the locations of the incident on [REDACTED] diagram.

22. Sworn Statement and diagram of [REDACTED] 2 Feb 05, wherein [REDACTED] stated [REDACTED] witnessed one detainee get shot with lethal ammunition. [REDACTED] illustrated the location of the incident on [REDACTED] diagram.

23. Sworn Statement and two diagrams of [REDACTED] 2 Feb 05, wherein [REDACTED] stated [REDACTED] saw two detainees fall to the ground after they were shot. [REDACTED] illustrated the locations of the incident on [REDACTED] diagrams.

24. Sworn Statement and three diagrams of [REDACTED] 3 Feb 05, wherein [REDACTED] stated [REDACTED] saw [REDACTED] fire lethal ammunition from Tower 5A. [REDACTED] illustrated the locations of the incident on [REDACTED] diagrams.

25. Sworn Statement and diagram of [REDACTED] 3 Feb 05, wherein [REDACTED] stated [REDACTED] saw one detainee fall after being shot with a lethal round. [REDACTED] illustrated the location of the incident on [REDACTED] diagram.

26. Sworn Statement and two diagrams of [REDACTED] 3 Feb 05, wherein [REDACTED] stated [REDACTED] heard two to three shots that appeared to have come from Tower 5A. [REDACTED] illustrated the location of the incident on [REDACTED] diagrams.

27. Sworn Statement and diagram of [REDACTED] 3 Feb 05, wherein [REDACTED] stated [REDACTED] saw two detainees fall after being shot with lethal ammunition. [REDACTED] illustrated the location of the incident on [REDACTED] diagram.

28. Sworn Statement and diagram of [REDACTED] 4 Feb 05, wherein [REDACTED] stated [REDACTED] saw one detainee shot during the riot in Compound 5. [REDACTED] illustrated the location of the incident on [REDACTED] diagram.

29. Use of Force Standard Operating Procedure (SOP), 30 Oct 04, pertaining to the TIF.

30. Rules of Engagement Card, which was posted in TIF towers.

31. Camp Rules, posted in TIF towers.

32. Sworn Statement and diagram of [REDACTED] 4 Feb 05, wherein [REDACTED] stated [REDACTED] saw one detainee shot during the riot in Compound 5. [REDACTED] illustrated the location of the incident in [REDACTED] diagram.

33. Diagram of Compound 5 and the location where one detainee was shot, prepared by [REDACTED] 4 Feb 05.

34. Sworn Statement and two diagrams of [REDACTED] 4 Feb 05, wherein [REDACTED] stated [REDACTED] heard lethal shots being fired from Tower 5A and said [REDACTED] saw two detainees fall to the ground after having been shot. [REDACTED] illustrated the location of the incident in [REDACTED] diagrams.

35. Sworn Statement and two diagrams of [REDACTED] 4 Feb 05, wherein [REDACTED] stated [REDACTED] observed three detainees fall to the ground after having been shot during the riot in Compound 5. [REDACTED] illustrated the location of the incident in [REDACTED] diagrams.

36. Sworn Statement and three diagrams of [REDACTED] 5 Feb 05, wherein [REDACTED] stated [REDACTED] was at Compound 5 and observed a Soldier firing lethal rounds into Compound 5. [REDACTED] also stated [REDACTED] observed two detainees fall to the ground after being shot. [REDACTED] illustrated the locations of the incident on [REDACTED] diagrams.

37. Sworn Statement and three diagrams of [REDACTED] 5 Feb 05, wherein [REDACTED] stated [REDACTED] saw two detainees on the ground after seeing [REDACTED] fire lethal ammunition from Tower 5A. [REDACTED] illustrated the location of the incident on [REDACTED] diagrams.

38. Sworn Statement and three diagrams of [REDACTED] 5 Feb 05, wherein [REDACTED] stated [REDACTED] observed a Soldier in Tower 5A fire three lethal rounds into Compound 5. [REDACTED] illustrated the location of the incident in [REDACTED] diagrams.

39. Sworn Statement and three diagrams of [REDACTED] 5 Feb 05, wherein [REDACTED] stated [REDACTED] was at Compound 5 and observed two wounded detainees on the ground. [REDACTED] illustrated the location of the incident on [REDACTED] diagrams.

40. Sworn Statement and two diagrams of [REDACTED] 5 Feb 05, wherein [REDACTED] stated [REDACTED] saw one detainee lying on the ground after being shot. [REDACTED] illustrated the location of the incident on [REDACTED] diagrams.

41. Sworn Statement and diagram of [REDACTED] 5 Feb 05, wherein [REDACTED] stated [REDACTED] saw wounded detainees near the compound entrance during the riot. [REDACTED] illustrated the location of the incident on [REDACTED] diagram.

42. Training records of [REDACTED]

43. AIR of [REDACTED] 7 Feb 05, detailing interviews of [REDACTED] and photography of Detainee [REDACTED] injuries.

44. Compact disk containing digital images of Detainee [REDACTED] injuries.
45. AIR of [REDACTED] 7 Feb 05, detailing the autopsy protocols and collection of evidence.
46. Hospital Report of Death, Overseas Certificate of Death, treatment records, fingerprint card, and various casualty affairs documents, pertaining to ABID.
47. Hospital Report of Death, Overseas Certificate of Death, treatment records, fingerprint card, and various casualty affairs documents, pertaining to HAMED.
48. Hospital Report of Death, Overseas Certificate of Death, treatment records, fingerprint card, and various casualty affairs documents, pertaining to MOUSA.
49. Hospital Report of Death, Overseas Certificate of Death, treatment records, fingerprint card; and various casualty affairs documents, pertaining to TAWFEEEK.
50. Convoy List of Remains of Deceased Personnel, 1 Feb 05.
51. Compact Disk containing all photographic images exposed at the autopsies by USACIDC special agents.
52. AIR of [REDACTED] 10 Feb 05, detailing photography of Detainee [REDACTED] injuries and interviews of witnesses concerning the alleged cause of the riot.
53. Rights Waiver Certificate, Sworn Statement, and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] denied Korans were damaged during a search of Compound 5. [REDACTED] illustrated the location of the search [REDACTED] diagram.
54. Sworn Statement and two diagrams of [REDACTED] 7 Feb 05, wherein [REDACTED] stated [REDACTED] observed a damaged Koran in one of the tents during the shakedown conducted in Compound 5. [REDACTED] stated U.S. personnel did not damage the Koran. [REDACTED] illustrated the location of the riot and torn Koran on [REDACTED] diagrams.
55. Sworn Statement and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] stated [REDACTED] found a damaged Koran during the shakedown and immediately reported it to [REDACTED] team leader. [REDACTED] illustrated the location where [REDACTED] found the damaged Koran on [REDACTED] diagram.
56. Sworn Statement and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] stated during the shakedown of Compound 5 [REDACTED] observed a torn Koran in one of the tents. [REDACTED] stated none of [REDACTED] team members indicated they damaged the Koran. [REDACTED] illustrated the location of the torn Koran on [REDACTED] diagram.
57. Sworn Statement and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] stated a damaged Koran was found during the shakedown. [REDACTED] illustrated the location where the damaged Koran was found on [REDACTED] diagram.

58. Sworn Statement and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] stated [REDACTED] found a box containing approximately three Korans that were damaged. [REDACTED] illustrated the location where [REDACTED] found the damaged Korans on [REDACTED] diagram.

59. Sworn Statement and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] stated [REDACTED] found a box containing several damaged Korans during the search of Compound 5. [REDACTED] illustrated the location where the damaged Korans were found on [REDACTED] diagram.

60. Sworn Statement and diagram of [REDACTED] 7 Feb 05, wherein [REDACTED] stated [REDACTED] saw a box of old Korans in one tent and a bucket with a Koran in another. [REDACTED] illustrated the location where [REDACTED] observed the Korans on [REDACTED] diagram.

61. Diagram of Compound 5, prepared by [REDACTED] which depicted the location where [REDACTED] was shot.

62. Arabic statement of [REDACTED] 9 Feb 05, wherein [REDACTED] stated the riot occurred after Korans were found damaged. [REDACTED] stated [REDACTED] was shot during the riot. (USACRC and file copy only)

63. English translation of Exhibit 62.

64. Diagram, prepared by Detainee [REDACTED] 9 Feb 05, which depicted the locations where detainees were shot.

65. Sworn Statement and diagram of [REDACTED] 10 Feb 05, wherein [REDACTED] stated [REDACTED] heard [REDACTED] say that [REDACTED] found a box of torn Korans. [REDACTED] illustrated the location of the search on [REDACTED] diagram.

66. Sworn Statement of [REDACTED] 10 Feb 05, wherein [REDACTED] stated [REDACTED] assisted with the search of Compound 5 and did not see any damaged Korans nor hear any lethal rounds being fired.

67. Sworn Statement and diagram of [REDACTED] 10 Feb 05, wherein [REDACTED] stated [REDACTED] saw two detainees on the ground inside Compound 5 during the riot. [REDACTED] illustrated the location of the detainees on [REDACTED] diagram.

68. Sworn Statement and diagram of [REDACTED] 10 Feb 05, wherein [REDACTED] stated [REDACTED] saw one detainee shot in the head during the riot. [REDACTED] illustrated the location of the incident on [REDACTED] diagram.

69. AIR of [REDACTED] 9 Jun 05, detailing interviews of security personnel involved in riot control and detainees who were present during the riot; coordination with [REDACTED]; collection of sketches from [REDACTED]; receipt of final autopsy reports; coordination with SJA; and criminal history checks of [REDACTED]

70. Sworn Statement and two diagrams of [REDACTED] 11 Feb 05, wherein [REDACTED] stated [REDACTED] saw one detainee shot in the head during the riot. [REDACTED] illustrated the location of the lethal shooting on [REDACTED] diagrams.

71. Diagram of Compound 5, prepared by [REDACTED] which depicted the location of the lethal shooting.

72. Diagram of Tower 5A, prepared by [REDACTED] which depicted the locations of personnel present in the tower during the lethal shooting.

73. Diagram of Compound 5, prepared by [REDACTED] which depicted [REDACTED] location during the riot.

74. Diagram of Compound 5, prepared by [REDACTED] which depicted the location where detainees were shot during the riot.

75. Diagram of Tower 5A, prepared by [REDACTED] which depicted the locations of personnel in the tower during the lethal shooting.

76. Weapons Control Log, 6 Oct 04.

77. DA Form 3749, Equipment Receipt, Weapons Card of [REDACTED]

78. Sworn Statement and diagram of [REDACTED] 16 Feb 05, wherein [REDACTED] described the reasons [REDACTED] authorized lethal force to be used. [REDACTED] illustrated the location where detainees were shot on [REDACTED] diagram.

79. DA Form 3595-R, Record Fire Scorecard, 3 Sep 04, of [REDACTED]

80. DA Form 88-R, Combat Pistol Qualification Course Scorecard, 2 Sep 04, of [REDACTED]

81. Arabic language statement of Detainee [REDACTED] 16 Feb 05, wherein [REDACTED] denied throwing any rocks and stated [REDACTED] was trying to go back to [REDACTED] tent when [REDACTED] was shot. (USACRC and file copy only)

82. English translation of Exhibit 81.

83. Diagram, prepared by Detainee [REDACTED] which depicted [REDACTED] location when [REDACTED] was shot and the location of the tent where [REDACTED] lived.

84. Arabic language statement of Detainee [REDACTED] 16 Feb 05, wherein [REDACTED] denied throwing anything at the guards during the riot. (USACRC and file copy only)

85. English translation of Exhibit 84.

86. Diagram, prepared by Detainee [REDACTED], which depicted [REDACTED] location when [REDACTED] was shot and the location of the tent where [REDACTED] lived.

87. DA Form 3595-R, Record Fire Scorecard, 25 Sep 04, of [REDACTED]

88. DA Form 88-R, Combat Pistol Qualification Course Scorecard, 2 Sep 04, of [REDACTED]

89. DA Form 3749, Equipment Receipt, Weapons Card of [REDACTED]

90. Rights Waiver Certificate, Sworn Statement and three diagrams of [REDACTED] 7 Mar 05, wherein [REDACTED] expounded on [REDACTED] previous statement. [REDACTED] illustrated [REDACTED] location and locations of detainees who were shot on [REDACTED] diagrams.

91. Rights Waiver Certificate, Sworn Statement and diagram of [REDACTED] 12 Mar 05, wherein [REDACTED] expounded on [REDACTED] previous statement. [REDACTED] illustrated the location of the detainee whom [REDACTED] shot at in [REDACTED] diagram.

92. Final Autopsy Report, ME 05-124, 14 Mar 05, of Detainee MOUSA, which listed the cause of death as gunshot wound of the torso and the manner of death as homicide.

93. Final Autopsy Report, ME 05-122, 14 Mar 05, of Detainee HAMED, which listed the cause of death as gunshot wound of the head and the manner of death as homicide.

94. Final Autopsy Report, ME 05-125, 5 Apr 05, of Detainee TAWFEEK, which listed the cause of death as gunshot wound of the head and the manner of death as homicide.

95. Final Autopsy Report, ME 05-123, 29 Mar 05, of Detainee ABID, which listed the cause of death as gunshot wound of the torso and the manner of death as homicide.

96. U.S. Army Criminal Investigation Laboratory (USACIL) Laboratory Report, 17 Mar 05, which indicated [REDACTED] weapons were mechanically functional and that seven shell casings came from [REDACTED] weapon and one casing came from [REDACTED] weapon.

97. Sworn Statement of [REDACTED] 4 Jun 05, wherein [REDACTED] stated [REDACTED] discussed reports of torn Korans with detainee leaders of the compound.

98. AIR of [REDACTED] 24 Jun 05, detailing canvass interviews, receipt of data concerning expenditure of non-lethal ammunition, and interview of [REDACTED]

99. Canvass Interview Worksheet, 13 Jun 05, documenting canvass interviews of military personnel involved in riot control.

100. Roll-up sheet detailing ammunition used in riot control, 31 Jan 05.

101. AIR of [REDACTED] 24 Jun 05, detailing receipt of medical records.

102. Medical Records of Detainee [REDACTED]

103. Compact disc 050009.579 containing all digital images exposed by Camp Bucca USACIDC special agents. (USACRC copy only)

104. Compact disc containing all digital images of the autopsies, exposed by AFIP photographers.

105. Crime Lab Examination Request, 21 Feb 05, requesting forensic examination of seized evidence. (USACRC and file copy only)

106. (106-1 thru 106-7) DA Form 4137, Evidence/Property Custody Documents (EPCD), Document Numbers (DN), 063-05, 69-05, 70-05, 86-05, 87-05, and 95-05.

Not Attached:

Retained in the evidence depository, 11th MP BN (CID), Camp Victory, Iraq, APO AE 09342:

107. Bullet fragment, Item 1, DN 063-05.

108. Bullet fragment, Item 2, DN 063-05.

109. Bone Fragment, (Detainee [REDACTED] Item 3, DN 063-05.

110. Bullet Fragment, Item 1, DN 69-05.

111. Bullet Fragments, Item 1, DN 70-05.

112. M16A2, [REDACTED] (U.S. Government), Item 1, DN 86-05.

113. Magazines (5), with rounds (143) (U.S. Government), Item 2, DN 86-05.

114. M16A2, [REDACTED] (U.S. Government), Item 1, DN 87-05.

115. Magazines (6), with rounds (179) (U.S. Government), Item 2, DN 87-05.

116. Shell casing, Item 1, DN 95-05.

117. (5) Shell casings, Item 2, DN 95-05.

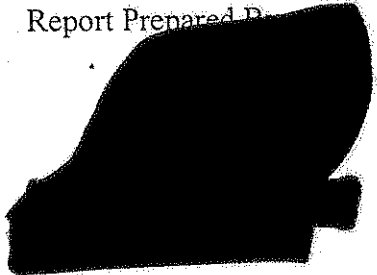
118. Shell casing, Item 3, DN 95-05.

119. Shell casing, Item 4, DN 95-05.

The originals of Exhibits 1-3, 5-7, 11, 13, 15-28, 32-41, 43-45, 51-75, 78, 81-86, 90, 91, 97-99, 101 and 103 are attached to the USACRC copy of this report. The originals of Exhibits 4, 12, and 14 are retained in the files of the IFAS, CBI. The originals of Exhibits 10, 29-31, 76, 77, 89, and 100 are retained in the files of the HHC, 105th MP BN, CBI. The originals of Exhibits 42, 79, 80, 87, and 88 are retained in the files of HQ, 105th MP BN, Asheville, NC. The originals of Exhibits 46-50 are retained in the files of Mortuary Affairs, Baghdad International Airport, Baghdad, Iraq. The originals of Exhibits 92-95 and 104 are retained in the files of the Armed Forces Institute of Pathology, Rockville, MD. The originals of Exhibits 96 and 105 are retained in the files of USACIL, Forest Park, GA. The originals of Exhibit 102 are retained in the files of the Abu Ghraib Confinement Facility Hospital, Baghdad, Iraq. The originals of Exhibit 106 are retained in the files of the evidence depository, Camp Victory, Baghdad, Iraq.

STATUS: This is a Final report. Commander's Report of Disciplinary or Administrative Action Taken (DA Form 4833) is not required.

Report Prepared By:



Report Approved By:


Special Agent in Charge

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