COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
PRINCIPAL: To provide commanders and law enforcement officials with means by which information may be accurately identified.
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. Control Information

Thru:	
To:	CDR, HHC, 1ST BCT FORT CAMPBELL, KY 42223
Referred By:	(b)(6) (b)(7)(C) (b)(3)

USACRC Number:	0066-2008-CID469-51978-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09393DC
Referral Date:	2/22/2009
Suspense Date:	4/8/2009

The first Lieutenant Colonel in the chain of command is responsible and accountable for completing DA Form 4833 with support documentation (copies of Article 15s, court-martial orders, reprimands, etc) for all USACIDC investigations. The unit and brigade commander or their equivalent will also receive a copy of the DA Form 4833 for all USACIDC investigations.

Company, troop, and battery level commanders are responsible and accountable for completing DA Form 4833 with supporting documentation in all cases investigated by MPI, civilian detectives employed by the Department of the Army, and the PMO. Accurate and complete DA 4833 disposition reports are required to meet installation, command, HQDA, DOD, and federal statutory reporting requirements. The data is used to identify crime trends, establish command programs in law enforcement and other activities, and to ensure that resources are made available to support commanders who must address issues of soldier and family member indiscipline.

In court-martial cases, a conviction of an offense at court-martial may be for a different, or lesser included offense. List the offense for which the individual was convicted at court-martial in the remarks section. Provost Marshals must enter the "MP Report Number" (Block-1) for all cases referred to commanders. "Sub-Installation" (Block-1) is used to enter report number from a civilian law enforcement agency police report. Other information on the civilian law enforcement agency (e.g. civilian law enforcement agency address) may be entered in the remarks section.

2. Offender Identification

Last Name:	Behenna
First Name:	Michael
Middle Name:	Chase
Cadency:	

Grade:	O-2 U.S. Army (1LT)
SSN:	(b)(6) (b)(7)(C) (b)(3)
Date of Birth:	

3. Referral Information

Commander Decision Date: 2/27/2009

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	Murder [5H1A]	UCMJ Article 118	5/16/2008	Yes ☐ No ☑	Yes ☑ No ☐	Accepted
2	Obstruction of Justice [5X5]	UCMJ Article 134	5/16/2008	Yes ☐ No ☑	Yes ☑ No ☐	Accepted
3	Conspiracy [5X1]	UCMJ Article 81	5/16/2008	Yes ☐ No ☑	Yes ☑ No ☐	Accepted
4				Yes ☐ No ☐	Yes ☐ No ☐	
5				Yes ☐ No ☐	Yes ☐ No ☐	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes ☐ No ☐	Yes ☐ No ☐	
7				Yes ☐ No ☐	Yes ☐ No ☐	
8				Yes ☐ No ☐	Yes ☐ No ☐	
9				Yes ☐ No ☐	Yes ☐ No ☐	
10				Yes ☐ No ☐	Yes ☐ No ☐	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

☐ **Administrative**
Non-Adverse Referrals
Adverse Personnel Actions

☐ **Non-Judicial (Article 15)**
(see details below)

☑ **Judicial**
Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

☐ Summarized
☐ Company Grade
☐ Field Grade
☐ Principal Assistant
☐ GCMCA Imposed
☐ General Officer Imposed

Judicial Punishment Authority (select one):

☐ Summary Court Martial
☐ Special Court Martial
☑ General Court Martial
☐ Civilian Criminal/Magistrate

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder - Intent to Kill or Harm - Shooting [5H1A]	N	Murder [5H1A] [5H1A]	G
2	Obstruction of Justice [5X5] [5X5]	N	Obstruction of Justice [5X5] [5X5]	N
3	Conspiracy [5X1] [5X1]	N	Conspiracy [5X1] [5X1]	N
4				
5				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	☐	☐	☐
	Reprimand	☐	☐	☐
	Censure	☐	☐	☐
	Admonition	☐	☐	☐

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description					
	Military Occupational Specialty Reclassification					
	Debarment	Duration:	☐ Days	☐ Months	☐ Years	
	Job Termination					
	Job Suspension	Duration:	☐ Days	☐ Months	☐ Years	
	Leave Without Pay	Duration:	☐ Days	☐ Months	☐ Years	
	Loss of Warrant					
	Voluntary Disclosure					
	Restitution (to US Government)	Amount :				
	Restitution (to third party Non-US Government)	Amount :				
	Civil-Civil Action Initiation					
	Other (return to states, etc.)					
	Contract Suspension	Duration:	☐ Days	☐ Months	☐ Years	
	Contract Termination					
	Cost Adjustment	Amount :				
	Bid Rejection					
	Recoupment	Amount :				
	Denial of Continuation					
	Other Contract Action					

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction						
	Fine	Amount :					
	Forfeiture	Amount :			Duration:	☐ Days	☐ Months
	Extra Duty	Days:					
	Restriction	Days:					
2/27/2009	Correctional Custody	Days: 9125					
	Confinement	Duration:	☐ Days	☐ Months	☐ Years	☐ Life	
	Bad Conduct Discharge	Effective Date:					
2/27/2009	Dishonorable Discharge	Effective Date: 2/27/2044					
	Reduction in Grade	From:					
		To:					
	Probation	Duration:	☐ Days	☐ Months	☐ Years		
	Special Assignment	Duration:	☐ Days	☐ Months	☐ Years		
2/27/2009	Total Forfeiture (all pay/allowance)	Duration : 25	☐ Days	☐ Months	☑ Years	☐ Life	
	Death						
	Civil Recovery	Amount :					
	Civil Award	Amount :					

9. Suspended Sanctions

Were Any Sanctions Suspended? ☑ Yes ☐ No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended: 2/27/2009	Suspension Duration: 25 Years
	Suspended Portion Time: 50 Days	
	Suspension Conditions:	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	
	Suspension Conditions:	

10. Commander's Remarks

Not Guilty of Premeditated Murder but Guilty of the lesser included offense of Murder with intent to kill or inflict great bodily harm in violation of UCMJ Article 118(2).

USASCRC Number: 0066-2008-CID469-51978-5H1A **Sanction:** A1 2009/02/27

11. Commanding Officer

Was a DNA sample collected from the offender? ☑ Yes ☐ No

Name and Grade:	(b)(6) (b)(7)(C) (b)(3)	
Signature:		**Signature Date:** 4/13/2009
AKO e-Mail Address		

Page(s) 00007 thru 00008 referred to:

U.S. Army Judiciary
Office of the Clerk of Court
Attn: JALS-CCO
9275 Gunston Road
Fort Belvoir, VA 22060

COMMANDER'S REPORT OF DISCIPLINARY OR ADMINISTRATIVE ACTION

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943
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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. Control Information

Thru:	
To:	Commander 1st BCT Fort Campbell, KY 42223
Referred By:	(b)(6) (b)(7)(C) (b)(3)

USACRC Number:	0066-2008-CID469-51978-5H1A
MP Report Number:	N/A
Sub-Installation:	AE09393DC
Referral Date:	2/18/2009
Suspense Date:	4/4/2009

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2. Offender Identification

Last Name:	Warner
First Name:	Hal
Middle Name:	Mitchell
Cadency:	

Grade:	E-6 U.S. Army (SSG)
SSN:	(b)(6) (b)(7)(C) (b)(3)
Date of Birth:	

3. Referral Information

Commander Decision Date: 2/18/2009

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
1	Murder [5H1A]	UCMJ Article 118	5/16/2008	Yes ☐ No ☑	Yes ☑ No ☐	Accepted
2	Obstruction of Justice [5X5]	UCMJ Article 134	6/7/2008	Yes ☐ No ☑	Yes ☑ No ☐	Accepted
3	Conspiracy [5X1]	UCMJ Article 81	5/16/2008	Yes ☐ No ☑	Yes ☑ No ☐	Accepted
4				Yes ☐ No ☐	Yes ☐ No ☐	
5				Yes ☐ No ☐	Yes ☐ No ☐	

3. Referral Information (continued)

No.	Offense	Basis	Date	Sexual Harassment	Action Taken	Reason
6				Yes ☐ No ☐	Yes ☐ No ☐	
7				Yes ☐ No ☐	Yes ☐ No ☐	
8				Yes ☐ No ☐	Yes ☐ No ☐	
9				Yes ☐ No ☐	Yes ☐ No ☐	
10				Yes ☐ No ☐	Yes ☐ No ☐	

NOTE: For each offense marked NO for action taken, you must supply a reason.

If you selected "YES" for any offense, continue to "Action Taken" (Block-4). If you selected "NO" for ALL offenses, go directly to "Commander's Remarks" (Block-10), sign, date, and return the form to the agent specified in "Referred By" (Block-1).

4. Action Taken

☐ **Administrative**
Non-Adverse Referrals
Adverse Personnel Actions

☐ **Non-Judicial (Article 15)**
(see details below)

☑ **Judicial**
Court Martial or Civilian Criminal Court

Non-Judicial Punishment Authority (select one):

☐ Summarized
☐ Company Grade
☐ Field Grade
☐ Principal Assistant
☐ GCMCA Imposed
☐ General Officer Imposed

Judicial Punishment Authority (select one):

☐ Summary Court Martial
☐ Special Court Martial
☑ General Court Martial
☐ Civilian Criminal/Magistrate

5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome

No.	Charged Offense	Plea	Finding Offense	Trial Finding
1	Murder [5H1A] [5H1A]	N	Murder [5H1A] [5H1A]	DCR
2	Obstruction of Justice [5X5] [5X5]	N	Obstruction of Justice [5X5] [5X5]	DCR
3	Conspiracy [5X1] [5X1]	N	Conspiracy [5X1] [5X1]	DCR
4				
5				

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5. NJP/Court-Martial/Civilian Criminal Court Proceeding Outcome (continued)

No.	Charged Offense	Plea	Finding Offense	Trial Finding
6				
7				
8				
9				
10				

PLEA: G=Guilty, C=No Contest, N=Not Guilty, D=Pre-Trial Diversion, TRIAL FINDING: DCV=Dismissed (Civil), DCR=Dismissed (Criminal), P=Finding for Plaintiff, F=Finding for Respondent, G=Guilty, C=No Contest, N=Not Guilty, S=Settlement

6. Administrative Actions

Non-Adverse

Agency	Referred	Responded
Family Advocacy		
Drug/Alcohol Abuse		
Special Referral		
Equal Opportunity		
Legal Office		
Mental Health		
Relief Agency		

Date Imposed	Type of Action	Oral	Written	
			Local	OMPF
	Counseling/Concern	☐	☐	☐
	Reprimand	☐	☐	☐
	Censure	☐	☐	☐
	Admonition	☐	☐	☐

Adverse

Date Imposed	Description
	Withholding of Privileges
	Adverse Performance Evaluation (OER/NCOER/Academic Report)
	Relief for Cause (OER/NCOER)
	Mandatory Reassignment
	Transfer (such as rehabilitative)
	Adverse Record Entry - Flag
	Denial of Reenlistment or Continued Service
	Withholding of Promotion
	Delay of Promotion
	Promotion Revocation
	Clearance Revocation
	Control Roster (downgrade of clearance, PRP reclassification)
	Resignation
	Retirement
	Retirement at Lower Grade From: To:
	Transfer to Inactive Reserve

6. Administrative Actions (continued)

Date Imposed	Description					
	Military Occupational Specialty Reclassification					
	Debarment	Duration:	☐ Days	☐ Months	☐ Years	
	Job Termination					
	Job Suspension	Duration:	☐ Days	☐ Months	☐ Years	
	Leave Without Pay	Duration:	☐ Days	☐ Months	☐ Years	
	Loss of Warrant					
	Voluntary Disclosure					
	Restitution (to US Government)	Amount :				
	Restitution (to third party Non-US Government)	Amount :				
	Civil-Civil Action Initiation					
	Other (return to states, etc.)					
	Contract Suspension	Duration:	☐ Days	☐ Months	☐ Years	
	Contract Termination					
	Cost Adjustment	Amount :				
	Bid Rejection					
	Recoupment	Amount :				
	Denial of Continuation					
	Other Contract Action					

7. Details of Administrative Separation

Date Imposed	
Regulation	
Chapter	
Characterization	
Effective Date	

Proceed to Commander's Remarks (Block-10) if you chose Administrative Action

8. Non-Judicial/Judicial Sanctions

Date Adjudged	Sanction						
	Fine	Amount :					
	Forfeiture	Amount :			Duration:	☐ Days	☐ Months
	Extra Duty	Days:					
	Restriction	Days:					
2/18/2009	Correctional Custody	Days: 17					
	Confinement	Duration:	☐ Days	☐ Months	☐ Years	☐ Life	
2/18/2009	Bad Conduct Discharge	Effective Date: 8/1/2010					
	Dishonorable Discharge	Effective Date:					
2/18/2009	Reduction in Grade	From: Staff Sergeant (SSG) To: Private (E1) (PVT)					
	Probation	Duration:	☐ Days	☐ Months	☐ Years		
	Special Assignment	Duration:	☐ Days	☐ Months	☐ Years		
2/18/2009	Total Forfeiture (all pay/allowance)	Duration : 17	☐ Days	☑ Months	☐ Years	☐ Life	
	Death						
	Civil Recovery	Amount :					
	Civil Award	Amount :					

9. Suspended Sanctions

Were Any Sanctions Suspended? ☑ Yes ☐ No

If no sanctions were suspended, proceed to "Commander's Remarks" (Block-10)

Suspended Sanction	Suspended Sanction Information	
Fine	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	
	Suspension Conditions:	
Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	Suspended Portion Time:
	Suspension Conditions:	
Extra Duty	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Restriction	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Correctional Custody	Date Suspended: 2/18/2009	Suspension Duration: 59 Days
	Suspended Portion Time: 59 Days	
	Suspension Conditions: Received 59 days of credit of a 17 month sentence	
Confinement	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Reduction in Grade	Date Suspended:	Suspension Duration:
	Suspension Conditions:	
Probation	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Special Assignment	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Total Forfeiture	Date Suspended:	Suspension Duration:
	Suspended Portion Time:	
	Suspension Conditions:	
Civil Recovery	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	
	Suspension Conditions:	
Civil Award	Date Suspended:	Suspension Duration:
	Suspended Portion US$:	
	Suspension Conditions:	

10. Commander's Remarks

To be reduced to E1; forfeit all pay and allowances; confined for 17 months; to be discharged from the service with a BCD; received 59 days of credit towards confinement.

Plead guilty and found guilty of ART 107, 128, and 93 of the UCMJ.

Plead not guilty and found not guilty (dismisson motion by Trial Counsel w/prejudice) of ART 78, 117 and 134 of the UCMJ.

WARNER is due to testify against BEHENNA.

USASCRC Number: 0066-2008-CID469-51978-5H1A **Sanction:** A2 2009/02/18

11. Commanding Officer (b)(6) (b)(7)(C) (b)(3)

Was a DNA sample collected from the offender?

Name and Grade:	(b)(6) (b)(7)(C) (b)(3)
Signature:	**Signature Date:** 2/18/2009
AKO e-Mail Address	

Page(s) 000015 thru 000016 referred to:

U.S. Army Judiciary
Office of the Clerk of Court
Attn: JALS-CCO
9275 Gunston Road
Fort Belvoir, VA 22060

DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Tikrit CID Office
38th MP DET (CID) (FWD), COB Speicher, Tikrit, IZ APO, APO AE 09393

15 Apr 2009

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL/SSI - 0066-2008-CID469-51978 - 5H1A / 5X5 / 5X1 / 9G2B / 9G2C / 9G2F

DATES/TIMES/LOCATIONS OF OCCURRENCES:
1. 16 MAY 2008, 1715 - 16 MAY 2008, 2004; GRID LD 59625 61025, ALBU TU'MAH, BAYJI, IRAQ

2. 07 JUN 2008, 2100 - 07 JUN 2008, 2200; D COMPANY AREA, 1/327TH INFANTRY REGIMENT, FOWARD OPERATING BASE SUMMERALL, BAYJI, IZ, AE 09393

3. 16 MAY 2008, 2000 - 21 MAY 2008, 2359; D COMPANY AREA, 1/327TH INFANTRY REGIMENT, FOWARD OPERATING BASE SUMMERALL, BAYJI, IZ, AE 09393

DATE/TIME REPORTED: 13 JUN 2008, 1300

INVESTIGATED BY:
(b)(6) (b)(7)(C) (b)(7)(E) (b)(3)

SUBJECT:
1. WARNER, HAL MITCHELL; SSG; (b)(6) (b)(7)(C) (b)(3) OB); (POB); MALE; WHITE; (b)(6) (b)(7)(C) (b)(3)

TEAM, (HOME STATION: FORT CAMPBELL, KY 42223), (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) [OBSTRUCTION OF JUSTICE], [MURDER], [CONSPIRACY]

2. BEHENNA, MICHAEL CHASE; 1LT (b)(6) (b)(7)(C) (b)(3) (DOB); (POB); MALE; WHITE; (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (HOME STATION: FORT CAMPBELL, KY 42223), (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) [OBSTRUCTION OF JUSTICE], [MURDER], [CONSPIRACY]

VICTIM:

1. AL JOBOURI, ALI MANSOUR MUHAMMAD (DECEASED); FRCIV; IRAQ; (DOB); (POB); MALE; OTHER; VILLAGE OF ALBU-TU'MAH, BAYJI, IZ; XZ ; [MURDER], [CONSPIRACY]

2. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE]

INVESTIGATIVE SUMMARY:

THIS IS AN OPERATION IRAQI FREEDOM INVESTIGATION.

The Provost Marshal, 1st AD, COB Speicher, reported the suspected shooting of an Iraqi detainee by a U.S. Soldier.

Investigation disclosed 1LT BEHENNA conspired with SSG WARNER to murder Mr. MANSOUR. 1LT BEHENNA and SSG WARNER transported Mr. MANSOUR to a remote culvert and 1LT BEHENNA then shot Mr. MANSOUR two times with a 9mm pistol. SSG WARNER then activated an incendiary grenade and placed it on Mr. MANSOUR's remains. 1LT BEHENNA and SSG WARNER then left the area and instructed unit members to provide false statements pertaining to their actions on patrol that evening.

STATUTES:

Article 81, UCMJ: Conspiracy
Article 118, UCMJ: Murder

Article 134, UCMJ: Obstruction of Justice

EXHIBITS:

ATTACHED:

1. Agent's Investigation Report (AIR) of (b)(6) (b)(7)(C) (b)(3) 22 Jun 08.

2. Serious Incident Report, 11 Jun 08.

3. Timeline / Sequence of Events, prepared by (b)(6) (b)(7)(C) (b)(3)

4. Notes for (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) prepared by (b)(6) (b)(7)(C) (b)(3)

5. Arabic Report of Investigation. (USACRC and USACIDC copies only)

6. English translation of the Report of Investigation, translated by Mr (b)(6) (b)(7)(C)

7. Arabic Reply to Bayji Investigation Judge by the Criminal Investigation Office of Bayji, Iraq, 29 May 08. (USACRC and USACIDC copies only)

8. English translation of Reply to Bayji Investigation Judge, 29 May 09, translated by Mr. (b)(6) (b)(7)(C)

9. Arabic Autopsy Report of Mr. MANSOUR, 27 May 08. (USACRC and USACIDC copies only)

10. English translation of the Autopsy Report of Mr. MANSOUR, 27 May 08, translated by Mr. (b)(6) (b)(7)(C)

11. Arabic Death Certificate of Mr. MANSOUR, 27 May 08. (USACRC and USACIDC copies only)

12. English translation of the Death Certificate of Mr. MANSOUR, translated by Mr. (b)(6) (b)(7)(C)

13. Arabic Requests for Investigation, 27 May 08. (USACRC and USACIDC copies only)

14. English translation of the Requests for Investigation, 27 May 08, translated by Mr. (b)(6) (b)(7)(C)

15. Waiver Certificate and Statement of SSG WARNER, 11 Jun 08.

16. Statement of (b)(6) (b)(7)(C) (b)(3) 12 Jun 08.

17. Statement of 2 Jun 08.

18. Statement of 12 Jun 08.

19. Arabic Statement of Mr (b)(6) (b)(7)(C) 12 Jun 08. (USACRC and USACIDC copies only)

20. English translation of Mr (b)(6) (b)(7)(C) 12 Jun 08 statement, translated by Mr. (b)(6) (b)(7)(C)

21. Waiver Certificate and Arabic Statement of Mr. (b)(6) (b)(7)(C) 13 Jun 08. (USACRC and USACIDC copies only)

22. English translation of Mr (b)(6) (b)(7)(C) 13 Jun 08 statement, translated by Mr (b)(6) (b)(7)(C)

23. Arabic Statement of Mr (b)(6) (b)(7)(C) 9 Jun 08. (USACRC and USACIDC copies only)

24. English translation of Mr (b)(6) (b)(7)(C) 9 Jun 08 statement, translated by Mr. (b)(6) (b)(7)(C)

25. Compact disc containing images and video files pertaining to Mr. MANSOUR. (USACRC, USACIDC, SJA, and file copies only)

26. Statement of (b)(6) (b)(7)(C) (b)(3) 3 Jun 08.

27. Non-Waiver Certificate of SSG WARNER, 13 Jun 08.

28. Statement of (b)(6) (b)(7)(C) (b)(3) 13 Jun 08.

29. Waiver Certificate and Statement of Mr (b)(6) (b)(7)(C) 3 Jun 08.

30. Sketch prepared by Mr (b)(6) (b)(7)(C) 13 Jun 08, translated by Mr (b)(6) (b)(7)(C)

31. Arabic Report of Statements provided by Bayji Iraqi Police. (USACRC and USACIDC copies only)

32. English translation of Report of Statements provided by Bayji Iraqi Police, translated by Mr. (b)(6) (b)(7)(C)

33. Arabic Iraqi Police Seize Report (collection of evidence), 17 May 08. (USACRC and USACIDC copies only)

34. English translation of Iraqi Police Seize Report, translated by Mr. (b)(6) (b)(7)(C)

35. Arabic Iraqi Police Drawing and Plan of Crime Scene, prepared by the Criminal Investigation Office of Bayji, Iraq, 21 May 08. (USACRC and USACIDC copies only)

36. English translation of Iraqi Police Drawing and Plan of Crime Scene, 21 May 08, translated by Mr. (b)(6) (b)(7)(C)

37. Arabic Iraqi Police Identification Document of the Criminal Investigation Office of Bayji, Iraq, 21 May 08. (USACRC and USACIDC copies only)

38. English translation of the Iraqi Police Identification Document, 21 May 08, translated by Mr (b)(6) (b)(7)(C)

39. Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jun 08.

40. Statement of (b)(6) (b)(7)(C) (b)(3) 4 Jun 08.

41. Arabic Statement of Mr. (b)(6) (b)(7)(C) 14 Jun 08. (USACRC and USACIDC copies only)

42. English translation of Mr. (b)(6) (b)(7)(C) 14 Jun 08 statement, translated by Mr. (b)(6) (b)(7)(C)

43. Arabic Sketch prepared by Mr. (b)(6) (b)(7)(C) 14 Jun 08.

44. English translation of Mr. (b)(6) (b)(7)(C) 14 Jun 08 sketch, translated by Mr. (b)(6) (b)(7)(C)

45. Statement of (b)(6) (b)(7)(C) (b)(3) 14 Jun 08.

46. Statement of (b)(6) (b)(7)(C) (b)(3) 14 Jun 08.

47. Statement of (b)(6) (b)(7)(C) (b)(3) 15 Jun 08.

48. Arabic Statement of Mr. (b)(6) (b)(7)(C) 15 Jun 08. (USACRC and USACIDC copies only)

49. English translation of Mr. (b)(6) (b)(7)(C) 15 Jun 08 statement, translated by Mr. (b)(6) (b)(7)(C)

50. Arabic Statement of Mr. (b)(6) (b)(7)(C) 15 Jun 08. (USACRC and USACIDC copies only)

51. English translation of Mr. (b)(6) (b)(7)(C) 15 Jun 08 statement, translated by Mr. (b)(6) (b)(7)(C)

52. Statement of (b)(6) (b)(7)(C) (b)(3) 15 Jun 08.

53. Statement of (b)(6) (b)(7)(C) (b)(3) 15 Jun 08.

54. Statement of SPC (b)(6) (b)(7)(C) (b)(3) 15 Jun 08.

55. Statement of (b)(6) (b)(7)(C) (b)(3) 16 Jun 08.

56. Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jun 08.

57. Statement of (b)(6) (b)(7)(C) (b)(3) 6 Jun 08.

58. Statement of (b)(6) (b)(7)(C) (b)(3) 16 Jun 08.

59. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.

60. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
61. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
62. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
63. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
64. Statement of (b)(6) (b)(7)(C) (b)(3) Jun 08.
65. Statement of (b)(6) (b)(7)(C) (b)(3) Jun 08.
66. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
67. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
68. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
69. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
70. Statement of (b)(6) (b)(7)(C) (b)(3) Jun 08.
71. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
72. Statement of SSG WARNER, 7 Jun 08.
73. Statement of (b)(6) (b)(7)(C) (b)(3) Jun 08.
74. Statement of (b)(6) (b)(7)(C) (b)(3) 16 Jun 08.
75. Statement of (b)(6) (b)(7)(C) (b)(3) 7 Jun 08.
76. Trip Ticket of 5th PLT, D CO, 1/327th INF REG, pertaining to mission # 8, 16 May 08.
77. Mission Patrol Tracker pertaining to mission # 8, 16 May 08.

78. Trip Ticket of 5th PLT, D CO, 1/327th INF REG, pertaining to mission # 11, 5 May 08.

79. Mission Patrol Tracker pertaining to mission # 11, 5 May 08.

80. Statement of [redacted] 7 Jun 08.

81. Statement of [redacted] 17 Jun 08.

82. Compact disc containing video of demonstration with AN-M14 TH3 Incendiary Grenade.

83. Statement of [redacted] 18 Jun 08.

84. Search and Seizure Affidavit and Authorization pertaining to SSG WARNER, 18 Jun 08.

85. Search and Seizure Affidavit and Authorization pertaining to 1LT BEHENNA, 18 Jun 08.

86. Photographic Packet (Incendiary Grenade Test 2, 18 Jun 08). (USACRC, USACIDC, SJA, and file copies only)

87. Detainee Packet of Mr. MANSOUR, 5 May 08.

88. Statement of [redacted] 21 Jun 08.

89. Statement of [redacted] 21 Jun 08.

90. Non-Waiver Certificate of 1LT BEHENNA, 21 Jun 08.

91. AIR of [redacted] 8 Jun 08.

92. Aerial Photographs of Death Scene.

93. Death Scene Sketches prepared by [redacted] 8 Jun 08.

94. Photographic Packet (Death Scene). (USACRC, USACIDC, SJA, and file copies only)

95. AIR of (b)(6) (b)(7)(C) (b)(3) 10 Jul 08.

96. Statement of (b)(6) (b)(7)(C) (b)(3) 9 Jun 08.

97. Statement of (b)(6) (b)(7)(C) (b)(3) 9 Jun 08.

98. Statement of (b)(6) (b)(7)(C) (b)(3) 9 Jun 08.

99. Statement of SSG WARNER, 9 Jun 08.

100. Waiver Certificate and Statement of (b)(6) (b)(7)(C) (b)(3) 30 Jun 08.

101. Non-Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 1 Jul 08.

102. Non-Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 1 Jul 08.

103. Non-Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 1 Jul 08.

104. Non-Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 1 Jul 08.

105. Non-Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 1 Jul 08.

106. Waiver Certificate and Statement of (b)(6) (b)(7)(C) (b)(3) 1 Jul 08.

107. Statement of (b)(6) (b)(7)(C) (b)(3) 2 Jul 08.

108. Hand Receipt of (b)(6) (b)(7)(C) (b)(3) May 08.

109. AIR of (b)(6) (b)(7)(C) (b)(3) 13 Jul 08.

110. Search and Seizure Affidavit and Authorization pertaining to SSG WARNER, 12 Jul 08.

111. Search and Seizure Affidavit and Authorization pertaining to 1LT BEHENNA, 12 Jul 08.

112. Search and Seizure Affidavit and Authorization pertaining to 1LT BEHENNA, 13 Jul 08.

113. Photographic Packet (Evidence). (USACRC, USACIDC, SJA, and file copies only)

114. AIR of (b)(6) (b)(7)(C) (b)(3) 25 Jul 08.

115. AIR of (b)(6) (b)(7)(C) (b)(3) 0 Aug 08.

116. AIR of (b)(6) (b)(7)(C) (b)(3) 22 Aug 08.

117. USACIL Latent Print Branch Final Report # 2008-CID131-1346, 21 Jul 08.

118. AIR of (b)(6) (b)(7)(C) (b)(3) Monterey CID Office, Presidio of Monterey, CA, 20 Aug 08.

119. Compact disc containing recorded interview of Mr. (b)(6) (b)(7)(C) 20 Aug 08.

120. AIR of SA (b)(6) (b)(7)(C) Fort Campbell CID Office, Fort Campbell, KY, 22 Aug 08.

121. Statement of (b)(6) (b)(7)(C) (b)(3) 18 Aug 08.

122. Statement of (b)(6) (b)(7)(C) (b)(3) 8 Aug 08.

123. AIR of (b)(6) (b)(7)(C) (b)(3) 3 Sep 08.

124. Unit Roll Number (URN) spreadsheet.

125. Compact disc containing URN spreadsheet and Blue Force Tracker Report, 16 May 08.

126. USACIL Trace Evidence Branch Final Report # 2008-CID131-1346, 18 Aug 08.

127. USACIL DNA Branch Final Report # 2008-CID131-1346, 13 Aug 08.

128. AIR of SA (b)(6) (b)(7)(C) Fort Sill CID Office, Fort Sill, OK, 9 Sep 08.

129. AIR of (b)(6) (b)(7)(C) (b)(3) 14 Oct 08.

130. USACIL Firearms Branch Final Report # 2008-CID131-1346, 27 Aug 08.

131. AIR of (b)(6) (b)(7)(C) 17 Nov 08.

132. USACIL Garries Notice, 29 Oct 08.

133. USACIL Garries Notice, 13 Nov 08.

134. AIR of (b)(6) (b)(7)(C) 20 Feb 09.

135. USACIL DNA Branch Final Report # 2008-CID131-1346-A2/A3/A4, 3 Dec 08.

136. USACIL DNA Branch Final Report # 2008-CID141-1346-A5/A6/A7, 11 Feb 09.

137. Department of the Army Report of Results of Trial pertaining to SSG WARNER, 18 Feb 09.

138. AIR of (b)(6) (b)(7)(C) 13 Apr 09.

139. Department of the Army Report of Results of Trial pertaining to 1LT BEHENNA, 27 Feb 09.

140. USACIL Examination Requests, 21 and 26 Jun 08, 1 and 4 Jul 08, 12 Aug 08, 17 Nov 08, and 3 Feb 09.

141. Compact disc containing all photographic originals of Exhibits 86, 94, and 113. (USACRC and file copies only)

142. Evidence/Property Custody Documents, Document Numbers 0585-08, 0586-08, 0587-08, 0588-08, 0589-08, 0590-08, 0591-08, 0592-08, 0593-08, 0594-08, 0733-08, 0734-08, and 0790-08.

NOT ATTACHED:

None.

The originals of 1, 6, 8, 10, 12, 14-32, 34, 36, 38-76, 78-86, 88-91, 93-95, 100-116, 118-123, 128, 129, 131, 134, 138, and 141 are forwarded with the USACRC copy of this report. The originals of Exhibits 2-4, 77, 87, 96-99, 124, 125, 137 and 139 are retained in the files of the 1/327th Infantry Regiment, 1/101st Brigade Combat Team, Fort Campbell, KY. The originals of Exhibits 5, 7, 9, 11, 13, 33, and 37 are retained in the files of the Bayji Police Station, Bayji, IZ. The original of Exhibit 92 is maintained in the files of Task Force Odin, COB Speicher, Tikrit, IZ. There are two originals of Exhibits 117, 126, 127, 130, 132, 133, 135, 136 and 140; one was maintained in the files of USACIL, Fort Gilliam, GA and the other original was forwarded with the USACRC copy of this report. The original of Exhibit 142 is retained in the files of the 10th MP BN (CID) (ABN), Camp Victory, Baghdad, IZ

STATUS: This is a Final Report. On 18 Feb 09, under a General Court-Martial, SSG WARNER received a sentence to be reduced to E1; forfeit all pay and allowances; confined for 17 months; and to be discharged from the service with a bad-conduct discharge. On 27 Feb 09, under a General Court-Martial, 1LT BEHENNA received a sentence to forfeit all pay and allowances; confined for 25 years; and to be discharged from the service. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is not required.

CID Reports of Investigation may be subject to a Quality Assurance Review by CID higher headquarters.

Report Prepared By:
(b)(6) (b)(7)(C) (b)(3)

Report Approved By:
(b)(6) (b)(7)(C) (b)(3)

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AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 10 PAGES

DETAILS

About 1300, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) was notified by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) of a suspected shooting of an Iraqi detainee by a U.S. Soldier.

About 1315, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who provided the Serious Incident Report which documented 1LT BEHENNA was suspected of shooting and killing Mr. Ali MANSOUR, a detainee who was to be released. According to the incident report, the shooting took place on 16 May 08, at grid coordinate 38SLD 596 615, which was located in the Jazeera Desert west of Main Supply Route Tampa and south of Check Point 100. (b)(6) (b)(7)(C) (b)(3) indicated 1LT BEHENNA was on leave and was currently stateside.

Agent's Comment: For reporting purposes, Mr. Ali Mansour Muhammad Al Jabouri is referred to as Mr. MANSOUR throughout the report, as he was known as and identified by personnel as "Ali MANSOUR" or Mr. MANSOUR.

About 1535, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) received an in brief from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) provided preliminary information pertaining to the allegation 1LT BEHENNA killed Mr. MANSOUR, a detainee who was to be released.

(b) (7)(D)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)	DATE 22 Jun 08
	EXHIBIT

DETAILS

About 1600, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who provided the statements and other information developed as part of his initial (b)(6) (b)(7)(C) (b)(3) related sworn statements were taken from some of the individuals assigned to (b)(6) (b)(7)(C) (b)(3) and he verbally interviewed others. (b)(6) (b)(7)(C) (b)(3) advised he suspended his inquiry once it was determined a crime was possibly committed.

About 1715, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who provided the Trip Ticket (Convoy Manifest) for (b)(6) (b)(7)(C) (b)(3) for 16 May 08.

At 1726, 13 Jun 08 (b)(6) (b)(7)(C) (b)(3) collected, as evidence, from (b)(6) (b)(7)(C) (b)(3) one compact disc containing images of Mr. MANSOUR. (b)(6) (b)(7)(C) (b)(3) also provided a copy of the detainee information pertaining to Mr. MANSOUR.

At 1800, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) collected, as evidence, one M-9 pistol, serial number 1353496; one plastic bag; and three DA Form 2062, from (b)(6) (b)(7)(C) (b)(3)

About 1845, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) 1LT BEHENNA a Beretta 9mm, serial number 1353496, on 29 Apr 08. (b)(6) (b)(7)(C) (b)(3) related the weapon was reassigned to SSG WARNER on 5 Jun 08.

About 2017, 13 Jun 08 (b)(6) (b)(7)(C) (b)(3) advised SSG WARNER of his rights, which he invoked and requested to speak with a lawyer. SSG WARNER stated he was advised of his legal rights on 11 Jun 08, which he waived, but indicated he attempted to obtain legal counsel the following day.

About 2030, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing the events of 16 Apr 08. (b)(6) (b)(7)(C) (b)(3) believed 1LT BEHENNA killed the detainee when they stopped to inspect a culvert.

About 2316, 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) advised Mr (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) of his rights, which he waived and provided a sworn statement. Mr. (b)(6) (b)(7)(C) related he witnessed 1LT BEHENNA shoot and kill Mr. MANSOUR. The rights advisal and interview was conducted primarily in the English language with assistance in Arabic provided by Mr. (b)(6) (b)(7)(C) At the conclusion of the interview Mr. (b)(6) (b)(7)(C) provided a sketch depicting the scene of the shooting.

Agent's Comment: Mr (b)(6) (b)(7)(C) was also identified by his (b)(6) (b)(7)(C)

About 0915, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and inquired about weapons collected during missions. (b)(6) (b)(7)(C) (b)(3) stated all weapons are immediately handed over (b)(6) (b)(7)(C) (b)(3) but in some instances, the weapons would be stored in the

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)		DATE 22 Jun 08 / EXHIBIT 1

DETAILS

unit's arms room overnight, depending on the time the mission is completed. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) stated it was not typical for unit personnel to carry unassigned or illegal weapons while on mission.

About 0930, 14 Jun 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) met with MAJ (b)(6) (b)(7)(C) and 1LT (b)(6) (b)(7)(C) both from Bayji Felony Investigations Unit, Iraqi Police, Hay Al-Assry, Bayji, Salah Ad Din Province, Iraq. Arabic to English language translation was provided by Mr. (b)(6) (b)(7)(C) MAJ (b)(6) (b)(7)(C) related Mr. MANSOUR's body was found by local village boys. The MANSOUR family was conducting their own investigation. The MANSOUR family believed (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) a Concerned Local Citizen (CLC) leader, was responsible for the death of Mr. MANSOUR. There was an ongoing feud between (b)(6) (b)(7)(C) and the MANSOUR family. MAJ (b)(6) (b)(7)(C) brought Mr. (b)(6) (b)(7)(C) (Mr (b)(6) (b)(7)(C) of Mr. MANSOUR, so that he may be interviewed. MAJ (b)(6) (b)(7)(C) brought one 9mm shell casing and a melted grenade piece and gave them (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) MAJ (b)(6) (b)(7)(C) also provided several Arabic language statements from Albu Toma villagers and photographs of the damage to Mr. (b)(6) (b)(7)(C) (Mr. (b)(6) (b)(7)(C) house. Mr. (b)(6) (b)(7)(C) subsequently translated all Arabic language documents into the English language.

About 0950, 14 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) recalled making a (b)(6) (b)(7)(C) (b)(3) on the night of 16 May 08, but did not see any bright flashes or hear any gunshots. (b)(6) (b)(7)(C) (b)(3) did not recall a detainee being present during the (b)(6) (b)(7)(C) (b)(3)

About 1016, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related he (b)(6) (b)(7)(C) (b)(3) concerning the events surrounding Mr. MANSOUR's death. (b)(6) (b)(7)(C) (b)(3) related he only conducted interviews and did not collect any physical evidence regarding this matter.

At 1134, 14 Jun 08, (b)(6) (b)(7)(C) (b)(3) collected one 9mm shell casing and melted grenade piece from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) as evidence.

About 1240, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C) who provided an Arabic language sworn statement. Arabic to English language translation was provided by Mr. (b)(6) (b)(7)(C) Mr (b)(6) (b)(7)(C) related he was at his house, in Albu Toma, on 5 May 08, when Coalition Forces raided both (b)(6) (b)(7)(C) Mr (b)(6) (b)(7)(C) and Mr. MANSOUR. Mr. (b)(6) (b)(7)(C) drew a map, labeled in Arabic, which depicted where the houses were in relation to where the Coalition Forces were located.

About 1335, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related 1LT BEHENNA

DETAILS

dismounted during the tactical pause on 16 May 08, but he did not see anyone else with him. (b)(6) (b)(7)(C) (b)(3) stated after the mission was complete he later heard comments made by unit personnel that 1LT BEHENNA killed Mr. MANSOUR.

About 1345, 14 Jun 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) to determine if any Glock 9mm handguns were turned in as the result of missions conducted on or after 16 May 08. (b)(6) (b)(7)(C) (b)(3) stated no Glocks were turned in since then and no one had access to any of the weapons maintained by (b)(6) (b)(7)(C) (b)(3)

About 1640, 14 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related SSG WARNER admitted 1LT BEHENNA killed Mr. MANSOUR and a grenade was used to cover up the incident. (b)(6) (b)(7)(C) (b)(3) stated he was in possession of a Glock 9mm handgun which 1LT BEHENNA would carry on missions.

About 2015, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who identified the Mine Resistant Ambush Protected (MRAP) M51, which was located at (b)(6) (b)(7)(C) (b)(3) A search of the vehicle met with negative results. M51 was identified by (b)(6) (b)(7)(C) (b)(3) as SSG WARNER's vehicle, in which SSG WARNER allegedly stored Mr. MANSOUR's clothing before discarding them south of Check Point 100.

At 2226, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3) collected, as evidence, four Glock 9mm handguns and a magazine, from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) The handguns were identified as serial number GWY 473; GWY 469; GWY 209; GWY 379; and one magazine. (b)(6) (b)(7)(C) (b)(3) identified the Glock 9mm, serial number GWY 473, as the handgun 1LT BEHENNA maintained prior to going on leave.

About 0855, 15 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related he only saw one detainee released at the first stop on 16 May 08. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) did not hear any gunshots at the last stop, but (b)(6) (b)(7)(C) (b)(3) indicated he saw what he believed to be an incendiary grenade burning behind them. (b)(6) (b)(7)(C) (b)(3) believed 1LT BEHENNA was responsible for the death of Mr. MANSOUR.

About 1110, 15 Jun 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed Mr (b)(6) (b)(7)(C) of Mr. MANSOUR, who provided an Arabic language statement. Arabic to English translation was provided by Mr. (b)(6) (b)(7)(C) Mr (b)(6) (b)(7)(C) related how his house was raided on 5 May 08, by Coalition Forces and he identified where (b)(6) (b)(7)(C) Mr (b)(6) (b)(7)(C) related he was taken to Mr. MANSOUR's front porch, where he could hear him screaming inside the house. Mr. (b)(6) (b)(7)(C) related he observed Coalition Forces enter Mr. MANSOUR's house. Mr (b)(6) (b)(7)(C) related he did not hear any questioning or any dialogue going on inside of Mr. MANSOUR's house, but he heard screaming. Mr. (b)(6) (b)(7)(C) subsequently translated Mr (b)(6) (b)(7)(C) Arabic language statement into the English language.

DETAILS

About 1110, 15 Jun 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C) (Mr. (b)(6) (b)(7)(C), who provided an Arabic language statement. Arabic to English translation was provided by Mr. (b)(6) (b)(7)(C). Mr. (b)(6) (b)(7)(C) related how he observed Coalition Forces arrest Mr. MANSOUR and then drive off in the direction of a hilly area with numerous trees. Mr. (b)(6) (b)(7)(C) related he observed Coalition Forces in that area for awhile. Mr. (b)(6) (b)(7)(C) also related he heard several small arms gun fire coming from the location where the Coalition Forces took Mr. MANSOUR. Mr. (b)(6) (b)(7)(C) then observed the Coalition Forces leave the area and continue in the direction of FOB Summerall. Mr. (b)(6) (b)(7)(C) subsequently translated Mr. (b)(6) (b)(7)(C) Arabic language statement into the English language.

About 1200, 15 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related SSG WARNER indicated to him 1LT BEHENNA killed Mr. MANSOUR (b)(6) (b)(7)(C) (b)(3) stated when the patrol stopped in the desert on 16 May 08, the detainee was removed from the vehicle. When the patrol resumed movement the detainee was not in the vehicle (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) believed 1LT BEHENNA was responsible for the death of Mr. MANSOUR.

About 1530, 15 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related on 16 May 08, while stopped along the railroad tracks, he observed four personnel leave the convoy on foot. (b)(6) (b)(7)(C) (b)(3) stated one of the four personnel was 1LT BEHENNA. (b)(6) (b)(7)(C) (b)(3) related after about five to ten minutes, only three people returned (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related he observed the direction in which the four personnel walked, and could observe a bright orange glow from that area utilizing his NVG's. It was then, tha (b)(6) (b)(7)(C) (b)(3) thought the detainee was killed. (b)(6) (b)(7)(C) (b)(3) related SSG WARNER told him he did not go into the underpass with 1LT BEHENNA and the detainee, but that he did hear two gunshots (b)(6) (b)(7)(C) (b)(3) further related SSG WARNER told him he was then instructed by 1LT BEHENNA, at gunpoint, to throw a grenade into the direction of the underpass.

About 1910, 15 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related the detainees were loaded (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related the detainee, later identified as Mr. MANSOUR, appeared to be praying the entire time he (b)(6) (b)(7)(C) (b)(3) stated stops were made in Al Butoma, and upon leaving to return to FOB Summerall, Mr. MANSOUR was still inside of the vehicle. (b)(6) (b)(7)(C) (b)(3) related a change was made to the route back, and the convoy went into the desert. (b)(6) (b)(7)(C) (b)(3) stated a stop was made, at which time, 1LT BEHENNA came back and requested Mr. MANSOUR be unloaded (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) 1LT BEHENNA; however, 1LT BEHENNA (b)(6) (b)(7)(C) (b)(3) 1LT BEHENNA, SSG WARNER, and (b)(6) (b)(7)(C) escort Mr. MANSOUR to the culvert under the rail road tracks and enter. (b)(6) (b)(7)(C) (b)(3) stated approximately thirty minutes later, SSG WARNER entered the truck and the convoy moved t (b)(6) (b)(7)(C) (b)(3)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)	
	DATE: 22 Jun 08
	EXHIBIT

DETAILS

About 0900, 16 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3), who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related how he heard 1LT BEHENNA murdered Mr. MANSOUR.

About 1215, 16 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement (b)(6) (b)(7)(C) (b)(3) related how he heard 1LT BEHENNA murdered Mr. MANSOUR.

About 1500, 16 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) stated how he heard 1LT BEHENNA murdered Mr. MANSOUR.

At 1615, 16 Jun 08, (b)(6) (b)(7)(C) (b)(3) collected, as evidence, one projectile and a shell casing, from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1700, 16 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) described his relationship to 1LT BEHENNA, and how he conducted a (b)(6) (b)(7)(C) (b)(3) During the conduct of the inquiry, (b)(6) (b)(7)(C) (b)(3) visited the scene where Mr. MANSOUR's dead body was found, which was located at grid LD 59625 61025. (b)(6) (b)(7)(C) (b)(3) related he collected one projectile and one shell casing from the scene. (b)(6) (b)(7)(C) (b)(3) also provided the sworn statements collected from unit personnel on 7 Jun 08.

About 1720, 16 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) described how he heard 1LT BEHENNA murdered Mr. MANSOUR. (b)(6) (b)(7)(C) (b)(3) further stated all of the statements provided to (b)(6) (b)(7)(C) (b)(3) Soldiers on 7 Jun 08, were fabricated. (b)(6) (b)(7)(C) (b)(3) further explained how personnel were told what to say in their statements by SSG WARNER.

About 0855, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related he was (b)(6) (b)(7)(C) (b)(3) the convoy to return two detainees on 16 May 08. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) stated he had no knowledge of who the detainees were, which truck they were transported in, or where they were dropped off.

About 1035, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who related his office did not have any mission debriefs pertaining to 5th PLT's missions on 5 and 16 May 08. (b)(6) (b)(7)(C) (b)(3) related sometimes the mission debriefings were not completed (b)(6) (b)(7)(C) (b)(3) were completed with the (b)(6) (b)(7)(C) (b)(3) related although the mission debriefs were required to be completed after a mission outside the wire, they were sometimes not completed.

DETAILS

About 1040, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) obtained trip ticket information and mission tracker forms pertaining to 5th PLT's 5 and 16 May 08, missions. A review of the mission tracker forms revealed mission #11 on 5 May 08, had a start point (SP) time of 1315 and there was no return time. Mission #8 on 16 May 08, had a SP time of 1715 and a return time of 2004.

About 1110, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related he was on the convoy on 16 May 08, to return two detainees. (b)(6) (b)(7)(C) (b)(3) related he was not aware of which vehicle the detainees rode in, and did not see where the detainees were released. (b)(6) (b)(7)(C) (b)(3) related when he wrote his statement for the unit on 7 Jun 08, he was informed of what to put in his statement by SSG WARNER.

About 1130, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) obtained a copy of the Blue Force Tracker information for 16 May 08, from (b)(6) (b)(7)(C) (b)(3). A subsequent review of the database determined this information pertained to 21 through 22 May 08.

About 1140, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who related he did not have any mission debriefs pertaining to 5th Platoon's 5 and 16 May 08 missions (b)(6) (b)(7)(C) (b)(3) related (b)(6) (b)(7)(C) (b)(3) was not maintaining any mission debriefings since 5 Mar 08. (b)(6) (b)(7)(C) (b)(3) related the debriefings should have been maintained at the BN S-2.

About 1410, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related he was in the convoy to drop off detainees on 16 May 08. (b)(6) (b)(7)(C) (b)(3) related he was not aware of which vehicle the detainees rode in, and did not see where the detainees were released. (b)(6) (b)(7)(C) (b)(3) related when he wrote his statement for the unit on 7 Jun 08, he was informed of what to put in the statement by SSG WARNER.

About 1930, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who assisted in experimenting with an AN-M14 TH3 Incendiary Grenade, in relation to how it burns and the type of damage it caused. A grenade was placed on a wooden box and employed. The grenade ignited and flamed within seconds. The grenade emitted an extremely bright light and ignited the wooden box into flames. Next, a grenade was ignited on the ground behind a sandy berm. This was done to see the amount of light and glowing that could be seen from a distance at approximately 100 meters. The glow and light could be seen above the berm. The glow and light was consistent with witness statements. The berm test grenade was placed on an ammo can to see the effects of a grenade burning directly on metal. The grenade burned a hole directly through the ammo can and melted remnants of the grenade could be seen coming through the bottom of the ammo can. Next, a grenade was placed on the ground and employed to test how one burns by itself. The grenade burned to a puddle of molten metal. Next, a grenade was placed on a sandbag in attempts to see if the grenade would roll off once employed. The grenade immediately rolled from the sandbag, igniting the sandbag,

DETAILS

and burning to a puddle of molten metal. Each grenade burned to a puddle of molten metal and then hardened. No part of the grenade was left. This contradicts a part of the grenade that was found at the scene and brought to this agent, and previously collected as evidence. (b)(6) (b)(7)(C) (b)(3) captured video, and (b)(6) (b)(7)(C) (b)(3) captured digital images, of the aforementioned tests.

At 2010, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) collected samples of the hardened metallic grenade remnants, as evidence, to use as control samples of a known incendiary grenade.

At 1255, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) llected, as evidence, six 9mm rounds from (b)(6) (b)(7)(C) (b)(3)

About 1415, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who related he was (b)(6) (b)(7)(C) (b)(3) all of 1LT BEHENNA's personal effects and items in his containerized housing unit (CHU). During the inventory (b)(6) (b)(7)(C) (b)(3) oted two knives (b)(6) (b)(7)(C) (b)(3) elated inventoried items were documented on a DD form 1750, and the property was placed into four tough boxes, (b)(6) (b)(7)(C) (b)(3) related the property was still maintained in 1LT BEHENNA's CHU#162, Pad 2-C, FOB Summerall.

About 1420, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) escribed how she was informed of Mr. MANSOUR's death and described the information provided to her by Iraqi personnel.

About 1500, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who granted authorization for searches of the living areas of 1LT BEHENNA and SSG WARNER. The scopes of the searches were for knives, as it was determined from a witness statement Mr. MANSOUR's clothing was cut from his body. Photographs of Mr. MANSOUR's remains also depicted markings on his leg, which may have been cuts inflicted by a sharp instrument.

About 1948, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) subsequent to a magistrate's authorization, presented SSG WARNER with a copy of the Search and Seizure Authorization for the search of his person and CHU. Upon reading the form, SSG WARNER reached into his right pants pocket and handed a folding knife to (b)(6) (b)(7)(C) (b)(3)

About 1949, 18 Jun 08, (b)(6) (b)(7)(C) (b)(3) collected one CRKT folding knife, as evidence, from SSG WARNER.

About 2000, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated wit (b)(6) (b)(7)(C) (b)(3) nd conducted an additional experiment with an AN-M14 TH3 Incendiary Grenade. The grenade was placed on a cement tile similar to the floor of the crime scene. The grenade was ignited and the remains were photographed as they cooled. Subsequent to cooling, the remains were chipped away and revealed a pattern similar to that at the crime scene. The entire

DETAILS

grenade was reduced to melted slab, but was consistent with the pattern of the object recovered at the crime scene.

About 2008, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) searched SSG WARNER's living area located at (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) discovered one KA-BAR brand knife in a plastic sheath located in a foot locker, which was collected as evidence. (b)(6) (b)(7)(C) (b)(3) SSG WARNER, and (b)(6) (b)(7)(C) (b)(3) were present during the search.

About 2026, 18 Jun 0 (b)(6) (b)(7)(C) (b)(3) subsequent to a magistrate's authorization, searched 1LT BEHENNA's living area located at CHU# 162, Pad 2-C, FOB Summerall. SA CARSTEN discovered one Gerber tool equipped with knife in a carrying case, and one folding knife in a tough box in the CHU, which were collected as evidence. The search was terminated at 2039, 18 Jun 08. (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) were present during the search. (b)(6) (b)(7)(C) (b)(3) provided copies of the DD Form 1750's, which documented inventoried items in 1LT BEHENNA's CHU. The forms also documented what items were released to D CO, and also the items identified as not belonging to 1LT BEHENNA.

About 1530, 20 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a copy of Mr. MANSOUR's detainee packet. After reviewing the packet (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) noted this was the same packet this office received from the (b)(6) (b)(7)(C) (b)(3) however, a 1LT 1/327th Detainee Placard was included in the packet.

About 1555, 20 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated (b)(6) (b)(7)(C) (b)(3) Mr. MANSOUR four times. (b)(6) (b)(7)(C) (b)(3) related he was not able to extract any further intelligence from Mr. MANSOUR, and suggested he be forwarded to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

Agent's Comment: (b)(6) (b)(7)(C) (b)(3) ascertained from (b)(6) (b)(7)(C) (b)(3) here was only one (b)(6) (b)(7)(C) (b)(3) on Mr. MANSOUR, which was collected prior to him being detained.

About 1635, 20 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who recalled (b)(6) (b)(7)(C) (b)(3) Mr. MANSOUR. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) specifically recalled his beard. (b)(6) (b)(7)(C) (b)(3) related Mr. MANSOUR did not complain about any pain, nor did he indicate he needed any medical attention. Further (b)(6) (b)(7)(C) (b)(3) related Mr. MANSOUR was not sent to the Casualty Support Hospital (CSH) for the contusion on his back. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related he could not remember which interpreter he used during the in-processing of Mr. MANSOUR.

DETAILS

About 1300, 21 Jun 08, (b)(6) (b)(7)(C) (b)(3) received a copy of a statement provided by (b)(6) (b)(7)(C) (b)(3) on 21 Jun 08. In (b)(6) (b)(7)(C) (b)(3) statement, he described his contact with 1LT BEHENNA who approached him (b)(6) (b)(7)(C) (b)(3) during the early morning of 21 Jun 08. (b)(6) (b)(7)(C) (b)(3) related he also observed 1LT BEHENNA talking with SSG WARNER, but he did not overhear the conversation.

About 1315, 21 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement (b)(6) (b)(7)(C) (b)(3) stated he only saw SSG WARNER leave (b)(6) (b)(7)(C) (b)(3) on 16 May 08. (b)(6) (b)(7)(C) (b)(3) related he did not hear gunshots, nor did he see a bright flash while (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) could not provide any information pertaining to Mr. MANSOUR.

About 1940, 21 Jun 08, (b)(6) (b)(7)(C) (b)(3) advised 1LT BEHENNA of his legal rights, which he invoked and requested legal counsel.

About 1345, 22 Jun 08 (b)(6) (b)(7)(C) (b)(3) reviewed the results of the name checks conducted within the Defense Clearance and Investigation Index (DCII) and the National Crime Information Center (NCIC). The name check results did not disclose any criminal history pertaining to 1LT BEHENNA or SSG WARNER.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	
(b)(6) (b)(7)(C) (b)(3)	DATE 22 Jun 08
	EXHIBIT

Exhibit(s) 2 thru 4

Page(s) 000040 thru 000044 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

Exhibit 5

Page(s) 000045 withheld:

Foreign Language Document

English translation at

Exhibit 6

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

10 Aug 08

File No.: 0066-08-CID469-51978

TRANSLATION

Report

To: (b)(6) (b)(7)(C)

On May-5-2008, American Forces moved from Mr. (b)(6) (b)(7)(C) towards the house of the victim Ali Mansur Mohamed (policeman) located in Albu Toma at 1430. He was arrested by the force after destroying the house furniture and beating him up in front of his family. He was transferred to Sinia base knowing that he was an IP at Alrayash IP station. After following the case we found that he was transferred to Tikrit base (Speicher). Three days later he was released and transferred back to Sinia base. We have received information from Beji police department on May-21-2008 that they have found the body that was transferred to the morgue at Tikrit hospital on Saturday Morning May-17-2008.
After identifying the body by his family the police stated that they found his body naked and he was hit by nine millimeter bullet in the head, and they also found a bullet casing and burns in his face due to detonation of burning bomb under his neck in the area of Hyundai, 700 Meter South of Sinia bridge under railroad overpass.
Please review and follow the case in order to know further details about this issue.
Attached a copy of Baji IP station

Attachments:
1- Police report.
2- Copy of Beji Investigation Judge dated May-27-2008

Presented by
(b)(6) (b)(7)(C) of the victim- (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) ated by the undersigned and is to the best of my knowledge.

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 000046

Exhibit 7

Page(s) 000047 withheld:

Foreign Language Document

English translation

at Exhibit 8

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

10 Aug 08

File No.: 0066-08-CID469-51978

TRANSLATION

Office of Criminal Investigation of Beji
Date: May-29-2008
To Beji Investigation Judge

Due to your decision on May-27-2008

1- The death certificate of the victim Ali Mansur Mohammed numbered 13276 dated May-27-2008 which was issued by the morgue in Salah Aldin. Please review.
2- The autopsy report for the victim numbered n/a dated May-27-2008 which was issued by the morgue of Tikrit, please review and issue the proper decision.

Signed by:
MAJ (b)(6) (b)(7)(C)
Investigation officer

Investigation officer comment:

1- I reviewed the death certificate of the victim Ali Mansur Mohammed and attached it to the case.
2- I reviewed the autopsy report of the victim and attached it to the case.
3- Since (b)(6) (b)(7)(C) of the victim might ask the Coalition Forces about the arrest and release place, please inform us about that.

Signed by the judge
Judge (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) ted by the undersigned and is to the best of my knowledge.

Translator

EXHIBIT 000048

MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 0049

Exhibit(s) 9 thru 12

Page(s) 000050 thru 000059 referred to:

U.S. Army Medical Command
ATTN: Privacy Act & Freedom of Information Act
Office 2748 Worth Road
Suite 21
JBSA Fort Sam Houston, TX 78234-0021

Exhibit 13

Page(s) 000060 thru 000061 withheld:

Foreign Language Document

English translation

at Exhibit 14

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

10 Aug 08

File No.: 0066-08-CID469-51978

TRANSLATION

To Baji Investigation Judge
Subject: Request

Please communicate with the American Forces through Beji JCC office for the purpose of knowing all the circumstances of the incident which led to the killing of (b)(6) (b)(7)(C) Ali Mansur Mohamed who was detained or arrested by the American Forces on May-5-2008. On May-17-2008 he was found murdered, hoping that you will investigate and inform us about the circumstances of the incident.

Plaintiff: (b)(6) (b)(7)(C)
Date: May-27-2008
ID Number: (b)(6) (b)(7)(C)
Folder Number: 1198M
Page: 33594
Stamped by: Judge (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) ated by the undersigned and is to the best of my knowledge.

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 000062

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

10 Aug 08

File No.: 0066-08-CID469-51978

TRANSLATION

Criminal investigation office of Beji
Date: 27-5-2008

According to the testimony of the victim's [redacted] who was born [redacted] and his [redacted] in [redacted] stated the following:
On May-5-2008 around 1430 the American forces entered my house and [redacted] house the victim Ali Mansur Mohamed, his house is close to my house and they arrested him. On May-21-2008 his body was found at the morgue in Tikrit and we don't know who did it, therefore I request that you investigate the case in order to discover who the assailants are and arrest them. I would like to ask for compensation for the death [redacted] That is my statement.
Signed by [redacted]

Investigation court of Beji
Dated: May-27-2008

According to the victim's [redacted] who was born in [redacted] stated the following:
On May-5-2008 around 1430 the American forces entered my house and [redacted] house the victim Ali Mansur Mohamed, his house is close to my house. They arrested him and on May-21-2008 his body was found at the Morgue in Tikrit and we don't know the assailant. Therefore I request that you investigate the case in order to discover who the assailants are and arrest them. That is my statement.

Stamped by: Judge [redacted]
Witness statement: [redacted]

[redacted] by the undersigned and is to the best of my knowledge.

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 000063

Exhibit(s) 15 thru 24

Page(s) 000064 thru 000089 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

Exhibit 25
Page(s) 000090 withheld:

Third Party Information/ Not reasonably segreable
Exemption (s) (b)(6), (6)(7)(C)
5 U.S.C. Section 552

SWORN STATEMENT

LOCATION: COB Summerall, Bay (b)(6) (b)(7)(C) (b)(3)

FILE NUMBER: 066-08-CID469

DATE (b)(6) (b)(7)(C) (b)(3)

NAME (b)(6) (b)(7)(C) (b)(3) **RADE/STATU**

ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

want to make the following statement under oath:

I am the (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) the Beretta 9mm pistol to 1LT Behenna on 29 Apr 08, although (b)(6) (b)(7)(C) (b)(3) the weapon, I inadvertently used the number on the wrong side of the pistol. I used the number 65490 instead of 1353496 which is the weapons serial number. 1LT Behenna turned in his weapon to someone in his platoon when he went on leave. I did not see the weapon, and I do not know when 1LT Behenna went on leave. I then had (b)(6) (b)(7)(C) (b)(3) weapon to SSG Warner on 5 Jun 08.

Q. (b)(6) (b)(7)(C) (b)(3)

A.

Q. Did you accompany a patrol on 16 May 08 to drop off any detainees?

A. (b)(6) (b)(7)(C) (b)(3)

Q. Has anyone told you whether the weapon has been fired recently?

A. I do not know, no one tells me anything like that.

Q. Is there anything you wish to add to this statement at this time?

A. No.// (b)(6) (b)(7)(C) (b)(3) ////////////////End of Statement//

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMEN

DA Form 2823-E

EXHIBIT 26

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 13 Jun 08,
CONTINUED:

NOT USED

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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 fr(b)(6) (b)(7)(C) (b)(3) without threat of punishment, and without coercion, unl

Witness #1:

_____
_____
_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 13th day of Jun 2008.

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____
_____
_____

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

DA Form 2823-E

EXHIBIT 26

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
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 Num(b)(6) (b)(7)(C) (b)(3)

1. LOCATION	2. DATE	3. TIME	4. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	un 08	2017	0066-08-CID469

5. Name *(Last First MI)*	6. SSN	7. GRADE/STATUS	8. ORGANIZATION OR ADDRESS
WARNER, Hal M.	(b)(6) (b)(7)(C) (b)(3)	E-6/SSG	D Company, 1-327th Infantry Regiment FOB Summerall, Bayji, IZ, APO AE 09393

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator(b)(6) (b)(7)(C) (b)(3) below told me that he/she is with the United States Army Criminal Investigation Command and wanted to questi(b)(6) (b)(7)(C) (b)(3) offense(s) of which I am suspected/accused: Conspiracy, Accessory, Murder, False Official Statement

(b)(6) (b)(7)(C) (b)(3)
re he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:
do not have to answer any questions or say anything.
nything I say or do can be used as evidence against me in a criminal trial.
For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer nt with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and (b)(6) (b)(7)(C) (b)(3)e, a lawyer will be appointed for me before any questioning begins.

m now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at e, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)* (b)(6) (b)(7)(C) (b)(3)

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A. Yes

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	(b)(6) (b)(7)(C) (b)(3)
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6) (b)(7)(C) (b)(3)

SECTION C. Non-waiver

1. I do no want to giv(b)(6) (b)(7)(C) (b)(3)

☐ I do not want to be questioned or say anything

(b)(6) (b)(7)(C) (b)(3)

fficial Use Only
NT (DA FORM 2823) SUBSEQUENTLY EXEC[illegible] THE SUSPECT/ACCUSED
Enforcement
Sensitive

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

EXHIBIT

000083

EXHIBIT 27

0066-08-CID469-51978

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?"
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all case the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed.
Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a Lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

(b)(6) (b)(7)(C) (b)(3) [redacted] S *(Continued)*

[redacted] the 11th I was advised of my rights and waived them. On The following day I sought legal counsel. I was told to wait until Questioning and then Ask (b)(6) (b)(7)(C) (b)(3) [redacted]

REVERSE OF DA FORM 3881

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 27

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393

FILE NUMBER: 0066-08-CID469

DATE: 13 Jun 2030 to 22[redacted]

NAME [redacted] **SSN** [redacted] **GRADE/STATUS** [redacted]

ORGANIZATION OR ADDRESS [redacted]

[redacted] want to make the following statement under oath:

I have been in 5th plt D co, 1-327 INF REG, since February 9th. My primary position in the platoon [redacted] the mission on May 16th seemed like a normal mission. The med evac status that day was red, but we went out anyways. At the mission brief we were told that we had two detainees to return to the clc, one of them being a man that had been detained by my platoon May 5th. I was not there when he was detained, as I was at [redacted] Around 1600 or 1700 we SPed out gate three. I believe the order of march was [redacted] followed by LT Behenna, then SSG Warner, and [redacted] After SPing gate three our convoy took Hershey south to the Hershey/Tampa intersection. We pulled security and I saw one detainee being given to the clc at that intersection. I did not see who dismounted with the detainee to turn him over to the clc. We were stopped at the intersection for approximately 5-10 minutes. After the detainee was released to the clc we continued our mission south on Tampa to Albu Toma. At Albu Toma we conducted SOI on market street for approximately 30 minutes, making our way to [redacted] house. Once at [redacted] I stayed with the trucks and helped [redacted] I do not recall who all dismounted to [redacted] house and who stayed with the trucks. I do not know how long we were at [redacted] house. When Lt Behenna said we were ready to go we left [redacted] and headed towards Tampa. Lt Behenna radioed that he wanted to show SSG Warner the desert route back to the FOB, and that he wanted us to change the order of march, [redacted] We changed the order of march as requested when we got to Tampa, and started headed to the alternate route back to the FOB, [redacted] I do not know the order of which Lt Behenna's and SSG Warner's trucks were in. Once we were on the desert route SSG Warner called up and said that he needed to take [redacted] which is what we say when we need to stop to use the bathroom. Lt Behenna radioed back and told him not yet, so we continued through the desert. A little later, I do not know how long, Lt Behenna called up saying that he wanted to investigate a culvert, so we halted movement and turned off our headlights, as it had become dark be this time [redacted] maybe two minutes, and returned to the truck. I asked him what was up and he said he didn't know. At some point [redacted] radioed asking why we had stopped, and I believe Lt Behenna's [redacted] that they were checking out a culvert. I believe that we were stopped for about 15-20 minutes. Lt Behenna came on the net and said we could RTB, so we continued on the desert route which brought us to Hershey south. Once on Hershey south we headed back to the FOB and entered through gate three.

Q. [redacted]

A. [redacted]

Q. Did you type the above narrative?

A. Yes [redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

EXHIBIT 28

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 13 Jun 08,

(b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. What do you mean when you said the medevac status was red?

A. It means that we did not have any medevac air evacuation support, we sometimes go on mission when it is like that, but not normally.

Q. You said you were returning detainees to the CLC, what is the CLC?

A. Concerned Local Citizens, they are also known as the Sons of Iraq. They always have people at that intersection.

Q. What is SOI?

A. That is when we go to a local village and do a "meet and greet" sort of thing. Trying to win the hearts and minds.

Q. What position is your truck usually in a convoy?

A. (b)(6) (b)(7)(C) (b)(3)

Q. Was it odd that LT BEHENNA changed the order of the convoy while you were driving through the desert?

A. Yes.

Q. When your convoy stopped in the desert, did you hear or see anything unusual?

A. No.

Q. When did you find out that a detainee was killed?

A. I found out that a body of a detainee was found about a week after the 16 May 08 mission.

Q. What did you hear happened to the detainee?

A. SSG WARNER told me that when we stopped in the desert on the 16 May 08 mission, LT BEHENNA told SSG WARNER to get an incendiary grenade. SSG WARNER followed LT BEHENNA, a detainee, and the interpreter (b)(6) (b)(7)(C) SSG WARNER heard gun shots and saw LT BEHENNA with his pistol drawn. LT BEHENNA then told SSG WARNER to "throw it". SSG WARNER told me he felt threatened when he saw LT BEHENNA pointing his pistol in SSG WARNER's direction. SSG WARNER activated and threw the grenade in the direction of the dead detainee.

Q. Did SSG WARNER see LT BEHENNA shot the detainee?

A. I don't believe so.

Q. Did SSG WARNER say why LT BEHENNA told him to throw the grenade?

A. No.

Q. Did you know who the detainee was?

A. No. But later heard that he was involved with the 21 Apr 08 IDE attack on my truck which killed two Soldiers, one CLC, and one interpreter. And wounded several others.

Q. Who did you hear this from?

(b) (7)(D)

Q. Do you believe LT BEHENNA murdered that detainee?

A. Yes.

Q. Why would LT BEHENNA murder that detainee?

A. I believe it was to honor the two fallen Soldiers. I believe he thought it was his duty because he

(b) (7)(D)

(b)(6) (b)(7)(C) (b)(3) [redacted]

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) [redacted] AKEN AT FOB Summerall, Bayji, IZ, DATED 13 Jun 08, CONTINUED:

Q. Other than SSG WARNER, have you heard anything, from anyone, who may have had first hand knowledge of how the detainee was killed?

A. No.

Q. On the 21 Apr 08 mission, where your truck was attacked by an IED, where was your unit going?

(b) (7)(D) [redacted]

Q. Is Sallam Village in your unit's area of operation?

A. No.

Q. Why then was your unit going there?

A. [redacted]

Q. [redacted]

A. [redacted]

Q. [redacted]

A. Yes. I think we had permission from our (b)(6) (b)(7)(C) (b)(3) [redacted] to be in that area.

Q. Is there anything you wish to add to this statement at this time?

A. No. //End of Statement//

(b)(6) (b)(7)(C) (b)(3) [redacted]

(b)(6) (b)(7)(C) (b)(3) [redacted]

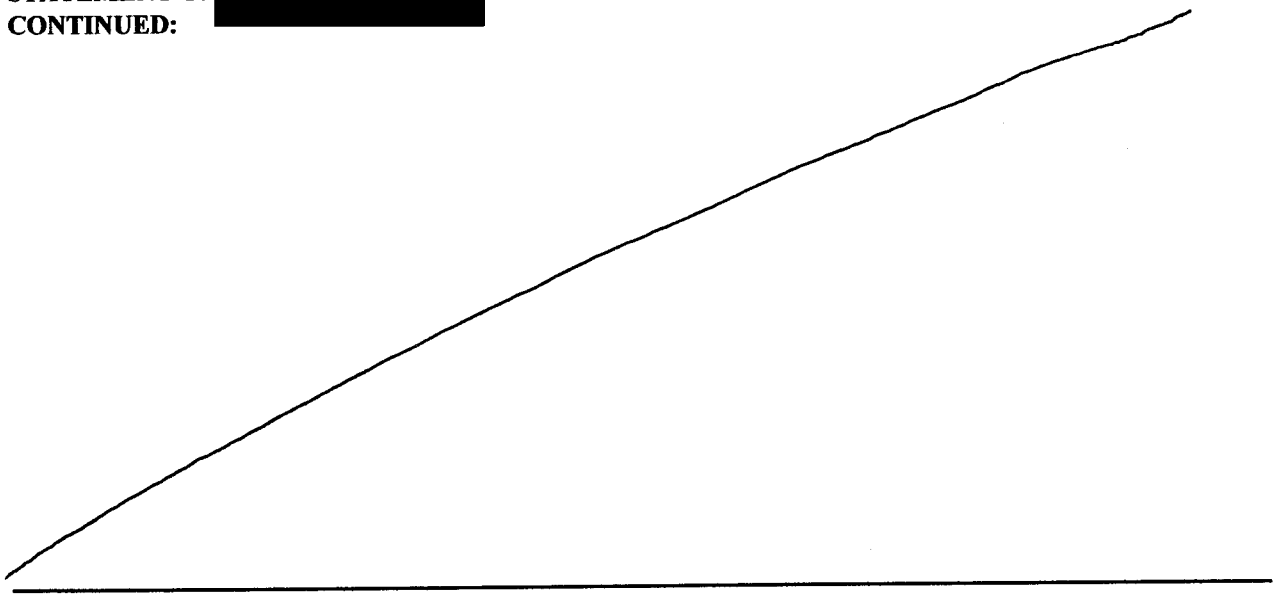
INITIALS OF PERSON MAKING STATEMENT [redacted]

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 28

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 13 Jun 08,
CONTINUED:



AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 4. 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, (b)(6) (b)(7)(C) (b)(3) without threat of punishment, and without coercion, unlawful influence or unlawful inducemer

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

Subscribed and sworn before me, a person authorized by law to administer oaths, this 13th day of Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMEN (b)(6) (b)(7)(C) (b)(3)

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	2a. TIME	2b. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	13 Jun 08	23:16	(b)(6) (b)(7)(C) 0066-08-CID469

3. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
(b)(6) (b)(7)(C)	Global Linguistics, D Company, 1-327th Infantry Regiment
6. SSN: (b)(6) (b)(7)(C) / 7. GRADE/STATUS: CIV	FOB Summerall, Bayji, IZ, APO AE 09393

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (b)(6) (b)(7)(C) and wanted to question me about the following offense(s) of which I am suspe(b)(6) (b)(7)(C) Conspiracy, Accessory, Murder, False Official Statement /// (b)(6) (b)(7)(C).
Befor[redacted]me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A.

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me. (b)(6) (b)(7)(C)

WITNESSES *(if available)*	
1a. NAME *(Type or Print)*: (b)(6) (b)(7)(C)	3. (b)(6) (b)(7)(C)
b. ORGANIZATION OR ADDRESS AND PHONE: MND-N G3 LINQUIST FOB SPEICHER ARABIC TRANSLATOR	(b)(6) (b)(7)(C) (b)(3)
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR: (b)(6) (b)(7)(C) (b)(3)

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☐ I want a lawyer
   ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

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Law Enforcement
Sensitive

EXHIBIT 0000099
EXHIBIT 29

0066-08-CID469-51978

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?" (b)(6) (b)(7)(C)
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" (b)(6) (b)(7)(C)
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under (b)(6) (b)(7)(C) investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all case the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed.
Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a Lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

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Law Enforcement
Sensitive

EXHIBIT 29

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 066-08-CID469
DATE: 13 Jun 08 **TIME:** 2300 14 June 08 01 04 (b)(6) (b)(7)(C)
NAME: (b)(6) (b)(7)(C) **SSN:** (b)(6) (b)(7)(C) **GRADE/STATUS** CIV/IRAQI
ORGANIZATION OR ADDRESS: Global Linguistics (D Company, 1-327th Infantry Regiment, FOB Summerall, APO AE 09393)

(b)(6) (b)(7)(C) I, (b)(6) (b)(7)(C) want to make the following statement under oath: I provided two statements to Army investigators on 12 and 13 Jun 08. I lied on the 12 Jun 08 statement. I lied because I was afraid of what LT BEHENNA did when he murdered Ali MANSOUR. I am very sorry for lying in the first statement, but on the second statement I told the truth.

Q: (b)(6) (b)(7)(C) (b)(3)
A: (b)(6) (b)(7)(C)
Q: Did you see LT BEHENNA murder Ali MANSOUR?
A: Yes.
Q: When did LT BEHENNA murder Ali MANSOUR?
A: I don't know the exact date but it was after we met at (b)(6) (b)(7)(C) house in Albu Toma village, and it was the same day that we were supposed to take Ali MANSOUR back to his village.
Q: How did LT BEHENNA murder Ali MANSOUR?
A: He shot him in the head while he had Ali MANSOUR sitting on a rock. I don't know how many times he hit Ali MANSOUR, but he shot twice.
Q: What weapon did LT BEHENNA use?
A: He used his pistol. It is a Glock.
Q: How do you know he used a Glock?
A: I have seen his Glock. I also used to carry a Glock when I was IP. LT BEHENNA has two pistols, a Baretta and a Glock. On that day, he had his Glock. I know the Glock and the Beretta uses the same ammunition. We had talked about where he got the Glock. He told me someone gave him the Glock. He did not say who.
Q: Are you 100% sure it was a Glock that LT BEHENNA used, and not a Beretta?
A: Yes.
Q: Describe what LT BEHENNA did before and after he murdered Ali MANSOUR?
A: We were on a mission to take back two detainees to their villages. The convoy dropped off the first detainee in Mazara. Then we went to (b)(6) (b)(7)(C) house. Then we went driving in the convoy again. I thought it was odd that we did not leave Ali MANSOUR with (b)(6) (b)(7)(C) We stopped while driving in the desert. LT BEHENNA (b)(6) (b)(7)(C) and SSG WARNER to go with him and Ali MANSOUR to a location about 50 meters from the convoy. There, LT BEHENNA and SSG WARNER both removed Ali MANSOUR's clothing and LT BEHENNA had Ali MANSOUR sit on a rock. LT BEHENNA asked Ali MANSOUR to tell him who were insurgents working in the area, and that if he didn't talk, then LT BEHENNA would kill him. (b)(6) (b)(7)(C) this when LT BEHENNA shot Ali MANSOUR twice. Ali MANSOUR fell onto the ground and was making a gurgling sound. Then SSG WARNER put a grenade on the left side of Ali MANSOUR's neck. The grenade flashed and had a bright light. The light was so bright, I could not look straight at it. Then LT BEHENNA and SSG WARNER picked up Ali MANSOUR's clothing and we all three went back to the convoy. Nobody talked about that incident. (b)(6) (b)(7)(C)

STATEMENT OF [redacted] **TAKEN AT FOB Summerall**, Bayji, IZ, **DATED** 13-14 Jun 08, **CONTINUED:**

[redacted]

Q: Where was SSG WARNER when LT BEHENNA murdered Ali MANSOUR?
A: He was standing about three meters from Ali MANSOUR.
Q: Did LT BEHENNA tell SSG WARNER to use the grenade on Ali MONSOUR?
A: No.
Q: Did SSG WARNER try to stop LT BEHENNA from murdering Ali MONSOUR?
A: No.
Q: Did you know that LT BEHENNA was going to murder Ali MONSOUR?
A: No. I thought he was just going to scare him and then let him go.
Q: Was Ali MANSOUR's hands bound?
A: Not when LT BEHENNA shot him. Before yes, with a zip tie. After both LT BEHENNA and SSG WARNER used knifes to cut his clothing off, LT BEHENNA tried to cut the zip tie off of Ali MANSOUR's hands. But he was trying to cut the zip tie, LT BEHENNA was cutting Ali MANSOUR's wrist, [redacted] from LT BEHENNA and I cut the zip tie as to not cut Ali MANSOUR's skin in the process.
Q: I have showed you pictures of Ali MANSOUR after he was captured. You identified the clothes he was wearing as the clothes that LT BEHENNA and SSG WARNER cut off. I have also showed you pictures of injuries to Ali MANSOUR. Do you know how he received the injury to his back?
A: Yes. When Ali MANSOUR was captured, weeks before he was murdered, LT BEHENNA hit Ali MANSOUR about 40 times in the back with a Kevlar helmet.
Q: Where did this take place?
A: At Ali MANSOUR's house.
Q: Who else was present when this happened?
A: SSG WARNER was the only other person there, besides LT BEHENNA and myself. I do not know why he was hitting him and I did not try to stop him.
Q: Did SSG WARNER try to stop LT BEHENNA from hitting Ali MANSOUR?
A: No.
Q: What was the weather like the night the LT BEHENNA murdered Ali MANSOUR?
A: It was dusty, you could see about 1 km away.
Q: Could you see the vehicles in the convoy from the location where LT BEHENNA murdered Ali MANSOUR?
A: No. There were some tiny hills and some trees. I could not see the convoy trucks from that location.
Q: How close was LT BEHENNA to Ali MANSOUR when he murdered him?
A: He was about three feet away.
Q: What did LT BEHENNA do with his pistol when he returned to the convoy?
A: He put it back in a holster.
Q: Is there anything you wish to add to this statement at this time?
A: No.//End of Statement//

[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

DA Form 2823-E

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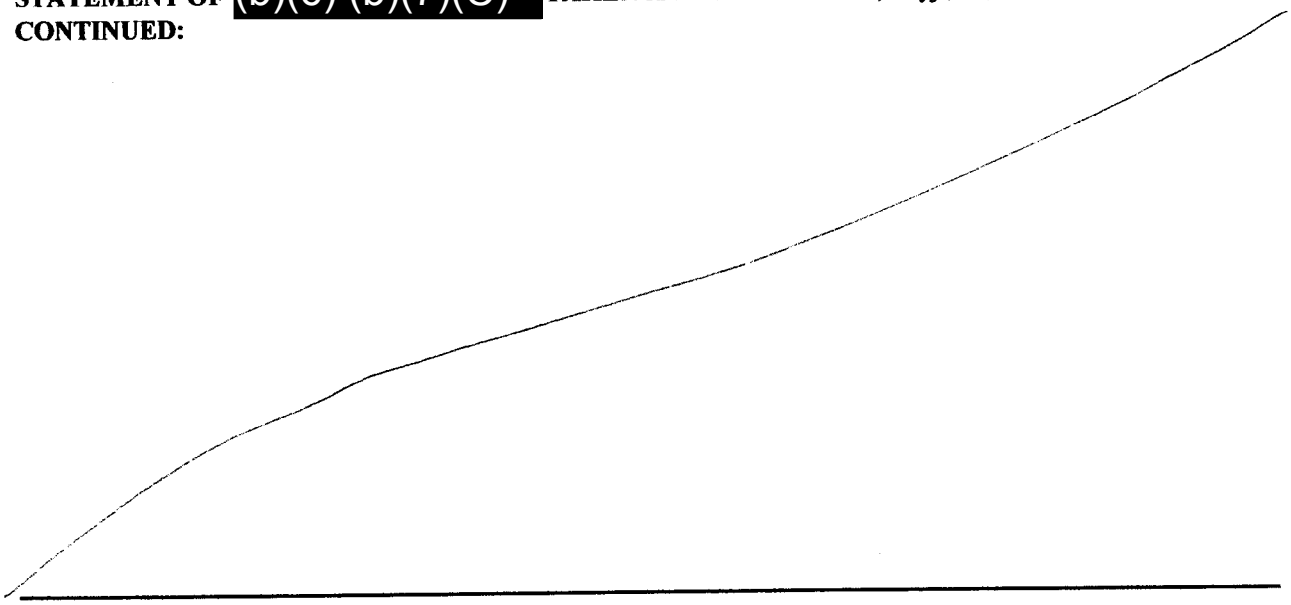
EXHIBIT 29

STATEMENT OF (b)(6) (b)(7)(C) TAKEN AT FOB Summerall, Bayji, IZ, DATED 13-14 Jun 08,
CONTINUED:



AFFIDAVIT

I, (b)(6) (b)(7)(C) 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.

(b)(6) (b)(7)(C)

tatement)

Witness #1:

(b)(6) (b)(7)(C)

C3 LINGUIST MND-N-COB SPEICHER

(b)(6) (b)(7)(C) TRANSLATOR

Witness #2:

Subscribed and sworn before me, a person authorized by law to administer oaths, this 14th day of Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C)

DA Form 2823-E

EXHIBIT 29

0066-02-DIC469-51978

[redacted] [redacted] [redacted]

[redacted]

G3 LINGUIST MND-N COB SPEICHER

ARABIC TRANSLATOR

[redacted]

[redacted] [redacted] [redacted]

[redacted]

[redacted]

HILLS [redacted] [redacted]

C WIRE [redacted]

[redacted]

FOUO

LAW ENFORCEMENT SENSITIVE

000104

EXHIBIT 30

Exhibit 31

Page(s) 000105 thru 000107 withheld:

Foreign Language Document

English translation

at Exhibit 32

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

Criminal investigation office of Beji

Investigative Judge of Beji
Your decision at May-26-2008,
The statement of patrol commander and one of patrol members (the patrol that brought the victim) Ali Mansur Mohamed from an area near Hondy bridge at the day of the incident, they are: LT (b)(6) (b)(7)(C) IP. (b)(6) (b)(7)(C) We sent them to you asking you to make them official statement with respect.

LT. (b)(6) (b)(7)(C)
Investigative officer

Report

the statement of patrol members (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) has been officially reported and got attached to the case.
Continue investigation according to the former orders.
(Not clear)

Criminal Investigation of Beji

June-11-2008

Witness (b)(6) (b)(7)(C) born in (b)(6) (b)(7)(C) ccupation IP. Member of IP directorate of Beji (b)(6) (b)(7)(C) Stated:
At the date of may-5-2008, we got informed from Biji IP communications that there is an unidentified body thrown near tunnel under the bridge which leads to the outer part of Sinia village (directorate), immediately I headed with LT (b)(6) (b)(7)(C) and some other IP's. To the location, after we got to the location I saw the body and it belongs to somebody that was unidentified at that time approximately 27 years old. The body was naked with brown slippers. It was wounded on the head; he was shot once on the forehead. His face, neck and the shoulders were burned, with scattered wounds. We brought the body to Biji hospital, note: when we lift the body we found a bullet case near the body from a nine millimeter, we also found a burning device looks like a burning igniter or a burning semi hand grenade. After delivering the body to the hospital, we lately found that the body belongs to a person called Ali Mansur Ali, IP member.

EXHIBIT 32

Investigation court of Biji

Witness (b)(6) (b)(7)(C) born in (b)(6) (b)(7)(C) lives in (b)(6) (b)(7)(C) stated:
At the date june-17-2008, we got informed form the IP communications of Beji that there is an unidentified body at the tunnel that leads to the village. I was with LT. (b)(6) (b)(7)(C) after we arrived to the location we found a naked body belongs to a person with a black bear around 27 years old. He was shot in the forehead at the right side, the body was burned and we took it to Biji general hospital. At the crime scene we found empty shells for 9 millimeters pistol. After investigations we found that the body belongs to Ali Mansur.
This is my statment
Stamped by judge (b)(6) (b)(7)(C)
Also stamped by Supreme courts counsel .

Criminal Investigative office of Biji

Witness (b)(6) (b)(7)(C), born in (b)(6) (b)(7)(C) cupation IP officer with the rank of LT. member of IP directorate of Beji, lives in (b)(6) (b)(7)(C) stated:
At the date May-17-2008 we got informed form IP communication of Beji, that there is a body for unidentified person thrown near a tunnel under a bridge leads to Sinia directorate. Immediately a headed towards the area with IP's under my command after we reached the area of the incident, I saw the body that belongs to someone that we don't know at that time, about 27 years old, it was a naked body and he was wearing a brown slippers.
he was shot in his forehead and his face was burned with the neck and shoulders, with a scattered wounds.
We took the body and we found empty pistol shell for 9 millimeters, with a burned device it looks like its burning sparker or semi grenade (burning grenade).
After delivering the body to Biji hospital we found that the body belongs to Ali Mansur IP member.
This is my statement.

Investigative court of Biji

June-11-2008
The witness (b)(6) (b)(7)(C) born in (b)(6) (b)(7)(C) cupation IP officer lives in (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) he stated:
At the date may-17-2008, we got informed form IP communication of Beji, that there is a body at one of the tunnels that leads to the road of Sinia, after we got to the location we found a body that belongs to a person, he was naked, he didn't have any cloths on. He has bear and he was shot in the head and burned form the right side. A casing shell was found belongs to 9 millimeters, the body was taken to the general hospital, later we found that the body belongs to the citizen Ali Mansur. And this is my statement
Witness (b)(6) (b)(7)(C) igned
Stamped by the judge and the court

This document was translated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 52

Exhibit 33

Page(s) 000111 withheld:

Foreign Language Document

English translation

at Exhibit 34

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

Seize Report (Collection of Evidence) dated 17 May 08

A nine millimeter caliber shell carry the code (WCC05 with an encircled cross symbol) near the unknown body and a small burning bomb fully burned was seized. Inside the bomb there is a spring with a small iron handle was put under the neck of the victim, it seems that this small bomb has a burning material and it was the cause of the burns on the body from the shoulders, neck, and the head. For this issue this seizing report was made.

LT (b)(6) (b)(7)(C)
Patrol commander

LT (b)(6) (b)(7)(C)
the person name and rank not clear

This document was translated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 112

Exhibit 35

Page(s) 000113 withheld:

Foreign Language Document

English translation

at Exhibit 36

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

Criminal investigation office of Beji

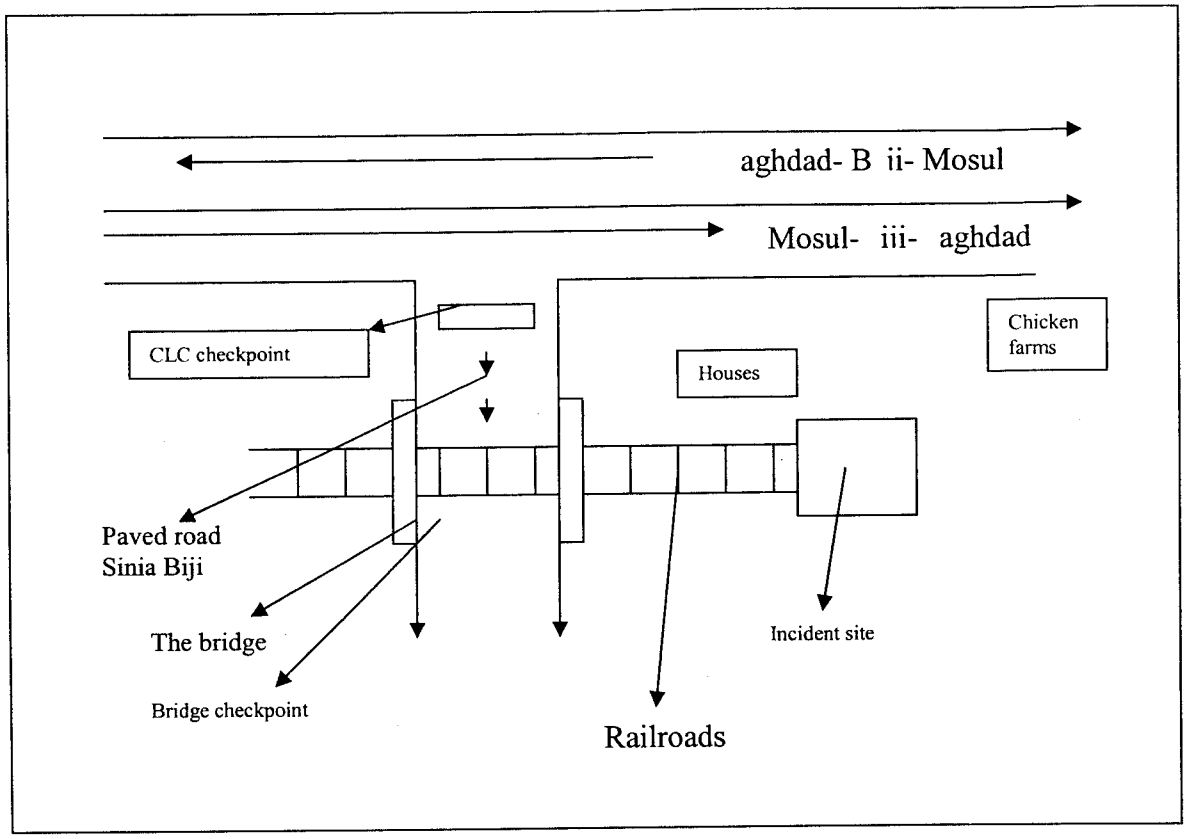
May-21-2008

Drawing and plan of the crime scene

1- The scene is 5km. away south of the office.
2- The crime location is tiny bridge for railroads Beji- Tikrit desert area, the victim Ali Mansur was killed under the bridge.
3- I found traces of blood on the ground like a spot and a trace for burn around the blood spot. The body was hidden under the overpass.
4- I noticed that there are residential houses 100 Meters east of the incident site.
5- The incident site approximately 700 Meters south of the IA checkpoint, located at the Hyundai Bridge. Close by it a CLC check point.
6- I saw chicken farms approximately 600 Meters to the east.
7- A group of houses on the form of village, approximately 400 Meters away form the incident site (the overpass).
8- I couldn't find anything else that can be useful in searching.

LT. investigating officer

EXHIBIT 96 000114



This document was translated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 56

Exhibit(s) 37 thru 38

Page(s) 000116 thru 000117 referred to:

U.S. Army Medical Command
ATTN: Privacy Act & Freedom of Information Act
Office 2748 Worth Road
Suite 21
JBSA Fort Sam Houston, TX 78234-0021

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SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393

FILE NUMBER (b)(6) (b)(7)(C) (b)(3) 469

DATE: 14 Jun 0[redacted] 950- 12:3[redacted] (b)(6) (b)(7)(C) (b)(3)

NAME (b)(6) (b)(7)(C) (b)(3) **SSN** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) [redacted] want to make the following statement under oath:

On 16 may 2008 Dco 5th plt. Had an SOI/ detainee drop off mission in Albu Toma and a clc check point near the city of Mesrah. We had a small mission brief and we picked up the detainees from the Detention center on the FOB before we started heading out. We then began movement out of the wire towards the intersection of route Hershey and route Tampa, in front of the city of mesrah. I (b)(6) (b)(7)(C) [redacted] (b)(6) (b)(7)(C) [redacted] while he engages with the locals or any Iraqi personnel. Once we arrived at said location on the intersection (b)(6) (b)(7)(C) [redacted] because the lt. did and I saw other dismounts on the ground behind me so (b)(6) (b)(7)(C) [redacted] until it was time to go. What we were doing was dropping off the detainees we picked up from the detention center. We then mounted up and continued on with our main purpose mission, to talk with key leaders in Albu Toma and further our intelligence on ongoing insurgency activities in our area of operations. I can't remember most of what was going on during these meetings. After they were done I mounted up in my truck and we proceeded to return to base, and after hearing that I started to relax a little more and doze off here and there. We stopped near the intersection of the detainee drop off area near the Hershey side on the way back, so I awoke and dismounted to secure the lt. but he assured me he was alright and went over to one of the other trucks I am guessing to talk to another leader or something. I stood outside for a minute after relieving myself then I mounted back up after I saw (b)(6) (b)(7)(C) (b)(3) [redacted] walk past me. The trucks started moving and then we headed back to the FOB for the end of the mission.

Q. (b)(6) (b)(7)(C) (b)(3) [redacted]

A. [redacted]

Q. Did you author the above statement?

A. Yes.

Q. What is an SOI mission?

A. Usually when the LT gets his information, they are meet and greets where the LT talks to people.

Q. What is a CLC?

A. They are the Concerned Local Citizens, they wear PT belts around their waists, they are allowed to walk around with AK-47s. They are sort of like Neighborhood watch with weapons.

Q. Do you know how many detainees you were to drop off during your mission on 16 May 08?

A. Two.

Q. Do you know where the detainees were to be dropped off at?

A. No, we are supposed to drop them off with the CLC, they were not our main priority so I don't really know.

Q. Do you know where you dropped the detainees off at?

A. The intersection of Hershey and Tampa, by the city of Mesrah.

Q. How many detainees did you see exit the vehicles at the intersection?

A. I may have seen one, I really do not remember.

STATEMENT O[redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 14 Jun 08, CONTINUED:

Q. What vehicle were the detainees riding in?
A. I do not know.
Q. Which vehicle were you riding in?
A. [redacted]
Q. What was the order of march for the vehicles?
A. Usually the [redacted] SGT WARNER, the middle vehicle is the LT's vehicle and [redacted] I do not remember the particular order of march that day, and I do not know if we had three or four vehicles that day.
Q. Did you keep the same order of march throughout the mission?
A. I am not sure if the same order of march was kept but we [redacted]
Q. After you dropped off the detainee at the intersection, where did your convoy go?
A. In to Albu Toma, where the LT walked around talking to people like he normally does. We went in to some houses looking for someone the LT wanted to talk to, we may have stayed around two hours, but I do not know for sure.
Q. Where did you go after walking around in Albu Toma?
A. I think we went to [redacted] house. Usually when we go there the LT goes inside, takes his helmet off and drinks chai and talks to the guy for a while. We normally stand outside the door and watch the LT's back.
Q. Where did you go after leaving [redacted] house?
A. We were returning to base (RTB).
Q. On the way back to the base, did you make any route deviations?
A. When I woke up we were off the road near Hershey [redacted] to the LT and he told me he [redacted] and he walked to another vehicle. I took a little break, stretched my legs and [redacted]
Q. Did the LT walk off away from the trucks when you were at this stop?
A. I did not see.
Q. Do you know why you stopped at this location?
A. Usually we stop for a tactical pause everyone gets out to use the bathroom, or someone actually has to go to another truck and speak with someone. When this happens I normally do not pay attention.
Q. Do you know how long you were at this location?
A. I do not know, I fell asleep in the truck as soon as I could, maybe fifteen or twenty minutes.
Q. Did you hear anything out of the ordinary during this stop?
A. No, I could not hear anything over the vehicle, and I had put on the headset to cancel out the noise.
Q. Did you hear any gunshots or any explosions during this stop?
A. No.
Q: Did you see any bright flashes?
A: No, I was asleep during most of the stop.
Q. Did you see anything that looked like it was burning during this stop?
A. No.

Q. Did 1LT BEHENNA bring anything that looked like clothing or personal items in to the truck when he got back in?
A. No. He just got back in his seat and that was it.
Q: During the tactical pause did you see SSG WARNER get out of his vehicle?
A: No.
Q. Do you remember what the weather was like during the stop?
A. Maybe a little dusty, I think it was a pretty clear night.
Q. Do you know who all dismounted vehicles during the stop?
A. The only person I saw was I think (b)(6) (b)(7)(C) (b)(3) and I know I saw (b)(6) (b)(7)(C) (b)(3) as well as the LT. I do not know if anyone else did.
Q. Did you see a detainee exit a vehicle during the stop?
A. No.
Q. What weapons was 1LT BEHENNA carrying during this mission?
A. All I seen was his M-4. I did not see anything else.
Q. Do you know 1LT BEHENNA to carry any other weapons when he is out on mission?
A. Maybe his 9mm.
Q. Have you ever witnessed 1LT BEHENNA to carry a Glock pistol?
A. No I have not seen him carry one outside the wire. The only time I have seen him with one was when we went to the range.
Q: Does anyone in the platoon carry unauthorized weapons while on mission?
A: Not that I know of.
Q. Were you on the mission in which Ali MANSUR was captured?
A. Yes.
Q. What led to the capture of Ali MANSUR?
(b) (7)(D)
Q. When MANSUR was captured, was he resisting capture?
A. He had no time to, we put him on the ground as soon as we got there.
Q. Did anyone at any time hit MANSUR?
A. Not that I seen.
Q. Were you present the entire time 1LT BEHENNA was talking to MANSUR?
A. Not the whole time, I was in and out of the area.
Q. Did 1LT BEHENNA at any time state MANSUR was responsible for the IED which struck one of your platoon vehicles on 21 Apr 08?
A. No. As far as I knew, the LT knew who was responsible for the IED and was trying to get to them. He always said he knew but never told us.
Q. Do you remember what time you Starting Point (SP) for the mission on 16 May 08 was?
A. I do not remember the time, I know it was late afternoon or early evening. It may have been around 1700.
Q. Do you remember what time your returned to FOB Summerall from mission on 16 May 08?
A. Sometime around 2000 or 2100, I know it was dark.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 14 Jun 08, CONTINUED:

Q. Do you know if 1LT BEHENNA acts on any information he gets before briefing the information higher?

A. He tries to confirm it the best he can, he lets people know so there are no surprises when we get

(b) (7)(D)

Q. Do you think 1LT BEHENNA had any part in the death of MANSUR?

A. I do not.

Q. When did you find out MANSUR was found dead?

A. Maybe four or five days after the mission day.

Q. What do you know about how and where MANSUR was found deceased?

A. I heard he was found near Tampa, and then I heard he was found near the railroad tracks near the intersection of Hershey and Tampa. I heard he had been found tortured, burned, shot and with a CD next to him of pictures of him. I also heard he was missing his head at one time, and I heard he was raped. I have heard a lot, there are a lot of rumors going around.

Q: Did 1LT BEHENNA feel responsible for the death of your two platoon members?

A: (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

Q: Was there ever an incident where 1LT BEHENNA tried to scare MANSUR by standing him out in the open and firing rounds around him?

A: That incident did not involve the LT or MANSUR. On 21 Apr 08, when we were hit by the IED there members of the CLC in the vehicle that got hit. The other CLC members grabbed the two detainees and took them to a ditch. I heard gunshots while (b)(6) (b)(7)(C) (b)(3) and I got up and the other CLC members were shooting in the direction of the detainees but not hitting them.

Q: Are you withholding any information or providing false information in order to protect members of your platoon?

A: No.

STATEMENT OF [redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 14 Jun 08, CONTINUED:

Q. Is there anything you wish to add to this statement at this time?

A. No.////////////[redacted]//////////End of Statement//

AFFIDAVIT

[redacted] have read or have had read to me this statement which begins on page 1 and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence or unlawful inducement.

[redacted]

(Signature of Person Making Statement)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 14th day of Jun 2008,

[redacted]

(Signature of Person Administering Oath)

Witness #2:

_____

_____

_____

[redacted]

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	FILE NUMBER
FOB Summerall, Iraq	2008/06/1[redacted]	1016	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	

8. ORGANIZATION OR ADDRESS

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

I was appointed by [redacted] 12 JUN 08 to investigate the events surrounding the death of Ali Monsur. [redacted] sworn statements, interviewed and talked to indviduals who knew about the events and/or were potentially involved in the events. [redacted] presented any physical evidence at any time during the event. Based on the information that developed the matter was referred to CID on 13 JUN 08. Please refer to the sworn statements for any information needed.

Q: [redacted]

A:

Q: Is there anything else you would like to add to this statement?

A: No.

///End of statement///

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

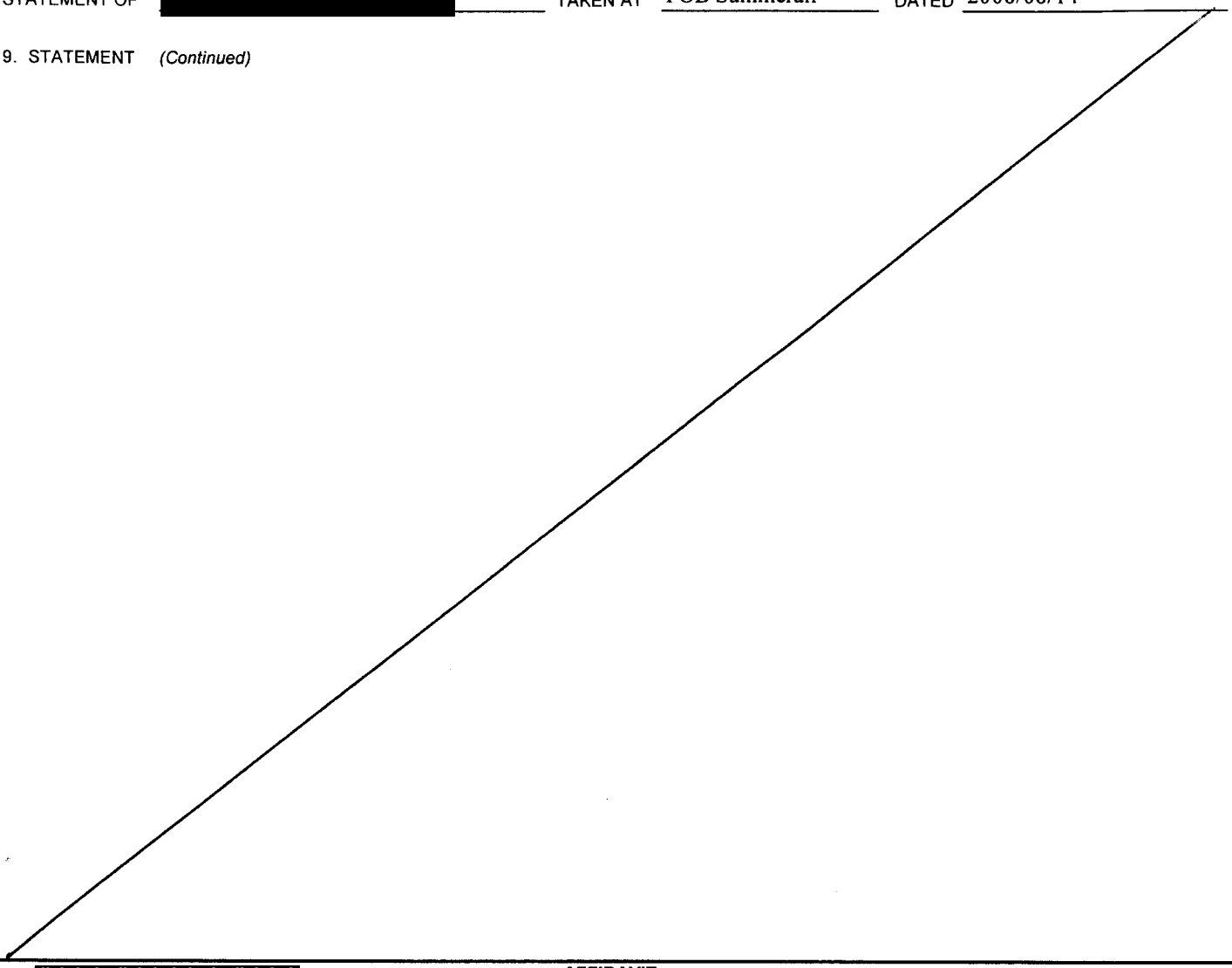
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 40

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall DATED 2008/06/14

9. STATEMENT *(Continued)*



(b)(6) (b)(7)(C) (b)(3) **AFFIDAVIT**

(b)(6) (b)(7)(C) (b)(3), 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 W[redacted]THOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN[redacted]

(b)(6) (b)(7)(C) (b)(3)

nt)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to (b)(6) (b)(7)(C) (b)(3) Jun , 2008

ORGANIZATION OR ADDRESS

ng Oath)

(b)(6) (b)(7)(C) (b)(3)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

10 USC 936

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

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DA FORM 2823, NOV 2006

APD PE v1.00

EXHIBIT 000124 40

Exhibit 41

Page(s) 000125 thru 000130 withheld:

Foreign Language Document

English translation

at Exhibit 42

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

SWORN STATEMENT

(b)(6) (b)(7)(C)
Taken on 14 Jun 08 at FOB Summerall, Bayji, IZ

I, (b)(6) (b)(7)(C) want to make the following statement under oath: one month before the detention of (b)(6) (b)(7)(C) the victim Ali Mansur Mohamed Hamadi Aljobori by CF., the force (CF.) patrol came with a several military vehicles. I asked one of my friend's "he is a member of Rayash IP. Station in our area", he said that they asked one of my friends at the IP station his name is (b)(6) (b)(7)(C) a member in the (Rayash) IP station. he told me about that, after that nothing happened and no American forces came to (b)(6) (b)(7)(C) house or any of our houses for questioning or anything like that.

(b)(6) (b)(7)(C) was living his normal life, he was an IP at the Rayash IP. Station, he joined the IP after armed terrorist attacked the station listed above, some IP's were killed in that attack, at that time he asked to volunteer and join the IP.

At the date of May-5-2008 around 2:30PM (Monday) around five military Hummers (the big size) vehicles (I'm not sure of there numbers that came to the town). before this, the American vehicles and its individuals were at the (b)(6) (b)(7)(C) house, he was the CLC commander in our village. After leaving his house they headed straight to (b)(6) (b)(7)(C) house (b)(6) (b)(7)(C) and I we live at the same village and our (b)(6) (b)(7)(C) they dismounted from their vehicles and entered the house of (b)(6) (b)(7)(C) they broke the exterior door for the house and sabotaged the content of the house , they collected the clothes and they throw kerosene on it, they mixed up the all the food supply which belongs to (b)(6) (b)(7)(C) rice with sugar with detergents with other stuff together which damaged it all and they were intended to burn the cloths after they put the kerosene on it but they couldn't do it (burn). Later they handcuffed (b)(6) (b)(7)(C) hands with zip tie and they took him to (b)(6) (b)(7)(C) Ali Mansur the victim from the back door of the next house, they knocked at (b)(6) (b)(7)(C) Ali Mansur door, I was looking at them from my house window, (b)(6) (b)(7)(C) Ali Mansur opened the door for them, they entered and searched the house. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) hands were tied and he was standing outside of (b)(6) (b)(7)(C) Ali Mansur's house, near by him individuals from the American force, they also mixed up the food in the house and destroyed it. I saw that after the American forces left (the forces that entered the house), my brother (b)(6) (b)(7)(C) ld me that he heard the yelling of (b)(6) (b)(7)(C) Ali

EXHIBIT 42
000131

Mansur, the American forces took his family out of the house and they started beating him severely, I saw them taking (b)(6) (b)(7)(C) Ali Mansour from his house handcuffed with his underwear a white shorts and T shirt. After that they released (b)(6) (b)(7)(C) nd they detained (b)(6) (b)(7)(C) Ali Mansur, later after his detention the American forces went back to one of the houses in our village, Ali was with them, they went to the house of (b)(6) (b)(7)(C) they went inside the house and drank Tea. According to what I heard later, they headed to an area with rough terrain (hills area), there are some houses in this area, it's located at the border of the village form the east side. We got informed from some of the people who lives there that they heard sounds of firing bullets it was shot by American forces that detained (b)(6) (b)(7)(C) Ali Mansur, they saw the vehicles and they heard the yelling of (b)(6) (b)(7)(C) r Ali Mansur (the victim). The time was after sunset, and after the force shot rounds toward (b)(6) (b)(7)(C) to scare him later the force headed towards Sinia directorate where the American base is located.

We asked one of the officials which we have a friendship relation with; his name is (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) and a person calle (b)(6) (b)(7)(C) at (b)(6) (b)(7)(C) they told us that he was transferred the third day of his detention to Tikrit, the American base there and he stayed there for eight days in Tikrit we asked every person who gets released about the fate of (b)(6) (b)(7)(C) one of the detainees who got released was with him and he was released on Wednesday may-14-2008 from Tikrit and sent back by CF to Sumrell in Sinia, again. we asked (b)(6) (b)(7)(C) to know the fate o (b)(6) (b)(7)(C) when he was detained and he told us that he was released on Friday May-16-2008. He was released by CF and according to the information that we received, he was taken by American military vehicles. Same force that detained him, the force went to the house of (b)(6) (b)(7)(C) in our village and I don't know if (b)(6) (b)(7)(C) Ali Mansur was with them. They arrived that day around; I realized that I don't know the exact time but I know it was around Noon. then they left the house of (b)(6) (b)(7)(C) after staying there for almost couple of hours, later they moved to unknown location. after asking the close houses and CLC members they told us that the same forces moved (they are the same forces that detained Ali Mansur) towards the railroad the place where (b)(6) (b)(7)(C) was killed that day. the site was close to the IA checkpoint located at the bridge connecting city of Biji and Sinia directorate form the south.

The time was after the sunset Friday, the witnesses told us (I can't recall there names) that they heard sound of fire (couple of rounds) the sound was low, it seems that it came from a pistol not a rifle and they told me that they saw a bright fire flame at the crime site, the American vehicles was parking there at the night of the murder site (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Ali. We got notified by the IA checkpoint that the force left the crime scene heading towards Sinia Village (Summurell) base, we got notified that an unknown body was found by the IPs of Beji and it was sent to forensic of Tikrit. According to that I saw a picture of the unknown body that the police found; I found that he is (b)(6) (b)(7)(C) Ali Mansur. The body was tampered with, We went to Tikrit to bring the body of (b)(6) (b)(7)(C) from there and I saw the body (b)(6) (b)(7)(C) with a bullet wound in the head. The body was totally naked and he was wearing his sandals (slipper) and I also saw burns on the head and shoulders and chest. The burn was on the upper part of his body. I went to the crime scene and found that (b)(6) (b)(7)(C) was killed under the railroads pass (small bridge) and he was put in a place where its hard to see, some of my relative also went to the crime scene like (b)(6) (b)(7)(C) nd they saw the blood

of (b)(6) (b)(7)(C) After asking the people who live near the crime scene, CLC checkpoint they told us that the American forces that detained (b)(6) (b)(7)(C) Ali Mansur were there on Friday. And they are responsible for (b)(6) (b)(7)(C) Ali Mansur Mohamed death. I was notified by the IP officer (b)(6) (b)(7)(C) and the IP (b)(6) (b)(7)(C) the IPs who found (b)(6) (b)(7)(C) Ali Mansur body at the morning of Friday may-5-2008. that they got informed by CLC members located near crime scene, that there is an unknown body inside the tunnel under the railroads. the body has head wound and it was naked and under it a burning device which caused the burn of the upper part of his body. they told me that they took pictures of (b)(6) (b)(7)(C) body the victim, and they sent it to forensic because it was unknown body. At the date May-21-2008, I received the body of the victim Ali Mansur form the forensic office in Tikrit, from that we found that the American forces that detained (b)(6) (b)(7)(C) Ali Mansur Mohamed they are the one who killed him according to the follow ups that I did with my relatives to find what happened at the day of the incident. The force that rotates in our village has good relation with (b)(6) (b)(7)(C) I also want to mention that on Friday may-16-2008 and when the American forces passes by around 2pm to his house, he left the forces that was in his house and he went driving to (b)(6) (b)(7)(C) at the village of Albu Toma, later he came back to them. According the statement of (b)(6) (b)(7)(C) he one he told us about it. And I believe this is the day tha (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Ali Mansur was killed. Before this CF. raided the house o (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) and they detained his relatives and killed the (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) e was a terrorist. The force that raided them, came form the American base in Tikrit. They are not the force that detained (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) and his relatives they pointed the accusations that we informed CF. in Tikrit that his relatives are terrorists. (b)(6) (b)(7)(C) was using his position by covering on his terrorist relatives and most of them wanted by CF... he is giving them the safe heaven, I remember that (b)(6) (b)(7)(C) mentioned in (b)(6) (b)(7)(C) funeral the one who got killed by CF, the he is going to revenge from us and he will make our women cry just like his women. The only problem between us and (b)(6) (b)(7)(C) is that we are IP's and (b)(6) (b)(7)(C) practice terrorism and he covers for them using his position. He won't allow the Iraqi and American forces to detain them using he position and his good relations with coalition and Iraqi forces. He says that I move (control) the American commander and the money whenever I want to, and he has all the financial and influence. To harm anybody who stands in his face or his relatives and say the truth or warn the people from them. He also gives wrong (incorrect) information to CF, depending his and his relatives benefits. After the arrest of (b)(6) (b)(7)(C) Ali Mansur,

The city (b)(6) (b)(7)(C) alked to CF at the IP directorate of Biji during one of the meetings and he criticized the action of the American commander in Albu Toma sector, his name is (b)(6) (b)(7)(C) something close to it. he criticized the way that they break in to the houses and the destruction of furniture, hitting, citizens assault without any reason. Th (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) received this talk and he was very mad, he said that I will detain this individual and kill him in front of the city council members. Later (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) asked (b)(6) (b)(7)(C) to come to his house to apologize to the (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) e did it, the city council member apologized for what he said. Although, the act of the forces that I mentioned was bad just like what the city

council member stated, but he apologized to him because he was scared to be hurt and threatened. What should happen, the CLC commander should have criticized these bad acts. But there was cooperation between them even on the bad things. Our village is safe and we never had any attacks against the American or Iraqi forces and the people who are responsible for this, they are the relatives of (b)(6) (b)(7)(C) This information is a fact that I stated under oath.

MAJ (b)(6) (b)(7)(C) signed the statement as taking it.

.///End of Statement///

(b)(6) (b)(7)(C) anslated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)

Translator
MND-N G-3
COB Speicher, APO AE 09393

Exhibit 43

Page(s) 000135 withheld:

Foreign Language Document

English translation

at Exhibit 44

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

Map keys

1- CLC checkpoint
2- House of Ali Mansur's (b)(6) (b)(7)(C)
3- House of (b)(6) (b)(7)(C)
4- House of (b)(6) (b)(7)(C)
5- (b)(6) (b)(7)(C)
6- Guest room.
7- (b)(6) (b)(7)(C)
8- Main road at the village of Albu Toma.
9- Side roads.
10- Side road.
11- Entrance of the forces (with the house of Ali Mansur).
12- House of (b)(6) (b)(7)(C) CLC commander.
13- Ali Mansur's house (the victim house).
14- North.
15- Mosul, Beji, TIkrit, Baghdad.
16- The village of Albu Toma.
17- Side road.
18- Al-Assil elementary school.
19- Hojaj village.
20- Albu Toma village.

This document was translated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)
Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 44
000136

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393

FILE NUMBER: 0066-08-CID469 (b)(6) (b)(7)(C) (b)(3)

DATE: 14 Jun (b)(6) (b)(7)(C) (b)(3) **TIME:** 1335- *16 2?*

NAME: (b)(6) (b)(7)(C) (b)(3) **SSN:** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS:** (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

On the 16 of May all of 5th plt Dco. 1/327 went on a mission to drop off two detainees and conduct SOI's with (b)(6) (b)(7)(C) (b)(3) We left the FOB around late afternoon and took Hershey and Tampa towards Al Butoma. On the corner of Hershey and Tampa the Lt and I dismounted and meet up with SSG Warner and (b)(6) (b)(7)(C) (b)(3) h the detainee. We dropped off one of the detainees and got back on

(b) (7)(D)

(b)(6) (b)(7)(C) nd walked in like we always did. We left a couple of dismounts out side on (b)(6) (b)(7)(C) house. The Lt and (b)(6) (b)(7)(C) (b)(3) he meeting the Lt had wit (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) fter spending about an hour to an hour and a half with the ve started to return to the FOB. On the way back we came cross country through the desert and took a tactical pause. At that time the Lt got out of the MRAP and (b)(6) (b)(7)(C) (b)(3) At that time I put on my headset and started talking to (b)(6) (b)(7)(C) (b)(3) fter making fun (b)(6) (b)(7)(C) (b)(3) about ten to fifteen minutes the Lt got back in the truck and we got ready to leave. We came back to the FOB and went straight to the fuel point at witch time I noticed that we were no longer in the same order of march as we had originally been on.

Q (b)(6) (b)(7)(C) (b)(3)

A

Q. Did you author the above statement?

A. Yes.

Q. Did you see two detainees in the vehicle to be dropped off before leaving FOB Summerall?

A. Yes.

Q. When you stopped at the intersection of Hershey and Tampa, how many detainees were dropped off?

A. All I saw was one, at the time I thought the second had gotten out and left before I exited my vehicle.

Q. Whose vehicle were the detainees transported in?

A. SSG WARNER's vehicle.

Q. What was the order of march for the vehicles in the convoy?

A. SSG WARNER, 1LT BEHENNA (b)(6) (b)(7)(C) (b)(3)

Q. Who did you drop off the detainee with at the intersection of Hershey and Tampa?

A. The Concerned Local Citizens (CLC).

Q. How long did you spend at the intersection?

A. About five or ten minutes.

Q. Did you see the other detainee in SSG WARNER's vehicle?

A. No.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED (b)(6) (b)(7)(C) (b)(3) Jun 08, CONTINUED

Q. When you went (b)(6) (b)(7)(C) (b)(3) house, did anything about the meeting seem different than normal?
A. No.
Q. When you left (b)(6) (b)(7)(C) house, did you return directly to FOB Summerall?
A. No, we took an alternate route back to FOB Summerall.
Q. Were you wearing your headset in the vehicle during the drive to FOB Summerall?
A. I was only wearing my headset after we took the tactical pause, I was not wearing it before.
Q. Is it normal to take an alternate route during a mission to return to base?
A. At times, we do it to not be predictable.
Q. What was the tactical pause called for?
A. We normally use them as a bathroom break, but this one seemed longer than a normal break.
Q. When 1LT BEHENNA dismounted the vehicle, did anyone go with him?
A. I do not know.
Q. Do you know where 1LT BEHENNA went during the tactical pause?
A. I do not know.
Q. Is it normal for 1LT BEHENNA to tell you to stay in the vehicle during a time when he is dismounted?
A. On some missions it is, during a tactical pause it is a bathroom break, so it was not abnormal.
Q. During the tactical pause, did you see or hear anything unusual?
A. No.
Q. During the tactical pause, did you hear any gunshots or explosions, or see anything appearing to be burning or a bright light?
A. No.
Q. During the tactical pause, did anyone mention they heard or saw anything odd?
A. (b)(6) (b)(7)(C) (b)(3) said something, but I had not heard what he said. I asked him to repeat what he had said, and he said "nothing, maybe it is just me"
Q. When 1LT BEHENNA returned to the vehicle after the tactical pause, did he act or say anything unusual?
A. No.
Q. What weapons does 1LT BEHENNA usually carry out on mission?
A. His M-4 and sometimes he will carry an M9.
Q. On 16 May 08, did you see if 1LT BEHENNA was carrying a pistol?
A. I do not recall.
Q. Have you ever seen 1LT BEHENNA carry a Glock?
A. Just out on the range one time.
Q. Do you know if anyone in your platoon has a weapon which was not issued by the unit?
A. No.
Q. Does anyone carry grenades on mission?
A. Only if it is a raid on a house, (b)(6) (b)(7)(C) (b)(3) and myself carry fragmentary grenades. I have seen SSG WARNER also carry a fragmentary grenade, I think he carries it all the time.
Q. Does anyone have or carry an incendiary grenade?
A. Not that I know of.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED Jun 08, CONTINUED:

Q. Did you know the name of either of the detainees you were to release on the mission?
A. After the fact, I knew MANSUR was one.
Q. Did you know why MANSUR was captured?
A. Yes, it was believed he had something to do with an IED which killed two Soldiers of my platoon on 21 Apr 08. It was believed he either sold the weapon or placed it himself.
Q. Did you know about why MANSUR was captured before you released him?
A. It was after we caught him and brought him back to FOB Summerall. I did not know he was who we were releasing until after the mission was over.

(b) (7)(D)

Q. Did 1LT BEHENNA ever act on any information with out first passing the information to higher headquarters?
A. No, not that I know of.
Q. Were you on the mission in which MANSUR was captured?
A. I believe so.
Q. When MANSUR was captured, did anyone strike or hit him?
A. Not that I know of.
Q. When a search was conducted of MANSUR's house, was any damage done to the inside of the house, the furnishings or the food in the house?
A. Not the food, maybe the furnishings as we had to move stuff around.
Q. Did anyone pour kerosene on any clothing items?
A. No.
Q. Do you know if anyone intentionally destroyed anything in MANSUR's house during the search?
A. I do not know, I did not see anyone do that.
Q. When MANSUR was found deceased, what did you hear about it?
A. I heard he was found naked and tortured.
Q. Did you hear the location MANSUR was found deceased?
A. By the railroad tracks.
Q. How close was the area where MANSUR was found to where the convoy took the tactical pause?
A. About 70 to 110 meters away.
Q. Upon your return from the mission on 16 May 08 to FOB Summerall, did anyone say anything about MANSUR?
A. People were saying that the LT had done him in, meaning they implied he had killed him. It was all speculation. I do not remember who had said it, they were talking about it in a group. I was so mad about it that I left and went to the gym. I was mad because I could not stand the thought of someone being so cowardly as to confront an unarmed, bound person.
Q. Do you believe 1LT BEHENNA was involved in the death of MANSUR?
A. Probably, I am basing it on circumstances, that it was where we stopped and where he was found, that the LT was out of the vehicle by himself. I did not see anything or hear anything during that mission.

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT FOB Summerall**, Bayji, IZ, **DATED** (b)(6) (b)(7)(C) (b)(3) **4 Jun 08, CONTINUED:**

Q. During the tactical pause, were you able to see outside of the vehicles?
A. It was dark already, and the only thing you can see out the side windows is part of the horizon and the sky, and there was a vehicle behind us, so I did not even put on my night vision and look.
Q. What was the weather like during the tactical pause?
A. Clear pretty much. I am not sure but I think we were in medevac red, which means the helicopters could not provide medevac support to us.
Q. Has anyone discussed the mission on 16 May 08 with you?
A. No. I have had to do a witness statement for the unit.
Q. When MANSUR was captured, did anyone shoot any rounds near or at MANSUR in an attempt to scare him in to talking?
A. No.

(b) (7)(D)

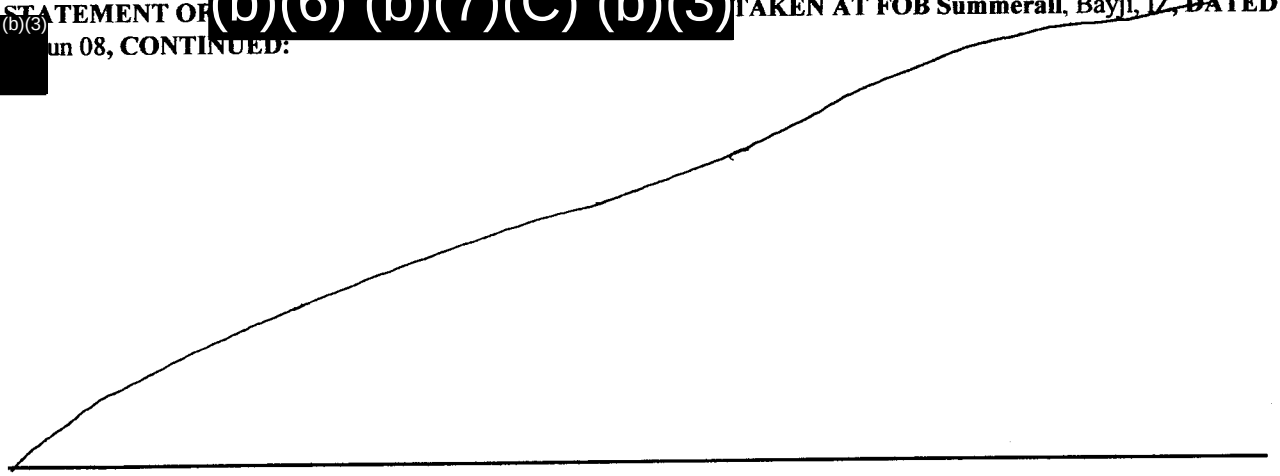
Q. Is there anything you wish to add to this statement at this time?
A. No.////////////(b)(6) (b)(7)(C) (b)(3)////////////End of Statement//

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

EXHIBIT 45

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED (b)(6) (b)(7)(C) (b)(3) un 08, CONTINUED:



AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 5. 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.

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Making Statement)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 14th day of Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMEN (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

EXHIBIT 45

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: (b)(6) (b)(7)(C) (b)(3)-CID469 (b)(6) (b)(7)(C) (b)(3)
DATE: 14 Ju[redacted] **TIME:** 1640-2267 (b)(6) (b)(7)(C) (b)(3)
NAME: (b)(6) (b)(7)(C) (b)(3) **SSN** [redacted] **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

In 16 May 2008 at approximately 1700hrs to 2000hrs I conducted a mission w/my platoon to Al Butoma. The task and purpose for that day was to: 1)Drop off detainees 2)Conduct some kind of SOI 3)Visi (b)(6) (b)(7)(C) (b)(3) At the convoy brief, Lt. told us our task and purpose, ordered the detainees which were outside of my pad to be loaded up, then SP'd to execute mission. The order of march wa (b)(6) (b)(7)(C) (b)(3) We traveled south on Hershey till we reached Tampa where we stopped at the CLC checkpoint (b)(6) (b)(7)(C) (b)(3) by herringbone. I believe that we there for no more than 20 minutes. I did not see any of the detainees dropped off. However, I did see my dismounts on the ground and the Messerah CLC in force that day. I stayed in (b)(6) (b)(7)(C) (b)(3) Lt. then loaded back up and our convoy proceeded south on Tampa until we turned on to "market street" which is the border of Hijaj and Al Butoma. There we conducted some kind of SOI. I am not sure who the Lt. met up w/at that location. I do know that all the dismounts were w/him. I believe that we were there for no more than 20 to 30 minutes. Initially, that is where I believed that we dropped off both prisoners because there was a man who was handing out soda's to the men on the ground and (b)(6) (b)(7)(C) was with him motioning to us. I think that (b)(6) (b)(7)(C) wanted the guy to give us sodas as well…my crew and I waved him off…I thought at the time that maybe he might have been one of the detainee's family members happy to see him. When the Lt. was done, we loaded back up and continued to (b)(6) (b)(7)(C) house. We stopped short of his house at a 4-way intersection and put the vehicles in a 360 perimeter based off of the streets of the intersection. The Lt. and all the dismounts went on foot to the (b)(6) (b)(7)(C) house. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) The Lt. and the dismounts returned and we received the order of (RTB)-return to base. We traveled north on Tampa until we pulled onto a desert road on the west side somewhere which took us into the desert. I know that it was late because we had to go to white lights once on tampa. On this road we encountered an Iraqi man on the 9'oclock of our convoy…we stopped him, we dismounted, and the Lt. questioned him. It was just a man w/groceries trying to get home. We continued on in the direction of travel. Enroute, the Lt. called over the net to change the order of march. The order of march was now (b)(6) (b)(7)(C) in the lead, (b)(6) (b)(7)(C) second in order(I'm not entirely sure, but I think) (b)(6) (b)(7)(C) then (b)(6) (b)(7)(C) all I can confirm was that I was second instead of last. We received a call to halt movement…I don't remember why. I believe that we weren't there for too long, but we were waiting around long enough where I decided to dismount (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) When I (b)(6) (b)(7)(C) (b)(3) the Lt. stopped me half the distance of the last MRAP and told me that "We're good…We got it"…I repeated it and said "Then let's go". I also remember seeing SSG. Warner at the back edge of the last MRAP but nobody else(at least at my angle) then I went back to my MRAP. We sat there for what did not seem like a long time after I got back on the vehicle at

STATEMENT O[redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 14 Jun 08 [redacted]

CONTINUED:

all. Then the Lt. got back on the net and called us to move out. Right before we turned on to Hershey…I recal[redacted]aying "I guess that we're dropping him off in the desert" and then laugh. That's when I had my suspicions about where the detainee w/the beard was and how long we kept him. Once we returned, part of the Platoon ate at chow. I went to work out w/the weights that we have set in my pad area. When the Lt. came back from wherever he needed to go I asked him if we could talk in his room. I asked exactly this, "Did you kill Ali Monsoor"…He replied immediately, "No, I dropped him off in the desert, we've done this before"…I asked him again, "Lt, did you kill Ali Monsoor"…he said the exact same thing then walked outside…he was getting mad, I could tell. So now some of the guys were standing outside, I can't remember who. I said to the Lt that we need to talk some more in his room…He said," about what" as he was walking away…I called to him once again, and then I said, "Loyalty, Lt."…Then he said something but I really can't say specifically. Later that night, I asked SSG. Warner that night in his room the same thing that I asked Lt. Behenna. SSG Warner said that the last time he saw Ali Monsoor, he was alive and walking away.

Q. [redacted]

A. [redacted]

Q. Did you author the above statement?

A. Yes.

Q. Who i[redacted]

A[redacted]nd his vehicle.

Q. Who is[redacted]

A[redacted]is 1LT BEHENNA

Q. Who is[redacted]

A[redacted]is SSG WARNER

Q. Who i[redacted]

A. That is myself, the[redacted]

Q. Did you know who Ali Mansur was before you were on the mission to release him?

A. I did not know who captured him or what he did. I only knew he was AQI (Al Quida). I did not know he was someone to do with the vehicle from my platoon that was hit by an IED on 21 Apr 08. I know the LT said he was bad, he was a bad guy.

Q. Did you ever see either of the detainees dismount the vehicles at any time?

A. No.

Q. Do you know who the other detainee was?

A. Only as the "other guy".

Q. Do you know why the order to change the order of march was given?

A. I know that they wanted to take the desert route to show myself and SGT WARNER the route, but I did not know why we changed our order of march.

Q. When you dismounted at the halt and went to check with 1LT BEHENNA, did you see inside of the vehicle?

A. No.

Q. Do you know what weapons 1LT BEHENNA was carrying with him on 16 May 08 during the mission?

STATEMENT OF [redacted] TAKEN AT FOB Summerall. Bayji, IZ, DATED 14 Jun 08,
CONTINUED:

A. I know he was carrying an M-4, whether he had his berretta or not, I am not sure, but I assume he did. He also favored the Glock pistol I had signed for from the IPLO (the civilian contractors who train the Iraqi police forces). It is possible he was carrying the Glock, but I did not see it.

Q. How many Glocks did you sign for?

A. Four.

Q. Did 1LT BEHENNA have the same weapon all the time?

A. Yes, he kept it in his containerized housing unit (CHU). In fact when he went on leave, I went in to his CHU and took his Glock, which we have used on the range and has been cleaned, [redacted] his assigned Berretta which was then signed over to SSG WARNER. [redacted] the Glock recently as he had placed it in some clothing. [redacted] the Glock about five days to a week ago.

Q. How did you gain access to 1LT BEHENNA?

A. [redacted]

Q. Did 1LT BEHENNA's demeanor change after the mission on 16 May 08?

A. No. Other than when I asked him if he had killed MANSOUR, we did not talk again that night. He came up to me in the morning to go to the range and breakfast.

Q. Do you believe 1LT BEHENNA was involved in the death of Ali MANSOUR?

A. Yes

Q. Do you believe anyone assisted 1LT BEHENNA in the death of Ali MANSOUR?

A. Yes, SSG WARNER and [redacted] the interpreter.

Q. Has anyone told you any information since the mission on 16 May 08 concerning the death of Ali MANSOUR?

A. Yes, it was all after about five days later when 1LT BEHENNA went on leave. I began asking questions and I kept getting more and more information. I was sent to go se[redacted] ask questions about how and when Ali MANSOUR was found. I then asked questions in my platoon. I remember the LT saying right away after MANSOUR was found, Messerah CLC. As things began to surface I was talking to the Platoon and found that MANSOUR was with our convoy the whole time and was not dropped off when we dropped the other detainee off. I asked [redacted] he had seen anything, and he told me he had seen a bright flash like an incendiary grenade. I spoke with [redacted] s well who did not see anything. [redacted] and told them that no matter what everything needed to come out. I spoke with SSG WARNER and asked him what his part was in killing Ali MANSOUR. SSG WARNER said he did not do it, the LT had done it, and he was just there. I asked SSG WARNER how the grenade had come in to the picture, and he said that there was no fuel to burn the body so the LT had said to use the grenade. On a different night, SSG WARNER stated he had taken the clothes of MANSOUR and placed them in his truck under the seat. SSG WARNER stated he had gotten rid of the clothing while out on mission by throwing them out of the vehicle south of checkpoint 100. SSG WARNER was becoming very nervous talking about it, and kept repeating himself.

Q. What kind of grenade did SGT WARNER say he used?

A. He said it was a thermite.

Q. What was the weather like on the night of 16 May 08?

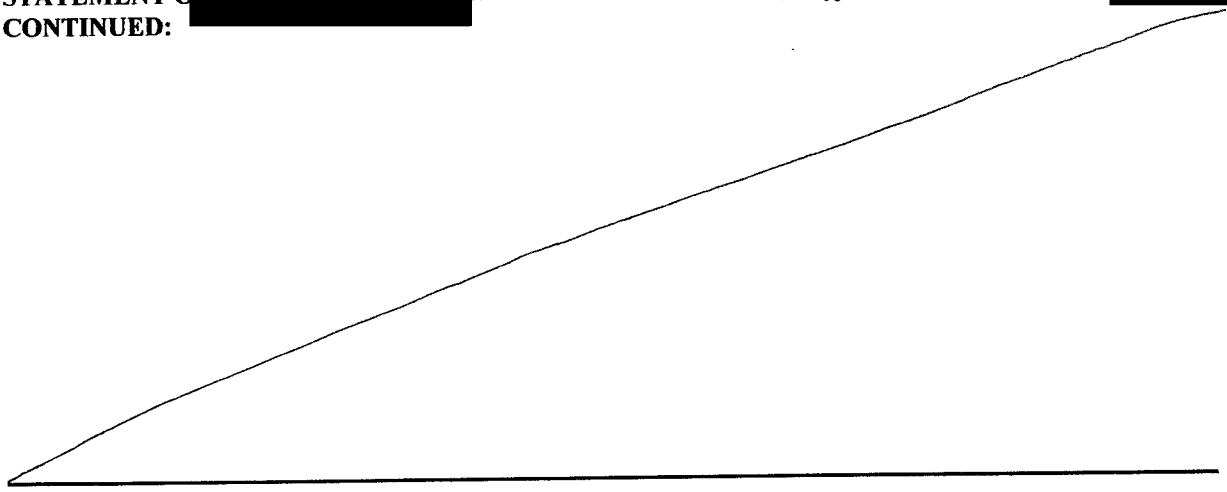
STATEMENT O[redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 14 Jun 08, [redacted]
CONTINUED:

A. It was condition red for flying medevac, there was a dust storm. I am sure we could have seen something burning, but it was very dim.
Q. Were you present when Ali MANSOUR was captured?
A. [redacted]
Q. Did anyone at any time during the capture or right after the capture of Ali MANSOUR, shoot at him, or around him in order to scare him in to providing any information?
A. To my knowledge no, I never heard any gunshots or anything like that.
Q. When Ali MANSOUR was loaded in to the vehicle upon his capture, did you immediately return to FOB Summerall?
A. Yes.
Q. Did you witness any injuries on Ali MANSOUR?
A. No, I could not tell.
Q. Did you stop along the way at any point when returning to FOB Summerall with Ali MANSOUR?
A. Not to my knowledge, and if we did stop, it was in the city of Al Butoma, no where open.
Q. Did anyone hit or strike Ali MANSOUR when he was captured?
A. Not to my knowledge.
Q. During the search of Ali MANSOUR's house, was damage done to any furnishings, clothing or food contained in the house?
A. I was not in his house, I do not know.
Q. Why do you think 1LT BEHENNA killed Ali MANSOUR?
A. He felt Ali MANSOUR was responsible or partly responsible for the death of two platoon members on 21 Apr 07.
Q. Why do you think SSG WARNER was involved in the death of Ali MANSOUR?
A. I think he was reacting to what was happening at that time. He just got caught up and chose wrong.
Q. Is there anything you wish to add to this statement at this time?
A. No./////[redacted]////////////////End of Statement//

[redacted]

STATEMENT OF [redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 14 Jun 08 [redacted]

CONTINUED:



AFFIDAVIT

[redacted] have read or have had read to me this statement which begins on page 1 and ends on page 5. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence or unlawful inducement.

[redacted]

Witness #1:

_____

_____

_____

[redacted]ement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 14th day of June 2008,

Witness #2:

_____

_____

_____

[redacted]

[redacted]

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469
DATE: 15 Ju[redacted] **TIME:** 0855- 1156
NAME: [redacted] **SSN:** [redacted] **GRADE/STATUS** [redacted]
ORGANIZATION OR ADDRESS: [redacted]

[redacted] want to make the following statement under oath:

We received a mission brief sometime after lunch. Lt. Behenna gave the brief. He said we were returning the two detainees who had been brought up to the pad. Lt. Behenna said that one of the detainees was a known terrorist, but he was being released because Battalion did not have enough information on him. He then asked us how much sense does that make. We left the FOB and drove to a CLC checkpoint in Mezra. Lt. Behenna dismounted and began talking to the CLC members. I saw one of the detainees get out of SSG Warner's truck along with some dismounts. He walked over to the CLC members with the dismounts and the Lt. Approximately 15 minutes passed. Everyone then returned to the vehicles and we drove to Market Street in Albu Toma. After going down Market Street, we drove to [redacted] compound. Lt. Behenna dismounted along with several dismounts to go talk to the [redacted] Approximately one hour passed. We then left Albu Toma taking the regular route back to the FOB. About 5 minutes into the return trip, Lt. Behenna suggested over the radio that we take the desert trail back to the FOB to show SSG Warner and [redacted] more of our AO. We drove parallel to the railroad tracks for a few miles before we saw a man walking through the desert carrying a bag. Lt. Behenna ordered the convoy to stop. The Lt., [redacted] the interpreter and the dismounts got out of the vehicle and talked to the man. They then returned to the vehicles and we continued. Lt. Behenna ordered a change in the order of march, movi[redacted] Approximately 5 minutes passed before Lt. Behenna called for a tactical pause. We turned off the lights and the Lt. dismounted. Approximately 20 minutes passed when [redacted] said that he could see something burning behind us. Another 10 minutes passed before the Lt. returned to the truck. After returning to the trucks, we drove back to the FOB.

Q [redacted]
A [redacted]
Q. Did you author the above statement?
A. Yes.
Q. Did this mission take place on 16 May 08?
A. I guess, not really sure of the date.
Q. What is a CLC checkpoint?
A. Concerned Local Citizens.
Q. When you released detainees at the CLC checkpoint, how many detainees did you see released?
A. I saw one.
Q. Did you see the other detainee leave SSG WARNER's vehicle, or get released?
A. No.
Q. Did you know who the detainees were that you were releasing on this mission?
A. Other than what the LT said, I did not know who they were, and did not know that one was the guy we had picked up on 5 May 08.

Q. Did you know the significance of the detainee, Ali MANSOUR, you captured on 5 May 08?
A. No, the LT never said anything like he was the guy or anything like that to me.
Q. When did you find out Ali MANSOUR was suspected of having involvement in the IED which struck your platoon on 21 Apr 08?
A. It was after we returned to FOB Summerall on 16 May 08.
Q. Who told you who Ali MANSOUR was?
A. I do not know, mayb(b)(6) (b)(7)(C) (b)(3) [redacted] who is also (b)(6) (b)(7)(C) (b)(3) [redacted]
Q. Was it abnormal for 1LT BEHENNA to change the route back to the FOB or change the order of march during the mission?
A. We usually take the same route, but we have taken the desert route before. We normally do not change the order of march unless we pick up a detainee or something, so it was a little odd, but not something that I questioned. I think he said he was doing it to allow (b)(6) (b)(7)(C) (b)(3) [redacted] to see better on the route.
Q. What was the order of march when you left the FOB?
A. (b)(6) (b)(7)(C) (b)(3) [redacted] LT was second, SSG WARNER was third, and (b)(6) (b)(7)(C) (b)(3) [redacted]
(b)(6) (b)(7)(C) (b)(3) [redacted]
Q. What did the order of march change to?
A. (b)(6) (b)(7)(C) (b)(3) [redacted] (b)(6) (b)(7)(C) (b)(3) [redacted] LT, and SSG WARNER was the rear.
Q. Who called the tactical pause?
A. 1LT BEHENNA just said lets stop here. It was not very long after we changed the order of march that he called for the stop.
Q. Did 1LT BEHENNA seem to change his demeanor when he called the stop?
A. No.
Q. What weapons was 1LT BEHENNA carrying on this mission?
A. He was carrying an M4 and a 9mm Beretta.
Q. Do you know if 1LT BEHENNA ever carried a Glock 9mm on missions outside the wire?
A. Not to my knowledge.
Q. While at the stop, did you hear any gunshots, explosions or see any bright lights or fire?
A. No. I had my headset on which has noise cancelling properties. The vehicle was running, and I had the air conditioning on.
Q. What was the visibility like during the stop?
A. It was dark, but it was not a sand storm or anything.
Q. Were you on medevac red, or under no air support during the mission?
A. We did not have any air support, but I do not know what the medevac status was. The only time it is red is when there is a sandstorm.
Q. When 1LT BEHENNA returned to the vehicle, did his demeanor seem different than when he had left the vehicle?
A. No.
Q. When you returned to FOB Summerall, did you enter in to any discussions with anyone about 1LT BEHENNA possibly killing the detainee, Ali MANSOUR, while at the stop in the desert?

STATEMENT OF [redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08

CONTINUED:

A. It was not really a discussion, there were a couple of statements made. I did not see any groups getting together to discuss anything. My [redacted] told me when I returned from chow that he thought the LT killed that guy when we stopped. I think he said what he saw burning was what he thought to be a grenade, like an incendiary grenade. I do not remember his exact wording, but it was something like that.

Q. Did anyone else make a statement to you that they believed 1LT BEHENNA was responsible for the death of MANSOUR?

A. Not that I recall. I went to bed shortly after that. I think I talked to [redacted] and then went to bed.

Q. Do you believe 1LT BEHENNA was responsible for the death of MANSOUR?

A. Yes.

Q. Do you believe anyone else in the platoon assisted 1LT BEHENNA in the death of MANSOUR?

A. No, he was the only person I saw get out of the vehicle. As far as motive is concerned, SSG WARNER was not with us during the IED, and did not know any of the guys. 1LT BEHENNA was close to both the guys killed as well as the [redacted] who was sent home.

Q. Did you see anyone else dismount from the vehicles in front of your vehicle during the stop?

A. They were a ways in front of us, so they could have gotten out, but they did not come near my vehicle. When 1LT BEHENNA dismounted, he went toward the back of the vehicle, I never saw him go forward of the vehicle.

Q. Do you know which vehicles the detainees were transported in?

A. I saw one detainee get out of SSG WARNER's truck at the checkpoint, but I did not know if they had split them up. Before we left I did not see which truck they were loaded in to.

Q. Did you know MANSOUR was in SSG WARNER's vehicle during the entire mission?

A. No.

Q. Did anyone tell you after the mission when MANSOUR was taken out of the vehicle?

A. No, I did not talk to anyone about it.

Q. What kind of grenades are carried by the personnel in your platoon?

A. As far as I know, no one carries grenades. I was never given any, and I do not think that anyone under the rank of E-5 carries any grenades. In the truck is a can with signaling grenades, smoke, parachutes and flares.

Q. Did 1LT BEHENNA bring anything back in to the truck he did not have before the stop?

A. No.

Q. Were you part of the mission in which MANSOUR was captured on 5 May 08?

A. Yes.

Q. Were you part of the team entering the house to capture MANSOUR?

A. No, I was in [redacted]

Q. Do you know if anyone struck or hit MANSOUR during his capture?

A. No. I could not see in to the house.

Q. Did you see MANSOUR when he was brought out to the vehicles?

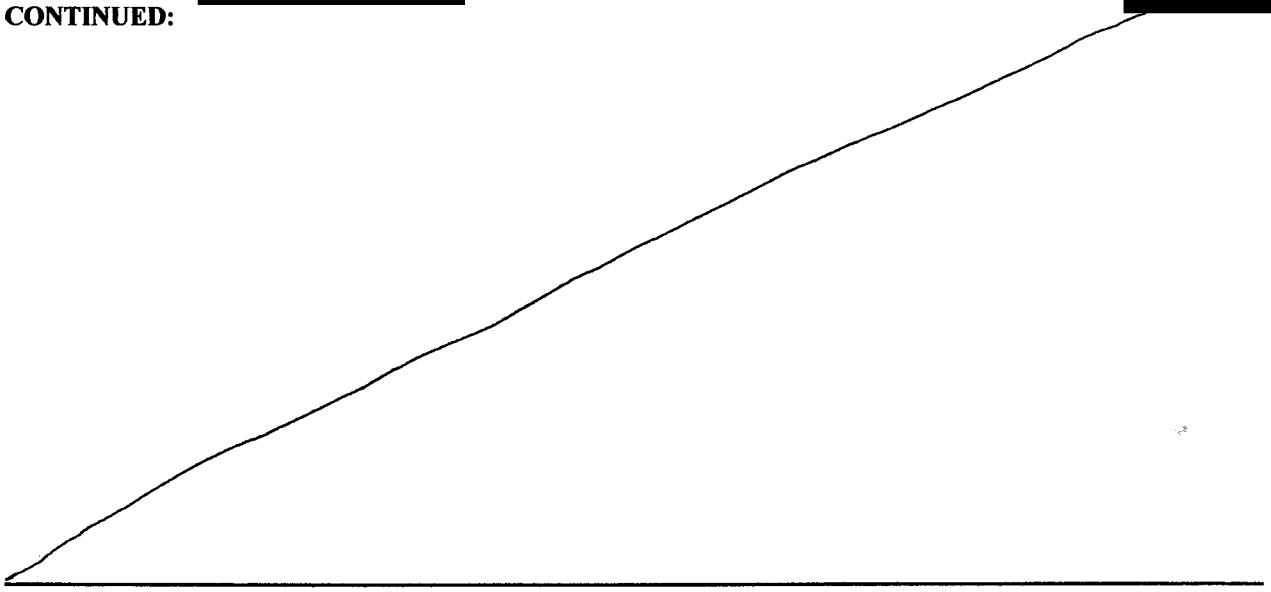
A. Not that I recall, if I did, there was nothing off kilter about his appearance.

Q. Did anyone state they had caused unnecessary destruction to any furnishings, clothing or food items in the house?

A. No.
Q. Were you present on the mission on 21 Apr 08 when an IED struck a vehicle from your platoon?
A. Yes.
Q. Did you have any detainees in your vehicle when the IED struck the vehicle from your platoon?
A. Yes, we had two detainees in the vehicle.
Q. Did anyone remove the detainees from the vehicle after the IED hit?
A. Yes, 1LT BEHENNA did.
Q. How were the detainees removed from the vehicle?
A. Roughly would be how I would describe it.
Q. Do you know if any Army Soldiers or CLC members struck, hit, or shot at the detainees in order to scare them in to providing any information?
A. I did not witness any CLC or Soldiers beating any detainees. I was also relaying information for calling in the medevac at that time.
Q. Have you ever witnessed any Soldier strike a detainee during a capture which was not necessary in the capture of the detainee?
A. No.
Q. Did you at any time ask 1LT BEHENNA if he was responsible in any way for the death of MANSOUR, or hear 1LT BEHENNA relate any responsibility for the death of MANSOUR?
A. No.
Q. Is there anything you wish to add to this statement at this time?
A. No[redacted]//////////////////////////End of Statement//

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT FOB Summerall**, Bayji, IZ, **DATED** 15 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:



AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 5. 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.

Witness #1:

_____

_____

_____

(b)(6) (b)(7)(C) (b)(3)

_____

(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 15th day of Jun 2008,

Witness #2:

_____

_____

_____

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 47

Exhibit 48

Page(s) 000152 thru 000155 withheld:

Foreign Language Document

English translation

at Exhibit 49

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

SWORN STATEMENT

(b)(6) (b)(7)(C)

Taken on 15 Jun 08 at FOB Summerall, Bayji, IZ

I, (b)(6) (b)(7)(C) want to make the following statement under oath:
At may-5-2008, afternoon the American forces came to the house of (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) after that they raided my house and (b)(6) (b)(7)(C) Ali Mansur Mohamed House at 14:00hours. They raided my house and broke the main door and they broke the furniture inside the house (closet, clothes hanger, etc.) they spilled the rise and sugar on the floor; they took me out to the porch of the house and made me sit on the floor. Then they picked me up and they started talking between them, later they took me back to the room and started beating me on the face, stomach, abdomen and head, during that I fell on the ground and they started hitting me on my belly severely and they put their boots on my head. They started asking me about (b)(6) (b)(7)(C) Ali Mansur's house. I told them where it is and they took me to (b)(6) (b)(7)(C) house after handcuffing me on the back with zip ties, then they escorted me to the main door and made me sit by the main door, I told them that (b)(6) (b)(7)(C) works with (b)(6) (b)(7)(C) in Rayash station. I started hearing the yelling at the house and the sound of breaking dishes, but I don't know what is going on inside. The Americans who were standing close by me asked me: do you know what they are doing inside? I answered "I don't know". They told me sarcastically FIKI FIKI (interpreter note (FIKI FIKI) in slang Iraqi Arabic means Having sex). They stayed at the house for couple of hours, later they took (b)(6) (b)(7)(C) out around 16:30 and took me back to my house and they told me that we will take him to interrogate him; I said it's up to you. By that time (b)(6) (b)(7)(C) was only wearing his underwear (short and T shirt). They took him to (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) after that they took him to a mountains area, it has been said that American forces started firing at that area, a woman from the area also heard the yelling form the American forces, after that they took him to the American base. After his detention I knew that he was in Sinia base later we heard that he was moved to Speicher base and after that he was released from Speicher and they took him back to Sinia where he was released from there to the American in Sinia Base. We didn't know where they took him to. Later one of my relatives notified me that his body was found in the hospital of Tikrit, I went there with (b)(6) (b)(7)(C) to the hospital and we identified the body it belongs to (b)(6) (b)(7)(C) Ali Mansur Mohamed.

EXHIBIT 49

///End of Statement///

This document was translated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 49
000157

Exhibit 50

Page(s) 000158 thru 000159 withheld:

Foreign Language Document

English translation

at Exhibit 51

Tikrit CID Office
Contingency Operating Base Speicher
Tikrit, Iraq

21 Jun 08

File No.: 0066-08-CID469-51978

TRANSLATION

SWORN STATEMENT

(b)(6) (b)(7)(C)

Taken on 15 Jun 08 at FOB Summerall, Bayji, IZ

I, (b)(6) (b)(7)(C) want to make the following statement under oath: I was during my regular hours of work at the IP station of Rayash in may-5-2008 at 14:00 hours. A local national from the village called me and informed me that American forces raided the house of Ali Mansur. I informed the station commander with this news, he told me to take MAJ. (b)(6) (b)(7)(C) and go to them, see what is going on. I went to MAJ. (b)(6) (b)(7)(C) and I took him with me to the house of Ali Mansur. By the time we got to his house the force has left already from the house of Ali Mansur. We followed them to the house of (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) after we got there I found an interpreter standing at the front door. We asked him, who is the officer present with this force. He said LT. Bahanna. MAJ. (b)(6) (b)(7)(C) went inside the house and the LT. was inside the house, later MAJ. (b)(6) (b)(7)(C) came out of the house and he told me that LT. Bahanna told him that they have some questioning with him nothing more. Later the American vehicles left the house of (b)(6) (b)(7)(C) and they took a tour around the village. I was looking at them hoping that they will release Ali so I can take him to his family. Then they headed to mountain area at the end of the village and they started shooting bullets. I think it's like BKC, between 6-8 bursts 6-10 rounds every burst, and then the vehicles headed towards the American Sinia base

.///End of Statement///

This document was translated by the undersigned and is to the best of my knowledge.

(b)(6) (b)(7)(C)

Translator
MND-N G-3
COB Speicher, APO AE 09393

EXHIBIT 51

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469
DATE: 15 Ju[redacted] **TIME:** 1200-146[redacted]
NAME: [redacted] **SSN:** [redacted] **GRADE/STATUS:** [redacted]
ORGANIZATION OR ADDRESS: [redacted]

[redacted] want to make the following statement under oath:
On the day of the 16th of May, myself and D. Co 5th PLT 1-237 INF, were given the mission to drop off 2 detainees to the CLC at the intersection before we conducted our mission in Albu Toma. During our mission brief LT Beahena told us that one of the detainees that we were dropping off was a guy that we picked up on the 5th. He also told us that this is one of the guys that was known to be involved with the IED that our platoon was hit by on april 21st. the LT seemed like he did not want to let this guy go at all. nothing else was said about them other than that we were dropping them off at the intersection of Hershey and Tampa. Originally we were supposed to SP at around 1300 but we had to push that time back because of a sand storm. I do not know the exact time that we did SP but it was later in the afternoon. We left the FOB through gate 3 and started heading south on Hershey, we got to the intersection of Hershey and Tampa and, from what I believed, let turned both of the detainees over to the CLC. After that we went on with our mission, and conducted our SOI in Albu Toma. When we stopped at [redacted] house [redacted] I realized that we did not drop both of the detainees off, one of them we still [redacted] At the time this wasn't out of the ordinary, I just thought that we were going to drop him off somewhere else. After we got done at [redacted] we got back on Tampa and started heading north. At check point 101 LT Beahena told the lead truck to start west on a back road, and to take the back way back to Hershey. Sometime we do this because IEDs are placed on our route back because everyone knows the routes that we always take. I did not find anything weird about this either. We started heading north through the desert when the LT saw some on walking through the desert with a few bags. He halted the convoy and wanted to search this guy. After he was done being searched it was decided that he was not a threat and we continued to move north towards Hershey. About 2-3 clicks from Hershey the LT came over the net and said to stop for a "piss break", we stopped and I opened my door to take a piss. After I was finished I sat back down and closed the door. At this time SSG warner got out of the truck and I saw the LT walking up. From what I could see there was no one else with him, this I thought was kind of odd because he isn't supposed to go anywhere without his security. When the LT got to the truck SSG warner got out he went to the back of the truck and got the detainee. The LT told [redacted] when SSG warner and the detainee got out. [redacted] After about 10 minutes SSG warner came back to the truck and I saw the LT walking back up to his truck. There was no one else with them. I didn't ask SSG warner where the detainee was, I just figured that they left him in the desert to walk home. SSG warner didn't seem any different than he normally does. He talked to us like usual and nothing seemed different about him. After a few days a few of the guys stared talking about what they saw and herd. From everything that was told to me, I started to think that that detainee was killed. Nothing else was really said about until the investigation was started. When this investigation started SSG warner started acting different, he seemed to be worrying a lot more. He didn't talk to

INITIALS OF PERSON MAKING STATEME[redacted] PAGE 1 OF 6 PAGES

DA Form 2823-E *FOR OFFICIAL USE ONLY* **EXHIBIT** 52
LAW ENFORCEMENT SENSITIVE

000161

STATEMENT C (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 15 Jun 08, **CONTINUED:**

me like he normally did. He started asking all of us what we thought happened. The LT also was always talking to SSG warner, things like "are you ok" and stuff like that. By this time I knew that something was wrong. Everyone has different stories about what happened, some know more than others do, but this is all that I know and all that I have assumed about that happened on May 16th 2008.

Q (b)(6) (b)(7)(C) (b)(3)

A

Q. Did you author the above statement?

A. Yes.

Q. Were you present on the missions on 21 Apr 08, 5 May 08 and 16 May 08?

A. Yes.

Q. What was the order of march for the vehicles when you left FOB Summerall on 16 May 08?

A (b)(6) (b)(7)(C) (b)(3) the LT, SSG WARNER (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3)

Q. Did the order of march change at any time during the mission?

A. Yes, when we turned west on to Tampa next to Checkpoint 101, the order of march was changed (b)(6) (b)(7)(C) (b)(3) he LT, and SSG WARNER in rear.

Q. Did you witness two detainees being loaded in to your vehicle before you left FOB Summerall?

A. Yes.

Q. Can you describe the detainees?

A. One was kind of bigger and he had a beard, the other one was more thin and was shaved. The one with the beard had on a blue camo "One tough recruit" shirt and sweatpants. The other guy was wearing a mandress.

Q. How long have you been in 5th Platoon of D Company?

A. Since July of 2007.

Q. How many detainee drop off missions have you conducted while you have been in Iraq?

A. A lot, maybe two a week.

Q. Have you ever before, dropped off a detainee in the middle of the desert and left them to walk home on their own?

A. No. We usually drop them at the CLC check point, and sometimes we take them to their houses.

Q. Did you think it was odd for 1LT BEHENNA and SSG WARNER to escort the detainee out in the desert at night?

A. Yes.

Q. What weapons was 1LT BEHENNA carrying on the mission on 16 May 08?

A. M4 and a 9mm, I do not know if he had the Glock or the Berretta on that mission. I have seen him carry both out on mission.

Q. Did SSG WARNER come back to the vehicle after removing the detainee and get anything?

A. No.

Q. When SSG WARNER returned to the vehicle, did he have any items in his possession which he did not have prior to getting out of the vehicle?

A. Not that I was aware of, no.

Q. When you returned to FOB Summerall, did you clean out the vehicle?

A. Yes.

Q. (b)(6) (b)(7)(C) (b)(3) did you notice any items under SSG WARNER's seat?

STATEMENT (b)(6) (b)(7)(C) (b)(3) [redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08, CONTINUED:

A. No. (b)(6) (b)(7)(C) (b)(3) [redacted]

Q. Would SSG WARNER be able to throw any items from the window while driving down the road?

A. No, the windows do not open. He would have had to open the door to throw anything out.

Q. Has SSG WARNER thrown any items from the vehicle while out on mission since 16 May 08?

A. No.

Q. Does SSG WARNER carry any grenades?

A. Occasionally he carries a frag grenade, but other than that, no.

Q. Does SSG WARNER have access to an incendiary grenade?

A. Yes he does. He could take one from other trucks or get them from the Company.

Q. Does your truck have any incendiary grenades stocked in it?

A. Not that I am aware of.

Q. Did SSG WARNER get anything out of the truck when he was removing the detainee at the stop in the desert?

A. No.

Q. When the stop in the desert was called, was it out of the ordinary for 1LT BEHENNA to walk away from the trucks with only SSG WARNER with him?

A. Yes.

Q. Did anyone else attempt to call a tactical pause, or bathroom break, before 1LT BEHENNA called one?

A. Not that I know of.

Q. When did you find out who Mr. MANSOUR was and what his significance to your platoon was?

A. Right before we left for that mission to drop him off.

Q. When Mr. MANSOUR was captured on 5 May 08, did you know who he was or that he may have been involved in the IED from 21 Apr 08?

A. No.

Q. Was the mission on 5 May 08 to be a capture mission for Mr. MANSOUR?

A. We had three houses to hit, out of the three we got two detainees, that was what was briefed to us when we left that day.

Q. Did you notice a change in 1LT BEHENNA's behavior after the mission on 16 May 08?

A. I really do not talk to the LT.

Q. Did you notice a change in SSG WARNER's behavior after the mission on 16 May 08?

A. Yes I did, he stopped talking to me, he was acting worried. When the investigation started he would always ask us what we thought and what we knew had happened on that mission.

Q. Did SSG WARNER ever request you to destroy or get rid of clothing items?

A. No.

Q. Did you ever see SSG WARNER with any clothing items resembling the ones worn by Mr. MANSOUR the night of the mission?

A. No.

Q. Do you believe 1LT BEHENNA is responsible for the death of Mr. MANSOUR?

A. Yes I do, from what I have heard other people say, and what I witnessed that night. I did not see 1LT BEHENNA kill anyone though.

Q. Why do you think 1LT BEHENNA would have killed Mr. MANSOUR?

STATEMENT O (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 15 Jun 08, **CONTINUED:**

A. He was angry for what happened on 21 Apr 08 when we were hit by an IED.
Q. Did 1LT BEHENNA suspected Mr. MANSOUR was involved in the IED attack?
A. Yes, he did.
Q. Did 1LT BEHENNA ever openly express a desire to take revenge against Mr. MANSOUR?
A. No, he did not.
Q. Do you believe SSG WARNER was responsible in any way for the death of Mr. MANSOUR?
A. No I do not.
Q. Do you believe SSG WARNER had any part in the killing of Mr. MANSOUR or any attempt to cover it up?
A. Yes I do. He was out there, he covered for the LT.
Q. Why do you believe SSG WARNER covered for the 1LT BEHENNA?
A. I think he was afraid of what the LT would do.
Q. Do you think 1LT BEHENNA would have threatened SSG WARNER?
A. I think the LT would have threatened him.
Q. Did SSG WARNER say to you at any time he witnessed 1LT BEHENNA kill Mr. MANSOUR?
A. No he did not.
Q. Did SSG WARNER make an inference at any time that 1LT BEHENNA killed Mr. MANSOUR?
A. Yes he did, he said that the LT was with Mr. MANSOUR and that he heard shots. He said the LT walked back to SSG WARNER without Mr. MANSOUR.
Q. Did SSG WARNER state he attempted to burn the body of Mr. MANSOUR?
A. No he did not.
Q. Do you believe (b)(6) (b)(7)(C) had any responsibility in the death of Mr. MANSOUR?
A. No I do not.
Q. Who did you witness walk away from the vehicles with Mr. MANSOUR?
A. I only saw SSG WARNER and the LT.
Q. During the stop in the desert, did you hear any gunshots or explosions or see any bright flashes or burning?
A. No I did not.
Q. Did anyone in your vehicle say they saw a flash or bright light while stopped?
A. Not in my vehicle.
Q. Did anyone in the platoon say they saw a flash or bright light while stopped?
A. Yes (b)(6) (b)(7)(C) (b)(3) said he saw a flash come from the direction in which SSG WARNER and 1LT BEHENNA were walking.
Q. Did (b)(6) (b)(7)(C) (b)(3) say what he thought the flash was?
A. No.
Q. What did you do on the capture mission on 5 May 08 for Mr. MANSOUR?
A. (b)(6) (b)(7)(C) (b)(3)
Q. Did you conduct a search of the residence?
A. (b)(6) (b)(7)(C) (b)(3)
Q. Did you or any member of your team destroy or damage any furnishings, clothing or food items in the house?
A. Not that I know of.

INITIALS OF PERSON MAKING STATEME (b)(6) (b)(7)(C) (b)(3) PAGE 4 OF 6 PAGES

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 15 Jun 08, **CONTINUED:**

Q. Did you know of anyone pouring kerosene on any clothing items?
A. No.
Q. Has anyone caused any unnecessary damage during any capture mission before or since 5 May 08?
A. Not that I know of.
Q. Did you see anyone strike or hit Mr. MANSOUR when he was captured?
A. No I did not.
Q. Were you with Mr. MANSOUR during the entire time of his capture?
A. No, (b)(6) (b)(7)(C) (b)(3) and 1LT BEHENNA and (b)(6) (b)(7)(C) our interpreter, had Mr. MANSOUR in a room by themselves with the door closed.
Q. Did you hear any screams or sounds of a struggle from the room?
A. No I did not.
Q. Did you see any bruises or marks on Mr. MANSOUR when he was detained?
A. No I did not.
Q. Do you know what Mr. MANSOUR was wearing when he was detained?
A. He was wearing a mandress.
Q. What vehicle were you in on the mission on 21 Apr 08?
A. (b)(6) (b)(7)(C) (b)(3)
Q. After the IED hit the vehicle in your convoy, did you notice any detainees being removed from any vehicles?
A. No I did not, there were detainees in 1LT BEHENNA's vehicle, but I did not see them get out.
Q. While awaiting medevac and assistance on 21 Apr 08, did you hear any shots fired?
A. Yes I did.
Q. Do you know why anyone would have been firing their weapon?
A. I was told they were warning shots, I do not know who they were fired by.
Q. Did you have air support with you after the IED struck the vehicle?
A. After about ten minutes we did, I believe it was a scout weapons team, two black hawks.
Q. Did anyone state the detainees were fired at on 21 Apr 08?
A. No to me, no.
Q. How many shots did you hear fired on 21 Apr 08?
A. From three to five. I do not know what weapon fired them.
Q. Have you ever witnessed a detainee being abused by U.S. Forces.
A. Negative.
Q. Is there anything you wish to add to this statement at this time?
A. No.////////// (b)(6) (b)(7)(C) (b)(3) //////////////////End of Statement//

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08, CONTINUED:

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 6. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 15th day of Jun 2008.

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEM (b)(6) (b)(7)(C) (b)(3)

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469
DATE: (b)(6) (b)(7)(C) (b)(3) 530 1618 (b)(6) (b)(7)(C) (b)(3)
NAME: [redacted] **SS** [redacted] **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

Before the mission started I was told to put the detainees in a truck and watch them until we got ready to leave. While I was sitting there watching the detainees not knowing who they were the one with the beard seemed to be praying. He was saying something under his breath constantly. I was (b)(6) (b)(7)(C) (b)(3) the LT that day. Our mission started around 1700 or 1800 and the mission was to drop off the detainees, go to market street in albu toma, and go to (b)(6) (b)(7)(C) At our first stop at the intersection they only let one detainee out I thought it was because we were going to let the other guy out in albu toma. We went to market street the LT and his dismounts got out but I never saw the other detainee get out. We stayed there on market street for about thirty minutes to an hour. After that we went to (b)(6) (b)(7)(C) house again the LT and the dismounts got out but I didn't see the detainee get out. After staying there for a couple of hours everyone loaded back up and the LT said "lets RTB but go through the desert since SSG Warner has never seen that route". So we went through the desert hand railing the railroad tracks. By this time it was dark out so I mounted my NVG's. The next thing I hear over the radio is SSG Warner say can we take a piss break and the LT replied with no not yet. After about two hundred meters the LT told everyone to stop. When we stopped the LT dismounted walked to SSG Warner's truck and then I saw four people one of which I know was the LT start walking toward an underpass. After about twenty minutes I saw a glow coming from where they had walked I pulled up my night vision goggles (NVG's) and saw and orange like glow. About five or ten minutes after that I saw only three people walking back. That is when I thought to myself one of the four must have been the detainee and that they must have killed him. After the LT loaded back up he told us to return to base (RTB). After we got back to the FOB we were downloading our gear and (b)(6) (b)(7)(C) (b)(3) came up to me pissed off and said they shot the guy. I knew then for sure that someone had killed the detainee. Not to long after that day SSG Warner told me that he dismounted with the LT along with (b)(6) (b)(7)(C) the interpreter and the detainee that night. He told me that he didn't go in the underpass with the LT and detainee he stayed outside of it. He then heard two gun shots and ran to see what had happened and the LT met him before he could get all the way in the underpass. He said the LT then told him to throw it, not knowing what the LT was talking about SSG Warner replied with throw what. The LT then put his hand on the pistol with the hammer cocked back and told SSG Warner again to throw it so SSG Warner reached in his pouch and grabbed a grenade not knowing what kind and threw it.

Q. (b)(6) (b)(7)(C) (b)(3)
A. [redacted]
Q. Did you author the above statement?
A. Yes.
Q. Did the mission you discuss above take place on 16 May 08?
A. Yes.

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3) [redacted]

EXHIBIT 53

STATEMENT O[redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 0[redacted]

CONTINUED:

Q. Do you remember the order of march for the vehicles when you left FOB Summerall?

A. I think it was [redacted] I think [redacted] LT. then [redacted] and SSG WARNER in the last truck.

Q. Can you describe the two detainees you put in the truck?

A. One was skinny without a beard, and the other guy had a beard and was wearing a grey shirt and sweat pants. The guy with the beard was the one who was praying, so I was looking at him more than I was looking at the other.

Q. Did you know the names of either of the detainees?

A. No.

Q. Did the detainee who had the beard look scared?

A. You could say that, kinda.

Q. Did you witness anyone say anything to either of the detainees when you were watching them, or while they were being held at the Platoon area?

A. No.

Q. Who did you drop the first detainee off with?

A. The Concerned Local Citizens (CLC).

Q. Where do you normally drop off detainees at?

A. It depends on where they are from. If they are from Messerah we drop them off with the CLC, if they are from Albu Toma, we drop them off in Albu Toma.

Q. Did you see the detainee get out of the truck at any time while in Albu Toma, either on market street, or at [redacted]?

A. No.

Q. When did you first realize you still had a detainee in the convoy?

A. When we were between the Tampa and the desert road, someone came over the radio and asked what we were going to do with the detainee.

Q. Did anyone answer this question over the radio?

A. Someone did, but I do not know who it was. I think it was the LT, and I think he said not to worry about it.

Q. Do you know who asked about the detainee?

A. I do not have a clue.

Q. When did you change the order of march of the vehicles?

A. After we got on to the desert road and had done a security check of a male walking with some bags.

Q. Was a reason given for the change of order of march?

A. I do not remember.

Q. Was it strange when 1LT BEHENNA denied a tactical pause to allow someone to go to the bathroom?

A. Yes. We usually always stop when someone asks to.

Q. When the convoy stopped along the rail road tracks, who dismounted the vehicles?

A. I know the LT did, but I do not know who else did.

Q. Was it out of the ordinary for 1LT BEHENNA to go to one of the rail road underpasses?

A. I had never seen him do it before.

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 15 Jun 08

CONTINUED:

Q. Have you ever taken the desert road back to FOB Summerall before?
A. Yes, a few times.
Q. Could you tell who was walking to the rail road underpass?
A. No.
Q. How did you know 1LT BEHENNA was one of the ones going to the underpass?
A. Because he got out of the truck and did not come back, and no one was standing around the trucks.
Q. What was the weather like during the stop in the desert?
A. It was clear and warm. I believe there were sandstorms earlier that day, but they had cleared out.
Q. How far away from the rail road underpass was your vehicle?
A. The railroad tracks were about 75 meters to the side of my vehicle, and the underpass was about 25 meters behind my vehicle.
Q. Did you hear any gunshots or explosions while 1LT BEHENNA was at the underpass?
A. No. I was wearing my headset, which cancels out a lot of noise outside of the vehicle.
Q. When 1LT BEHENNA returned to the vehicle, did he seem different in any way?
A. No.
Q. Did 1LT BEHENNA have any items with him he did not have when he dismounted the vehicle?
A. No, not that I seen.
Q. Did you see any clothing matching the description of the clothing worn by the detainee with the beard in any of the vehicles after 16 May 08?
A. No.
Q. Did you mention to anyone your suspicions of what had occurred in the desert?
A. No. I may have said something [redacted] but I do not know for sure.
Q. Why did [redacted] approach you and state 1LT BEHENNA had shot the detainee in the desert?
A. Because he was pissed off about it.
Q. Do you know why [redacted] would think that 1LT BEHENNA had shot the detainee in the desert?
A. I have no clue, he did not tell me why he thought that, and I did not ask.
Q. Have you ever dropped detainees in the desert and made them walk home alone at any time?
A. No.
Q. Did SSG WARNER's demeanor change after the mission on 16 May 08?
A. He seemed the same.
Q. Did SSG WARNER describe the pistol he said 1LT BEHENNA was carrying in his hand after he came out of the rail road underpass?
A. No he did not.
Q. Do you know what weapons 1LT BEHENNA was carrying during the mission on 16 May 08?
A. He was carrying an M4 and a pistol. I believe he was carrying the berretta pistol.
Q. Have you ever seen 1LT BEHENNA carry a Glock pistol out on mission?
A. I have never noticed it.
Q. Were you involved with the capture of the detainee on 5 May 08?
A. Yes. [redacted] LT's truck, I did not go in to the buildings.

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 15 Jun 08, [redacted]
CONTINUED:

Q. Did you see the detainee brought out to the vehicles?
A. Yes.
Q. Did the detainee appear to have any bruises, cuts or any blood on him?
A. No.
Q. Do you remember what the detainee was wearing when he was captured?
A. I do not.
Q. Did anyone hit, strike or harm the detainee when he was captured?
A. Not that I saw.
Q. When you captured the detainee, did the convoy go straight back to FOB Summerall?
A. I can not remember, we either did that or went to [redacted]
Q. On the way back to base with the detainee, did the convoy stop at any time and remove the detainee from the vehicle?
A. No.
Q. Have you ever witnessed a detainee shot at, or shot around to attempt to scare them in to giving up information?
A. No.
Q. Were you present with your platoon on 21 Apr 08?
A. [redacted]
Q. Were you ever told the detainee captured on 5 May 08 may have been involved with the placing of the IED which struck your platoon members on 21 Apr 08?
A. After he was shot and killed I heard that.
Q. Do you believe 1LT BEHENNA killed the detainee, Ali MANSOUR, on 16 May 08?
A. Yes.
Q. Do you believe anyone else in your unit assisted when 1LT BEHENNA may have killed MANSOUR on 16 May 08?
A. The only other person that was there was SSG WARNER and he threw a grenade because of the LT. I do not think he had a choice from what he said.
Q. Did you know for fact that 1LT BEHENNA killed MANSOUR while he was in the rail road underpass?
A. I did not know for a fact, I had my suspicions.
Q. Did anyone in the platoon tell you they heard any gunshots or explosions while at the stop in the desert?
A. No.
Q. Do you think anyone in the platoon knew 1LT BEHENNA planned to take MANSOUR in to the rail road underpass?
A. No.
Q. Is there anything you wish to add to this statement at this time?
A. No. [redacted] ////////////////////////End of Statement//

[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08 (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 5. 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.

Witness #1:

_____

_____

_____

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 15th day of Jun 2008.

Witness #2:

_____

_____

_____

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 53

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: (b)(6) (b)(7)(C) (b)(3)-CID469 (b)(6) (b)(7)(C) (b)(3)
DATE: 15 Ju[illegible] **TIME:** 1910-2231
NAME: (b)(6) (b)(7)(C) (b)(3) **SSN:** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

On 16 May 2008 late in the afternoon the members of D. co 5th platoon was standing around 2nd sections CHU area as 1LT Behenna walked up with 2 detainees from the D-cell and told us to watch them. They were restrained and blindfolded at the time as we watched them, after a few minutes the 1LT behenna took one of the detainees with a terp to his CHU area. After a little bit 1LT behenna returned with the detainee and began our mission brief and during it the LT told all of us during the brief that one of the detainees which was later I found out was Ali Monsor was a member of al queda and he has put in IED and has killed Coalition forces. After the brief we loaded into our MRAPs . I was in (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and SSG Warner (b)(6) (b)(7)(C) (b)(3) two detainees were in the back of the truck (b)(6) (b)(7)(C) (b)(3) When we SP'd FOB Summerall (b)(6) (b)(7)(C) (b)(3) We traveled down South Hershey until we got to the corner of South Hershey and Tampa. We stopped the vehicles at the CLC checkpoint there and drop one of the detainees off with the CLC. SSG Warner came to the back of the MRAP and I gave him the detainee and I stood behind the truck and watch SSG Warner take the detainee over to the LT and walked him over to the CLC and handed the detainee over to them. After they were done at the checkpoint we continued the mission to conduct SOI in Al Butoma. Once in Al butoma we drove around doing a presence patrol and then went to (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) house. Once there we stopped the trucks (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) courtyard and after (b)(6) (b)(7)(C) (b)(3) the LT and his (b)(6) (b)(7)(C) (b)(3) along with his terp went into the house. I stayed outside in the courtyard for a unknown amount of time. By the time it was time to RTB it was already dark outside. We left (b)(6) (b)(7)(C) house and took south tampa north until we reached the IA checkpoint between Al Butoma and Mezrah. We turned left there and drove for alittle bit and took a right to go off road in the desert. 1LT behenna once we were off road changed the order of movement so the (b)(6) (b)(7)(C) (b)(3) Convoy and SSG Warner's vehicle was now in the rear of the convoy. The LT told (b)(6) (b)(7)(C) (b)(3) take the convoy back to south Hershey while offroad. After a unknown amount of time a unknown voice called over the net and said we needed to stop for a bathroom break so we stopped the convoy. After a couple minutes 1LT behenna opened my back door of the MRAP and told me to give him the detainee we had still. I gave him the detainee and stepped out of the vehicle, the LT told me I couldn't stay out of the vehicle and go with him and told me to just stay in the vehicle. Once in the vehicle I saw SSG warner, LT behenna and (b)(6) (b)(7)(C) walk the detainee who was restrained but not blindfolded over to a colvert and inside where I couldn't see anymore. After around 30 minutes SSG Warner got back into the MRAP and after a minute or so the LT called over the radio to continue movement and once we got back onto south Hershey we drove down it until we called RTB to Battalion. After a couple of days I was along with other members of 5th platoon told that the guy we dropped off in the desert was taken by the LT and killed out in the desert and we didn't have to worry about the detainee that I now know as Ali Monsor. SSG Warner told us that.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08 (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Q. Did you author the above statement?
A. Yes.
Q. Can you describe the two detainees who were placed (b)(6) (b)(7)(C) (b)(3)
A. MANSOUR was about my height, maybe a little taller, had a beard and was dressed in a blue camouflage shirt they give out at the detention facility. He was praying the entire time we were in the vehicle. The other guy was skinnier and did not have a beard, but about the same height as MANSOUR.
Q. How did you know which detainee you were to take out of the vehicle at the CLC checkpoint?
A. SSG WARNER pointed at him or something, I knew which one I was supposed to take out.
Q. Were you told you would be taking MANSOUR to a different location to drop off?
A. Yes. I think it was in the convoy brief that he was supposed to be dropped off in Al Butoma.
Q. Where did you go when you left the CLC Checkpoint?
A. We went in to Al Butoma to do SOI, a presence patrol of the city.
Q. When you went in to Al Butoma, did you make any stops to drop off Mr. MANSOUR?
A. No. We only stopped at (b)(6) (b)(7)(C) house. When we went in to the town, we went in like we did not have anyone with us. I believe that is why no one else in the convoy knew he was still with us, except the people in our truck. We were just expecting the LT to let us know what we were going to do with him. We have dropped people off at (b)(6) (b)(7)(C) house, or different parts of the city, so we were just waiting to be told.
Q. Did you or anyone else ask why you still had Mr. MANSOUR in the vehicle when you left (b)(6) (b)(7)(C) house?
A. I am sure we did, but it was probably asking each other. We may have asked the LT about it.
Q. When you left (b)(6) (b)(7)(C) house, where did you go?
A. We started to return to base (RTB) the normal way when the LT said he wanted to go over the desert route and he wanted (b)(6) (b)(7)(C) (b)(3) lead us that way. We turned off the road near the rail road tracks and that is when the LT wanted to change the order of march as well. That is when my vehicle (b)(6) (b)(7)(C) (b)(3)
Q. Did you stop anyone on the road in the desert?
A. There was one guy we stopped, he was walking by with a bag. He was stopped to be checked for bombs or suicide vests, and was fine, so we went on our way.
Q. Did anyone request to take a tactical pause or bathroom break that was denied?
A. No, someone asked for one and the LT said not yet, wait a little bit, and then we stopped further down the road.
Q. What happened when you stopped near the rail road tracks?
A. The LT came up to my truck and told me to give him the detainee, and took him out of the truck. The LT took off his blind fold. I went to go with him and the LT told me no, stay in the truck. I stayed in the truck and watched SSG WARNER, the LT, (b)(6) (b)(7)(C) and the detainee walk to the underpass of the railroad tracks. It was about thirty to fifty meters away. I had my night vision goggles on as it was dark out and was watching them through the window of the vehicle. I watched for a little while, then I saw a glow which was coming from the other side of the rail road tracks. It

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08 (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

was very bright at first, then died down some. It was bright enough at first it was lighting up a lot of stuff, but it was not putting any light in to the underpass on to my side, so I still could not see in to it. I got tired of watching after that, so I sat back down. A few minutes, maybe ten minutes at the most, SSG WARNER came back and got in the truck, a couple minutes after that, the LT came over the radio and said to go. I could not see the route we took out, but thinking on it now, I think we may have gone out the way we came in or we would have had to cross the tracks at some point. We just returned to FOB Summerall at that time.

Q. When you saw the glow did you see any flashed prior to it?

A. No.

Q. Do you know what weapons 1LT BEHENNA carried out on mission on 16 May 08?

A. He always had an M4 and a pistol. I am pretty sure he was carrying a Glock pistol.

Q. Did you see 1LT BEHENNA return to his vehicle when he walked back from the culvert area?

A. No.

Q. Did SSG WARNER take any grenades out of the vehicle when he escorted the detainee with 1LT BEHENNA?

A. No, not that I could see, he did not take it from the back. If he did, he had one on him, or up in the front.

Q. Did you hear any gunshots or explosions when you were stopped in the desert?

A. No. The truck would have covered any sound of that.

Q. When SSG WARNER returned to the vehicle, was he carrying any items he did not have before he left?

A. Not that I could see. I do not even think I saw him come back, I think I just heard him get in. I had sat down and could not see anything.

Q. Did you see any clothing in your vehicle or in the possession of SSG WARNER after 16 May 08, which resembled the clothing worn by Mr. MANSOUR?

A. No.

Q. Did you notice any unusual odors on SSG WARNER when he returned to the vehicle?

A. No, I would have been able to from where I was sitting. There is a big fan in the rear.

Q. Are incendiary grenades maintained in your vehicle?

A. Yes.

Q. Did SSG WARNER return to vehicle after they started walking towards the railroad tracks?

A. No.

Q. Do you know if SSG WARNER was carrying incendiary grenades?

A. I do not know, he does have pouches on for grenades but we usually do not carry incendiary grenades on our person.

Q. At any time after the mission were you asked where you had dropped off the detainees to include Mr. MANSOUR?

A. Not until the sworn statements the Company had us do.

Q. Did anyone tell you what to say on the sworn statements, or what to say if anyone asked you where you had dropped off the detainees?

A. LT told us to say we had dropped them both off at Messarah if anyone asked about it, but he went on leave before we were asked to make statements.

STATEMENT OF [redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08, [redacted]

CONTINUED:

Q. Why did SSG WARNER tell you Mr. MANSOUR was dead?

A. I do not know if he was bragging about it, or giving us info about it or what. I know he gives us info on what is going on.

Q. Did SSG WARNER stated 1LT BEHENNA killed Mr. MANSOUR?

A. Yes.

Q. Did SSG WARNER state how 1LT BEHENNA had killed Mr. MANSOUR?

A. SSG WARNER said the LT shot him, but SSG WARNER said he was trying to stay away but someone had to go with him. SSG WARNER said he did not want to be there and did not want to be close to him, but I assume he had to be relatively close to him when it happened.

Q. Did SSG WARNER say how many shots 1LT BEHENNA fired?

A. No.

Q. Do you think 1LT BEHENNA and SSG WARNER pre planned the killing of Mr. MANSOUR?

A. No. I think the LT may have, but SSG WARNER was in the truck with us asking why we were driving around with MANSOUR in the truck just like we were. I really think it was one of the dumbest things I have seen, going to a culvert, right off a main road by a check point and killing someone, especially right after we just made some guy strip cause we thought he was carrying a bomb.

Q. Do you think [redacted] had any involvement in the death of Mr. MANSOUR?

A. I really do not know. I know [redacted] is polite to us, and does not seem like the kind of guy that would do anything like that. Maybe the LT told him he had to go with him, but the LT can talk to Iraqis, but I just do not know.

Q. Do you believe 1LT BEHENNA killed Mr. MANSOUR?

A. Yes.

Q. Were you present on missions on 21 Apr 08 or 5 May 08?

A. No. [redacted]

Q. Have you witnessed detainees being abused by unit personnel?

A. No

[redacted]

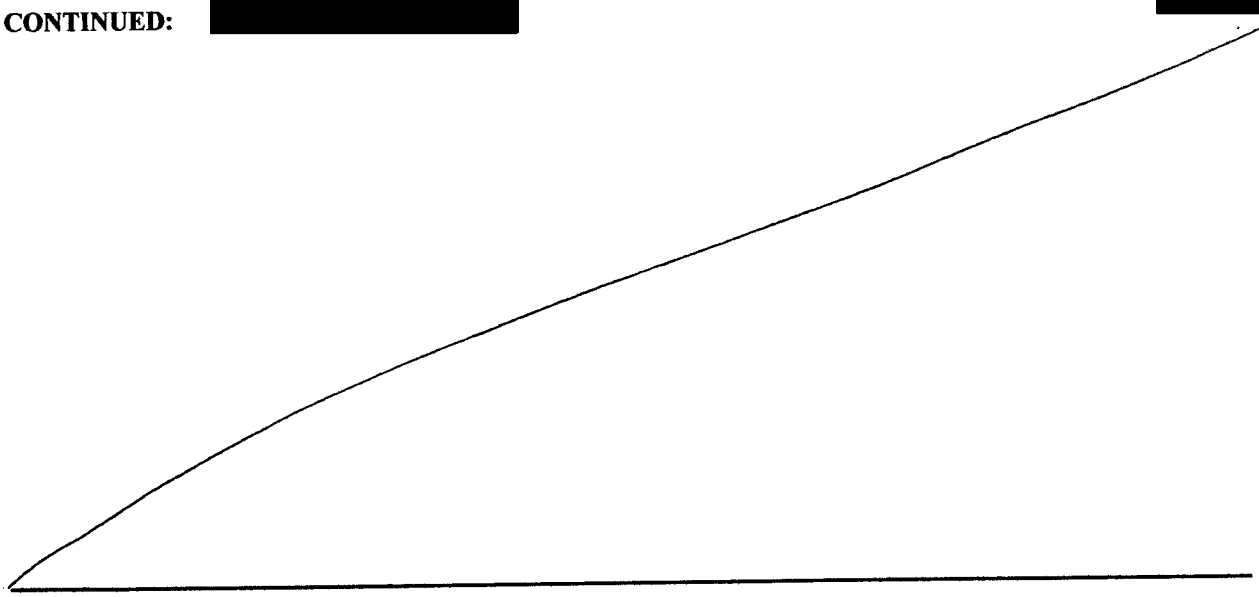
Q. Is there anything you wish to add to this statement at this time?

A. No.////////[redacted]////////////////End of Statement//

INITIALS OF PERSON MAKING STATEMENT [redacted]

EXHIBIT 54

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 15 Jun 08, (b)(6) (b)(7)(C) (b)(3)
CONTINUED:



AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 5. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 15th day of Jun 2008,

Witness #2:

(b)(6) (b)(7)(C) (b)(3)

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

EXHIBIT 54

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469 (b)(6) (b)(7)(C) (b)(3)
DATE: 16 Jun [redacted] **TIME:** 0900-1[redacted] (b)(6) (b)(7)(C) (b)(3)
NAME (b)(6) (b)(7)(C) (b)(3) **SSN:** [redacted] **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3) [redacted]

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

On the 16th of May, 2008 5th plt. D. Co. was given a task to take two detainees back to their homes, in Al Butoma. We were to leave at around noon but the weather was bad so we waited until it got better, which was in the evening. (b)(6) (b)(7)(C) (b)(3) As we left, we stopped at a CLC checkpoint on the intersection of Tampa and Hershey to let the detainees go. I looked out the window of the truck and only seen one get out, after a few minutes we had left to go to Al Butoma to talk to the [redacted] (b)(6) (b)(7)(C) As we sat in the area, I thought the other detainee had been released to walk back to his home since it was so close while our Lt. went to talk to the [redacted] (b)(6) (b)(7)(C) About an hour later we left to come back to the FOB, as we came to the area of checkpoint 101 which is operated by the Iraqi Army, we took a right off the main road into the desert. After going down a dirt road we seen a man walking by himself carrying a bag, everyone got out of the trucks to talk to him. I seen it was his food, so I went back into the truck while everyone one kept asking questions. After a few minutes of talking with the man everyone got back into the trucks. We still sat there, I thought people had to take a piss break, which is what usually happens when we sit around. So then we finally leave to come back to the FOB. Once we got back, I took all of my equipment to my room and I noticed that (b)(6) (b)(7)(C) (b)(3) I asked what the problem was, and he replied that the Lt. had supposedly shot the detainee in a culvert with the interpreter and our section sargeant, then threw a grenade on him. I'm not sure what type of grenade it was. I thought we let the detainee go in Al Butoma, but he stayed in the truck. I then went to go eat with the rest of our plt. and I then told (b)(6) (b)(7)(C) (b)(3) [redacted] about what my (b)(6) (b)(7)(C) (b)(3) aid he was that when we stopped, they asked for the detainee and told him to get back in the truck. Not to long ago, (b)(6) (b)(7)(C) (b)(3) and Warner were sitting around talking out side of my room. I heard him say that the Lt. would come around and make sure he was keeping his mouth shut, and that the same thing could happen to Americans. I didn't stop to listen, I kept on walking to use the bathroom. I'm not sure (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) had found out about all of this.

Q (b)(6) (b)(7)(C) (b)(3) [redacted]

A [redacted]

Q. Did you author the above statement?

A. Yes.

Q. Do you remember what the order of march was leaving FOB Summerall on 16 May 08?

A. (b)(6) (b)(7)(C) (b)(3) I am not sure who (b)(6) (b)(7)(C) (b)(3) maybe the (b)(6) (b)(7)(C) (b)(3) then I think the LT's truck. I think there were only three trucks that night.

Q. Who was riding in your vehicle and where were they positioned?

A. I was (b)(6) (b)(7)(C) (b)(3) as in the (b)(6) (b)(7)(C) (b)(3) [redacted] do not know who was driving, and I do not remember who was the TC.

Q. How many times have you been on a mission to drop off detainees being released?

Q. I do not know, guessing I would say two or three.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 16 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. Do you remember what the detainees you were to drop off on 16 May 08 looked like?
A. Beards and dark hair. I do not remember anything else.
Q. Did you know the name of either of the detainees?
A. I found out later the name of one of the detainees was Ali MANSOUR, but I did not know anything about either at the time.
Q. Did you see which vehicle the detainees rode in on the mission?
A. I believe it was the last one.
Q. Did you see the detainees get out of the vehicle at any time?
A. Just at the check point, and I only saw one of them get out.
Q. At any time did you see the second detainee get out of any of the vehicles?
A. No.
Q. Do you know how long you were at (b)(6) (b)(7)(C) house?
A. Somewhere around an hour.
Q. When you left (b)(6) (b)(7)(C) house, was it still light outside?
A. Yes, the sun was setting.
Q. How long does it take to get from (b)(6) (b)(7)(C) house to FOB Summerall?
A. About twenty minutes.
Q. Where did you go when you left (b)(6) (b)(7)(C) house?
A. We were heading to the FOB.
Q. Did you stop along the way to FOB Summerall?
A. Yeah, in the desert.
Q. Is it normal to take the alternate route in the desert to return to FOB Summerall?
A. It is normal to take a different route back, yes.
Q. Have you ever taken the desert road back to FOB Summerall you were on the night of 16 May 08?
A. No.
Q. How long have you worked with 5th Platoon, D Company, 1-327th Infantry Regiment on FOB Summerall?
A. I have been with the platoon for almost a year and the whole deployment here.
Q. When you turned on to the desert road, what did you see around you?
A. There were railroad tracks on the right side, and there was a house on the left.
Q. When you stopped to check the man walking in the field, did you go assist with the check?
A. No, I got back in the truck.
Q. How long were you sitting in the truck before the convoy started to move again?
A. It was a few minutes.
Q. After the convoy started moving again, did the convoy make another stop?
A. Not that I know of.
Q. Did you fall asleep in the back of the vehicle?
A. No.
Q. Did you at any time during the stop in the desert, hear any gunshots, explosions or see any bright lights or burning objects?
A. No.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 16 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. Do you now if 1LT BEHENNA or SSG WARNER were speaking to the man walking in the field?
A. I do not remember seeing them. I just seen a group of people, plus it was kind of dark.
Q. Were you on the mission to capture Ali MANSOUR on 5 May 08?
A. Yes.
Q. What did you do during the capture mission of Mr. MANSOUR?
A. I walked around, inside the compound.
Q. Did you search the house of Mr. MANSOUR or (b)(6) (b)(7)(C)
A. No.
Q. Were you outside the houses the entire time you were there?
A. Yes.
Q. How long was Mr. MANSOUR inside of his house with any members of your platoon?
A. I do not know (b)(6) (b)(7)(C) (b)(3) When I was there, he was outside.
Q. How long were you at the compound that contained Mr. MANSOUR's house?
A. One or two hours.
Q. When you saw Mr. MANSOUR outside of his house, what was he dressed in?
A. A white or grey mandress.
Q. Did you at any time see Mr. MANSOUR wearing only his underclothes?
A. No.
Q. Did you see anyone hit, strike or kick either Mr. MANSOUR or (b)(6) (b)(7)(C)
A. No.
Q. Did Mr. MANSOUR have any bruising or cuts on him when you saw him?
A. Not that I noticed.
Q. Did you at any time hear any screaming coming from inside Mr. MANSOUR's house or his (b)(6) (b)(7)(C)
A. No.
Q. Did any member of your platoon damage any items inside of either house?
A. Yes, some dishes were broken. I do not know of anything else.
Q. Did you see any damage caused to either Mr. MANSOUR's door, or (b)(6) (b)(7)(C) door?
A. No.
Q. Did you see any furnishings, clothing or food damaged or destroyed while you were in Mr. MANSOUR's compound?
A. No.
Q. What vehicle was Mr. MANSOUR loaded in to for transport back to FOB Summerall?
A. The closest truck to the house, it may have been the LT's truck.
Q. When transporting Mr. MANSOUR back to FOB Summerall, did you make any stops in the desert at any time?
A. No.
Q. Have you heard or seen any persons kick, hit or strike a detainee?
A. No.
Q. Have you heard or seen any persons fire any weapons at any detainees in order to scare them?
A. No.

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 16 Jun 08 [redacted]

CONTINUED:

Q. When SSG WARNER was speaking in front of your containerized housing unit (CHU), did he relate the sequence of events of what happened to Mr. MANSOUR in the desert?

A. He may have been, but I was not there for it.

Q. Did you hear SSG WARNER say at any time that he witnessed 1LT BEHENNA shoot Mr. MANSOUR?

A. No.

Q. Do you believe 1LT BEHENNA was involved in the death of Mr. MANSOUR?

A. Yes.

Q. Who do you think killed Mr. MANSOUR?

A. I do not know, I was not there.

Q. Do you think SSG WARNER was involved in the death of Mr. MANSOUR?

A. Yes.

Q. Do you think [redacted] was involved in the death of Mr. MANSOUR?

A. Yes.

Q. Do you think anyone else in your unit was involved in the death of Mr. MANSOUR?

A. No.

Q. Do you believed anyone planned to kill Mr. MANSOUR?

A. No. I think it may have just happened.

Q. Is everything in this statement the truth?

A. Yes.

Q. Do you know it is a crime to falsify a statement?

A. Yes.

Q. Were you on the mission in which an IED struck one of your unit vehicles on 21 Apr 08?

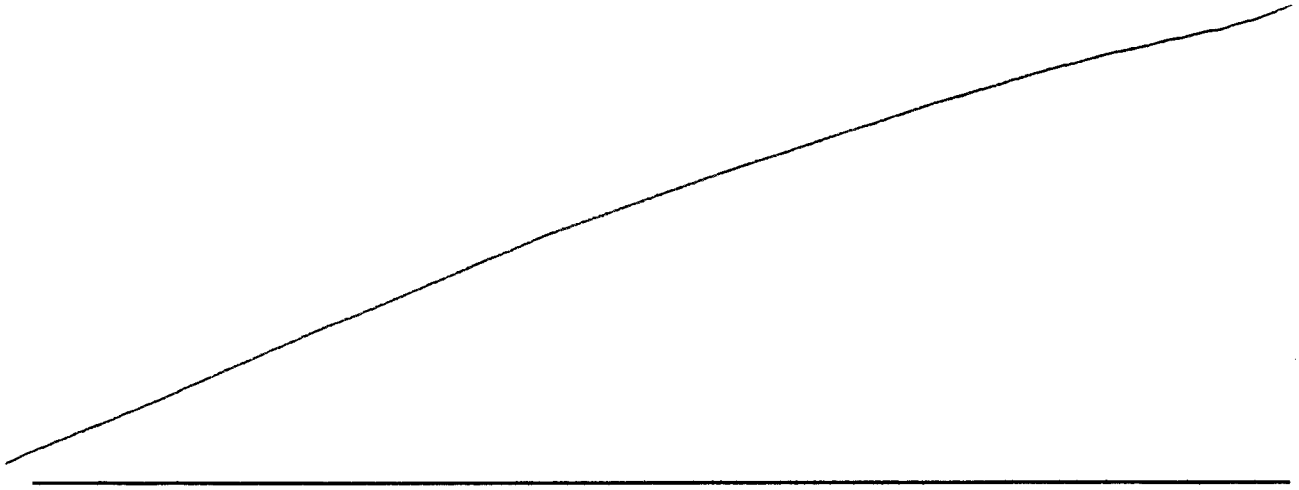
A. [redacted]

Q. Is there anything you wish to add to this statement at this time?

A. No.[redacted]//////////////////End of Statement//

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 16 Jun 08, (b)(6) (b)(7)(C) (b)(3)
CONTINUED:



AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 5. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 16th day of Jun 2008.

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 55

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393

(b)(6) (b)(7)(C) (b)(3) **FILE NUMBER**: 0066-08-CID469

DATE: 16 Jun 08 **TIME:** 1215- (4 (b)(6) (b)(7)(C) (b)(3)

NAME: (b)(6) (b)(7)(C) (b)(3) **SSN** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

I have been in 5th Platoon since late March 2008 when I came back off of leave. When I initially came to the Platoon, I was assigned (b)(6) (b)(7)(C) (b)(3) with SSG Warner as my (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) When SSG Warner went on leave, I assumed responsibilities (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) Shortly after he returned from leave, I was assigned to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) was going on leave. I was (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) during the events which took place on or about the 16th of May, 2008. I am currently (b)(6) (b)(7)(C) (b)(3) working for (b)(6) (b)(7)(C) (b)(3) do not recall the mission where Ali Monsoor was arrested. I believe I had the day off that day. However, I was present during the mission where we "supposedly dropped off the 2 detainees" one of those being Ali Monsoor. On or about 16, May, 2008. 5th PLT, Dco, 1-327 was tasked with a detainee drop-off to the CLC checkpoint at the Hershey and Tampa intersection. I knew that we were taking 2 detainees with us (b)(6) (b)(7)(C) (b)(3) I do not recall seeing them being loaded up into the MRAP's before we left the FOB. We left (b)(6) (b)(7)(C) (b)(3) COB Summerall sometime late in the afternoon. We went to the ASR Hershey and MSR Tampa intersection which is also right next to Checkpoint 102. I was the TC in the lead vehicle on the mission. I did not actually see any detainees dropped off there but I had just assumed that they were. After the "detainee drop-off", we went to (b)(6) (b)(7)(C) house to conduct SOI engagements with him. Our Platoon stayed here for approximately 1 ½ to 2 hours while Lieutenant Behenna had talks with (b)(6) (b)(7)(C) I am not sure what was spoken of there because (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) we left (b)(6) (b)(7)(C) house, we were going to return to the FOB. We would normally take Tampa to Hershey to Pheonix to get back to the FOB however Lt. Behenna instructed me to take an alternate route. The route we took to get back to Hershey is right off of Reservoir road by Checkpoint 100. It is a dirt path that handrails the railroad tracks that lead up to checkpoint 101 on ASR Hershey. Lt. Behenna told me that we were taking this path to show it to SSG Warner. We have used this said path many times before but I thought that this was strange because I am almost certain that we have taken this path before while SSG Warner was with us. I may be wrong though. While on this path we saw a suspicious looking civilian walking through the desert. Upon seeing this, the LT. told me to stop my vehicle. Upon stopping, all the dismounts dismounted and approached the said individual. We searched him and found out that he was just carrying groceries on him. We let him go. We then continued North down this dirt path towards (b)(6) (b)(7)(C) (b)(3) Approximately 1000-2000 meters South of CP 101, the Lt. called me on the radio and told me to stop the convoy. I asked him why we were stopped here. He told me that they were going to clear a culvert under the railroad track. I understand that it is an enemy TTP to place explosives under culverts but I thought that this was also strange because we had never checked these culverts before. We were there for approximately 10-15 minutes before we left to return to the FOB. I did not start to have suspicions about what went on that night until it was told to us by our higher chain of command that Ali Monsoor was found dead. Nothing follows (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 56

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **AKEN AT** FOB Summerall, Bayji, IZ, **DATED** 16 Jun 08, **CONTINUED:**

(b)(6) (b)(7)(C) (b)(3)

Q: Did you type the above narrative?
A: Yes.
Q: What was the order of vehicles in the convoy on 16 May 08?
(b)(6) (b)(7)(C) (b)(3) then SSG WARNER was 2nd, then LT BEHENNA was 3rd, and (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
Q: At any time on 16 May 08, did the order of vehicles change?
A: Yes. I am not sure exactly, but I recall when we stopped at the culvert, LT BEHENNA ordered a change in the placement of the vehicles. I don't remember who moved where. All I know is that I (b)(6) (b)(7)(C) (b)(3)
Q: Did you see anyone leave the convoy and go towards the culvert?
A: No.
Q: Did you note anything that happened while your convoy was stopped to check the culvert?
A: No.
Q: Did you see any glow or illumination near the culvert?
A: No.
Q: Did you hear any shots?
A: No.
Q: When you received the order to continue, after the stop at the culvert, did anyone say anything about that stop?
A: No.
Q: After you returned to FOB Summerall, did anyone say anything about the 16 May 08 mission?
A: No.
Q: When did you first hear that Ali MANSOUR was dead?
A: (b)(6) (b)(7)(C) (b)(3) ut that information out about a couple of days after the 16 May 08 mission.
Q: What did (b)(6) (b)(7)(C) (b)(3) ay happened to Ali MANSOUR?
A: That he was found dead, naked, burnt, and shot in the head.
Q: Do you know how Ali MANSOUR died?
A: No.
Q: Aside from (b)(6) (b)(7)(C) (b)(3) have you heard from anyone else how Ali MANSOUR died?
A: No.
Q: Did either LT BEHENNA, SSG WARNER, or (b)(6) (b)(7)(C) he Interpreter tell you about any involvement they may have had in the death of Ali MANSOUR?
A: No.
Q. Who was in your vehicle during the mission and where were they in your vehicle?
A. I was (b)(6) (b)(7)(C) (b)(3) ould have been in the vehicle as a dismount, but I am not sure if he was there.
Q. Is there anything you wish to add to this statement at this time?
A. No //End of Statement//
(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMEN (b)(6) (b)(7)(C) (b)(3) PAGE 2 OF 3 PAGES

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 56

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 16 Jun 08,
CONTINUED:

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 16th day of Jun 2008,

Witness #2:

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

EXHIBIT 56

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBE[redacted]-CID469
DATE: 16 Jun [redacted] **IE:** 1500-[redacted]
NAME[redacted] **SSN:**[redacted] **GRADE/STATUS**[redacted]
ORGANIZATION OR ADDRESS:[redacted]

[redacted] want to make the following statement under oath:

I arrived to fifth platoon D co in the beginning of May 2008, after an ied killed two soldiers from the platoon on April 21st 2008. I am a[redacted] in the trucks. Around the time when I first got to the platoon, we went on a mission, to talk to[redacted] in albu-toma. I was the[redacted] one of four vehicles. When we arrived at[redacted] house Lieutenant Behenna and the rest of the dismounts went inside to talk to[redacted] After about an hour the[redacted]

[redacted]

On the 16th of May 2008 my platoon was given a mission to return two detainees to the area of mezrah and albu-toma. We left with the two detainees sometime in the mid afternoon taking route Hershey south to route Tampa, in my truck was[redacted] and possible[redacted] [redacted] t the intersection of Hershey South and Tampa we conducted a short halt. The truck I [redacted] was facing[redacted] the rest of the convoy. After the halt at the intersection we went to Market St in Albu-toma, we talked to the locals for about a half hour there then proceeded to[redacted] house. We stayed there for one, to one and a half hours, then left to head back to FOB Summerall. When We got onto Route Tampa, Lieutenant Behenna called over the radio to my truck and told us to take an alternate route through the desert that leads to Route Hershey south at checkpoint 101, He said the purpose of this was to show the route to SSG Warner, who was new to the platoon and its AO. We took the lefthand turn off tampa into the desert and followed the path to Hershey. After about fifteen minutes of driving through the desert we spotted a man walking alone through the desert, a short halt was called and the man was questioned as to why he was walking alone in the desert at night. It was discovered that he was headed home so we moved on. About 10 minutes later along the route, when we were skirting the north side of the railroad tracks, the LT called up to change the order of march. After we did this he called a short halt in order to clear a culvert under the railroad tracks. I [redacted] After about 10-25 minutes the Lt called up to continue along the route. A short while later we made it to checkpoint 101, we turned left onto Hershey South, and proceeded back to the fob through gate 3.

Later that night when I went to chow I overheard members of my platoon talking at our table. They were saying that the LT had executed one of the detainees at the railroad culvert, and then burned his body with an incendiary grenade. Also discussed at the table about this topic was that the detainee was one of two who was directly involved in the incident on the 21st of April, that claimed

the lives of two men from 5th platoon. After the talk at the chow hall the topic was not brought up again until the investigation was started about 10 days ago.

Q. [redacted]

A. [redacted]

Q. Did you author the above statement?

A. Yes.

Q. On 16 May 08, did you see either of the detainees you were to release?

A. No I did not.

Q. Did you know which truck either of the detainees were transported in to be released?

A. I do not know, I have heard rumors they were in SSG WARNER's truck, I did not see them though.

Q. Did you know the name of Ali MANSOUR before you captured him?

A. No.

Q. Did you know the name of Ali MANSOUR before you released him?

A. I had heard it yes in the debrief, I did not remember if I specifically knew we were releasing him, I do know that I knew we were releasing someone we had just caught. I remember being upset we were releasing someone we had just caught.

Q. Did you think it was odd to take the desert route back to FOB Summerall from [redacted] house?

A. I did not think it was odd to take the alternate route, we do that a lot to be unpredictable for IED attacks and the LT had said he wanted to show SSG WARNER the alternate route. What I did think was odd was the change in the order of march. We did not stop for the change, we kept rolling all the way through it. It was just odd for us to do a change like that in the desert for no reason.

Q. When you were stopped in the desert for the LT to check the culvert, did you see or hear any gunshots, explosions, bright flashes or burning?

A. No, I was facing the front as I was front security, where the LT was checking the culvert was behind me about 200 meters. I did not see anything or hear anything out of the ordinary. I was also wearing my headset the whole time.

Q. When you were leaving the desert stop to check the culvert, did you hear anyone say on the radio that they guessed they were leaving him out there?

A. No.

Q. When you were at the chow hall talking, did anyone state they had any first hand knowledge the detainee had been killed?

A. Not that I can recollect, it was all just hearsay.

Q. Is there anything you wish to add to this statement at this time?

A. No. [redacted] ////////////////////////End of Statement//

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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.

(b)(6) (b)(7)(C) (b)(3)
(Signature of Person Making Statement)

Witness #1:

_____
_____
_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 16th day of Jun 2008.

(b)(6) (b)(7)(C) (b)(3)
(Signature of Person Administering Oath)

Witness #2:

_____
_____
_____

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

0066-08-CID469-51978

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
D Co CP, FOB Summerall (b)(6) (b)(7)(C) (b)(3)	008/06/16	1830 (b)(6) (b)(7)(C) (b)(3)	0066-08-CID469

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)

7. ADDRESS (Include ZIP Code)
(b)(6) (b)(7)(C) (b)(3)

8. (b)(6) (b)(7)(C) (b)(3) , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I have worked with 1LT Michael Behenna since he joined Delta Company before we deployed to Iraq for OIF 07-09. I never really got to know him on a personal level; we did not hang out after work or socialize. I would describe my relationship with 1LT Behenna as professional. I was a fellow (b)(6) (b)(7)(C) (b)(3) ith him for approximately two months before I was made (b)(6) (b)(7)(C) (b)(3) During that time, 1LT Behenna had an easy-going personality and was easy to get along with. 1LT Behenna seemed to have a very close relationship with his platoon, in particular his (b)(6) (b)(7)(C) (b)(3) LT Behenna and his platoon were primarily responsible for operations in and around the city of Al Butoma, at the southern end of our battalion AO. As such, he became very familiar with the day-to-day happenings and dynamics of Al Butoma. He kept quite a library of personal notes and intel he had received through his operations. I left FOB Summerall (b)(6) (b)(7)(C) (b)(3) While awaiting transportation from COB Speicher to Kuwait, I heard that 1LT Behenna's platoon had been suffered an IED attack on 21APR08 that resulted in two of his soldiers being killed, and others (including his (b)(6) (b)(7)(C) (b)(3) I returned to FOB Summerall (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) On 16MAY08, 1LT Behenna and his platoon were tasked with releasing two detainees, Ali Mansur of Al Butoma and (b)(6) (b)(7)(C) of Mezra. They left the FOB around 1700 and returned around 2000. At first there appeared to be no issues with the detainee release. On 21MAY08, I was tasked by (b)(6) (b)(7)(C) (b)(3) with inquiring about Ali Mansur's release. I asked LT Behenna that evening, and he replied that they dropped both detainees off at Mezra CLC. I asked him why when Mansur was from Al Butoma, and he replied to the effect of that was how they did things. I passed this information up to S2 and (b)(6) (b)(7)(C) (b)(3) LT Behenna left for R&R Leave early the next morning. (b)(6) (b)(7)(C) (b)(3) eeting on 26MAY at the Bayji JSS, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) of the Mezra CLC told me the name of the detainee that his guys had received from 5th PLT on 16MAY, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) He said that he was pretty sure that Mansur was never released to them that day, but he would double check and get back to me. After hearing this, I went to (b)(6) (b)(7)(C) (b)(3) nd asked him to give me all the details he could concerning their patrol on 16MAY. He related to me that they had made three stops, first at the CLC checkpoint at Mezra, second on Market Road in Al Butoma, and last at (b)(6) (b)(7)(C) house in Al Butoma. Since (b)(6) (b)(7)(C) (b)(3) he assumed that (b)(6) (b)(7)(C) had been released at stop one, and Mansur at stop two. T ease, so I chalked up LT Behenna's statement as a misunderstanding. At this point, wit (b)(6) (b)(7)(C) (b)(3)

(b) (7)(D)

07JUN, I obtained statements from 5th PLT stating they had dropped off both detainees at Mezra and then continued mission. on 09JUN, I had another meeting with (b)(6) (b)(7)(C) at his house in Hondai Village, along with one of the CLC who was working the checkpoint on the day of 16MAY. They gave statements indicating that 5th PLT dropped off (b)(6) (b)(7)(C) nly. After approximately two hours of conversation, I left (b)(6) (b)(7)(C) house fairly convinced that he had no reason to lie and had offered no signs of deception. Later that evening, I briefe (b)(6) (b)(7)(C) (b)(3) ncerning what I had found (b)(6) (b)(7)(C) (b)(3) sked my for my opinion on the matter, and I told him that I felt that there was something to this, that it was 5th PLTs word against (b)(6) (b)(7)(C) and I was inclined to believe (b)(6) (b)(7)(C) At this point a 15-6 investigation was initiated. (b)(6) (b)(7)(C) (b)(3) ad a meeting with 5th PLT on (b)(6) (b)(7)(C) (b)(3)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
	(b)(6) (b)(7)(C) (b)(3)	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall DATED 2008/06/16

(b)(6) (b)(7)(C) (b)(3) *(Continued)*

stressing the importance of telling the truth when questioned by the investigator. That evening, SSG Warner came forward with a statement indicating he believed LT Behenna killed Ali Mansur. On 12JUN (b)(6) (b)(7)(C) (b)(3) as appointed (b)(6) (b)(7)(C) (b)(3) and obtained statements from 5th PLT as well as the LN interpreter who gave an eye-witness story of what happened. At this point, an external investigative team was called in to take over the investigation. On the evening of 15JUN, I was talking with (b)(6) (b)(7)(C) (b)(3) about the following days scheduled patrol to Bayji (b)(6) (b)(7)(C) (b)(3) ked me if we'd be going by the suspected scene of the murder, and I replied yes (b)(6) (b)(7)(C) (b)(3) ked if I would be willing to stop by the scene and take pictures and collect any evidence we might find, to which I also replied yes. On the morning of 16JUN at approximately 0800, I left the FOB with our 2nd PLT enroute to a Security Conference north of Bayji at 600 Homes. At about 1315, we left the conference to return to FOB Summerall. Enroute to the FOB, we left Hershey South just west of CP 101 to go to the grid given in the SIGACT (38S LD 5965 6152). Upon arriving at the grid, there was no apparent tunnel underneath the railroad tracks, so we turned south and handrailed the tracks. We came upon a tunnel at grid 38S LD 59625 61025, approximately 500 meters south of the original grid. At this point, I dismounted and investigated the tunnel. I entered the tunnel from the east side, walking through to the west side. On the western side, I noticed a dark stain with splatter patterns on the floor beside some large chunks of concrete rubble. Upon taking a closer look, I noticed a mass of dark-colored material, somewhat circular in shape about six inches in diameter. It looked very hard and non-organic. I began a closer inspection of the floor of the tunnel, and noticed what appeared to be a deformed bullet. Next I noticed what appeared to be a spent 9mm pistol casing. At this point, we started taking pictures of the scene, including the tunnel, the stain and mass, bullet, and casing. I then collected the casing and bullet while wearing gloves and put both in a ziploc bag. About 50 meters to the west of this tunnel was another tunnel underneath another set of tracks. I walked over there to check that tunnel out and found nothing significant to report. At this point, I walked back to the vehicle which was parked on the east side of both tracks and mounted the vehicle. The patrol then turned around and drove northeast back to Hershey South, getting on the road east of CP 101. We then traveled along Hershey South back to FOB Summeral, RTBing at 1445. After refueling the trucks, I took the casing and bullet to the MWR building and turned it in. At no time did the bullet or casing leave my possession between collection and turn-in.

Q (b)(6) (b)(7)(C) (b)(3)

A

Q: Did you type the above narrative?

A: Yes.

Q: Did 1LT BEHENNA or SSG WARNER ever tell you how Ali MANSOUR died?

A: No.

Q: Who is the local national interpreter you referenced to?

A (b)(6) (b)(7)(C)

Q: Other than the above mentioned statements, has anyone else told you how Ali MANSOUR died?

A: No.

Q: Did you note anything else of possible evidentuary value at the tunnel at grid 38S LD 59625 61025?

A: No.

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

A: No.

//END OF STATEMENT//

(b)(6) (b)(7)(C) (b)(3)

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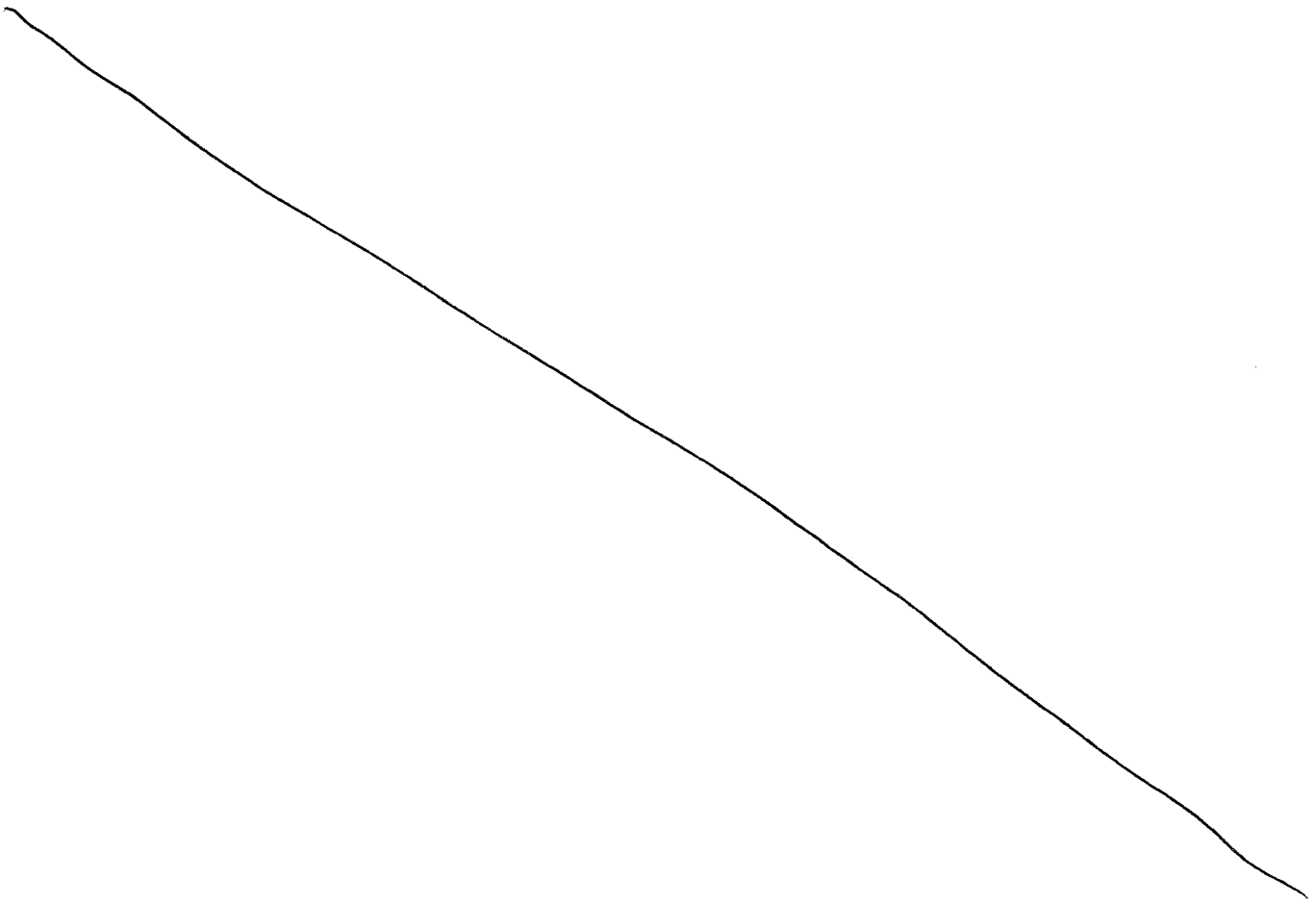
Law Enforcement Sensitive

EXHIBIT 58
000189

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall DATED 2008/06/16

9. STATEMENT *(Continued)*



(b)(6) (b)(7)(C) (b)(3) **AFFIDAVIT**

_____, 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 (b)(6) (b)(7)(C) (b)(3)

_____
Statement)

WITNESSES:

_____

_____

_____
ORGANIZATION OR ADDRESS

_____

_____

_____
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of June , 2008

at (b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

_____
h)

_____
(Typed Name of Person Administering Oath)

10 USC 936
(Authority To Administer Oaths)

INITIALS OF (b)(6) (b)(7)(C) (b)(3) MENT

DA FORM 2823, NOV 2006

APD PE v1.00

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EXHIBIT 53

Exhibit(s) 59 thru 73

Page(s) 000191 thru 000220 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469 (b)(6) (b)(7)(C) (b)(3)
DATE: 16 Jun [illegible] **TIME:** 1720-2[illegible] (b)(6) (b)(7)(C) (b)(3)
NAME (b)(6) (b)(7)(C) (b)(3) **SSN:** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

On the 16th of may 2008 we were standing by waiting for medi-vac status to change from red to amber so that we could go out on mission. We were told around 1530 that we had to role out on mission even though medi-vac was still red, because we had to return some detainees. So we prepared the trucks and the detainees were brought to our pad. We got a mission brief from or LT. He said that we were going to take these detainees to a CLC check point near the Hershey Tampa intersection. We loaded the trucks and SP'ed out of gate three. I was (b)(6) (b)(7)(C) (b)(3) with (b)(6) (b)(7)(C) (b)(3) with no other people in my truck. We took Hershey to Tampa and to the best of my knowledge released both of the detainees on a market street in mezra to the local CLC there. We continued south on Tampa until we got to Abu Toma. I remember being parked at (b)(6) (b)(7)(C) house for a long time at least an hour or two. We then left Abu Toma and took Tampa north to check point 100 at which point I was told to take the short cut through the desert so that sergeant Warner could see it because he was new to the platoon and had never taken the route before. For that matter (b)(6) (b)(7)(C) (b)(3) had never taken the route before because he was also new to the platoon. So we took the turn off of Tampa that is in the middle of check point 100 and headed west to the railroad tracks. We crossed over the railroad tracks and at that point were told to change the order of march. We had been rolling with my truck (b)(6) (b)(7)(C) (b)(3) LT's truck as the second truck with sergeant Warner's truck third and (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) The new order that the LT wanted was (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and then the LT's truck as third and sergeant Warner's truck in the trail. As we were fallowing the railroad tracks north to get back on Hershey we saw a man walking in the desert. It was dark at this point so we stopped him to find out why he was walking in the desert at night. I was found out that he was walking home from the market with a bag of groceries. We loaded back up and continued north. Someone came over the net and said that they needed to take a tactical pause which usually meant that they had to take a piss. The LT said that he didn't want to stop yet and that we would when we were a little further up the trail. A little while later the LT came across the net and said that we were going to take a tactical pause and that he wanted to check out a covert that was under the railroad tracks, so we stopped and turned out the lights as usual. We were stopped for a couple of minutes and I remember thinking to myself that someone must have needed to "drop a duce" (go #2) because if they needed to piss we would be back up and rolling by now. Then after a little while longer I remember thinking that we had been there for a long time and that no shit would have taken that long and just as I thought that I heard the LT come over the net and say that they were all loaded up and ready to roll. So we continued north and hit Hershey and RTB'ed back to fob summerall through gate three. My truck went to the fuel point and then to the chow hall. When we got there I was talking with someone that I don't recall on the way into the chow hall and they told me that we still had a detainee in the truck when we stopped in the desert and then I heard from someone else that they kicked him out in the desert

and made him walk back to the city. I heard many stories of what had happened. One of them was that the LT had shot the detainee and threw an incendiary grenade on him. But all of the stories sounded so far fetched that I didn't believe them and nobody I talked to actually saw what the were telling me had happened. I didn't think about it much until I had to write a sworn statement on what had happened that night. Almost all of fifth platoon was sitting on first sections deck and I remember not remembering what date the night was or what time we SP'ed or RTB'ed and sergeant Warner was there and told us all of that information and also told us to write down that we dropped the detainees off in mezra and took Tampa to Hershey as a return route.

Q. (b)(6) (b)(7)(C) (b)(3)

A.

Q. Did you author the above statement?

A. Yes.

Q. Were you on a mission to capture a detainee by the name of Ali MANSOUR on 5 May 08?

A. I honestly do not remember if I was on mission that day, and I know I never was specifically told we were to capture a man by that name.

Q. To your knowledge, during any detainee capture mission, has anyone struck, hit or kicked a detainee during the capture?

A. I have never seen it happen.

Q. Did you see the detainees before they were loaded on to the vehicle for transport?

A. Yes.

Q. Can you describe the detainees you saw?

A. One was wearing a blue mandress, the other guy was wearing a t-shirt, was heavy set and had a beard. The one with the beard I learned later was Ali MANSOUR.

Q. Do you know what vehicle the detainees were transported in?

A. I do not know for sure, but I believe they were in SSG WARNER's truck. I know for a fact they were (b)(6) (b)(7)(C) (b)(3)

Q. Did you see either of the detainees dropped off in Mezra?

A. I saw the guy in the blue mandress for sure, I saw him walk up past my truck on the TC side and go in to a building.

Q. Did you see Mr. MANSOUR dropped off in Mezra or Albu Toma?

A. No, I never saw him.

Q. Did you know Mr. MANSOUR was still in the convoy when you left Albu Toma to return to FOB Summerall?

A. No I did not, I thought he had been dropped off in Mezra.

Q. When the stop was made to check out the rail road culvert, did you see anyone go to the rail road tracks?

A. No I did not see anyone, I was looking ahead pulling security.

Q. Did you hear any gunshots, explosions or see any bright flashes or burning while at the stop by the rail road tracks?

A. No.

Q. Did anyone tell you they witnessed anyone shoot Mr. MANSOUR?

A. No.

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 16 Jun 08 [redacted]
CONTINUED:

Q. Do you believe anyone in your unit was involved in the death of Mr. MANSOUR?
A. Yes, I believe 1LT BEHENNA was involved and I think SSG WARNER was involved to the point that he may have seen it happen, but not knew it was going to happen before hand.
Q. Is there anyone else you believe to be involved in the death of Mr. MANSOUR?
A. I heard [redacted] was present for part of it, but I do not know if he was there when it happened.
Q. Did you witness anyone harm Mr. MANSOUR?
A. No.
Q. Why do you believe 1LT BEHENNA, SSG WARNER and [redacted] had any involvement in the death of Mr. MANSOUR?
A. The rumors going around the platoon right now, what I have heard from other people. The events of the mission also fit with the rumors, making them pretty believable.
Q. Did SSG WARNER tell you what to write in your sworn statement about the dropping off of the two detainees?
A. Not word for word, but a couple of key points were told to us to write.
Q. Is there anything you wish to add to this statement at this time?
A. The LT is a really good guy, he took the events of 21 Apr 08 really hard. This is not something you really think he would do. If I had to pick one person who was affected the most by the 21st, I would say it was the LT. He was not the same person afterward. He covered it up really well. He is out here talking to the people all the time, interested in hearing about their day to day lives. We could not drag him away. There are children on checkpoint 104 he gives MRE's and water to, and they bring him Chai. Everyone knows his name, they come up to us and say "BEHENNA" and we will say no he is not with us.
Q. Do you have anything else you wish to add to this statement at this time?
A. No.////[redacted]////////////////End of Statement//

INITIALS OF PERSON MAKING STATEMENT [redacted]

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 4. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 16th day of Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469
DATE: 17 [redacted]: 0855- 1052 [redacted]
NAME: [redacted] **SSN:** [redacted] **GRADE/STATUS:** [redacted]
ORGANIZATION OR ADDRESS: [redacted]

[redacted] want to make the following statement under oath:
There really isn't much I remember about the mission on the 16th of May, I thought the mission actually took place on the 18th. However, the day was like any other I went to [redacted] to find out what was going on for that day, this normal I never attended the patrol briefs I always went directly to him for link up and SP times. He told me we would be going to drop off some detainees who were being released and he may have told me we were going to see a [redacted] I was going back and forth running missions with 5th and 2nd PLT so I always found out about missions directly from him. To the best of me recollection we SP some time between 1300-1500, which was always the time frame in which we would all link up and SP. I don't exactly remember going to the Dcell to pick up any detainees or even seeing any. The first stop we made was to drop off the detainees at a CLC checkpoint. Then we continued mission I fell asleep and when I awoke we were going through the dessert I asked where we were headed and was told we were RTB. We made a stop they saw some guy I saw with bag he was questioned and sent on his way this was probably the only time I even looked out of the vehicle to see what was going on. [redacted] and to the best of my recollection none of the dismounts traveled to far from the vehicles. Then we may have stopped one other time all I know is the duration of the stops were not long enough for anyone to do what it is rumored had been done. On this mission I heard no gunshots, explosions of any kind, flashes or nothing out of the ordinary. To my understanding all actions were normal TTPs. I have heard rumors, that 5th PLT had detainees killed by members of the CLC, they tortured and killed the guy themselves, they threw grenades at him, cut up and dismembered his body. On the mission in question either I sleep hard as hell or the shit didn't happen, nothing was out of the ordinary to me. I served with SSG Warner at PB Woodcock and before deploying we were both with Cco. I went on countless missions with him and have never even seen him abuse, demean or disrespect an detainee yet alone murder one. I have rode in his truck on many occasions and all I have seen him do is throw candy and shit to kids, shake hands and take pictures with people. The things he and LT Behenna are rumored to have done in my opinion is uncharacteristic of them. As long as I have known either of them it is hard for me for one second to believe they are capable or would do something like this. In my opinion based upon a personal and professional relationship and being out with them on the mission in question, there is no way this shit happened.

Q. [redacted]
A. [redacted]
Q. Did you author the above statement?
A. Yes.
Q. Did you at any time see the detainees which were transported in the convoy to be released?
A. No. I know we stopped and they supposedly got out, that is all I know.

INITIALS OF PERSON MAKING STATEMENT [redacted]

DA Form 2823-E

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LAW ENFORCEMENT SENSITIVE

EXHIBIT 75

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 17 Jun 08, [redacted]

CONTINUED:

Q. Did you hear anyone say either of the detainees was still with the convoy when entering or leaving Albu Toma?

A. No, I think I may have heard them say they were out, but I really do not know.

Q. Did you listen to the headsets for radio traffic while you were riding in the vehicle during the mission?

A. Most of the time I do not, [redacted] and his team do not talk much, if I did wear it, I did not wear it long. I do not know if I listened in at all. I think the only time I did get on it, was when I woke up and got on to ask where we were and was told we were returning to base (RTB).

Q. Did you go with the 5th Platoon, D Company on 21 Apr 08?

A. No, I was not on that mission.

Q. Did you accompany the 5th Platoon, D Company on 5 May 08 when they captured Ali MANSOUR?

A. I do not think I was, I really think that my first mission with this platoon was the release mission on 16 May 08.

Q. Did anyone tell you what to write in any statements about the mission on 16 May 08?

A. No, I have not even spoken with them. As soon as I got my [redacted] now.

Q. At any time, has anyone told you they were present during the death of Ali MANSOUR?

A. No.

Q. Do you believe anyone from 5th Platoon, D Company was involved in the death of Ali MANSOUR?

A. No, based upon the facts and knowing the people.

Q. Who do you believe may have been involved in the death of Ali MANSOUR?

A. What I heard is the guy was messing with someone's wife and he caught him. I think it is extremely possible it was done by an Iraqi man.

Q. Is there anything you wish to add to this statement at this time?

A. N[redacted]//////////////////////////End of Statement//

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 17 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 17th day of Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

Exhibit(s) 76 thru 79

Page(s) 000228 thru 000231 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBE[redacted] CID469
DATE: 17 Jun [redacted] 1110 14 Jun 08
NAME: [redacted] **SSN** [redacted] **GRADE/STATUS** [redacted]
ORGANIZATION OR ADDRESS: [redacted]

[redacted] want to make the following statement under oath:

On the 21st of April we were on a mission to a town that we do not normally go to as it was in the cob spikier air space and we had to get permission to go there and to get two guys. Then on the way back to fob summerall [redacted] blown up by an IED and we lost two guys from our platoon and a terp from Anther Company that was with us and two CLC guys. I saw the two guys that we had get pulled out of the truck that they were in and get beaten by some of the other CLC guys that were not hurt in the explosion and our terp [redacted] as it was one of his friends that was killed too. I was pulling [redacted] that we were traveling down so that we did not get more IEDs put in behind us as we were leaving. Then on the 5th of may we were out at Al Batoma to see the [redacted] there and we were told that there was two guys that we should go and take a look at and talk to so we did and we got info from the first guy we talked to about the guy in the next house about having weapons that he shouldn't have so we go there and find that they both have more ammo for the weapons that they have then they should and we bring them both in and take the extra ammo that we find too. I did not see any more damage than was necessary to open locked doors on either house. Then on the 16th of May we were told that one of the guys that we were dropping off at the CLC was an al quida person and that we did not have the info to keep him. I heard later on during the investigation that he was on of the guys that put the IED in that killed two of our guys and his name was Ail MANSOUR. We were not happy about letting him go but we did not have a choice in the matter we were told to let him go and as far as I knew that was what we were going to do. So we left out gate 3 and took Phoenix to Hershey south and then to Tampa where we were told that they both were going to get dropped off at and then we were going to go to [redacted] house and talk to him. While we were there I was told that we had Mansour still with us and that we were going to drop him off in the desert and let him go home from there. We took a rout through the desert that led near the train tracks and then we stopped one guy that was out in the desert as it was getting dark and he had a bag in his hands it turned out that he was going home from the market and then we kept going and then stopped again and I thought that this was when we were going to drop off the last guy so he could walk home from were we were. We were there for a little wile and we were wondering how much longer we were going to be there when [redacted] t out of the truck to see what was taking so long. He then got back in the truck and we left to get back to the fob for chow. I did not think that we had done anything but let the guy go but he turned up dead on the 20th or 21st and then I started to think that he was killed after we dropped him off so I did not worry about it until we were told that we had to do statements that we dropped them off and where we dropped them off at. We were told that we dropped them both off at the CLC check point on hershy/tampa and that we did not take the desert at all by SSG Warner.

Q [redacted]
A [redacted]
Q. Did you author the above statement?

INITIALS OF PERSON MAKING STATEMENT [redacted]

EXHIBIT 80

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 17 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

A. Yes.

Q. When you saw the CLC members hitting the two detainees on 21 Apr 08, did you see any members of your platoon ever strike, hit, kick or shoot at either of the detainees?

A. No one from the Platoon.

Q. Did you see anyone shoot at the detainees on the 21 Apr 08 mission?

A. No.

Q. On 5 May 08, when you assisted in the capture of Mr. MANSOUR, did you see anyone hit, strike, or kick Mr. MANSOUR?

A. No.

Q. When you saw Mr. MANSOUR, what was he wearing and where was he?

A. He was in the bedroom and if I remember right he was wearing either a white or brown mandress.

Q. Did you see anyone take Mr. MANSOUR in to a room and close the door?

A. No.

Q. Did you see any injuries on Mr. MANSOUR, bruises, cuts or lacerations?

A. No.

Q. How long were you at the compound during the capture of Mr. MANSOUR?

A. No more than a half an hour.

Q. Was any unnecessary damage done to any of the furnishings of either Mr. MANSOUR's house, or the other house searched in the compound?

A. No.

Q. When transporting Mr. MANSOUR to FOB Summerall, did you stop at any time during the trip?

A. No.

Q. Did you see anyone destroy any furnishings, clothing or food items at the compound where Mr. MANSOUR lived?

A. No.

Q. Did you at any time during the capture of Mr. MANSOUR, hear any screaming or sounds of a fight from Mr. MANSOUR?

A. No.

Q. On 16 May 08, did you see either of the detainees you were to drop off that day?

A. Yes, before we put them in the trucks.

Q. Do you know which vehicle the detainees were transported in?

A. No.

Q. Did you see either of the detainees released from the vehicle?

A. No, I was not looking in that direction, I was rear security and facing the rear.

Q. When you stopped at (b)(6) (b)(7)(C) house, did you see any detainees released?

A. No.

Q. When leaving (b)(6) (b)(7)(C) house, did you know you still had Mr. MANSOUR in the convoy?

A. Yes.

Q. How did you know you still had Mr. MANSOUR in one of the vehicle?

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 17 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

A. I heard over the headset that we were going to drop someone off in the desert and that is who it turned out to be.

Q. Did you see Mr. MANSOUR dropped off in the desert?

A. No, I was not looking that direction.

Q. Is it normal practice to drop any detainees off in the desert to walk home?

A. No. We normally drop them at their home or at the Concerned Local Citizens (CLC) checkpoint.

Q. During the stop in the desert when returning Mr. MANSOUR to Al Butoma on, did you hear any gunshots, or explosions or see any bright flashes or burning?

A. No.

Q. While pulling security during the stop in the desert, which way were the rail road tracks?

A. They were (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

Q. Did you see anyone dismount any vehicles and go toward the rail road tracks?

A. No.

Q. What was the order of march when you left FOB Summerall on 16 May 08?

A. (b)(6) (b)(7)(C) (b)(3) LT's truck was second, SSG WARNER was in the third vehicle, my vehicle with (b)(6) (b)(7)(C) (b)(3)

Q. Did the order of march change at any time during the mission?

A. Yes, when we were traveling through the desert, (b)(6) (b)(7)(C) (b)(3) and I do not know which (b)(6) (b)(7)(C) (b)(3)

Q. Do you believe anyone from your platoon was involved in the death of Mr. MANSOUR?

A. Yes, I think 1LT BEHENNA was involved. I also think SSG WARNER was involved involuntarily.

Q. Do you believe anyone else was involved in the death of Mr. MANSOUR?

A. No.

Q. What do you believe was the involvement of 1LT BEHENNA in the death of Mr. MANSOUR?

A. I do not know for sure exactly, the LT may have shot him.

Q. What do you believe was the involvement of SSG WARNER in the death of Mr. MANSOUR?

A. I found out later from rumors SSG WARNER may have had the grenade that burned the face of Mr. MANSOUR.

Q. Did anyone tell you they witnessed or participated in the death of Mr. MANSOUR?

A. No.

Q. Do you remember what the weather was like on 16 May 08?

A. It was dusty, like a sandstorm.

Q. Were you coached by SSG WARNER on what to say in your statements issued on 7 Jun 08?

A. Yes, he told us to leave out the part about stopping in the desert and that we dropped off both detainees at the first stop. He then told us to put down what we knew.

Q. Have you been threatened by anyone concerning this incident?

A. No.

Q. Has anyone promised you favors if you provided false information?

A. No.

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 17 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. Is there anything you wish to add to this statement at this time?

A. No (b)(6) (b)(7)(C) (b)(3) ////////////////////////End of Statement//

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 4. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 17th day of Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393

FILE NUMBER: 0066-08-CID469 (b)(6) (b)(7)(C) (b)(3)

DATE: (b)(6) (b)(7)(C) (b)(3) 0- **SSN** **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)

NAME:

ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

On or about the end April I came to Dco 5th Plt. Shortly after I began running missions. I don't recall the mission on the 5th of may or whether or not I was there. Then on the 16th of may we where tasked out to do a detainee drop off . We had got both detainees and I seen them sitting in front of some hesscos. We received the mission brief and I went and sat in (b)(6) (b)(7)(C) (b)(3) I sat around for about 5 maybe ten minutes and everyone started to load up and I didn't see who got the detainees. We SP and took Hershey south to the corner of Tampa at the CLC checkpoint. From there I sat in the truck until we took off onto Tampa and headed south to Albutoma. Once in Albutoma we stopped on market street to do an SOI. We where there for about an hour to an hour and a half. We mounted back up and went to (b)(6) (b)(7)(C) house. Lt.Behanna went in and talked to (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) (b)(3) We stayed at (b)(6) (b)(7)(C) for about an hour or so and mounted back up. We made our way back onto Tampa and headed north. Shortly after we hit Tampa Lt.Behanna said for (b)(6) (b)(7)(C) (b)(3) take the desert route back and that he wanted to show (b)(6) (b)(7)(C) (b)(3) and SSG Warner the route. On the way they saw a man about a 100 meters off the side of our route. We dismounted and Lt. Behanna had the terp tell the man to lift up his dress to see if he had anything on him. The man was clear and we mounted back up. We started driving and shortly after SSG Warner and (b)(6) (b)(7)(C) (b)(3) We keep driving and then came to a stop. Someone came over the radio and said they where going to clear the colvert. We sat there for about ten minutes and I stayed in the truck. I didn't hear or see anything out of the ordinary. Someone said over the radio were good and we made our way back onto Hershey south and RTB. About 3 or 4 days later I started hearing rumors that they made him walk back from the desert. Then a week later (b)(6) (b)(7)(C) (b)(3) said we had to do sworn statements. From there we where pulled together by SSG Warner and we made the statements. We where told what time and what route we took back. Then we made the statements off what we remembered.

Q (b)(6) (b)(7)(C) (b)(3)

A

Q. Did you author the above statement?

Q. Yes.

Q. Do you know the names of either of the detainees you were to drop off on 16 May 08?

A. I did not know them on the 16th, but I know now one of them was named Ali MANSOUR.

Q. Do you recall what clothes Mr. MANSOUR was wearing that day?

A. No.

Q. When you stopped at the CLC Checkpoint, did you see either of the detainees dismount any vehicle and turned over to the CLC?

A. No.

Q. Did you assume both detainees were dropped off at the CLC Checkpoint?

A. Yes.

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMENT

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 17 Jun 0(b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. Had you ever traveled the desert route back to FOB Summerall before?
A. No.
Q. Had you ever done a change in the order of march while on mission before?
A. Not that I can recall.
Q. Did you think the change in the order of march was out of the ordinary?
A. I really did not pay much attention to it, I actually did not hear the call to change the order of march as I was not wearing the head set. I did know we changed by the fact that (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
Q. When the stop was made to check the culvert out, did you hear any gunshots, or explosions or see and bright lights or burning?
A. No.
Q. When you returned from the mission on 16 May 08, did you go to the dining facility with any platoon members?
A. Yes.
Q. Did you hear any rumors that night of anything happening to Mr. MANSOUR?
A. No, not that I can recall.
Q. When did you first suspect you had not dropped both detainees off at the CLC Checkpoint?
A. About three or four days after the mission.
Q. How did you come to suspect both detainees were not dropped at the CLC Checkpoint?
A. Some people were saying Mr. MANSOUR had been made to walk back from the desert and stuff like that. At that time no one was saying anything about anyone killing Mr. MANSOUR.
Q. Who told you to write a statement about the detainee drop off on 7 Jun 08?
A. We were told by (b)(6) (b)(7)(C) (b)(3) we all had to write statements.
Q. Did anyone tell you what to write in your statement, or to leave out any facts from your statement?
A. SSG WARNER told us to write what we know and if we did not know anything to write that. He told us to write we (starting point) SP'd between 1600-1700 and we returned about 2000. He told us to also write we had returned using Tampa to Hershey. I can not recall if he told us to write we dropped both detainees off at the CLC or not, he may have said that.
Q. Did (b)(6) (b)(7)(C) (b)(3) ell you to put anything in your statement or leave out any details from your statement?
A. No.
Q. How did you feel about writing this statement on 7 Jun 08?
A. At the time I really did not know how I felt about it, I was kind of against it.
Q. Did you hear any further rumors about what had occurred on 16 May 08?
A. No.
Q. Do you believe anyone in your unit had involvement in the death of Mr. MANSOUR, a detainee your platoon was to transport for release on 16 May 08?
A. Possibly 1LT BEHENNA.
Q. Do you think anyone else was involved with 1LT BEHENNA in the death of Mr. MANSOUR?
A. Not really. I think SSG WARNER may have been involved to a certain degree, but I think he may have been an unknowning participant.

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 17 Jun 08, (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. Did anyone tell you they were a witness to the death of Mr. MANSOUR, or tell you details of the death of Mr. MANSOUR?
A. No.
Q. Do you suspect anyone else of being involved in the death of Mr. MANSOUR?
A. No.
Q. Do you recall what weapons 1LT BEHENNA was carrying on 16 May 08?
A. The only thing I could see was an M-4 and possibly a Beretta.
Q. Did you ever see 1LT BEHENNA carrying a Glock 9mm while on mission?
A. Yeah, I saw him pull one out one time while at (b)(6) (b)(7)(C)
Q. Is there anything you wish to add to this statement at this time?
A. No.////////////////////////////(b)(6) (b)(7)(C) (b)(3)d of Statement//

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 17th day of Jun 2008.

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 81

Exhibit 82
Page(s) 000239 withheld:

Third Party Information - Not reasonably Segreable
– 5 U.S.C., Section 552,
Exemptions (b)(6), (b)(7)(C)

5 USC § 552, Exemption (b)(3);
specifically 10 USC § 130b

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393

FILE NUMBER: 0066-08-CID469 (b)(6) (b)(7)(C) (b)(3)

DATE: (b)(6) (b)(7)(C) (b)(3) 20__ to 16__

NAME [redacted] **SSN** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3) [redacted]

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) [redacted] want to make the following statement under oath:

On 21 April, 1LT Behenna and his PLT went on a mission to Salam village. According to rumors at the time, the mission was unauthorized because during the mission, the PLT crossed into the 1STB AO without permission. I do not have personal knowledge of whether or not the mission was authorized or not. Subsequent email traffic from BDE in the days following warned against crossing into other AO's without permission.

Five Detainees were brought in after the incident. (b)(6) (b)(7)(C) (b)(3) on all five, but three of them were lacking sworn statements in the Detainee packet, so I went to 1LT Behenna to try and find out the circumstances of capture and why these individuals.

I spoke with 1LT Behenna after the incident. The reason I asked him about the incident is (b)(6) (b)(7)(C) (b)(3) [redacted] of the Detainees from the raid. Out of the five Detainees, at least two of them were detained prior to the IED detonation. These were also the individuals who had no Coalition Forces sworn statements in their packets. (A minimum of two CF sworn statements and a CF apprehension form as well as a 4137 are mandatory when turning someone in to the Detainee Collection Point (DCP). Under the circumstances, however, with the fatalities that were incurred by the PLT, it was understandable that this paperwork had not been completed. So I wanted to ask 1LT Behenna exactly why these individuals had been detained in the hopes of properly screening them, so I could make a recommendation on whether to send them to BDE or not, and so I could help generate any reporting that was lacking to help the packets.

(b) (7)(D) [redacted]

(b) (7)(D) [redacted]

(b) (7)(D) [redacted]

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 18 Jun 08,

CONTINUED:

When (b)(6) (b)(7)(C) (b)(3) the Detainees, the ones that had been detained prior to the IED detonation (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) The detainees stated (during in-processing and subsequent screening) that the Sons of Iraq who had traveled with 1LT Behenna in his MRAPS during the Salam village mission in the presence of CF Soldiers. The Detainees were beaten after the IED detonation. According to CF sworn statements, the CF Soldiers were busy "policing up their wounded and dead Soldiers" that they could not stop the Sons of Iraq. (There was some kind of Detainee abuse paperwork started, probably in the form of an SIR. I remember the packets had sworn statements from the Soldiers and pictures of the abuse.)

In any case, my screening of the Detainees indicated that they were not terrorists, in my professional opinion. The Detainees were subsequently released. But prior to their release, they told me they suspected (b)(6) (b)(7)(C) of giving false information on them to CF, because they saw him or his guys present, but they could not attribute a motive to this, or they did not want to say.

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 18 Jun 08,

CONTINUED:

On 17 May 2008, the body of Ali Mansur was found and taken first to the Bayji hospital, then the Tikrit hospital. The family identified the body on the 18th or 19th.

(b) (7)(D)

(b)(6) (b)(7)(C) (b)(3) lled me on an S-VOIP and asked what to do.

I was at the Bayji JSS, so I called th (b)(6) (b)(7)(C) (b)(3) d asked fo (b)(6) (b)(7)(C) (b)(3) one number. (b)(6) (b)(7)(C) (b)(3) gave it to me. I called the (b)(6) (b)(7)(C) (b)(3) was not there. I then called (b)(6) (b)(7)(C) (b)(3) stated that he did not know where the LTC was or when he would be back. (b) (7)(D)

(b) (7)(D)

(b) (7)(D)

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED:

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 83

STATEMENT O(b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED:

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

V/R

SGT Tennyson

(b) (7)(D)

STATEMENT OF (b)(6) (b)(7)(C) (b)3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED:

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED:

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED:

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

STATEMENT O(b)(6) (b)(7)(C) (b)(3)TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 83

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

CONTINUED:

(b) (7)(D)

(b) (7)(D)

(b) (7)(D)

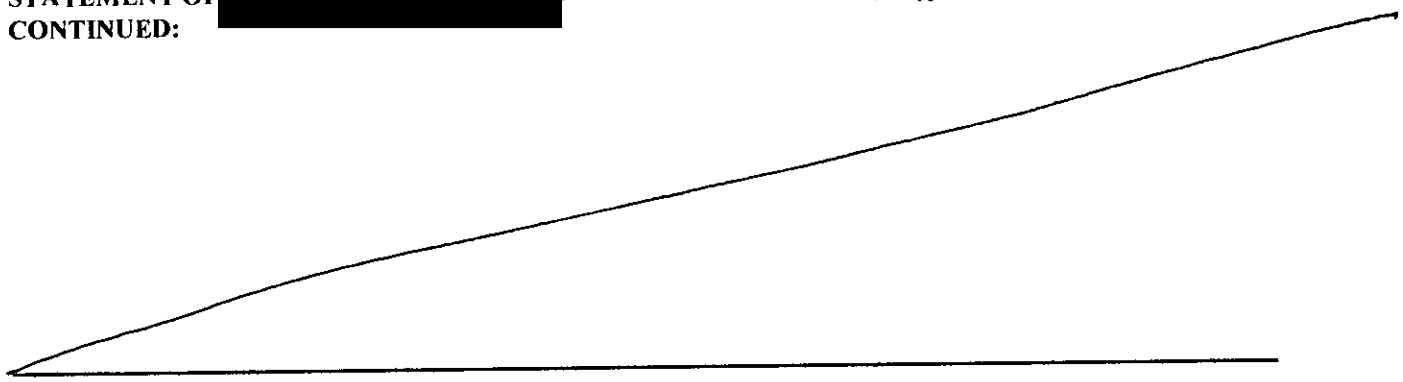
STATEMENT O[redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,

(b) (7)(D)

Q[redacted]
A[redacted]
Q: Did you type the above narrative paragraphs?
A: Yes.
Q. Is there anything you wish to add to this statement at this time?
A. No.//End of Statement//

INITIALS OF PERSON MAKING STATEMENT [redacted] PAGE 12 OF 13 PAGES

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) TAKEN AT FOB Summerall, Bayji, IZ, DATED 18 Jun 08,
CONTINUED:



AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page 13. 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.

(b)(6) (b)(7)(C) (b)(3)
(Signature of Person Making

Witness #1:

Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 18th day of Jun 2008,

Witness #2:

(b)(6) (b)(7)(C) (b)(3)
Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)
(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

For use of this form, see AR 27-10; the proponent agency is OTJAG.

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6) (b)(7)(C) (b)(3) (Name), (b)(6) (b)(7)(C) (b)(3) (Organization or Address)

having been duly sworn, on oath depose and state that:

Preliminary investigation determined at approximately 1830, 16 May 08, while enroute to return a released detainee, 1LT BEHENNA ordered his convoy to stop in the village of Albu Tu'mah, Bayji district. 1LT BEHENNA exited his vehicle and stated, "I don't want anybody with me except for the Terp and SSG WARNER." 1LT BEHENNA ordered his interpreter (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) to remove Mr. Ali Mansur MUHAMMAD, a detainee, from the same vehicle. 1LT BEHENNA led Mr. Ali Mansur MUHAMMAD, SSG WARNER, and Mr (b)(6) (b)(7)(C) to a tunnel, approximately 100 meters south of the convoy. Once inside the tunnel 1LT BEHENNA and SSG WARNER cut off Mr. MUHAMMAD's clothing. 1LT BEHENNA then demanded Mr. MUHAMMAD tell him everything he knows and then fired two rounds from a 9mm pistol at Mr. MUHAMMAD. SSG WARNER then placed a thermite hand grenade on Mr. MUHAMMAD's face and pulled the pin, activating the grenade. 1LT BEHENNA, SSG WARNER, and Mr. (b)(6) (b)(7)(C) returned to the convoy vehicles and proceeded back to FOB Summerall. Mr. MUHAMMAD's body was found at 2030, 17 May 08, by Iraqi Police patrols. At the crime scene Iraqi Police recovered a 9mm shell casing, which was near the body and a metal item, identified as a detonator, from beneath the neck.

2. The affiant further states that:
On 13 June 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) witnessed by (b)(6) (b)(7)(C) and MND-N G3 Linguist, Arabic Translator, who executed a written sworn statement detailing how 1LT BEHENNA carries a Glock 9mm and a Berretta 9mm pistol. Mr. (b)(6) (b)(7)(C) stated on 16 May 08 he witnessed 1LT BEHENNA sit a detainee, Mr. Ali MANSOUR, on a rock and fire his Glock 9mm pistol two times directly at Mr. MANSOUR. Mr (b)(6) (b)(7)(C) detailed how SSG WARNER and 1LT BEHENNA cut Mr. Ali Mansour Mohommad AL JOBOURI's clothes off with knives.

FOUO

0066- 08-C I D469-51978

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: *(Name and Organization of the person to whom authorization is given)*
Any (b)(6) (b)(7)(C) (b)(3)

(An affidavit) (A (sworn) or (unsworn) oral statement) having been made before me b (b)(6) (b)(7)(C) (b)(3)
(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)
(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located *(on the person) (at the place)* to be searched, you are hereby ordered to search the *(person) (place)* known as

SSG Warner who resides at Containerized Housing Unit 138, PAD 2C, FOB Summerall, Bayji, IZ 09393

for the property described as Knives or cutting utensils

bringing this order to the attention of the *(person searched) (person in possession, if any person be found at the place or on the premises searched)*. The search will be made in the *(daytime) (nighttime)*, and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)
(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 18 day of June , 2008 .

(b)(6) (b)(7)(C) (b)(3) AUTHORIZING OFFICIAL	DUTY POSITION OF AUTHORIZING OFFICIAL (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OF AUTHORIZING OFFICIAL (b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)

FOU

DA FORM 3745, SEP 2002 DA FORM 3745-R, MAR 85, IS OBSOLETE APD PE v1.01

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of SSG Hal M. WARNER
(the person) (and)

Containerized Housing Unit 138, PAD 2C, FOB Summerall, Bayji, IZ, APO AE 09393
(the quarters or billets) (and)

_____ and (seizure) (apprehension) of Glock 9mm Pistol
(the automobile) ( ) *(items/persons searched for)*

(b)(6) (b)(7)(C) (b)(3)

TYPED NAME AND ORGANIZATION OF AFFIANT

(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 18th DAY OF June 2008 AT _____

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY ADMINISTERING THE OATH

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AUTHORITY ADMINISTERING THE OATH

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS F

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

3. In paragraph 3, the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended should be described with particularity and in detail. Authorization for a search may issue with respect to a search for fruits or products of an offense, the instrumentality or means of committing the offense, contraband or other property the possession of which is an offense, the person who committed the offense, and under certain circumstances for evidentiary matters.

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

For use of this form, see AR 27-10; the proponent agency is OTJAG.

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6) (b)(7)(C) (b)(3) *(Name)*, (b)(6) (b)(7)(C) (b)(3) *(Organization or Address)*

having been duly sworn, on oath depose and state that:

Preliminary investigation determined at approximately 1830, 16 May 08, while enroute to return a released detainee, 1LT BEHENNA ordered his convoy to stop in the village of Albu Tu'mah, Bayji district. 1LT BEHENNA exited his vehicle and stated, "I don't want anybody with me except for the Terp and SSG WARNER." 1LT BEHENNA ordered his interpreter (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) o remove Mr. Ali Mansur MUHAMMAD, a detainee, from the same vehicle. 1LT BEHENNA led Mr. Ali Mansur MUHAMMAD, SSG WARNER, and Mr (b)(6) (b)(7)(C) o a tunnel, approximately 100 meters south of the convoy. Once inside the tunnel 1LT BEHENNA and SSG WARNER cut off Mr. MUHAMMAD's clothing. 1LT BEHENNA then demanded Mr. MUHAMMAD tell him everything he knows and then fired two rounds from a 9mm pistol at Mr. MUHAMMAD. SSG WARNER then placed a thermite hand grenade on Mr. MUHAMMAD's face and pulled the pin, activating the grenade. 1LT BEHENNA, SSG WARNER, and Mr (b)(6) (b)(7)(C) returned to the convoy vehicles and proceeded back to FOB Summerall. Mr. MUHAMMAD's body was found at 2030, 17 May 08, by Iraqi Police patrols. At the crime scene Iraqi Police recovered a 9mm shell casing, which was near the body and a metal item, identified as a detonator, from beneath the neck.

2. The affiant further states that:
On 13 June 08 (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) witnessed by (b)(6) (b)(7)(C) and MND-N G3 Linguist, Arabic Translator, who executed a written sworn statement detailing how 1LT BEHENNA carries a Glock 9mm and a Berretta 9mm pistol. Mr. (b)(6) (b)(7)(C) stated on 16 May 08 he witnessed 1LT BEHENNA sit a detainee, Mr. Ali MANSOUR, on a rock and fire his Glock 9mm pistol two times directly at Mr. MANSOUR. Mr (b)(6) (b)(7)(C) detailed how SSG WARNER and 1LT BEHENNA cut Mr. Ali Mansour Mohommad AL JOBOURI's clothes off with knives.

FOUO

0066-08-CID469-51978

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: *(Name and Organization of the person to whom authorization is given)*
Any (b)(6) (b)(7)(C) (b)(3)

(An affidavit) (A (sworn) or (unsworn) oral statement) having been made before me by (b)(6) (b)(7)(C) (b)(3)
(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)
(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located *(on the person) (at the place)* to be searched, you are hereby ordered to search the *(person) (place)* known as

1LT Michael C. BEHENNA who resides at Containerized Housing Unit 162, PAD 2C, FOB Summerall, Bayji, IZ 09393

for the property described as Knives or cutting utensils

bringing this order to the attention of the *(person searched) (person in possession, if any person be found at the place or on the premises searched)*. The search will be made in the *(daytime) (nighttime)*, and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)
(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 18 day of June, 2008.

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL	DUTY POSITION OF AUTHORIZING OFFICIAL
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OF AUTHORIZING OFFICIAL	
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)

FOU

DA FORM 3745, SEP 2002 DA FORM 3745-R, MA APD PE v1.01

LAW ENFORCEMENT SENSITIVE

EXHIBIT 000257

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of 1Lt Michael C. BEHENNA
(the person) (and)

Containerized Housing Unit 162, PAD 2C, FOB Summerall, Bayji, IZ, APO AE 09393
(the quarters or billets) (and)

(the automobile) ( ) and (seizure) (apprehension) of Glock 9mm Pistol
(items/persons searched for)

(b)(6) (b)(7)(C) (b)(3)

TYPED NAME AND ORGANIZATION OF AFFIANT

(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 18th DAY OF June 2008 AT

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY ADMINISTERING THE OATH

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS FOR

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

3. In paragraph 3, the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended should be described with particularity and in detail. Authorization for a search may issue with respect to a search for fruits or products of an offense, the instrumentality or means of committing the offense, contraband or other property the possession of which is an offense, the person who committed the offense, and under certain circumstances for evidentiary matters.

FOUO

LAW ENFORCEMENT SENSITIVE

EXHIBIT 000258 05

0066-08-CID469-51978

EXHIBIT 00259

0066-08-CID469-51978

For Official Use Only
Law Enforcement
Sensitive

18 Jun 08

AN-M14 TH3 Incendiary Grenade

Exhibit _____

0066-08-CID469-51978

0066-08-CID469-51978

EXHIBIT 000260

For Official Use Only
Law Enforcement
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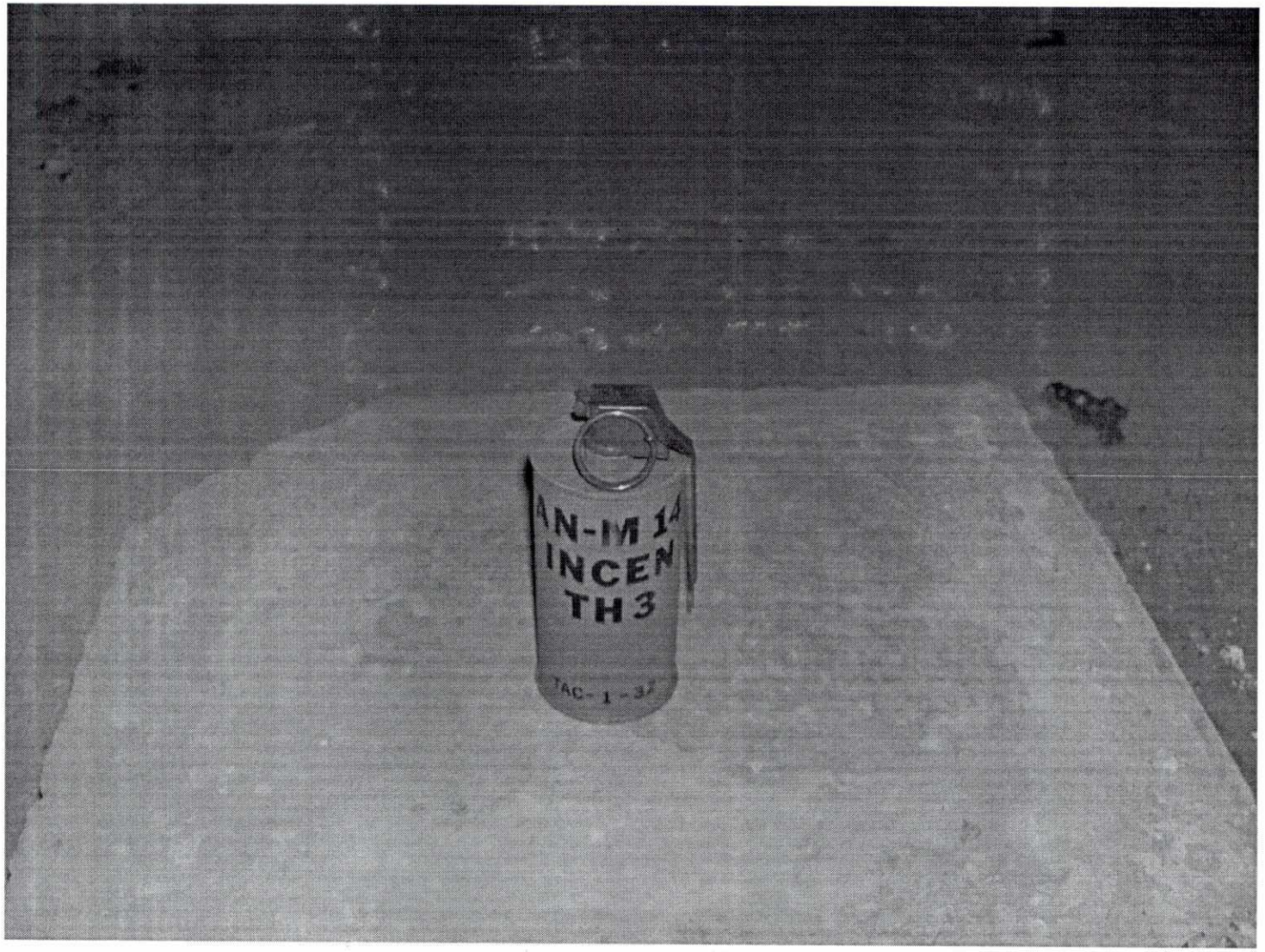

AN M-14 TH 3 (Test)

Exhibit _____

Ignited post burn (Test)

Exhibit _____

0066-08-CID469-51978

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Law Enforcement
Sensitive

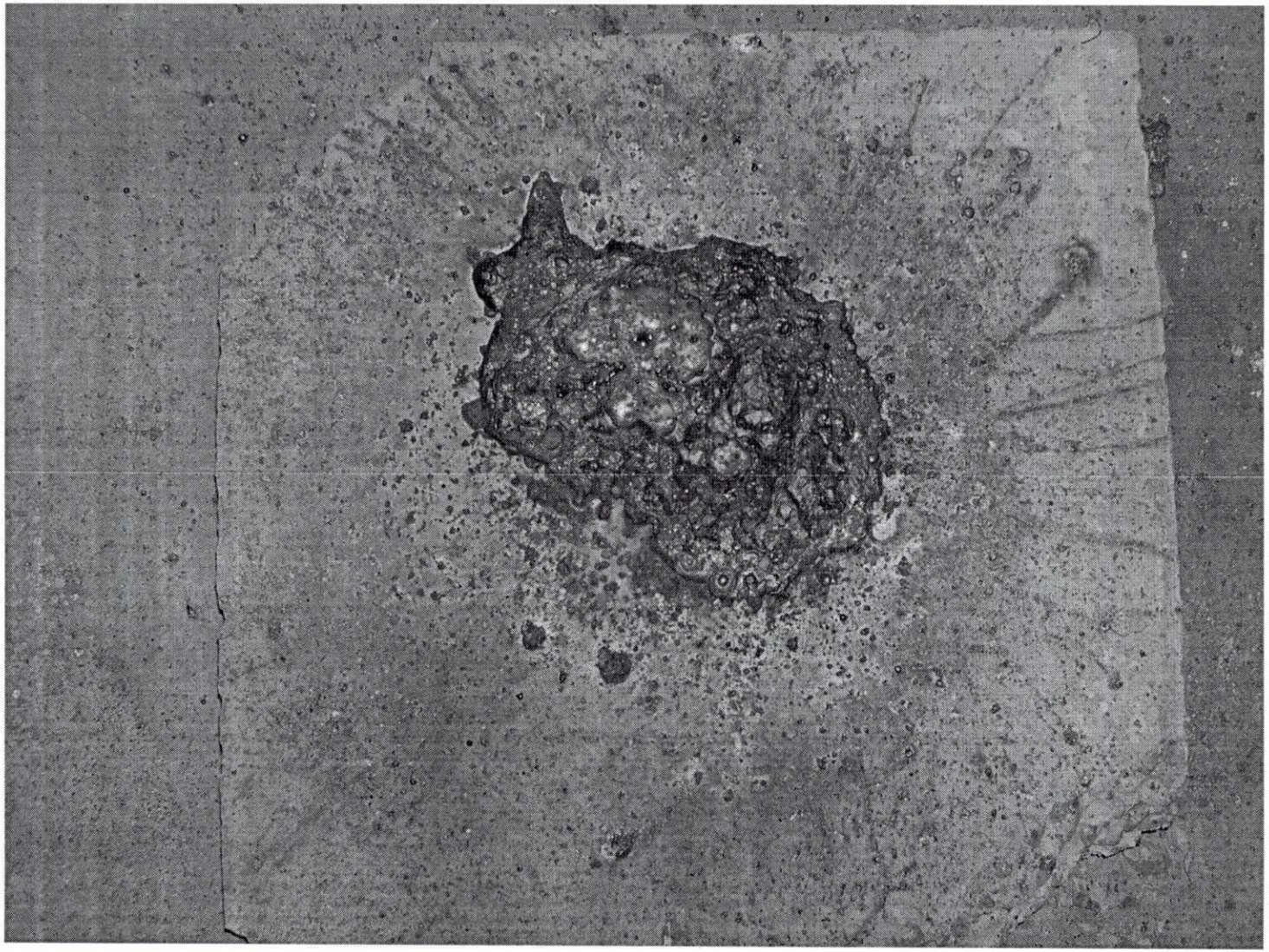
EXHIBIT

0066-08-CID469-51978

0066-08-CID469-51978

EXHIBIT 000262

For Official Use Only
Law Enforcement
Sensitive



Remains of test grenade

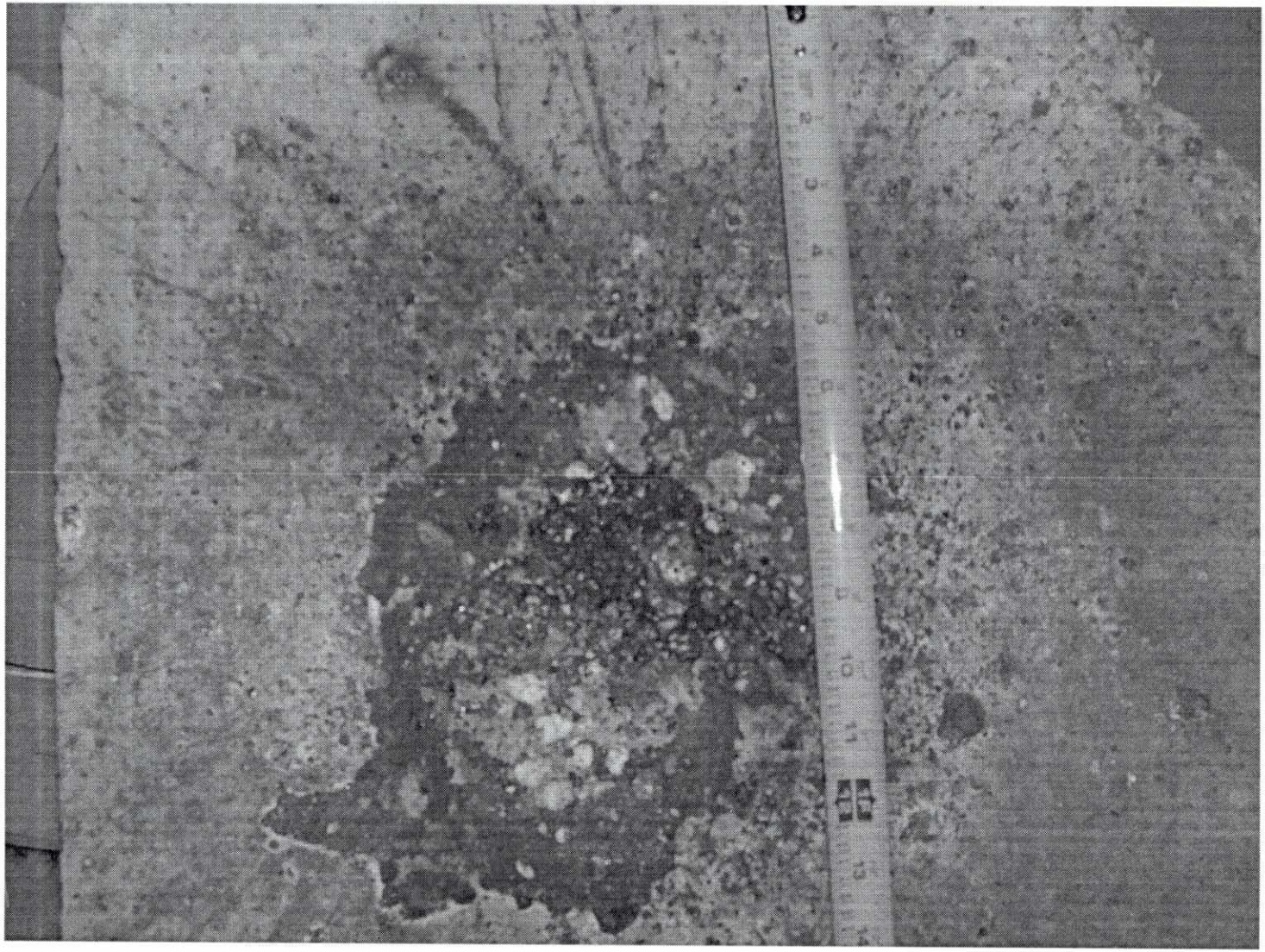
Exhibit _____

0066-08-CID469-51978

0066-08-CID469-51978

EXHIBIT 000263

For Official Use Only
Law Enforcement
Sensitive



Damage to cement piece (Test)

Exhibit _____

Exhibit(s) 87 and 88

Page(s) 000264 thru 000280 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

SWORN STATEMENT

LOCATION: COB Speicher, Tikrit, IZ, APO AE 09393,

FILE NUMBER: 00066-08-CID469-51978

(b)(6) (b)(7)(C) (b)(3)

DATE: 21 JUN 08 TIME: 1716 (b)(6) (b)(7)(C) (b)(3)

NAME (b)(6) (b)(7)(C) (b)(3) **SSN** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)

ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:

On the 5th of May 2008 at approximately 1500 hrs I was part of a mission to go to Al Butoma and visit (b)(6) (b)(7)(C) and then possibly detain some suspects. I was the (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) which consisted of SSG Warner as the TC and (b)(6) (b)(7)(C) (b)(3) and I'm not sure who the dismounts were. We arrived at (b)(6) (b)(7)(C) house and (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) We were there for approximately 1 hour and then we rolled out right down the street to the target house. SSG Warner and the dismounts left the truck and entered the house and were out of my sight at that time. (b)(6) (b)(7)(C) (b)(3) until they finished at which point they came out with multiple detainees, I don't recall the number, and began placing them in our trucks. One of them was Ali Mansoor. We then proceeded to return to base. After returning I went straight back to my CHU and the detainees were escorted down to the D-cell. I don't remember who brought them down. Then on the 16th of May 2008 at approximately 1500 hrs we went on a mission to release 2 detainees, one of whom was Ali Mansoor, in Mesra. (b)(6) (b)(7)(C) (b)(3) SSG Warner, (b)(6) (b)(7)(C) (b)(3) I do not know who else was in the truck. I think (b)(6) (b)(7)(C) (b)(3) and Ali Mansoor (b)(6) (b)(7)(C) (b)(3) but I didn't see them myself. We stopped just outside of Mesra on Tampa to let the detainees out though I did not see them get out. We then proceeded to (b)(6) (b)(7)(C) house and (b)(6) (b)(7)(C) (b)(3) I'm not sure who went into the house but we were there for no more than 1 hr. (b)(6) (b)(7)(C) (b)(3) By then it was getting dark out so we mounted our NVGs before we left. When we got on Tampa I heard over the radio that we were going to be taking a different route back through the desert. While going through the desert we stopped and searched a civilian walking. I'm not sure who did the searching. I know SSG Warner got out of the truck. After that we continued driving and at some point changed our order of movement. I don't remember what reason was given over the radio. Shortly after that we stopped again but nobody announced why we were stopping over the radio. By then it was pretty dark outside, it was probably about 1930 hrs. SSG Warner dismounted the truck. I did not see where he went but it didn't seem like we were there for that long. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and talking with my driver so I couldn't see who SSG Warner was talking to or what he was doing. After a short time he got back in the truck and we began to head back to FOB Summerall.

Q: (b)(6) (b)(7)(C) (b)(3)

A:

Q: Did you type the above narrative?

A: Yes.

Q: When did you join Delta Company, 1/327th IN REG?

A: (b)(6) (b)(7)(C) (b)(3)

Q: What is a CHU?

A: Containerized housing unit.

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 34

STATEMENT (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** Bldg #719, Tikrit CID office, COB Speicher, Tikrit, IZ, **DATED** June 21, 2008 CONTINUED:

(b)(6) (b)(7)(C) (b)(3) How long did the mission last on 5 May 08?
A: They were in the house at least an hour and half. If they hit another house they were right next to each other. The vehicles never changed location.
Q: How many vehicles were on the 5 May 08 mission?
A: Three, we didn't start using four till later.
Q: Why did you start using four MRAPs?
A: (b)(6) (b)(7)(C) (b)(3) stated we should have four and he started borrowing the (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) We only have three MRAPs assigned to our platoon.
Q: Do you have a platoon medic?
A: No this is the first time for that. We get all different medics.
Q: Do you know who the medics were on those missions?
A: No, not even sure if we took one at all on either mission.
Q: Does your vehicle have an identifier?
A: (b)(6) (b)(7)(C) (b)(3)
Q: Who were the dismounts on the 5 May 08 mission?
(b)(6) (b)(7)(C) (b)(3) There may have been another but I don't remember.
Q: How long were you at (b)(6) (b)(7)(C) on 5 May 08?
A: No more than an hour. Unless there is a big meeting we are usually not there longer than an hour.
Q: On 5 May 08 did you know the target house prior to departing FOB Summerall?
A: No. They just said we may hit some houses today.
Q: Was there a Concept of Operations (CONOPS) on 5 May 08?
A: No, very rarely in Delta Company to we get mission briefs.
Q: How many detainees were taken in on 5 May 08?
A: They took about 5 of them flexi-cuffed out of the house. I'm not sure how many we kept though.
Q: Who escorts the detainees to the D-Cell?
A: Usually at least one NCO and two or more Soldiers. I don't know who escorted them on 5 May 08.
Q: On the night of the 16 May 08 you were in the (b)(6) (b)(7)(C) (b)(3)
A: Looking at the map I would probably say so.
Q: Did you hear any gunshots during the time of SSG WARNER's dismount?
A: No.
Q: Did you see a bright flash or hear a loud boom while SSG WARNER was dismounted?
A: No.
Q: Did you see anyone else dismount during this time?
A: No, I did not.
Q: Did you hear any talk on the radio of what was going on?
A: (b)(6) (b)(7)(C) (b)(3) asked why we are stopped and what we are doing. I'm not sure if he got a response or it was like, "I don't know."

STATEMENT (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** Bldg #719, Tikrit CID office, COB Speicher, Tikrit, IZ, **DATED** (b)(6) (b)(7)(C) (b)(3) e 21, 2008 CONTINUED:

Are you aware the Ali Mansur was killed and his body was found approximately 100 meters south of where your convoy stopped?
A: No, not until today.
Q: Do you know who killed Ali Mansur?
A: No, I do not.
Q: Does 1LT BEHENNA carry a GLOCK 9mm pistol?
A: Yes sometimes.
Q: Have you ever seen him fire it?
A: No.
Q: Who else carries Glock pistols in the platoon?
A: I've seen 1LT BEHENNA. I've seen (b)(6) (b)(7)(C) (b)(3) laying with them but not necessarily on mission. No one else really, definitely not the joes.
Q: Has SSG WARNER spoken about the night of the 16th of May 08?
A: No, it was never discussed again.
Q: Have you been approached by anybody about it?
A: No, (b)(6) (b)(7)(C) (b)(3) No but everybody was asking and wondering why we stopped. I'm sure people were coming up with all kinds of assumptions.
Q: Did you find it odd the order of march (OOM) was changed so late in the mission and so close to the FOB?
A: Yes.
Q: What would you say is odd about that?
A: We switch around sometimes but there is usually an explanation like we turn around on a road or something. The way we switched out didn't make sense. If you are lost someone usually jumps up and takes lead but we completely switched around.
Q: Were you at the ADACG with 1LT BEHENNA?
A: Yes but he left in the middle of the night with a large group. I went to midnight chow and then took the bus to the MWR North. I returned to the ADACG hold over tents at approximately 0400 hours and they were all gone.
Q: Why didn't you go to FOB Summerall?
A: (b)(6) (b)(7)(C) (b)(3) told me to stay here to talk to CID.
Q: Was 1LT BEHENNA with you?
A: Yes he was in the tent with us. (b)(6) (b)(7)(C) (b)(3) pulled me to the side when he told me.
Q: Approximately how long were you stopped when SSG WARNER dismounted?
A: Could have been anywhere from 5 to 15 minutes. We were just sitting there talking not really paying attention.
Q: Do you have anything else to add to this statement?
A: No.///End of Statement///

(b)(6) (b)(7)(C) (b)(3)

Not Used

INITIALS OF PERSON MAKING STATEMEN (b)(6) (b)(7)(C) (b)(3)

STATEMENT (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** Bldg #719, Tikrit CID office, COB Speicher, Tikrit, IZ, **DATED** June 21, 2008 CONTINUED:

(b)(6) (b)(7)(C) (b)(3)

Not Used

(b)(6) (b)(7)(C) (b)(3)

AFFIDAVIT

have read or have had read to me this statement which begins on page 1 and ends on page 4 . 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 21st day of June 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____

_____

_____

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMEI (b)(6) (b)(7)(C) (b)(3)

EXHIBIT 89

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	FILE NO.
Tikrit CID Office, COB Speicher	21 Jun 08 (b)(6) (b)(7)(C) (b)(3) TIME 19:10 (b)(6) (b)(7)(C) (b)(3)	0066-08-CID469
5. NAME *(Last, First, MI)* BEHENNA, Michael C.		8. ORGANIZATION OR ADDRESS D Company, 1/327th IN REG
6. SSN (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS 0-2/RA	FOB Summerall, Bayji, IZ, APO AE 09393

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army As a CID Special Agent and wanted to question me about the following offense(s) of which I am suspec(b)(6) (b)(7)(C) (b)(3) urder, Conspiracy, Assault (b)(6) (b)(7)(C) (b)(3)

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

(b)(6) (b)(7)(C) (b)(3)

1. I do not have to answer any questions or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3)

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

(b)(6) (b)(7)(C) (b)(3) SIGNATURE OF INTERVIEWEE

(b)(6) (b)(7)(C) (b)(3)

2a. NAME *(Type or Print)*

b. ORGANIZATION OR ADDRESS AND PHONE

(b)(6) (b)(7)(C) (b)(3)

Section C. Non-Waiver

1. I do not want to give up my rights:

☒ I want a lawy(b)(6) (b)(7)(C) (b)(3) ☐ I do not want to be questioned or say anything.

2. SI(b)(6) (b)(7)(C) (b)(3)

FOUO

ATTA E TO ANY SWORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

LAW ENFORCEMENT SENSITIVE

EXHIBIT 285

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?" Yes (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" No (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" Yes (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (*If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*)

SPECIAL INSTRUCTIONS

WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning, Make on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.)"

COMMENTS (*Continued*)

FOUO

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 2 PAGES

DETAILS

About 0815, 18 Jun 08, (b)(6) (b)(7)(C) (b)(3) conducted a crime scene examination of the east underpass underneath railroad tracks (Bayji Railroad) located at Grid Coordinate LD 59625 61025 located in the vicinity of Bayji, IZ.

CHARACTERISTICS OF THE SCENE: The underpass was constructed under the railroad and was in place to allow water to flow through to the valley. The underpass was constructed of concrete with walls on the north and south ends. The east and west ends of the underpass were open and extended outward from the berm. The underpass was approximately 9' 10" wide from north to south and was approximately 6'8" at the highest point of clearance. The berm built up along the sides of the underpass was made up of dirt, rock, and sand.

CONDITION OF THE SCENE: The underpass was littered with aged anti aircraft munitions, rubble, and other debris. The floor of the underpass was not clear and most of the rubble lined the north wall. Approximately 5'8" from the center of the west end of the underpass was a stain of unknown origin. The stain extended lengthwise approximately 4'1" from end to end and 3'1" from across. The center of the stain measured approximately 7'8" from the entrance of the north wall and 7'10" from the corner of the south wall. The stain was covered with sand and small stones. Inside the stain, approximately 6'8" from the entrance of the north wall and 8' from the corner of the south wall, was a melted mass of unknown metal. The melted mass measured approximately 8" long and 5" across. The center of the mass depressed into the floor approximately 1 cm. Examination of the rubble closest to the north wall revealed suspected blood spatter on various rocks and the floor. Several spots of blood spatter were observed to be circular in shape and consistent with that of blood dripping from a vertical point. Several spots of blood spatter were also observed having an oblong shape with the narrow (tail) end pointing to the west entrance and the wider end pointing to the east entrance. These spatter points were consistent with that of blood hitting the ground at an angle with unknown velocity. The nearest spatter was approximately 7'2" from the center of the stain with the farthest extending approximately 8'6" from the center of the stain. There were no unusual odors detected.

ENVIRONMENTAL CONDITIONS: At the time of the examination the outside temperature was approximately 95 degrees Fahrenheit with an easterly wind of approximately 20 miles an hours. The wind, at times, appeared to funnel through the underpass creating a small vacuum type effect. No precipitation had fallen within 24 hours and no precipitation was reported within the last 30 days. Sandstorms and high winds were prevalent over the last few weeks.

FACTORS PERTINENT TO ENTRY/EXIT: The under pass could be access from all directions. The traverse the underpass one would enter from either the east or west end of the underpass. The underpass was large enough for small vehicles to pass through.

SCENE DOCUMENTATION (b)(6) (b)(7)(C) (b)(3) prepared three sketches documenting the location of the railroad tracks; the horizontal view of the underpass; and the floor of the underpass. (b)(6) (b)(7)(C) (b)(3) exposed digital

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	(b)(6) (b)(7)(C) (b)(3)
	DATE: 18 Jun 08 / EXHIBIT: 91

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 PAGE 2 OF 2 PAGES

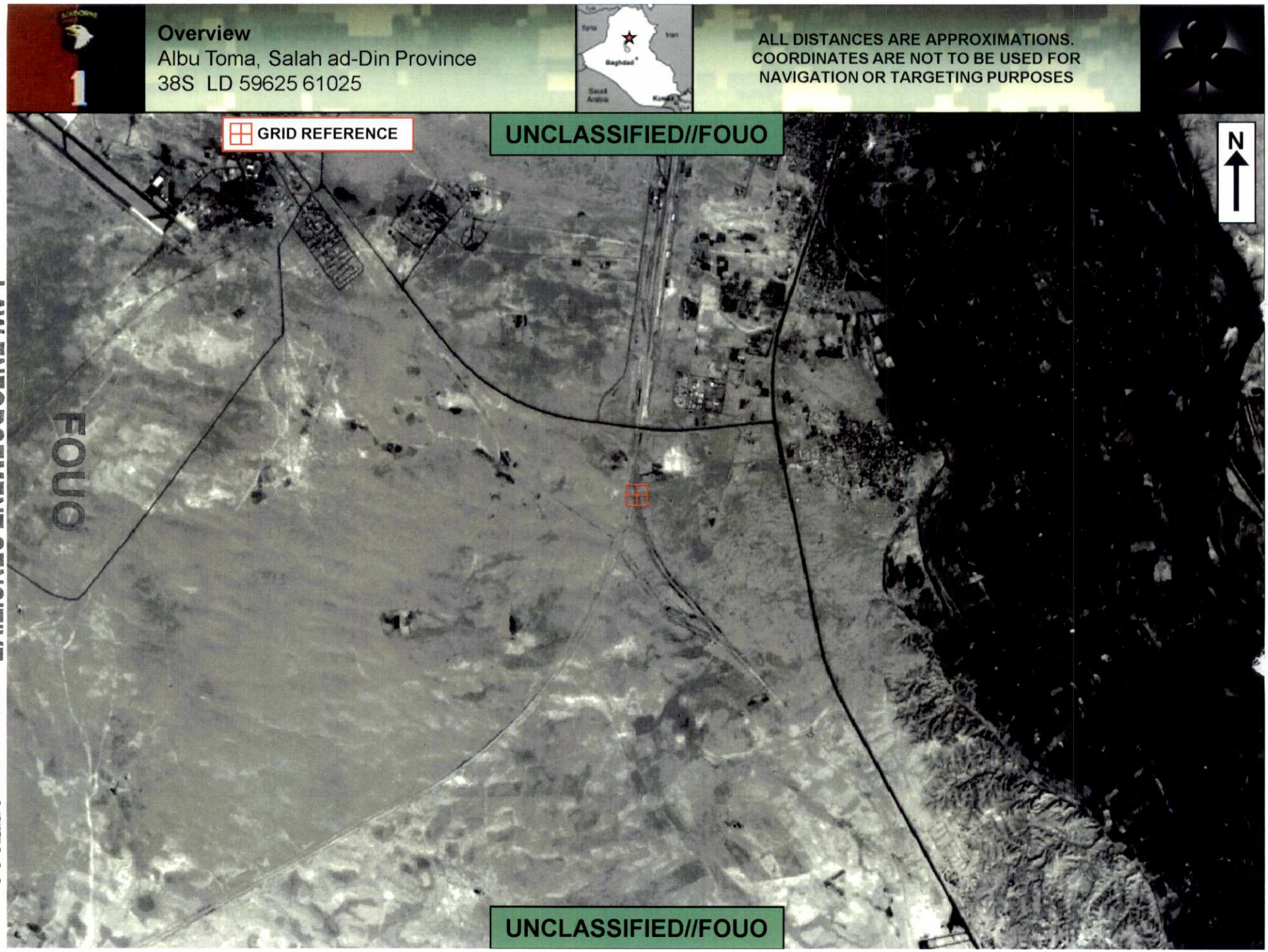
DETAILS

images of the scene utilizing a Nikon CoolPix 5900 digital camera with flash. Additionally, video footage of the scene was captured utilizing a Sony Handy Cam digital video camera, Model DCR-DVD203.

COLLECTION OF EVIDENCE: Between 0830 – 0915, 18 Jun 08 [redacted] ollected, as evidence, (2) rocks with suspected blood evidence; (2) pieces of molten metal; unknown amount of melted metal in various shapes and sizes; (2) gauze pads containing suspected blood and other trace evidence, from the floor of the underpass. The evidence was documented on an Evidence/Property Custody Document, Document Number 0594-08.

SEARCH BEYOND THE SCENE: A search of the area between the east and west underpass was conducted. Additionally, the opposite ends of both underpasses were searched, which met with negative results. At the time of the examination and searches no indigenous personnel were observed in the area. An Iraqi Army Checkpoint was visible from the underpasses.
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
[redacted]	[redacted]
	DATE: 18 Jun 08 / EXHIBIT: 91



LAW ENFORCEMENT SENSITIVE

EXHIBIT 0000289

0066-08-CID469-51978



LAW ENFORCEMENT SENSITIVE

FOUO

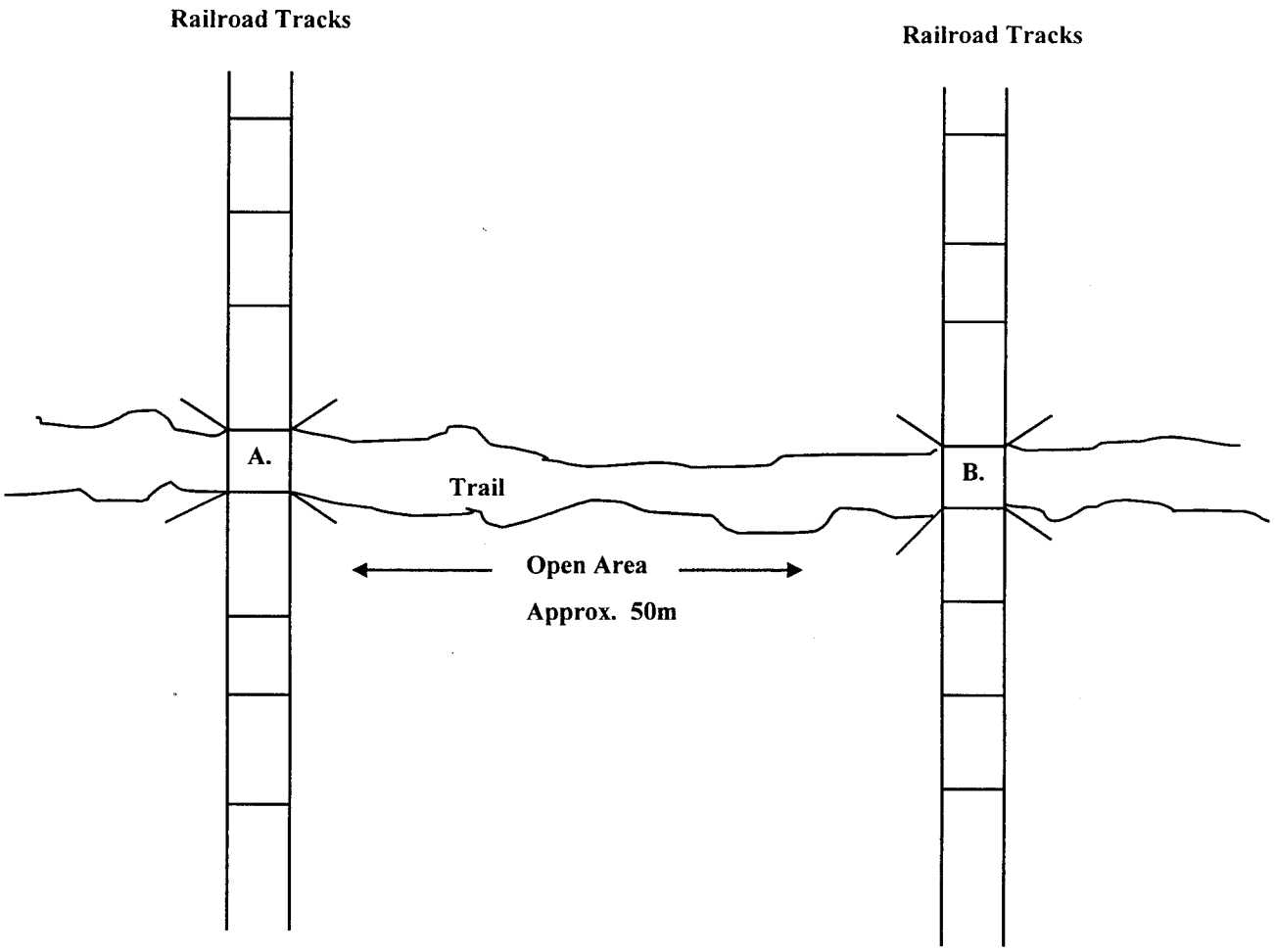
EXHIBIT 000290

0066-08-CID469-51978

Close-Up
Albu Toma, Salah ad-Din Province
38S LD 59625 61025
ALL DISTANCES ARE APPROXIMATIONS.
COORDINATES ARE NOT TO BE USED FOR
NAVIGATION OR TARGETING PURPOSES
N
GRID REFERENCE
UNCLASSIFIED//FOUO
UNCLASSIFIED//FOUO
FOUO

ROUGH SKETCH

Not to Scale



LEGEND

A: West Culvert/Underpass

B: East Culvert/Underpass (Scene)

N

Not to Scale

TITLE BLOCK

CASE #: 0066-08-CID469-51978

OFFENSE: Murder

SCENE PORTAYED: Culvert/Underpass

LOCATION:Grid LD 59625 61025

VICTIM: Ali Mansour Muhammad

SKETCH BEGAN: 0925/18 Jun 08

SKETCHED BY (b)(6) (b)(7)(C) (b)(3)

VERIFIED BY:

FOR OFFICAL USE ONLY

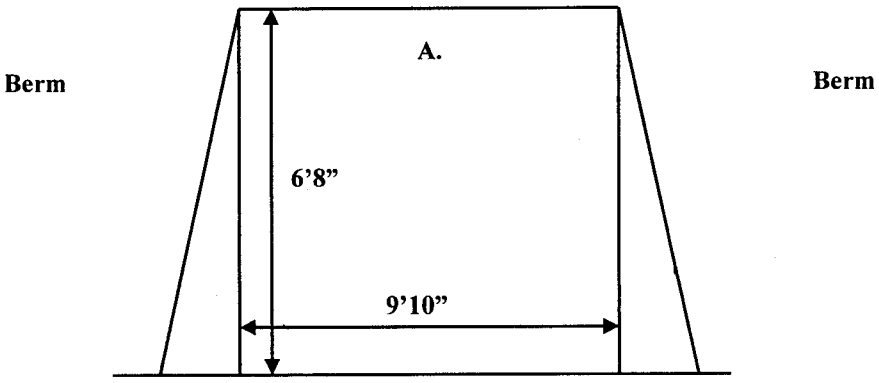
Law Enforcement Sensitive

Exhibit 93

ROUGH SKETCH

Not to Scale

Railroad Tracks



Culvert/Underpass was 38' 2 1/2" deep

LEGEND

A: East Culvert/Underpass (Scene)

N

Not to Scale

TITLE BLOCK

CASE #: 0066-08-CID469-51978

OFFENSE: Murder

SCENE PORTAYED: Culvert/Underpass

LOCATION:Grid LD 59625 61025

VICTIM: Ali Mansour Muhammad

SKETCH BEGAN: 0925/18 Jun 08

SKETCHED BY: (b)(6) (b)(7)(C) (b)(3)

VERIFIED BY:

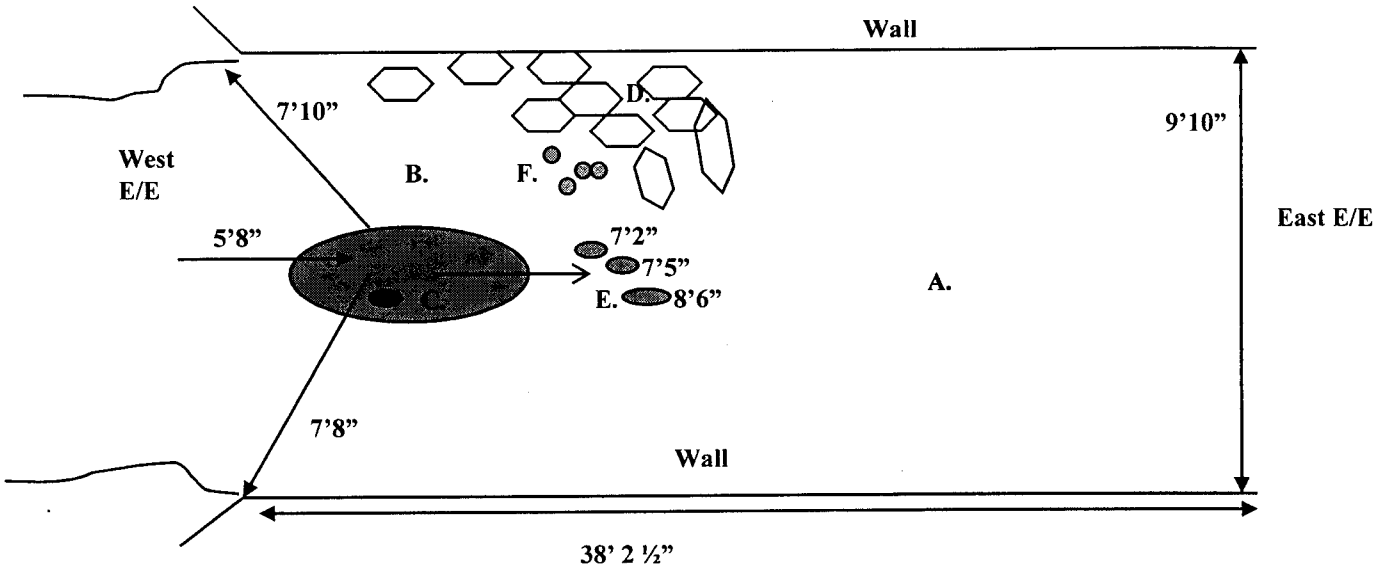
FOR OFFICAL USE ONLY

Law Enforcement Sensitive

Exhibit 93

ROUGH SKETCH

Not to Scale



LEGEND

A. East Culvert/Underpass (Scene)
B. Large stain
C. Melted metal
D. Rubble
E. Blood spatter (velocity)
F. Blood spatter (horizontal)

N

Not to Scale

TITLE BLOCK

CASE #: 0066-08-CID469-51978
OFFENSE: Murder
SCENE PORTAYED: Culvert/Underpass
LOCATION:Grid LD 59625 61025
VICTIM: Ali Mansour Muhammad
SKETCH BEGAN: 0925/18 Jun 08
SKETCHED BY: (b)(6) (b)(7)(C) (b)(3)
VERIFIED BY:

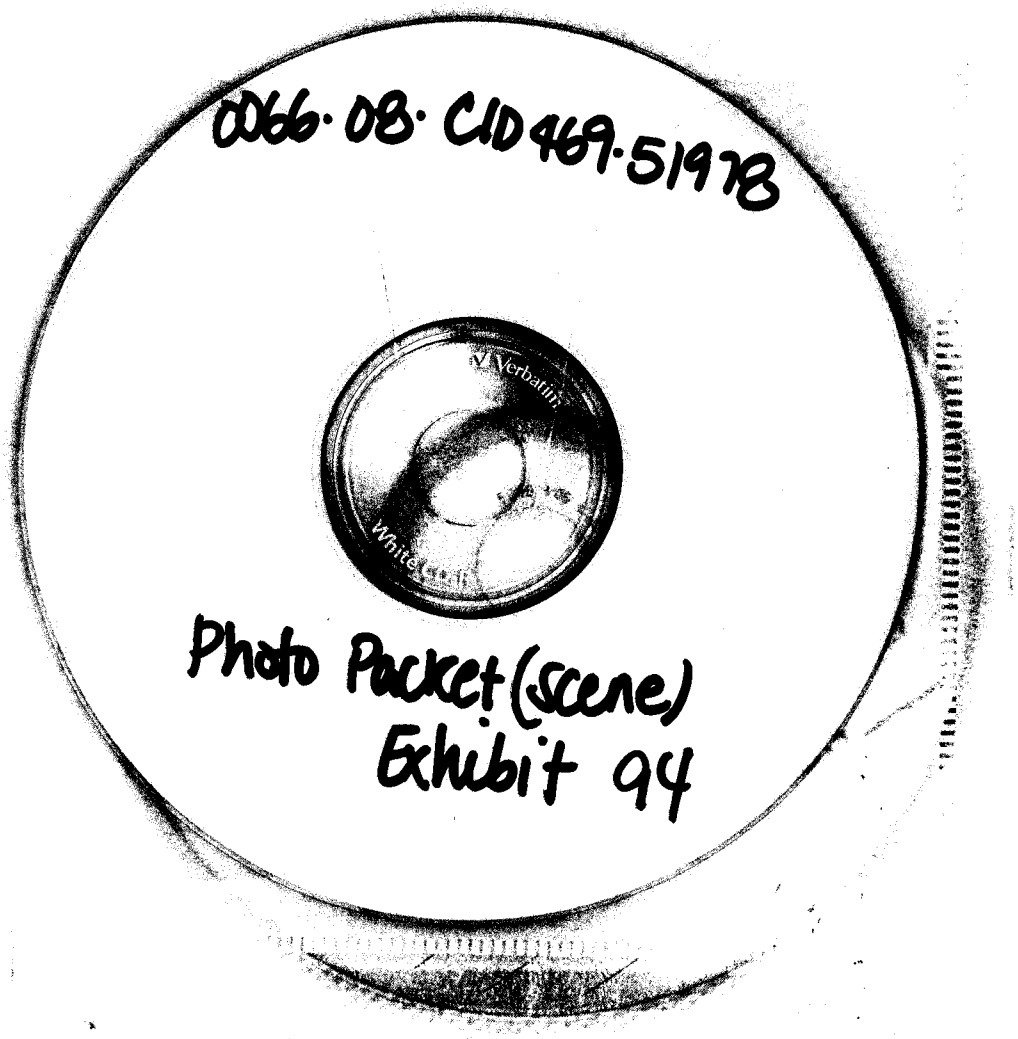
FOR OFFICAL USE ONLY

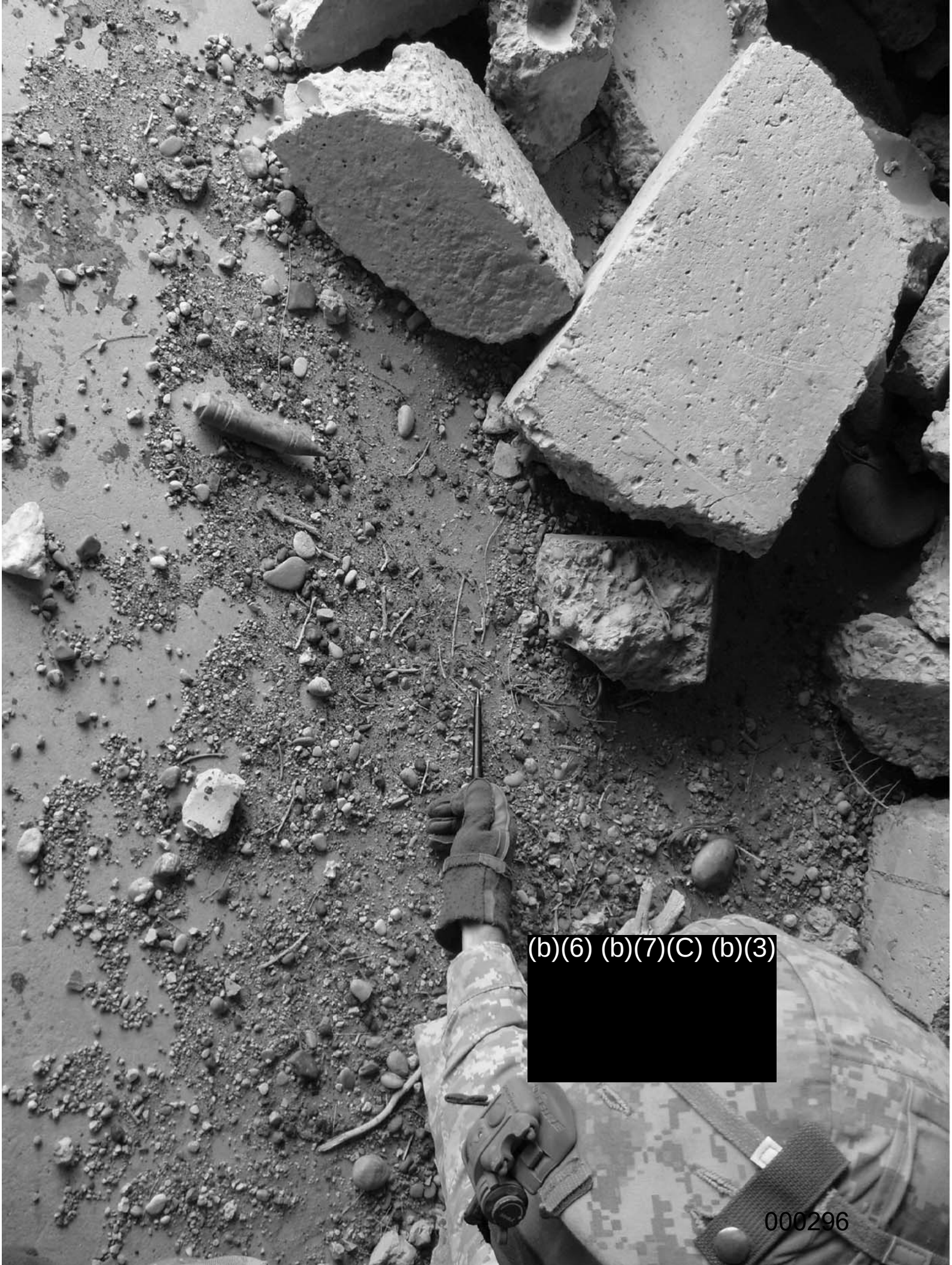
Law Enforcement Sensitive

Exhibit 93

Photographic Compact Disc

Scene to include images exposed by [redacted]




(b)(6) (b)(7)(C) (b)(3)


000297

(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

000299

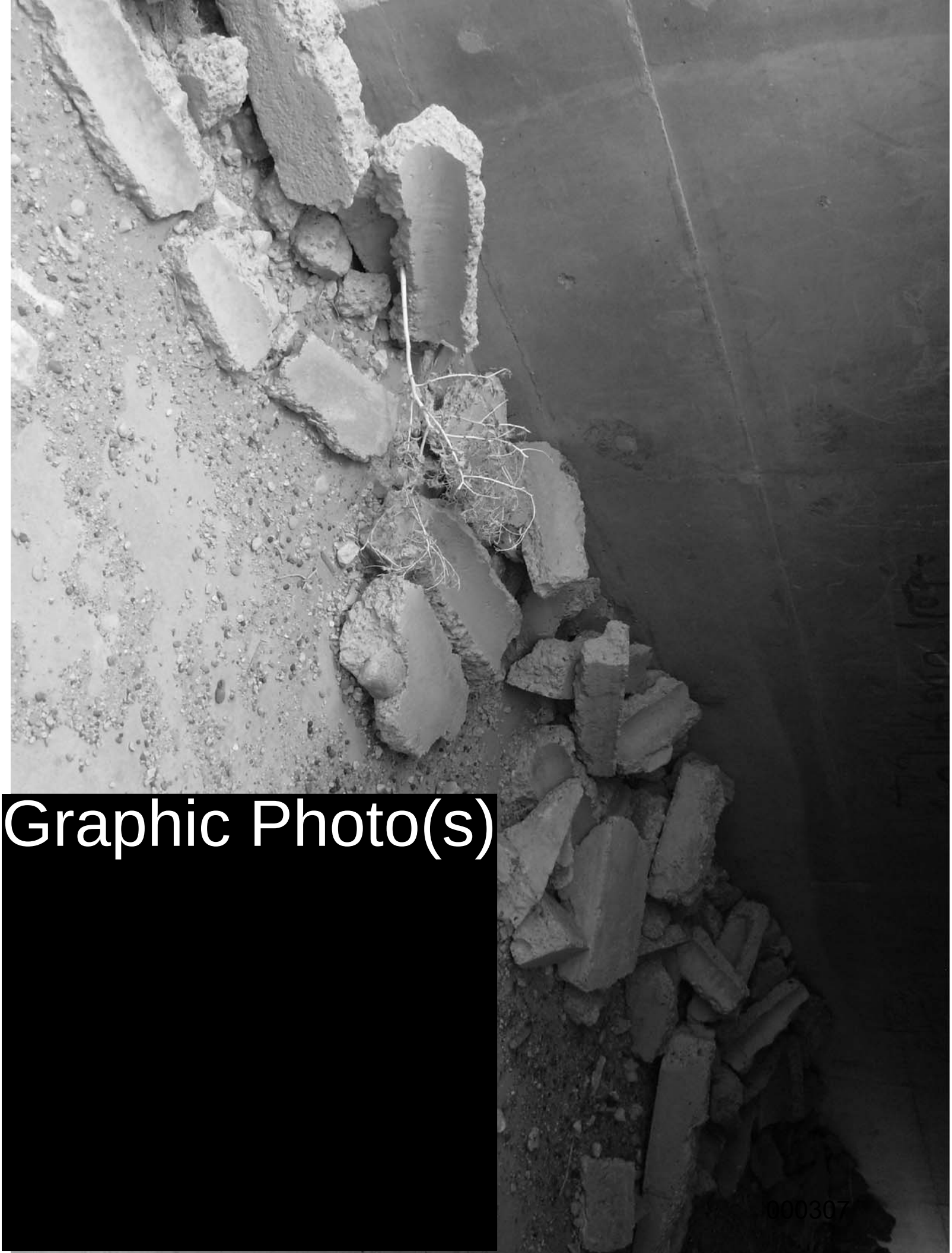
(b)(6) (b)(7)(C) (b)(3)

Exhibit 94

Pages 000301 thru 000305

withheld as Graphic Photo(s)

Km
M


Graphic Photo(s)

000308

NO.173
Km142 010

Exhibit 94

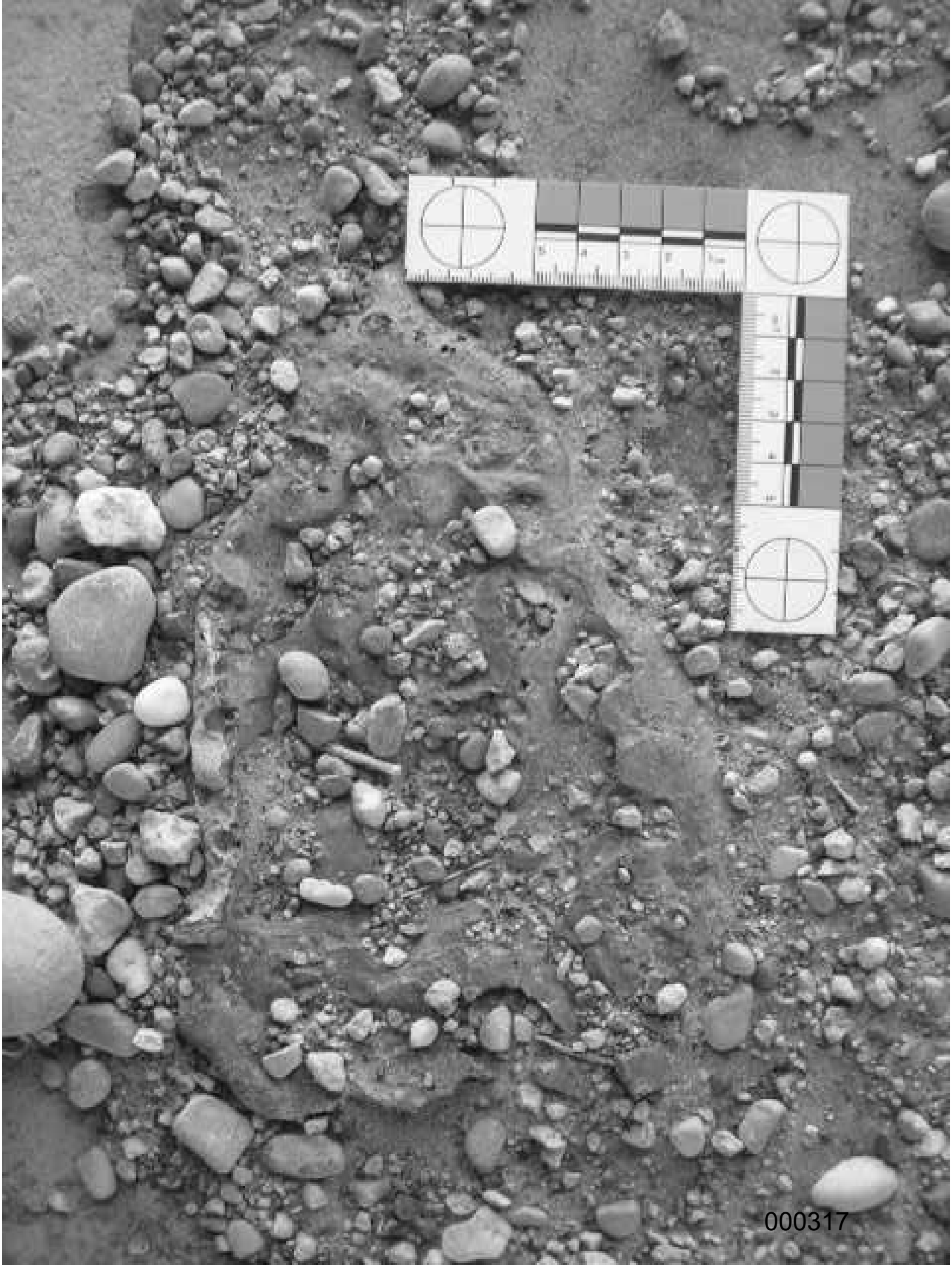
Page(s) 000310 thru 000313 withheld:

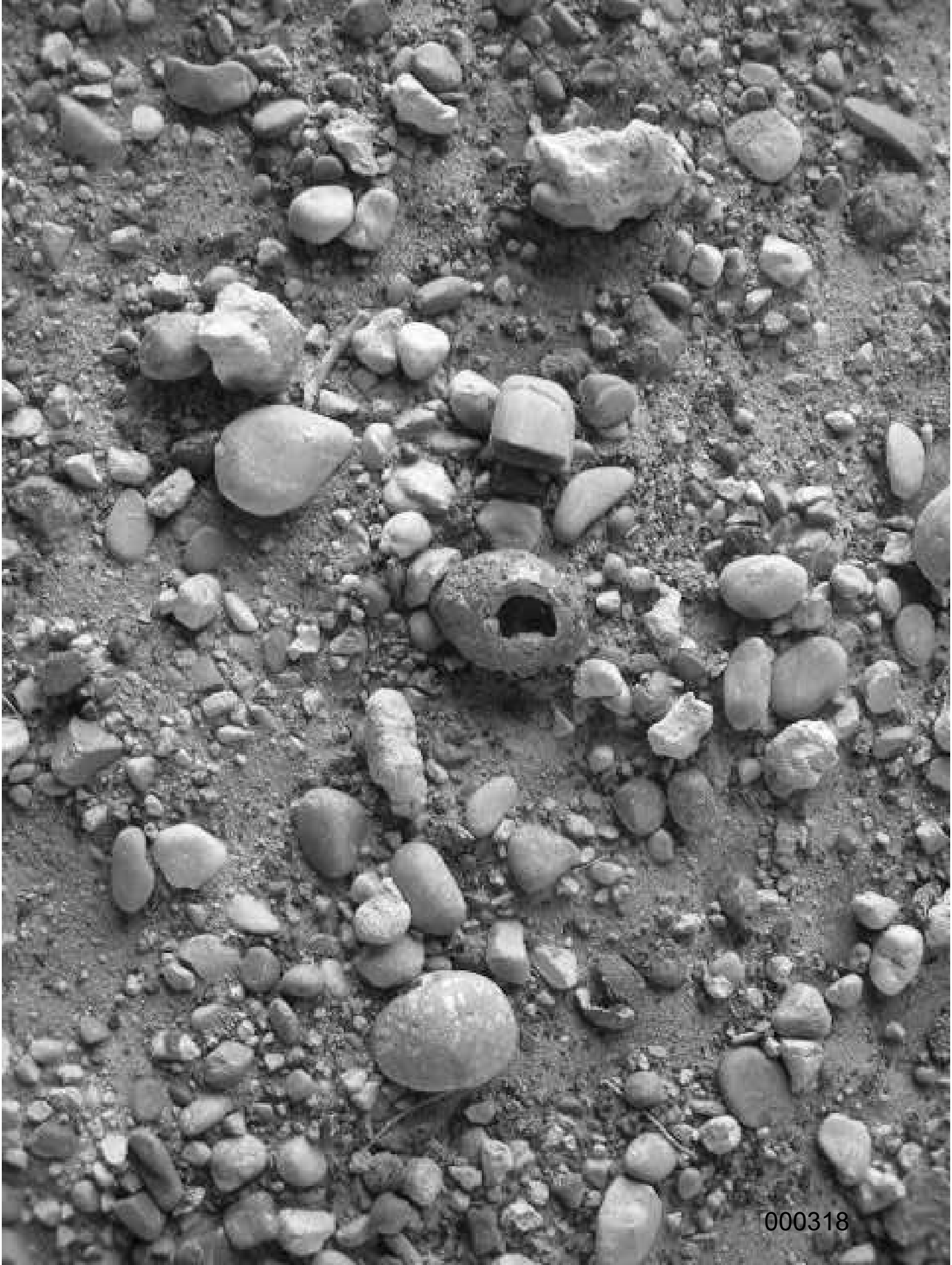
Foreign Language Document

Exhibit 94

Pages 000315 thru 000316

withheld as Graphic Photo(s)


000317


000318


000319

Exhibit 94

Pages 000320 thru 000321

withheld as Graphic Photo(s)



000322



000323

Exhibit 94

Pages 000324 thru 000338

withheld as Graphic Photo(s)

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 5 PAGES

DETAILS

About 1000, 29 Jun 08, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) th copies of statements prepared by unit personnel on 9 Jun 08. The statements provided were prepared by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and SSG WARNER. The statements were signed, but not sworn to.

At 1115, 29 Jun 08 (b)(6) (b)(7)(C) (b)(3) ollected, as evidence, one toothbrush from (b)(6) (b)(7)(C) (b)(3) elated the toothbrush was obtained from the family of Mr. MANSOUR.

About 1700, 30 Jun 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) f his rights, which he waived and provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related how SSG WARNER and (b)(6) (b)(7)(C) (b)(3) old members of 5th PLT what to write on their 9 Jun 08, statements. (b)(6) (b)(7)(C) (b)(3) dmitted to lying in his statement when he stated he was present when his patrol released Mr. MANSOUR to the CLC.

About 0950, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3), both (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) identified the (b)(6) (b)(7)(C) family, from Hondai Village, that claimed they found Mr. MANSOUR's body on 17 May 08.

About 1045, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C) (Mr. (b)(6) (b)(7)(C). Mr. (b)(6) (b)(7)(C) explained how American forces arrived at his residence on 5 May 08, and kicked his door in. Mr. (b)(6) (b)(7)(C) related Soldiers took him into a room and punched and kicked him several times. Mr. (b)(6) (b)(7)(C) related he was then taken outside and instructed to show where Mr. MANSOUR lived. Mr. (b)(6) (b)(7)(C) related he identified the residence and was taken to Mr. MANSOUR's residence. Mr. (b)(6) (b)(7)(C) related he forced to sit on the porch near the front door, where he could hear Mr. MANSOUR screaming from inside of his house. Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) related Soldiers were laughing with an interpreter who told him Mr. MANSOUR was being sexually assaulted inside of his house. Mr. (b)(6) (b)(7)(C) related he sat on the porch for approximately two hours before Mr. MANSOUR was arrested and taken away. Mr. (b)(6) (b)(7)(C) related he was never arrested by the American forces.

About 1140, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) arrived at the scene where Mr. MANSOUR was found dead. It was noted the (b)(6) (b)(7)(C) (b)(3) would most likely not have been able to see the culvert where Mr. MANSOUR was killed, due to the height of the railroad tracks and the distance from the west culvert to the east culvert.

About 1230, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) terviewed Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) spotted the body of Mr. MANSOUR on the morning of 17 May 08, while he was walking to get well water. He returned to his house

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)	DATE 10 Jul 08	EXHIBIT 95

DETAILS

and told his father that he saw what he believed to be someone sleeping. Mr. (b)(6) (b)(7)(C) related he went to the area and saw a man lying dead in the culvert. Mr. (b)(6) (b)(7)(C) related he called the Iraqi Army checkpoint and reported the finding.

About 1545, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his rights, which he invoked and requested not to be questioned further.

About 1610, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his rights, which he invoked and requested not to be questioned further.

About 1624, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his rights, which he invoked and requested a lawyer.

At 1642, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) collected cheek swabbings and hair samples of Mr. (b)(6) (b)(7)(C) from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) as evidence.

About 1745, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his rights, which he invoked and requested a lawyer.

About 1820, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his rights, which he invoked and requested a lawyer.

About 2134, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) his rights, which he waived and provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) related he was not aware of 1LT BEHENNA's involvement in Mr. MANSOUR's death at the time the statements were made. (b)(6) (b)(7)(C) (b)(3) related he only wanted to ensure the platoon statements were consistent with each other.

(b) (7)(D)

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	
(b)(6) (b)(7)(C) (b)(3)	DATE: 10 Jul 08
	EXHIBIT: 95

(b) (7)(D)

(b) (7)(D) Mr (b)(6) (b)(7)(C) related he never took part in beating of Mr. MANSOUR, and he only translated. Mr (b)(6) (b)(7)(C) further related Mr. (b)(6) (b)(7)(C) was never at Mr. MANSOUR's house, and the Soldiers were inside of Mr. MANSOUR's house for approximately 30 minutes. Mr (b)(6) (b)(7)(C) related he only knew of Soldiers being inside of Mr. (b)(6) (b)(7)(C) house for approximately one minute. Mr. (b)(6) (b)(7)(C) related he never heard 1LT BEHENNA and (b)(6) (b)(7)(C) (b)(3) speak of Mr. MANSOUR prior to 5 May 08, and he never heard Mr. MANSOUR's name mentioned in connection to the 21 Apr 08, IED attack until after he was killed. Mr (b)(6) (b)(7)(C) related on 16 May 08, just prior to loading a convoy to take Mr. MANSOUR and another detainee back to Albu Toma, 1LT BEHENNA instructed him to bring Mr. MANSOUR to a location just in front of 1LT BEHENNA's CHU. Mr. (b)(6) (b)(7)(C) related 1LT BEHNNA asked Mr. MANSOUR again to tell him the names of any terrorists, to which Mr. MANSOUR replied he did not know any. Mr (b)(6) (b)(7)(C) related 1LT BEHENNA then told Mr. MANSOUR, "Today, I'm going to kill you, motherfucker." To which Mr. MANSOUR answered, "I told you all I know. I'm innocent." Mr. MANSOUR became scared and shaking. Mr (b)(6) (b)(7)(C) related Mr. MANSOUR began to pray or mumble something repeatedly. Mr (b)(6) (b)(7)(C) related he did not believe 1LT BEHENNA would actually kill Mr. MANSOUR, and thought it was told to him just to scare him. Mr (b)(6) (b)(7)(C) related at around 0300 one night, 1LT BEHENNA returned to FOB Summerall from leave, and he knocked on his CHU door. Mr (b)(6) (b)(7)(C) related he did not know who was knocking on his door, and when he answered, he was shocked to see 1LT BEHENNA standing there. Mr (b)(6) (b)(7)(C) related 1LT BEHENNA came in and asked him how he was doing. Mr. (b)(6) (b)(7)(C) replied he was fine. Mr. (b)(6) (b)(7)(C) related 1LT

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)	
	DATE: 10 Jul 08
	EXHIBIT: 95

DETAILS

BEHENNA then asked, "Did you tell them everything?" Mr (b)(6) (b)(7)(C) replied, "Yes, I did tell them everything." Mr (b)(6) (b)(7)(C) related 1LT BEHENNA then said, "Okay, bye," and then he left. Mr. (b)(6) (b)(7)(C) related 1LT BEHENNA was at his CHU for approximately two minutes. Mr. (b)(6) (b)(7)(C) related he did not have any other interactions with 1LT BEHENNA since that morning.

About 1045, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed 1LT (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Iraqi Police, Hay Al-Assay Village, who stated sometime in May 08, he heard the call of a found dead body over the radio. 1LT (b)(6) (b)(7)(C) related he arrived at the scene and found an unidentified dead male. The male was burned and lying in a pool of blood. 1LT (b)(6) (b)(7)(C) did not recall who made the video of the body; however, he did say it was an accurate portrayal of how Mr. MANSOUR's body was found. 1LT (b)(6) (b)(7)(C) collected one shell casing and a piece of a grenade from the scene near the body. 1LT (b)(6) (b)(7)(C) related he took the collected items and the body to the Bayji Police station, where the collected items were secured. Mr. MANSOUR's body was then transported to the local morgue. 1LT (b)(6) (b)(7)(C) related the Iraqi Police did not do an examination of the scene and no further documentation of the scene was completed.

About 1410, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated (b)(6) (b)(7)(C) (b)(3) Mr. MANSOUR around 11 May 08. (b)(6) (b)(7)(C) (b)(3) related he was informed Mr. MANSOUR was involved with IED's and was found in possession of machine guns. (b)(6) (b)(7)(C) (b)(3) also related Mr. MANSOUR was resisting arrest, but could not recall who he heard that information from. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related he did not receive any documents or identification from Mr. MANSOUR, and (b)(6) (b)(7)(C) (b)(3) Mr. MANSOUR for about one hour. (b)(6) (b)(7)(C) (b)(3) related Mr. MANSOUR did not complain of any abuse during his detention and rated Mr. MANSOUR as extremely deceptive during the interview. (b)(6) (b)(7)(C) (b)(3) related he recommended Mr. MANSOUR be processed for further intelligence exploitation.

About 1435, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C) Category 2 Interpreter, HHC, Multi Function Team, FOB Summerall, who related he was the interpreter assigned to both screenings conducted of Mr. MANSOUR at FOB Summerall. Mr. (b)(6) (b)(7)(C) related during the second screening conducted by (b)(6) (b)(7)(C) (b)(3) Mr. (b)(6) (b)(7)(C) related 1LT BEHENNA was also present during the questioning process. Mr. (b)(6) (b)(7)(C) related he did not know why 1LT BEHENNA was in the room during the questioning. Mr. (b)(6) (b)(7)(C) related 1LT BEHENNA repeatedly asked Mr. MANSOUR to repeat the list of names he had given before. Mr. (b)(6) (b)(7)(C) related he was never told by Mr. MANSOUR he was abused during his detention, and further related he did not notice any deceptive behavior of Mr. MANSOUR during his interviews. Mr. (b)(6) (b)(7)(C) related 1LT BEHENNA never asked Mr. MANSOUR about any IED emplacement or support during the screening.

About 1445, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who related (b)(6) (b)(7)(C) (b)(3) Mr. MANSOUR sometime around 14 May 08. (b)(6) (b)(7)(C) (b)(3) approached by 1LT BEHENNA, who requested to be

(b)(6) (b)(7)(C) (b)(3) related he was informed 1LT BEHENNA was given permission by S-2 (NFI) to be present during the interview. (b)(6) (b)(7)(C) (b)(3) ated he was informed by 1LT BEHENNA that Mr. MANSOUR possessed additional intelligence information indicating he knew more names of terrorists (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) ated he found Mr. MANSOUR to be deceptive during the interview by body language and his response to repeat and control questions. (b)(6) (b)(7)(C) (b)(3) elated Mr. MANSOUR never complained of any abuse during his detention. (b)(6) (b)(7)(C) (b)(3) elated 1LT BEHENNA never asked Mr. MANSOUR about any IED emplacement or support during the screening.

About 1700, 2 Jul 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement. (b)(6) (b)(7)(C) (b)(3) elated he witnessed 1LT BEHENNA questioning an Iraqi male sometime in Mar 08 with a knife held to the (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(3) elated he told 1LT BEHENNA it was not a way to question anyone, to which 1LT BEHENNA replied he obtained the information he wanted from the man (b)(6) (b)(7)(C) (b)(3) rther stated 1LT BEHENNA told him the man disclosed the location of his (b)(6) (b)(7)(C) who was detained later during the mission.

About 1730, 2 Jul 08 (b)(6) (b)(7)(C) (b)(3) coordinated with Mr. (b)(6) (b)(7)(C) IPA, FOB Summerall, who provided a copy of a hand receipt indicating a Glock 9mm, serial number GWY 379, and a Beretta 9mm, serial number X16807Z, were signed for by (b)(6) (b)(7)(C) (b)(3) Mr. (b)(6) (b)(7)(C) stated he did not find any other hand receipts showing (b)(6) (b)(7)(C) (b)(3) gned for additional Glock 9mm handguns.

About 1325, 7 Jul 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated he was a elated he worked with 5th PLT from around the end of Apr 08, to the beginning of May 08. He recalled being on a convoy when a male was arrested in Albu Toma sometime in May 08. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) vas told by 5th PLT members that the male arrested was an Al Qaeda member and was on the "Brigade's top 10 hit list". (b)(6) (b)(7)(C) (b)(3) recalled the man arrested was a tall, fat, and bearded man. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) lso recalled the male was wearing white shorts. (b)(6) (b)(7)(C) (b)(3) related he did not exam the male and did not hear anything about him being abused or killed. (b)(6) (b)(7)(C) (b)(3) related he (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1610, 10 Jul 08, (b) (5)

(b)(5)

(b)(5) ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER | ORGANIZATION

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

DATE 10 Jul 08 | EXHIBIT 95

Exhibit(s) 96 thru 99

Page(s) 000334 thru 000351 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

0066-08-CID469-5 1978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	30 Jun 08 1700	0066-08-CID469-

4. Name *(Last, First, MI)*: (b)(6) (b)(7)(C) (b)(3)

5. SSN: (b)(6) (b)(7)(C) (b)(3)

6. GRADE/STATUS: (b)(6) (b)(7)(C) (b)(3)

7. ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator who appears below told me that he/she is with the United States Army Criminal Investigation Command (b)(6) (b)(7)(C) (b)(3) and wanted to question me about the following offense(s) of which I am suspected/accused: False Official Statement (b)(6) (b)(7)(C) (b)(3).

(b)(6) (b)(7)(C) (b)(3) Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

(b)(6) (b)(7)(C) (b)(3) I do not have to answer any questions or say anything.

(b)(6) (b)(7)(C) (b)(3) Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3) If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)* (b)(6) (b)(7)(C) (b)(3)

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A. No

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me (b)(6) (b)(7)(C) (b)(3)

WITNESSES *(if available)*

1a. NAME *(Type or Print)*: (b)(6) (b)(7)(C) (b)(3)

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME *(Type or Print)*

b. ORGANIZATION OR ADDRESS AND PHONE: (b)(6) (b)(7)(C) (b)(3)

SECTION C. Non-waiver

1. I do no want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED [illegible] IS OBSOLETE

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 0007352.00

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?" Ye (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" N (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" NO (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under Yes (b)(6) (b)(7)(C) (b)(3)
investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all case the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed.
Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a Lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

For Official Use Only
Law Enforcement
Sensitive

EXHIBIT 000353

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469 (b)(6) (b)(7)(C) (b)(3)
DATE: 30 Jun (b)(6) (b)(7)(C) (b)(3) **TIME:** 1650-2123
NAME: (b)(6) (b)(7)(C) (b)(3) **SSN** (b)(6) (b)(7)(C) (b)(3) **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

I, (b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:
On June 9 2008 I along with other members of 5th platoon at around 1930 was told by the platoon sgt. That we all needed to make a sworn statement about what happened on the May 16. We met down at s(b)(6) (b)(7)(C) (b)(3)oom and we all talked about what we were going to write on the statement. After the platoon agreed that we did not want to get the LT in anymore trouble than he had already had gotten himself into. We were told by the (b)(6) (b)(7)(C) (b)(3) that we were going to write on the sworn statements that instead of what happened we were going to say that the LT dropped 2 guys off at the CLC checkpoint instead of the one guy we actually dropped off and that instead of saying we drove through the desert we were going to write that we took the same route into the fob as we took out. So after the brief we went down to ssgt warners an(b)(6) (b)(7)(C) (b)(3)om and had to write what we were just told to write down. While I was in there I heard Ssgt warner and (b)(6) (b)(7)(C) (b)(3) orrecting people if they were about to write something different. Originally I along with other people didn't remember certain things about that since it didn't seem like anything that day was a big deal. So ssgt warner and (b)(6) (b)(7)(C) (b)(3) ached us through the right way to right the statements. In my statement I initially stated that we dropped 2 people off at the CLC checkpoint which was incorrect we actually only dropped off one detainee and the other detainee who I know now was Ali monsour stayed in the truck. Also on the statement instead of writing what happen I wrote down what I was told to and wrote that we took the same route back in as we took out instead of writing we drove through the desert on the way back.

Q. (b)(6) (b)(7)(C) (b)(3)
A.
Q. Did you author the above statement?
A. Yes.
Q. How do you know the time and date you provided the statement to the unit?
A. I was shown a copy of the statement I provided, and the date and time were on the statement?
Q. Do you remember who was providing statements for the unit?
A. I know (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) were there, and (b)(6) (b)(7)(C) (b)(3) were there as well. As far as I know everyone from the unit filtered in and wrote statements.
Q. Who was the (b)(6) (b)(7)(C) (b)(3) at the time the statements were written?
A. (b)(6) (b)(7)(C) (b)(3)
Q. Where di(b)(6) (b)(7)(C) (b)(3) rovide the briefing on writing the statements?
A. Down next to his containerized housing unit (CHU).
Q. Was (b)(6) (b)(7)(C) (b)(3) resent when you wrote your statement?
A. No, he was not.
Q: Did (b)(6) (b)(7)(C) (b)(3) nfluence your statement on 9 Jun 08 in any way?
A: When we were sitting around (b)(6) (b)(7)(C) (b)(3) CHU he told us what to write. SSG WARNER an(b)(6) (b)(7)(C) (b)(3) ere the two who made sure we wrote what we were supposed.

INITIALS OF PERSON MAKING STATEMENT (b)(6) (b)(7)(C) (b)(3)

DA Form 2823-E

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

EXHIBIT 100

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 30 Jun 08 (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

Q. Was a vote taken in the platoon about whether or not to write the statements showing inaccurate details of 16 May 08?

A. Not really a vote, it was like raise your hand if you do not want to do it. Someone raised their hand, and I do not remember who it was. We were then told we needed to decide right now if we were going to write statements like we were told to write them or if we wanted to write the truth. The person lowered their hand, because it was like getting singled out in the platoon.

Q. Did you agree with writing the statement you were told to write with the details you were told to write in it?

A. It was a little with trying to help out the LT, and agreeing with what the rest of the platoon was going to write. It would be bad for one person to write a different statement than the rest of the platoon, it would have screwed the whole platoon.

Q. Did you write any statements before 9 Jun 08 for your unit?

A. Yes, but they were torn up or something.

Q. Why did you write statements on two different days?

A. We messed up the first ones.

Q. How did you mess up the first ones?

A. All of us thought it was a normal day and we had gone out at the normal time, we were completely off the correct times after someone checked the times with the TOC. There was other stuff like people writing in the wrong areas of the forms, the headings were messed up and stuff like that. We were told they could not be used, and when we were told the write the second ones, we were told we had to write them because we had messed up the first ones.

Q. Why did you write the statement?

A. Because we were told to.

Q. Who told you you had to write the statements?

A. SSG WARNER and (b)(6) (b)(7)(C) (b)(3)

Q. What was the intention of the Platoon writing statements?

A. To help the LT out pretty much. We were told we had to write them before the investigation started.

Q. Were you told to write anything specific in the statement you provided on 9 Jun 08?

A. That we did drop off two people at the CLC checkpoint at Hershey and Tampa, and that we took the same route back to the FOB that we left on.

Q. Who told you to write that you dropped off two people at the CLC checkpoint and that you took the same route to and from FOB Summerall?

A. SSG WARNER and (b)(6) (b)(7)(C) (b)(3)

Q. Why were you told to write you had dropped off the two people at the CLC checkpoint and took the same route to and from FOB Summerall?

A. To not incriminate the LT any more than we had to, to try to help him out.

Q. Did you know what you were writing in the statement was false?

A. Yes.

Q. Did you tell anyone you did not wish to write the statement?

A. No.

Q. Did you feel you had the option to write the statement differently, or not write a statement at all?

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 30 Jun 08 (b)(6) (b)(7)(C) (b)(3)

CONTINUED:

A. No.

Q. What do you believe would have happened if you had refused to write the statement as you were told to write it, or refused to write a statement at all?

A. I do not know, one of the main reasons is SSG WARNER lives around us, he is with us all the time. He comes over and talks (b)(6) (b)(7)(C) (b)(3) He came over and told me that I needed to get a lawyer because his lawyer told him that I should. His lawyer told him that everyone in his (b)(6) (b)(7)(C) (b)(3) should get a lawyer because we could all be charged with conspiracy for murder. I was in his CHU writing the statement, I do not know what would have happened if I had refused.

Q. Did you want to write a different statement than the one you provided to the unit on 9 Jun 08?

A. I just did not want to write a statement period, it was the fact that we were writing something other than what had happened. I was not fighting about writing it, I just did not want to write it. I knew that I was going to have to write the statement, there was no way around it.

Q. Do you believe you would have suffered any consequences if you had refused to write the statement?

A. Of some kind, I have no idea what. It could have been anything like me losing (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) or if the platoon had stayed together, being known as that guy who did not stand by the platoon.

Q. Do you feel you were forced to make the statement?

A. I was not physically forced, but there was no getting around it, I was going to have to make the statement.

Q. Were you provided breaks during the interview to eat and use the latrine?

A. Yes.

Q. How were you treated during your interview?

A. Fine.

Q. Is there anything you wish to add to this statement at this time?

A. No.////// (b)(6) (b)(7)(C) (b)(3) //////////////////End of Statement//

AFFIDAVIT

I (b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page _4__. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

(Signature of Person Making Statement)

Subscribed and sworn before me, a person authorized by law to administer oaths, this _30th day of _Jun 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

(Signature of Person Administering Oath)

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(Typed name of Person Administering Oath)

10 USC 936

(Authority to Administer Oath)

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	4. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	1 Jul 08 (b)(6) (b)(7)(C) (b)(3) 15:45	0066-08-CID469-

5. Name (Last, First, MI)	8. ORGANIZATION OR ADDRESS
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (b)(6) (b)(7)(C) (b)(3) wanted to question me about the following offense(s) of which I am suspected/accused: False Official Statement, Assau (b)(6) (b)(7)(C) (b)(3).

(b)(6) (b)(7)(C) (b)(3) ore he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3) f I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A. (b)(6) (b)(7)(C) (b)(3) N

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	(b)(6) (b)(7)(C) (b)(3)
b. ORGANIZATION OR ADDRESS AND PHONE	
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	

SECTION C. Non-waiver

1. I do no want to give up my rights (b)(6) (b)(7)(C) (b)(3)

☐ I want a lawyer

☒ I do not want to be questioned or say anything

(b)(6) (b)(7)(C) (b)(3)

ORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 85 IS OBSOLETE

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Law Enforcement

EXHIBIT 101

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?" (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior (b)(6) (b)(7)(C) (b)(3) [redacted] cent, ask him/her the following question.) [redacted]

"Do you want a lawyer at this time?" (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all case the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed.
Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a Lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

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EXHIBIT 0003591

0008-08-CID469-5 1978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	FILE NO.
FOB Summerall	1 JUL [redacted]	0066-08-CID469
(b)(6) (b)(7)(C) (b)(3)		
6. SSN (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS	8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Criminal Investigations Command and wanted to question me about the following offense(s) of which I am suspected/~~accused~~: (b)(6) (b)(7)(C) (b)(3) Conspiracy, False Official Statement // (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3) If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	

Section C. Non-Waiver

1. I do not want to give up my rights:

☐ I want a lawyer. (b)(6) (b)(7)(C) (b)(3) do not want to be questioned or say anything.

(b)(6) (b)(7)(C) (b)(3)

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 EDITION OF [illegible] IS OBSOLETE.

Official Use Only
Law Enforcement
Sensitive

EXHIBIT 000360

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?" yes (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" NO (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" yes (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (*If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*)

SPECIAL INSTRUCTIONS

WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.)"

COMMENTS (*Continued*)

0066-08-CID469-5 1978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE (b)(6) (b)(7)(C) (b)(3)	TIME	4. FILE NO.
FOB Summerall	1 Jul 08	1620 (b)(6) (b)(7)(C) (b)(3)	0066-08-CID469
5. NAME (Last, First, MI) (b)(6) (b)(7)(C) (b)(3)		8. ORGANIZATION OR ADDRESS (b)(6) (b)(7)(C) (b)(3)	
6. SSN (b)(6) (b)(7)(C) (b)(3)	7. GRADE/STATUS		

PART 1 - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigations Command and wanted to d (b)(6) (b)(7)(C) (b)(3) following offense(s) of which I am suspected/accused: Conspiracy, False official Statement ///

(b)(6) (b)(7)(C) (b)(3) re he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- I do not have to answer any questions or say anything.
- Anything I say or do can be used as evidence against me in a criminal trial.
- *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

- *(For civilians not subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3) I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(If available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	4. SIGNATURE OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	

Section C. Non-Waiver

1. I do not want to give up my rights:

☒ I want a lawyer (b)(6) (b)(7)(C) (b)(3)

☒ I do not want to be questioned or say anythin (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

NY SWORN STATEMENT *(DA form 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED.

DA FORM 3881, NOV 89 EDITION OF NOV 84 IS OBSOLETE

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Law Enforcement
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EXHIBIT 00362

0066-08-CID469-51978

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
   a. Your official position
   b. Nature of offense(s).
   c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must understand your rights."
   a. "You do not have to answer my questions or say anything."
   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

   - or -

   (*For civilians not subject to the UCMJ*) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at you own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?" YES (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" NO (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e. fewer than 30 days ago), obtain legal advise on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" YES (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (*If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*)

SPECIAL INSTRUCTIONS

WHEN THE SUSPECT/ACCUSED REFUSES TO SIGN THE WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning, Make on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogations, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.)"

COMMENTS (*Continued*)

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Law Enforcement
Sensitive

EXHIBIT 0003623

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	(b)(6) (b)(7)(C) (b)(3) 1 Jul	17:4	(b)(6) (b)(7)(C) (b)(3) 66-08-CID469-

5. Name (Last, First, MI)	6. SSN	7. GRADE/STATUS	8. ORGANIZATION OR ADDRESS
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)		(b)(6) (b)(7)(C) (b)(3)

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command (b)(6) (b)(7)(C) (b)(3) and wanted to question me about the following offense(s) of which I am suspected/e se Official Statement\\\ (b)(6) (b)(7)(C) (b)(3).

(b)(6) (b)(7)(C) (b)(3) re he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

(b)(6) (b)(7)(C) (b)(3) I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A. NO (b)(6) (b)(7)(C) (b)(3)

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6) (b)(7)(C) (b)(3)
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☑ I want a lawyer (b)(6) (b)(7)(C) (b)(3) ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIE (b)(6) (b)(7)(C) (b)(3)

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT EXECUTED SUBSEQUENTLY BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

For Official Use Only
Law Enforcement
Sensitive

EXHIBIT 364

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

-or-

(For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?" yes [redacted] (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" [redacted] (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" yes [redacted] (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all case the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed.
Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a Lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 104
000365

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	TIME	4. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	1 Jul 08	1820	0066-08-CID469-

(b)(6) (b)(7)(C) (b)(3)

6. SSN	7. GRADE/STATUS	8. ORGANIZATION OR ADDRESS
(b)(6) (b)(7)(C) (b)(3)		(b)(6) (b)(7)(C) (b)(3)

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigator whose name appears below told me that he/she is with the United States Army Criminal Investigation Command and wanted to question me about the following offense(s) of which I am suspected/accused: Official Statement, Conspiracy.

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

I do not have to answer any questions or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

(For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A. No

(b)(6) (b)(7)(C) (b)(3)

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(if available)*	3. SIGNATURE OF INTERVIEWEE
1a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	(b)(6) (b)(7)(C) (b)(3)
2a. NAME *(Type or Print)*	(b)(6) (b)(7)(C) (b)(3)
b. ORGANIZATION OR ADDRESS AND PHONE	4. ORGANIZATION OF INVESTIGATOR (b)(6) (b)(7)(C) (b)(3)

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☑ I want a lawyer
   ☐ I do not want to be questioned or say anything

(b)(6) (b)(7)(C) (b)(3) IEWEE

ATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 000066 105

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?" yes (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" yes (b)(6) (b)(7)(C) (b)(3) [redacted]
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all case the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed.
Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:
1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do no obligate him/her to answer further questions.
2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a Lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 0036-5

0066-08-CID469-51978

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION	2. DATE	3. TIME	4. FILE NUMBER
MWR Building, FOB Summerall, Bayji, IZ, APO AE 09393	1 Jul 0[redacted]	21:3[redacted]	[redacted]6-08-CID469-

5. Name (Last First MI)	8. ORGANIZATION OR ADDRESS
[redacted]	D Company, 1-327th Infantry Regiment FOB Summerall, Bayji, IZ, APO AE 09393
6. SSN / 7. GRADE/STATUS	
[redacted]	

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

SECTION A. Rights

The investigat[redacted]ears below told me that he/she is with the United States Army Criminal Investigation Command [redacted]d wanted to question me about the following offense(s) of which I am suspected/[redacted] of Justice\\\ [redacted].

[redacted]re he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

[redacted] do not have to answer any questions or say anything.

[redacted]nything I say or do can be used as evidence against me in a criminal trial.

[redacted] *For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer [redacted]ent with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed [redacted]me at no expense to me or both.

-or-

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

[redacted] If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have the right to stop answering questions at [redacted]y time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Q. Have you been advised of your rights within the last 30 days and have you requested legal counsel? A. No [redacted]

SECTION B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(if available)*	
1a. NAME *(Type or Print)*	[redacted]
b. ORGANIZATION OR ADDRESS AND PHONE	[redacted]
2a. NAME *(Type or Print)*	
b. ORGANIZATION OR ADDRESS AND PHONE	

SECTION C. Non-waiver

1. I do no want to give up my rights
   ☐ I want a lawyer ☐ I do not want to be questioned or say anything
2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 89 (AUTOMATED) EDITION OF NOV 84 IS OBSOLETE

For Official Use Only
Law Enforcement
Sensitive

000368

[redacted]BIT 106

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of
   a. Your official position.
   b. Nature of the offense(s)
   c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows:
   "Before I ask you any questions, you must under your rights."
   a. "You do not have to answer my questions or say anything."

   b. "Anything you say or do can be used as evidence against you in a criminal trial."
   c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you , or both."

   -or-

   (For civilians not subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
   d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even it you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights ?" [redacted] (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate right advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" [redacted] (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer that 30 days ago), obtain legal advice on whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?" [redacted] (b)(6) (b)(7)(C) (b)(3)
(If the suspect/accused says "yes." stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

[redacted] (b)(6) (b)(7)(C) (b)(3) this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused say "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

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COMMENTS *(Continued)*

REVERSE OF DA FORM 3881

For Official Use Only
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EXHIBIT 000369

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: COB Summerall, Bayji, IZ APO AE 09393
FILE NUMBER: 0066-08-CID469
DATE: (b)(6) (b)(7)(C) (b)(3) **TIME:** (b)(6) (b)(7)(C) (b)(3)
NAME: **SSN** **GRADE/STATUS** (b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OR ADDRESS: (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) want to make the following statement under oath:
At approximately 9 June 2008, I was ordered by (b)(6) (b)(7)(C) (b)(3) to have (b)(6) (b)(7)(C) (b)(3) write sworn statements about where we dropped off our detainees, (b)(6) (b)(7)(C) (b)(3) told me after he came back from a patrol w/another platoon to the Messerah CLC checkpoint, he couldn't understand why the CLC leader would lie about how many detainees were dropped off. So, that same day, I instructed my (b)(6) (b)(7)(C) (b)(3) to have the boys write sworn statements on the actions that day, specifically where we dropped off our detainees…both my leaders said " we got it"…I said that I would print out the blank sworn statements. Now, I am not exactly sure of when (b)(6) (b)(7)(C) (b)(3) in relation to when the statements were written but I do remember addressing the men about the whole situation. It is my job to always inform my men of any situation in which we are all involved in or if it affects all of us. I have been that way, and continued even after I was informed about the death of Ali Monsoor. I told my men everything that I knew of this possible inquiry into our platoon operations regarding a detainee that we dropped off approx. 5 days ag(b) (7)(D) (b) (7)(D) This made me mad. (b)(6) (b)(7)(C) (b)(3) always joked about how they were always under investigation for one thing or another…that never sat well w/me being the (b)(6) (b)(7)(C) (b)(3) Not that the men would say such a thing proudly, but because it is never a point of pride, in my eyes, to be questioned about the manner which you lead or of how you conducted your business. To me, being criticized w/out just cause or reason was just a way to pick a fight w/me. So I'm sure that I spoke of such things along that line…I knew that there were no official investigations that was announced, yet. However, I felt insulted in that there was someone insinuating that I or my men did something wrong outside of our sworn duties. I knew that it was my platoon that dropped him off, but who's to say that he wasn't picked up by someone else or that there might be someone out there that hates US forces so much as to try to frame coalition forces or make false claims. That's what was running in my mind at the time and I probably said things in that manner, more or less. Hell, the (b)(6) (b)(7)(C) (b)(3) wasn't even here to confirm, deny, defend, or go on the attack as far as protecting the honor of our platoon, company, unit, or Flag. So, as far as I was concerned I do remember emphasizing that we have to put down that we dropped off the detainees to the CLC and that there was no way that our Lt., one of our own was going down for something that we didn't do or worst yet, for something "someone" said who might be against Americans or Coalition Forces. (Just for the record, at that time, I had no proof or reason to believe anything other than that we dropped off both our detainees alive. Of course, later when more evidence or proof or information was arising from what (b)(6) (b)(7)(C) (b)(3) was sharing w/me and w/my own further investigation of what people knew…that was not the case). I did not order anyone to lie nor did I threaten anyone to put down things that I wanted them to put down or not say. I did, however, believe that my platoon did nothing wrong to include the Lt. and that if we stuck together, we could "weather the storm" you might say. I was the last to turn in my

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 1 Jul 08

CONTINUED:

statement

Q. [redacted]

A. [redacted]

Q. Did you author the above statement?

A. Yes.

Q. Did you intend at any time to cover up any actions of [redacted] when you asked them to write the statements they provided?

A. No.

Q. At the time the statements were written, did you believe a crime had been committed by 1LT BEHENNA or any other person in your platoon against Mr. MANSOUR?

A. When I wrote the statement, no I did not believe a crime had happened.

Q. Did you request the statements written by [redacted] include dropping off two detainees at the CLC checkpoint and omit the detour in to the desert on the way back to FOB Summerall?

A. I mentioned dropping off the two detainees, and letting the Unit know we had dropped off the two detainees was the most important part. I told them that all we needed to do was relate we had dropped off the two detainees and not to go in to detail about anything else as the only thing in question was where the detainees had been dropped off at. I know that I spoke to the leaders about the statements, and told them the emphasis was on where we had dropped the two detainees off at.

Q. At the time you requested your Platoon write the statements, did you believe two detainees had been dropped off at the CLC Checkpoint?

A. Yes.

Q. Why did you believe the two detainees had been dropped off at the CLC checkpoint?

A. The LT told me. I actually honestly thought we had dropped him off at the second stop in Albu Toma when the man was handing out sodas to the Soldiers.

Q. Do you believe any member of your Platoon knew 1LT BEHENNA was involved in the death of Mr. MANSOUR at the time they wrote the statements to the unit?

A. No.

Q. Is there anything you wish to add to this statement at this time?

A. No. [redacted] //////////////////End of Statement//

INITIALS OF PERSON MAKING STATEMENT [redacted]

STATEMENT OF [redacted] TAKEN AT FOB Summerall, Bayji, IZ, DATED 1 Jul 08 [redacted]
CONTINUED:

AFFIDAVIT

[redacted] have read or have had read to me this statement which begins on page 1 and ends on page 3. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without hope of benefit or reward, without threat of punishment, and without coercion, unlawful influence or unlawful inducement.

[redacted]

Witness #1:

_____

_____

_____

Subscribed and sworn before me, a person authorized by law to administer oaths, this 1st day of Jul 2008,

[redacted]

Witness #2:

_____

_____

_____

[redacted]
(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT [redacted]

DA Form 2823-E

EXHIBIT 106

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

LOCATION: FOB Summerall, Bayji, IZ APO AE 09393

FILE NUMBER: 0066-08-CID469

DATE: [redacted] 1700 [redacted]

NAME [redacted] **SSN** [redacted] **STATUS** [redacted]

ORGANIZATION OR ADDRESS [redacted]

[redacted] want to make the following statement under oath:

Q: Do you know 1LT Michael BEHENNA?
A: Yes.
Q: Describe your relationship with 1LT BEHENNA?
A: He was [redacted] from around 15 Sep 07 until around 13 Jun 08.
Q: I have received information you may have knowledge that 1LT BEHENNA held a knife to an Iraqi's neck. Is this true?
A: No, it wasn't at the Iraqi's neck; it was at his right ear.
Q: Please describe what occurred?

[redacted]

Q: Who was the Iraqi that 1LT BEHENNA had the knife to his ear?
A: I don't remember.
Q: When did this occur?
A: It was prior to [redacted] our interpreter, quitting. I really don't recall the exact date. I know it was approximately one month before the 21 Apr 08 IED attack.
Q: Was [redacted] the interpreter that day?
A: Yes.
Q: Was there any other interpreters on the mission that day?
A: No.
Q: What type of knife did 1LT BEHENNA put to the Iraqi's ear?
A: I don't recall.
Q: Did 1LT BEHENNA cut the Iraqi?
A: No.
Q: Did 1LT BEHENNA threaten the Iraqi in any other way?
A: No.
Q: Did 1LT BEHENNA strike the Iraqi in any way [redacted]

INITIALS OF PERSON MAKING STATEME[redacted] PAGE 1 OF 4 PAGES

STATEMENT OF [redacted] **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 2 Jul 08,

CONTINUED:

A: No.

Q: Have you ever witnessed 1LT BEHENNA abuse any detainee?

A: No.

Q: What is [redacted] real name?

A: I don't know.

Q: Where is [redacted] now?

A: He told me that [redacted]

Q: Who else saw 1LT BEHENNA put a knife to the Iraqi's ear?

A: No one that I am aware of.

Q: Did you discuss this incident with 1LT BEHENNA after returning to FOB Summerall?

A: Yes, I just reiterated to him that is not the way business is to be conducted. He said to me something to the effect of, I got the information I was looking for.

Q: Have you ever heard 1LT BEHENNA talk about a detainee named Ali MANSOUR?

A: No.

Q: Were you involved in a mission to arrest Ali MANSOUR on 5 May 08?

A: Yes. I wa[redacted] At that time I did not know the individual's name, but since this investigation I found out that the Iraqi we detained on 5 May 08 was Ali MANSOUR.

Q: Did you dismount during this arrest?

A: No.

Q: How many vehicles were in this mission?

A: Three.

Q: Which vehicle were you in the order?

A [redacted]

Q: Did you see the dismounted Soldiers enter the house?

A: No, there was a wall obstructing my view to the house.

Q: How much time passed at this mission?

A: From the time we were [redacted] house until the time we left Ali MANSOUR's house, it was about two to two and one half hours.

Q: Did you dismount and go into [redacted] house?

A: No.

Q: How many interpreters were on this mission?

A: One. It was either [redacted] or [redacted]

Q: Did you see Ali MANSOUR being loaded into a vehicle?

A: Yes. I saw him brought out and put into 1LT BEHENNA's vehicle which was right by the entrance to the house.

Q: What was Ali MANSOUR wearing?

A: I am not sure; all I remember was white shorts.

Q: Was anyone else detained during the same mission when Ali MANSOUR was detained?

A: I believe he was the only one.

Q: Were you on the 16 May 08 mission to return Ali MANSOUR to Albu Toma[redacted]

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 2 Jul 08,

(b)(6) (b)(7)(C) (b)(3) **CONTINUED:**

A: No. (b)(6) (b)(7)(C) (b)(3)

Q: Are you aware that Ali MANSOUR was found dead on 17 May 08?

A: Yes, I found out when I came back from leave.

Q: Do you know who killed Ali MANSOUR?

A: No.

Q: Have you heard anything about who may have killed Ali MANSOUR?

A: Yes. I heard from (b)(6) (b)(7)(C) (b)(3) that 1LT BEHENNA killed him.

Q. Is there anything you wish to add to this statement at this time?

(b)(6) (b)(7)(C) (b)(3) //End of Statement//

(b)(6) (b)(7)(C) (b)(3)

INITIALS OF PERSON MAKING STATEMEN (b)(6) (b)(7)(C) (b)(3) PAGE 3 OF 4 PAGES

STATEMENT OF (b)(6) (b)(7)(C) (b)(3) **TAKEN AT** FOB Summerall, Bayji, IZ, **DATED** 2 Jul 08,
CONTINUED:

AFFIDAVIT

(b)(6) (b)(7)(C) (b)(3) have read or have had read to me this statement which begins on page 1 and ends on page _4__. 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.

(b)(6) (b)(7)(C) (b)(3)

Witness #1:

_____
_____
_____

ment)

Subscribed and sworn before me, a person authorized by law to administer oaths, this 2nd day of Jul 2008,

(b)(6) (b)(7)(C) (b)(3)

Witness #2:

_____
_____
_____

)ath)

(Typed name of Person Administering Oath)

10 USC 936
(Authority to Administer Oath)

Exhibit(s) 108

Page(s) 000377 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 2 PAGES

DETAILS

About 1200, 12 Jul 08, (b)(6) (b)(7)(C) (b)(3) briefed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) on all known aspects of this investigation, and how it was suspected Mr. MANSOUR's blood may be present on the clothing and/or equipment 1LT BEHENNA and SSG WARNER were wearing on 16 May 08.

About 1722, 12 Jul 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who granted authorizations to search 1LT BEHENNA's and SSG WARNER's residences. The authorizations were documented on Search and Seizure Authorizations.

About 1815, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) subsequent to a magistrate's authorization, provided a copy of the search authorization to SSG WARNER (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) conducted a search of SSG WARNER's assigned living area at CHU# 30-C, Life Support Area (LSA) # 13, COB Speicher. The search resulted in the seizure of the following items of evidence: two pair tan boots; one camel back hydration system; two Interceptor Body Armor carriers; one pair gloves; one Army Combat Helmet cover; one Army Combat Uniform (ACU) jacket; two pair ACU trousers; one ACU undershirt; two ammunition pouches; and one pouch/carrier. During the search (b)(6) (b)(7)(C) (b)(3) utilized a Lynn Peavey Ultralight Alternate Light Source (ALS) to examine suspected items of evidence. (b)(6) (b)(7)(C) (b)(3) exposed digital images of the seized evidence utilizing a Nikon D80 digital camera with flash.

About 1845, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who arrived at the building and related he was mistaken on the room number he provided as 1LT BEHENNA's residence. The correct room was Room F in the same building located approximately 50 meters from Room 8. (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and briefed her on the room number mistake. (b)(6) (b)(7)(C) (b)(3) drafted a second Affidavit and Search and Seizure Authorization reflecting the correct room for 1LT BEHENNA.

About 2133, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) granted authorization to search 1LT BEHENNA's residence located at Room F of the building between Buildings 2906 and 2907, COB Speicher. The authorization was documented on a Search and Seizure Authorization.

About 2147, 13 Jul 08 (b)(6) (b)(7)(C) (b)(3) provided a copy of the Search and Seizure authorization to 1LT BEHENNA.

About 2207, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) subsequent to a magistrate's authorization, conducted a search of 1LT BEHENNA's assigned living area at Room F of a building located between Buildings 2906 and 2907, COB Speicher. The search resulted in the seizure of the following items of evidence: one ACH cover, two pairs of boots, two pairs of gloves, four sets of ACU trousers, one pair of kneepads, one groin protector, one Improved first aid kit pouch, one magazine pouches, two hand grenade pouches, one Improved outer

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)		
	DATE 13 Jul 08	EXHIBIT IC

DETAILS

tactical vest carrier, and one Interceptor body armor carrier. During the search [redacted] lized a Lynn Peavey Ultralight Alternate Light Source (ALS) to examine suspected items of evidence. [redacted] exposed digital images of the seized evidence utilizing a Nikon D80 digital camera with flash.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
[redacted]	
SIGNATURE	DATE: 13 Jul 08
	EXHIBIT: 107

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

For use of this form, see AR 27-10; the proponent agency is OTJAG.

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6) (b)(7)(C) (b)(3) (Name), (b)(6) (b)(7)(C) (b)(3) (Organization or Address)

having been duly sworn, on oath depose and state that:

Preliminary investigation determined at approximately 1830, 16 May 08, while enroute to return a released detainee, 1LT Michael C. BEHENNA ordered his convoy to stop in the village of Albu Tu'mah, Bayji district. 1LT BEHENNA exited his vehicle and stated, "I don't want anybody with me except for the Terp and SSG WARNER." 1LT BEHENNA ordered his interpreter, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) to remove Mr. Ali MANSOUR, a detainee, from the same vehicle. 1LT BEHENNA led Mr. MANSOUR, SSG Hal M. WARNER, and (b)(6) (b)(7)(C) to a railroad track culvert, approximately 100 meters south of the convoy. Once inside the culvert 1LT BEHENNA and SSG WARNER cut off Mr. MONSOUR's clothing. 1LT BEHENNA then demanded Mr. MANSOUR tell him everything he knows and then fired two rounds from a 9mm pistol at Mr. MANSOUR. SSG WARNER then placed an incendiary hand grenade on Mr. MANSOUR's neck and pulled the pin, activating the grenade. 1LT BEHENNA, SSG WARNER, and Mr (b)(6) (b)(7)(C) returned to the convoy vehicles and proceeded back to FOB Summerall. Mr. MANSOUR's body was found around 2030, 17 May 08, by Iraqi Police patrols. At the crime scene Iraqi Police recovered a 9mm shell casing, which was near the body and a metal item, identified as a detonator, from beneath the neck.

2. The affiant further states that:
On 13 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed Mr (b)(6) (b)(7)(C) witnessed by (b)(6) (b)(7)(C) an MND-N G3 Linguist, Arabic Translator, who executed a written sworn statement detailing how on 16 May 08, 1LT BEHENNA and SSG WARNER cut the clothes off of Ali MANSOUR, with knives, while at a culvert in the Bayji district. 1LT BEHENNA then had Ali MANSOUR sit on a rock in the culvert where he executed Ali MANSOUR with two shots from a 9mm Glock semi-automatic pistol. SSG WARNER then placed and employed an incendiary grenade on Ali MANSOUR's neck. 1LT BEHENNA and SSG WARNER collected the cut clothing and departed the culvert area with Mr (b)(6) (b)(7)(C)

On 18 Jun 08, the crime scene was processed and several digital photographs and video was exosed of the scene. Particularlly noted, was blood drops and spatter. A review of photographs taken of Ali MANSOUR's body, and of a Bayji medical doctor's report of examination of Ali MANSOUR's body idicated a lasceration on his right knee. This lasceration was never noted during the screening by U.S. medical personnel, while Ali MANSOUR was in U.S. custody.

On 11 Jul 08, while briefing digital evidence in this investigation, it was surmized that the clothing and military equipment 1LT BEHENNA and SSG WARNER were wearing on 16 May 08, may contain the presence of Ali MANSOUR's blood.

It is believed the lasceration to Ali MANSOUR's knee was caused when 1LT BEHENNA and SSG WARNER cut Ali MANSOUR's clothes from his body. It is further believed Ali MANSOUR's blood from the knee lasceration and from the gunshot wounds produced spatter which may have been transferred to both 1LT BEHENNA and SSG WARNER. Also, it is believed that Ali MANSOUR's blood may have been present on his cut clothing which would most likely in turn be transferred to 1LT BEHENNA and SSG WARNER, while they were collecting the clothing to dispose of it.

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of SSG Hal M. WARNER
(the person) (and)

CHU C-30, LSA 13, COB Summerall, Tikrit, IZ, APO AE 09393
(the quarters or billets) (and)

(the automobile) ( ) and (seizure) (apprehension) of ACU's, boots, gloves, ACH, eye protection
(items/persons searched for)

body armor. Any personnal and/or military equipment containing suspected blood evidence.

TYPED NAME AND ORGANIZATION OF AFFIANT

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF July 2008 AT 1722

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY ADMINISTERING THE OATH

(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AUTHORITY ADMINISTERING THE OATH

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS FO

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

3. In paragraph 3, the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended should be described with particularity and in detail. Authorization for a search may issue with respect to a search for fruits or products of an offense, the instrumentality or means of committing the offense, contraband or other property the possession of which is an offense, the person who committed the offense, and under certain circumstances for evidentiary matters.

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Law Enforcement
Sensitive

EXHIBIT 000381

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of SSG Hal M. WARNER
(the person) (and)

CHU C-30, LSA 13, COB Summerall, Tikrit, IZ, APO AE 09393
(the quarters or billets) (and)

(the automobile) ( ) and (seizure) (apprehension) of ACU's, boots, gloves, ACH, eye protection
(items persons searched for)

body armor. Any personnal and/or military equipment containing suspected blood evidence.

TYPED NAME AND ORGANIZATION OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF July 2008 AT 1722

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY ADMINISTERING THE OATH
(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AUTHORITY ADMINISTERING THE OATH
(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS FO

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

3. In paragraph 3, the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended should be described with particularity and in detail. Authorization for a search may issue with respect to a search for fruits or products of an offense, the instrumentality or means of committing the offense, contraband or other property the possession of which is an offense, the person who committed the offense, and under certain circumstances for evidentiary matters.

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Law Enforcement Sensitive

EXHIBIT 000382

0066-08-CID469-51978

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: *(Name and Organization of the person to whom authorization is given)*

(b)(6) (b)(7)(C) (b)(3)

(An affidavit) (A (sworn) or (unsworn) oral statement) having been made before me by (b)(6) (b)(7)(C) (b)(3)

(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)

(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located *(on the person) (at the place)* to be searched. you are hereby ordered to search the *(person) (place)* known as

SSG Hal M. WARNER who resides at CHU C-30, LSA 13, COB Speicher, Tikrit, IZ, APO AE 09393

for the property described as ACU's, boots, gloves, ACH, eye protection, body armor. Any personnal and/or military equipment suspected to contain blood evidence.

bringing this order to the attention of the *(person searched) (person in possession, if any person be found at the place or on the premises searched)*. The search will be made in the *(daytime) (nighttime)*, and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)

(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 12 day of July, 2008.

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL	DUTY POSITION OF AUTHORIZING OFFICIAL
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OF AUTHORIZING OFFICIAL	
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)

DA FORM 3745, SEP 2002 — DA FORM 3745-R, MAR — APD PE v1.01

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EXHIBIT 000383

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

For use of this form, see AR 27-10; the proponent agency is OTJAG.

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6) (b)(7)(C) (b)(3) (Name), (b)(6) (b)(7)(C) (b)(3) (Organization or Address)

having been duly sworn, on oath depose and state that:

Preliminary investigation determined at approximately 1830, 16 May 08, while enroute to return a released detainee, 1LT Michael C. BEHENNA ordered his convoy to stop in the village of Albu Tu'mah, Bayji district. 1LT BEHENNA exited his vehicle and stated, "I don't want anybody with me except for the Terp and SSG WARNER." 1LT BEHENNA ordered his interpreter, (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) to remove Mr. Ali MANSOUR, a detainee, from the same vehicle. 1LT BEHENNA led Mr. MANSOUR, SSG Hal M. WARNER, and (b)(6) (b)(7)(C) to a railroad track culvert, approximately 100 meters south of the convoy. Once inside the culvert 1LT BEHENNA and SSG WARNER cut off Mr. MONSOUR's clothing. 1LT BEHENNA then demanded Mr. MANSOUR tell him everything he knows and then fired two rounds from a 9mm pistol at Mr. MANSOUR. SSG WARNER then placed an incendiary hand grenade on Mr. MANSOUR's neck and pulled the pin, activating the grenade. 1LT BEHENNA, SSG WARNER, and Mr (b)(6) (b)(7)(C) returned to the convoy vehicles and proceeded back to FOB Summerall. Mr. MANSOUR's body was found around 2030, 17 May 08, by Iraqi Police patrols. At the crime scene Iraqi Police recovered a 9mm shell casing, which was near the body and a metal item, identified as a detonator, from beneath the neck.

2. The affiant further states that:

On 13 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed Mr (b)(6) (b)(7)(C) witnessed by (b)(6) (b)(7)(C) an MND-N G3 Linguist, Arabic Translator, who executed a written sworn statement detailing how on 16 May 08, 1LT BEHENNA and SSG WARNER cut the clothes off of Ali MANSOUR, with knives, while at a culvert in the Bayji district. 1LT BEHENNA then had Ali MANSOUR sit on a rock in the culvert where he executed Ali MANSOUR with two shots from a 9mm Glock semi-automatic pistol. SSG WARNER then placed and employed an incendiary grenade on Ali MANSOUR's neck. 1LT BEHENNA and SSG WARNER collected the cut clothing and departed the culvert area with Mr (b)(6) (b)(7)(C)

On 18 Jun 08, the crime scene was processed and several digital photographs and video was exosed of the scene. Particularlly noted, was blood drops and spatter. A review of photographs taken of Ali MANSOUR's body, and of a Bayji medical doctor's report of examination of Ali MANSOUR's body idicated a lasceration on his right knee. This lasceration was never noted during the screening by U.S. medical personnel, while Ali MANSOUR was in U.S. custody.

On 11 Jul 08, while briefing digital evidence in this investigation, it was surmized that the clothing and military equipment 1LT BEHENNA and SSG WARNER were wearing on 16 May 08, may contain the presence of Ali MANSOUR's blood.

It is believed the lasceration to Ali MANSOUR's knee was caused when 1LT BEHENNA and SSG WARNER cut Ali MANSOUR's clothes from his body. It is further believed Ali MANSOUR's blood from the knee lasceration and from the gunshot wounds produced spatter which may have been transferred to both 1LT BEHENNA and SSG WARNER. Also, it is believed that Ali MANSOUR's blood may have been present on his cut clothing which would most likely in turn be transferred to 1LT BEHENNA and SSG WARNER, while they were collecting the clothing to dispose of it.

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3. In view of the foregoing, the affiant requests that an authorization be issued for a search of 1LT Michael C. BEHENNA
(the person) (and)

Room 8, Building located between buildings 2906 and 2907, COB Summerall, Tikrit, IZ, APO AE 09393
(the quarters or billets) (and)

_____ and (seizure) (apprehension) of ACU's, boots, gloves, ACH, eye protection
(the automobile) ( ) *(items persons searched for)*

body armor. Any personnal and/or military equipment containing suspected blood evidence.

TYPED NAME AND ORGANIZATION OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF July 2008 AT 1722

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY ADMINISTERING THE OATH
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS FO

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

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Sensitive

EXHIBIT 000385

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of 1LT Michael C. BEHENNA
(the person) (and)

Room 8, Building located between buildings 2906 and 2907, COB Summerall, Tikrit, IZ, APO AE 09393
(the quarters or billets) (and)

(the automobile) ( ) and (seizure) (apprehension) of ACU's, boots, gloves, ACH, eye protection
(items persons searched for)

body armor. Any personnal and/or military equipment containing suspected blood evidence.

TYPED NAME AND ORGANIZATION OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF July 2008 AT 1722

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS F

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

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Law Enforcement
Sensitive

EXHIBIT 000386

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: *(Name and Organization of the person to whom addressed)*

(b)(6) (b)(7)(C) (b)(3)

(An affidavit) (A (sworn) or (unsworn) oral statement) having been made before me by (b)(6) (b)(7)(C) (b)(3)

(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)

(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located *(on the person) (at the place)* to be searched, you are hereby ordered to search the *(person) (place)* known as

1LT Michael C. BEHENNA who resides at Room 8, Building located between buildings 2906 and 2907, COB Speicher

for the property described as ACU's, boots, gloves, ACH, eye protection, body armor. Any personnal and/or military equipment suspected to contain blood evidence.

bringing this order to the attention of the *(person searched) (person in possession, if any person be found at the place or on the premises searched)*. The search will be made in the *(daytime) (nighttime)*, and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)

(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

Dated this 12 day of July, 2008.

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL	DUTY POSITION OF AUTHORIZING OFFICIAL
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OF AUTHORIZING OFFICIAL	
(b)(6) (b)(7)(C) (b)(3)	

DA FORM 3745, SEP 2002 — DA FORM 3745-R, MAR 86, IS OBSOLETE — APD PE v1.01

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 000387

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

For use of this form, see AR 27-10; the proponent agency is OTJAG.

BEFORE COMPLETING THIS FORM, SEE INSTRUCTIONS ON PAGE 2

1. I, (b)(6) (b)(7)(C) (b)(3) *(Name)*, (b)(6) (b)(7)(C) (b)(3) *(Organization or Address)*

having been duly sworn, on oath depose and state that:

Preliminary investigation determined at approximately 1830, 16 May 08, while enroute to return a released detainee, 1LT Michael C. BEHENNA ordered his convoy to stop in the village of Albu Tu'mah, Bayji district. 1LT BEHENNA exited his vehicle and stated "I don't want anybody with me except for the Terp and SSG WARNER." 1LT BEHENNA ordered his interpreter (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) to remove Mr. Ali MANSOUR, a detainee, from the same vehicle. 1LT BEHENNA led Mr. MANSOUR, SSG Hal M. WARNER, and (b)(6) (b)(7)(C) to a railroad track culvert, approximately 100 meters south of the convoy. Once inside the culvert 1LT BEHENNA and SSG WARNER cut off Mr. MONSOUR's clothing. 1LT BEHENNA then demanded Mr. MANSOUR tell him everything he knows and then fired two rounds from a 9mm pistol at Mr. MANSOUR. SSG WARNER then placed an incendiary hand grenade on Mr. MANSOUR's neck and pulled the pin, activating the grenade. 1LT BEHENNA, SSG WARNER, and Mr (b)(6) (b)(7)(C) returned to the convoy vehicles and proceeded back to FOB Summerall. Mr. MANSOUR's body was found around 2030, 17 May 08, by Iraqi Police patrols. At the crime scene Iraqi Police recovered a 9mm shell casing, which was near the body and a metal item, identified as a detonator, from beneath the neck.

2. The affiant further states that:

On 13 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed Mr (b)(6) (b)(7)(C) itnessed by (b)(6) (b)(7)(C) an MND-N G3 Linguist, Arabic Translator, who executed a written sworn statement detailing how on 16 May 08, 1LT BEHENNA and SSG WARNER cut the clothes off of Ali MANSOUR, with knives, while at a culvert in the Bayji district. 1LT BEHENNA then had Ali MANSOUR sit on a rock in the culvert where he executed Ali MANSOUR with two shots from a 9mm Glock semi-automatic pistol. SSG WARNER then placed and employed an incendiary grenade on Ali MANSOUR's neck. 1LT BEHENNA and SSG WARNER collected the cut clothing and departed the culvert area with Mr (b)(6) (b)(7)(C)

On 18 Jun 08, the crime scene was processed and several digital photographs and video was exosed of the scene. Particularlly noted, was blood drops and spatter. A review of photographs taken of Ali MANSOUR's body, and of a Bayji medical doctor's report of examination of Ali MANSOUR's body idicated a lasceration on his right knee. This lasceration was never noted during the screening by U.S. medical personnel, while Ali MANSOUR was in U.S. custody.

On 11 Jul 08, while briefing digital evidence in this investigation, it was surmized that the clothing and military equipment 1LT BEHENNA and SSG WARNER were wearing on 16 May 08, may contain the presence of Ali MANSOUR's blood.

It is believed the lasceration to Ali MANSOUR's knee was caused when 1LT BEHENNA and SSG WARNER cut Ali MANSOUR's clothes from his body. It is further believed Ali MANSOUR's blood from the knee lasceration and from the gunshot wounds produced spatter which may have been transferred to both 1LT BEHENNA and SSG WARNER. Also, it is believed that Ali MANSOUR's blood may have been present on his cut clothing which would most likely in turn be transferred to 1LT BEHENNA and SSG WARNER, while they were collecting the clothing to dispose of it.

0066-08-CID469-5 1978

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of 1LT Michael C. BEHENNA
(the person) (and)

Room F, Building located between buildings 2906 and 2907, COB Summerall, Tikrit, IZ, APO AE 09393
(the quarters or billets) (and)

(the automobile) ( ) and (seizure) (apprehension) of ACU's, boots, gloves, ACH, eye protection
(items persons searched for)

body armor. Any personnal and/or military equipment containing suspected blood evidence.

TYPED NAME AND ORGANIZATION OF AFFIANT

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS ~~12th~~ DAY OF July 2008 AT 2133

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS FOR

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

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EXHIBIT 112

000389

3. In view of the foregoing, the affiant requests that an authorization be issued for a search of 1LT Michael C. BEHENNA
(the person) (and)

Room F, Building located between buildings 2906 and 2907, COB Summerall, Tikrit, IZ, APO AE 09393
(the quarters or billets) (and)

(the automobile) ( ) and (seizure) (apprehension) of ACU's, boots, gloves, ACH, eye protection
(items persons searched for)

body armor. Any personnal and/or military equipment containing suspected blood evidence.

TYPED NAME AND ORGANIZATION OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

SIGNATURE OF AFFIANT
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

SWORN TO AND SUBSCRIBED BEFORE ME THIS ~~12th~~ DAY OF July 2008 AT 2133

TYPED NAME, ORGANIZATION AND OFFICIAL CAPACITY OF AUTHORITY ADMINISTERING THE OATH
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

INSTRUCTIONS FOR

AFFIDAVIT SUPPORTING REQUEST FOR AUTHORIZATION TO SEARCH AND SEIZE OR APPREHEND

1. In paragraph 1, set forth a concise, factual statement of the offense that has been committed or the probable cause to believe that it has been committed. Use additional page if necessary.

2. In paragraph 2, set forth facts establishing probable cause for believing that the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended are connected with the offense mentioned in paragraph 1, plus facts establishing probable cause to believe that the property to be seized or the person(s) to be apprehended are presently located on the person, premises, or place to be searched. Before a person may conclude that probable cause to search exists, he or she must first have a reasonable belief that the person, property or evidence sought is located in the place or on the person to be searched. The facts stated in paragraphs 1 and 2 must be based on either the personal knowledge of the person signing the affidavit or on hearsay information which he/she has plus the underlying circumstances from which he/she has concluded that the hearsay information is trustworthy. If the information is based on personal knowledge, the affidavit should so indicate. If the information is based on hearsay information, paragraph 2 must set forth some of the underlying circumstances from which the person signing the affidavit has concluded that the informant (whose identity need not be disclosed) or his/her information was trustworthy. Use additional pages if necessary.

3. In paragraph 3, the person, premises, or place to be searched and the property to be seized or the person(s) to be apprehended should be described with particularity and in detail. Authorization for a search may issue with respect to a search for fruits or products of an offense, the instrumentality or means of committing the offense, contraband or other property the possession of which is an offense, the person who committed the offense, and under certain circumstances for evidentiary matters.

EXHIBIT 112

SEARCH AND SEIZURE AUTHORIZATION

For use of this form, see AR 27-10; the proponent agency is OTJAG

TO: *(Name and Organization of the person to whom ...)*

(b)(6) (b)(7)(C) (b)(3)

(An affidavit) (A (sworn) or (unsworn) oral statement) having been made before me b (b)(6) (b)(7)(C) (b)(3)

(Name of Affiant)

(b)(6) (b)(7)(C) (b)(3)

(Organization or Address of Affiant)

(which affidavit is attached hereto and made a part of this authorization), and as I am satisfied that there is probable cause to believe that the matters mentioned in the affidavit are true and correct, that the offense set forth therein has been committed, and that the property to be seized is located *(on the person) (at the place)* to be searched, you are hereby ordered to search the *(person) (place)* known as

1LT Michael C. BEHENNA who resides at Room F, Building located between buildings 2906 and 2907, COB Speicher

for the property described as ACU's, boots, gloves, ACH, eye protection, body armor. Any personnal and/or military equipment suspected to contain blood evidence.

bringing this order to the attention of the *(person searched) (person in possession, if any person be found at the place or on the premises searched)*. The search will be made in the *(daytime) (nighttime)*, and if the property is found there, you shall seize it, issue a receipt therefor to the person from whom the property is taken or in whose possession the property is found, deliver the property to:

(b)(6) (b)(7)(C) (b)(3)

(Name and Organization of Authorized Custodian)

and prepare a written inventory of the property. If there is no person at the searched place to whom the receipt may be delivered, the receipt will be left in a conspicuous location at the place or on the premises where the property is found.

(b)(6) (b)(7)(C) (b)(3)

Dated this 12 day of July 2008.

TYPED NAME AND GRADE OF AUTHORIZING OFFICIAL	DUTY POSITION OF AUTHORIZING OFFICIAL
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)
ORGANIZATION OF AUTHORIZING OFFICIAL	
(b)(6) (b)(7)(C) (b)(3)	

DA FORM 3745, SEP 2002 — DA FORM 3745-R, MAR 85, IS OBSOLETE — APD PE v1.01

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 112

Exhibit 113
Page(s) 000392 thru 000400 withheld:

Third Party Information/ Not reasonably segreable
Exemption (s) (b)(6), (6)(7)(C)
5 U.S.C. Section 552

Exhibit 113

Pages 000401 thru 000407

withheld as Graphic Photo(s)

Exhibit 113
Page(s) 000408 withheld:

Third Party Information/ Not reasonably segreable
Exemption (s) (b)(6), (6)(7)(C)
5 U.S.C. Section 552

0066-08-CID469-51978

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)


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TH 3
TAC - 1 - 32

Exhibit 113

Pages 000411 thru 000412

withheld as Graphic Photo(s)

0066-08-CID469-51978

0066-08-CID469-51978

000414

0066-08-CID469-51978

0066-08-CID469-51978



000416

0066-08-CID469-51978

0066-08-CID469-51978

0066-08-CID469-51978

0066-08-CID469-51978

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0066-08-CID469-51978

0066-08-CID469-51978

0066-08-CID469-51978

0006-08-CID469-51978

0066-08-CID469-51978

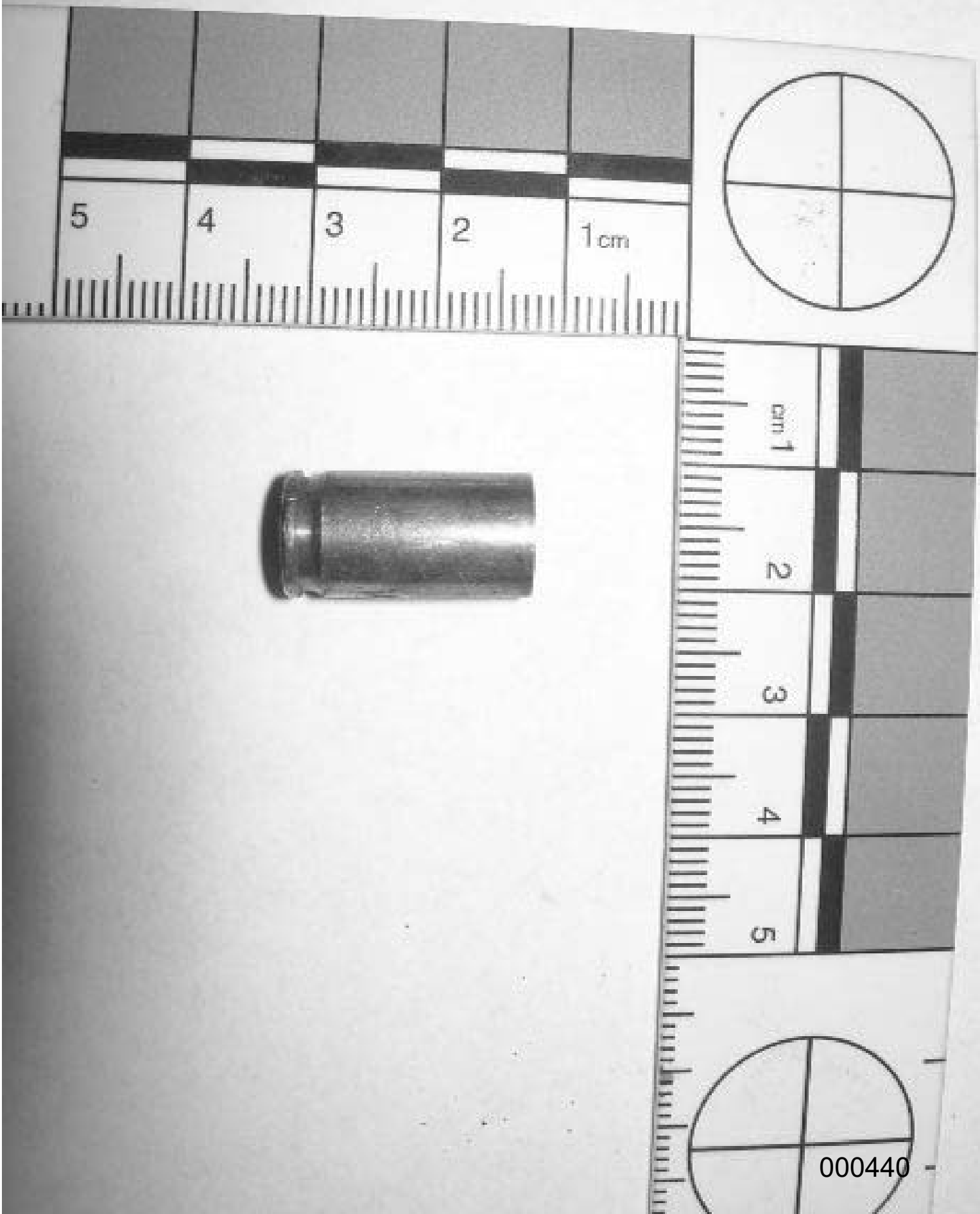
BEHENNA

000428

Exhibit 113

Pages 000429 thru 000439

withheld as Graphic Photo(s)



000440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000441


000442
0066-08-CID469-51978
13 Jul 08

0066-08-CID469-51978
13 Jul 08


WARNER
0066-08-CID469-51978
13 Jul 08
000444

0066-08-CID469-51978
13 Jul 08

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13 Jul 08

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13 Jul 08

0066-08-CID469



0000454

MADE IN AUSTRIA
GLOCK, INC., SMYRNA, GA
GHY209

0066-08-CID469-51978

000456

Graham-Field
1-800-645-8176

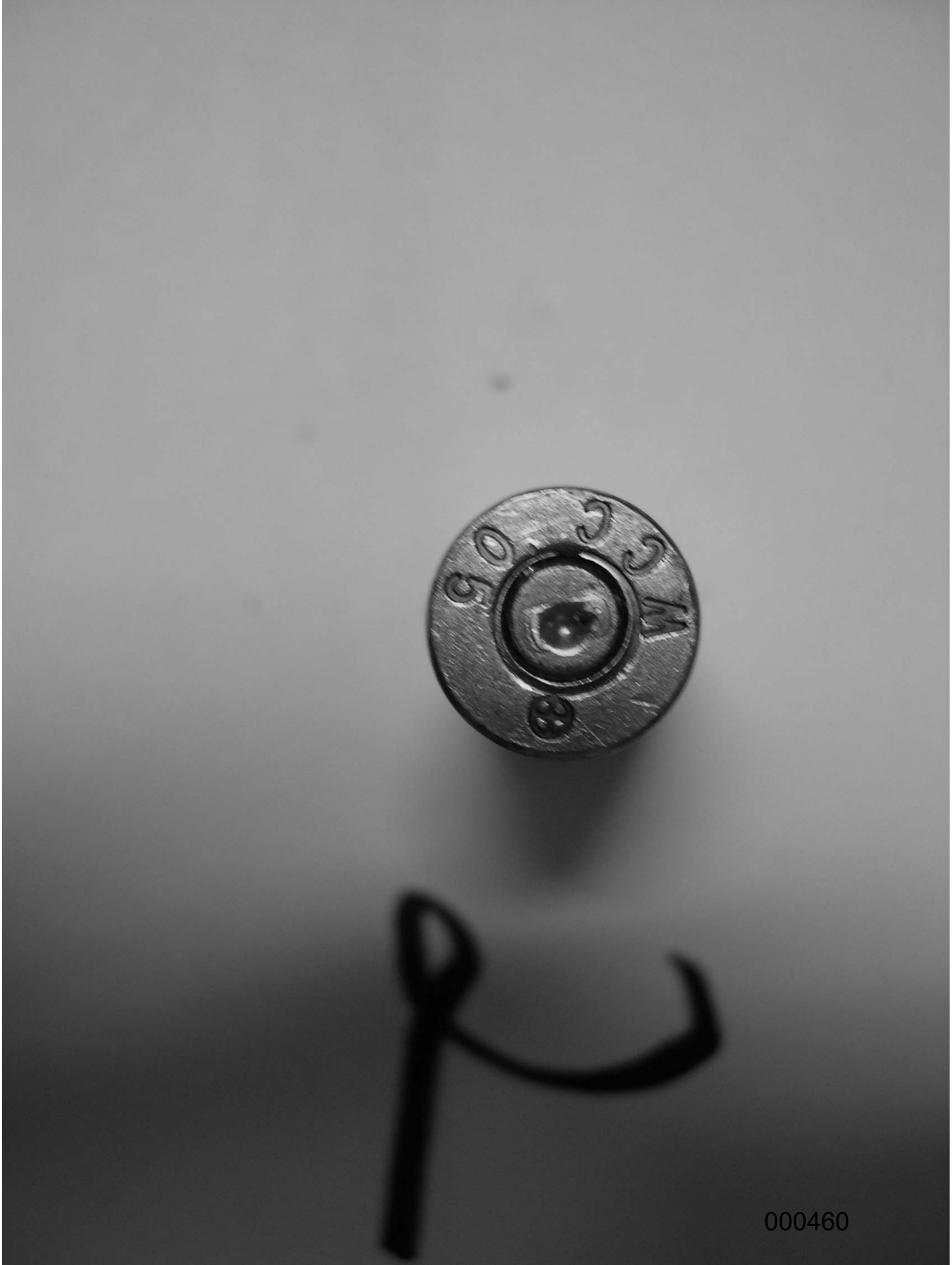


MADE IN AUSTRIA
GLOCK, INC. SMYRNA, GA.

GA
GWY3796
GWY3796

0066-08-CID469-51978

000459


000460

Graphic Photo(s)

0066-08-CID469-51978

000461

0066-08-CID469-51978

000462




0066-08-CID469-51978
000463
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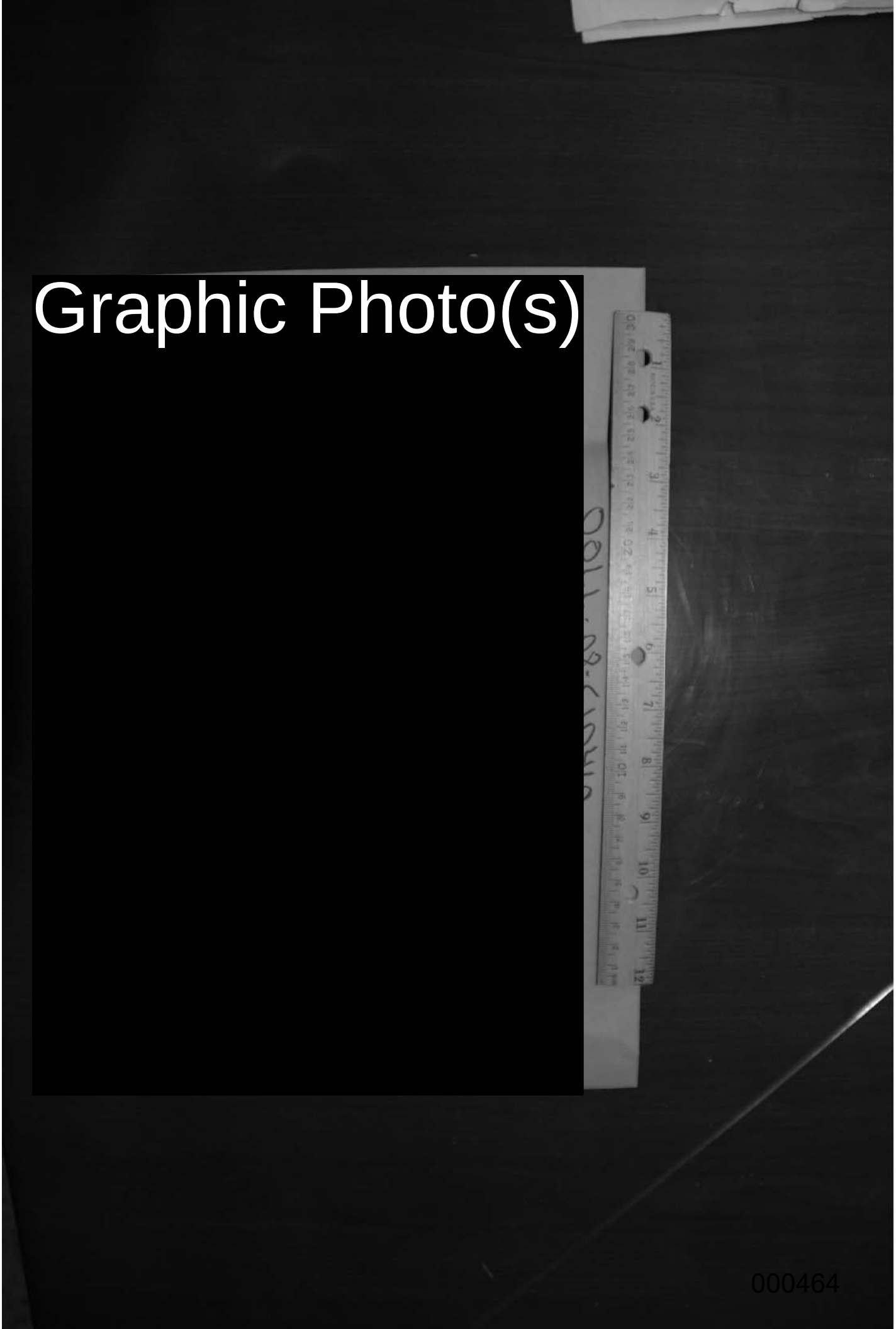
Graphic Photo(s)

0606-08-C1D469

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0066-08-CID469-51978

PAGE 1 OF 1 PAGES

DETAILS

About 0930, 25 Jul 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who related on 23 Jul 08, she interviewed Dr. (b)(6) (b)(7)(C) the attending medical examiner for Mr. MANSOUR. Dr. (b)(6) (b)(7)(C) stated he observed two gunshot wounds on Mr. MANSOUR's body, both with exit wounds. Dr. (b)(6) (b)(7)(C) related he was able to determine the trajectory of the projectiles but did not find any evidence of the projectiles in the body. Dr. (b)(6) (b)(7)(C) stated Mr. MANSOUR suffered burns to approximately nine percent of his body which were concentrated around the neck and head. Dr. (b)(6) (b)(7)(C) was unable to determine the cause of the burns. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION:
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	(b)(6) (b)(7)(C) (b)(3)
	DATE: 25 Jul 08 / EXHIBIT: 114

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 1 PAGE

DETAILS

About 1656, 7 Aug 08, (b)(6) (b)(7)(C) (b)(3) elephonically interviewed (b)(6) (b)(7)(C) (b)(3) who related in mid April 08 (b)(6) (b)(7)(C) (b)(3) a Glock 9mm to a member of the 1/327th INF REG, who presented themselves as a member of a Military Transition Team or National Police Transition Team. (b)(6) (b)(7)(C) (b)(3) tated he could not recall the exact name of the individual but if (b)(6) (b)(7)(C) (b)(3) name was on the hand receipt, then that was the individual he signed the weapon out to. (b)(6) (b)(7)(C) (b)(3) ecalled also signing out a Beretta to the same individual. (b)(6) (b)(7)(C) (b)(3) recalled the individual returned the first Glock as it was not functioning correctly and obtained an additional Glock. (b)(6) (b)(7)(C) (b)(3) enied signing out additional Glocks to anyone else. (b)(6) (b)(7)(C) (b)(3) tated he did not know or recall dealing with 1LT BEHENNA.

About 1000, 10 Aug 08, (b)(6) (b)(7)(C) (b)(3) nd Mr (b)(6) (b)(7)(C) conducted a review of the Iraqi documents collected to date. Mr (b)(6) (b)(7)(C) translated several remaining documents which were posted to the file. The death certificate and identification report was included with these documents, were obtained initially during the week of 13 – 18 Jun 08. A preliminary translation was completed in order to determine the content of the documents. Mr. (b)(6) (b)(7)(C) completed the official translation which was appended as an exhibit to this report.
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)		
	DATE 10 Aug 08	EXHIBIT 15

AGENT'S INVESTIGATION REPORT
CID Regulation 195-1
FOR OFFICIAL USE ONLY – Law Enforcement Sensitive

ROI NUMBER 0066-08-CID469-51978

DETAILS

About 1400, 15 Aug 08, (b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C) Iraqi Police Transition Team, FOB Summerall. Mr (b)(6) (b)(7)(C) related he arrived at FOB Summerall in June 2007 and adopted the responsibility of maintaining a weapons cage which contained numerous weapons utilized to train the Iraqi Police. Mr. (b)(6) (b)(7)(C) related no log book or inventory was ever maintained in the weapons storage cage and there was no accurate record of weapons leaving or returning to the weapons cage. Mr. (b)(6) (b)(7)(C) related he remembered being in the weapons cage when (b)(6) (b)(7)(C) (b)(3) requested a 9mm Glock and a 9mm Barretta pistol. He related (b)(6) (b)(7)(C) (b)(3) gave the impression he was with the Military Transition Team (MTT) and wanted to sign out the weapons for training purposes. Mr. (b)(6) (b)(7)(C) related (b)(6) (b)(7)(C) (b)(3) was the only military person he had ever witnessed signing out weapons from the weapons cage. He related both weapons were signed out to (b)(6) (b)(7)(C) (b)(3) on a hand receipt and provided a copy of the hand receipt to this office earlier. A couple of minutes after (b)(6) (b)(7)(C) (b)(3) was issued the pistols, (b)(6) (b)(7)(C) (b)(3) returned and claimed the 9mm Glock he initially signed out was malfunctioning. Mr. (b)(6) (b)(7)(C) related Mr. (b)(6) (b)(7)(C) issued another 9mm Glock pistol to (b)(6) (b)(7)(C) (b)(3) in exchange for the bad pistol. Mr. (b)(6) (b)(7)(C) related he was under the impression Mr. (b)(6) (b)(7)(C) was going to change the serial number on the existing hand receipt to reflect the new 9mm Glock pistol issued to (b)(6) (b)(7)(C) (b)(3) However, he was not sure if that happened and could not find any other hand receipts to (b)(6) (b)(7)(C) (b)(3) Mr. (b)(6) (b)(7)(C) related he did know 1LT BEHENNA, but he never issued any weapons to him from the weapons cage. Mr. (b)(6) (b)(7)(C) related since the incident happened, the weapons cage had since been turned over to the military. Mr. (b)(6) (b)(7)(C) had nothing further to add that would assist in this investigation.

About 1200, 22 Aug 08, this office received the Final Reports from the Latent Print Branch, USACIL, which disclosed the examinations of the cartridge cases and grenade remnants revealed there were no latent prints suitable for identification.

About 1555, 22 Aug 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) related she did not remember the day she received the toothbrush or Mr. MANSOUR, but stated she met with Mr (b)(6) (b)(7)(C) at the Civil Military Operations Center (CMOC), FOB Summerall, to discuss another matter. She related towards the end of their meeting, Mr (b)(6) (b)(7)(C) handed her a black plastic bag and was told by Mr. (b)(6) (b)(7)(C) that U.S. agent's requested he bring a toothbrush belonging to Mr. MANSOUR. (b)(6) (b)(7)(C) (b)(3) related she did not open the plastic bag to verify if there was in fact a toothbrush inside of it. Instead (b)(6) (b)(7)(C) (b)(3) placed the bag on (b)(6) (b)(7)(C) (b)(3) desk along with a note. (b)(6) (b)(7)(C) (b)(3) had nothing further to add that would assist in this investigation.///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	(b)(6) (b)(7)(C) (b)(3)
	DATE: 22 Aug 08
	EXHIBIT: 116

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-LP 21 July 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Latent Print Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-07-CID469-51978

EXHIBITS:

2 - One cartridge case (Item 1, Doc 0588-08).
3 - One piece of grenade (Exterior portion only) (Item 2, Doc 0588-08).
10 - One cartridge case (Item 1, Doc 0589-08).
22 - Record finger and palm prints of WARNER.

FINDINGS:

1. Examination of Exhibits 2, 3 (Exterior portion only), and 10 did not reveal any latent prints suitable for identification.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

(b)(6) (b)(7)(C) (b)(3)

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 000469

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-LP 24 July 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Latent Print Branch - Final Report
USACIL Case Number 2008-CID131-1346-A1
Submitter Case Number 0066-08-CID469-51978

EXHIBIT:

23 - Record finger and palm prints of BEHENNA.

FINDINGS:

1. As previously reported on 21 July 08, examination of Exhibits 2, 3 (Exterior portion only), and 10 did not reveal any latent prints suitable for identification.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614/4874, Commercial (404) 469-7082/7109/7110/4612/4613/4614/4874, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

(b)(6) (b)(7)(C) (b)(3)

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 000470

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-LP 24 July 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Latent Print Branch - Corrected Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

EXHIBITS:

2 - One cartridge case (Item 1, Doc 0588-08).
3 - One piece of grenade (Exterior portion only) (Item 2, Doc 0588-08).
10 - One cartridge case (Item 2, Doc 0589-08).
22 - Record finger and palm prints of WARNER.

FINDINGS:

1. Examination of Exhibits 2, 3 (Exterior portion only), and 10 did not reveal any latent prints suitable for identification.

2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

(b)(6) (b)(7)(C) (b)(3)

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

EXHIBIT 000471

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	0084-08-CID036 0066-08-CID469-51978 PAGE 1 OF 1 PAGES

DETAILS

On 18 Aug 08, this office received a Request for Assistance from the Tikrit CID Office, Contingency Operating Base Speicher, Tikrit, Iraq APO AE 09393, to interview Mr. (former SGT) (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) in reference to a possible murder of an Iraqi detainee by Coalition forces.

About 1200, 20 Aug 08, SA (b)(6) (b)(7)(C) interviewed Mr. (b)(6) (b)(7)(C) who agreed to allow a recording of the interview. Mr. (b)(6) (b)(7)(C) related he was in Iraq from Sep 07 to May 08 and was located at FOB Summerall with the 1-327th INF BN. Mr. (b)(6) (b)(7)(C) related that he worked (b)(6) (b)(7)(C) on FOB Summerall and one of his duties was to (b)(6) (b)(7)(C) Mr. (b)(6) (b)(7)(C) related that on 5 May 08, (b)(6) (b)(7)(C) Mr. Ali MANSOUR (NFI) as part of the normal detainee/capture process. Mr. (b)(6) (b)(7)(C) related Mr. MANSOUR appeared to be "high" on some type of narcotic when he was brought in due to his constant smile and enlarged pupils; however, Mr. MANSOUR denied using any narcotic. Mr. (b)(6) (b)(7)(C) related that Mr. MANSOUR had what he thought looked to be a boot mark on his back. Mr. (b)(6) (b)(7)(C) stated Mr. MANSOUR did not related how he had received the injury on his back but related it occurred when he was arrested by Iraqi Police and Coalition Forces. Mr (b)(6) (b)(7)(C) stated he did not notify his chain of command or did (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) as Mr. MANSOUR did not have any life threatening injuries. Mr. (b)(6) (b)(7)(C) related Mr. MANSOUR was one of several hundred detainees that he examined while he was deployed. M (b)(6) (b)(7)(C) tated that during the month of May 08, he was preparing to redeploy and had no information pertaining to 1LT BEHENNA, SSG WARNER or the death of Mr. MANSOUR. Mr. (b)(6) (b)(7)(C) related he had no information pertaining to any abuse of detainees while he was at FOB Summerall. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6) (b)(7)(C) (b)(7)(E)	Monterey CID Office Presidio of Monterey, CA 93944	
SIGNATURE (b)(6) (b)(7)(C)	DATE 20 Aug 08	EXHIBIT 118

Encl

Exhibit 119
Page(s) 000473 withheld:

Third Party Information/ Not reasonably segreable
Exemption (s) (b)(6), (6)(7)(C)
5 U.S.C. Section 552

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AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0363-08-CID033

PAGE 1 OF 1 PAGE

BASIS FOR INVESTIGATION: About 0900, 13 Aug 08, this office received a Request for Assistance from (b)(6) (b)(7)(C) (b)(3) who requested this office interview SFC (b)(6) (b)(7)(C) Warrior Transition Unit (WTU), Fort Campbell, KY 42223 (FCKY) in relation to any information 1LT Michael C. BEHENNA (b)(6) (b)(7)(C) (b)(3) D Company, 1/327th Infantry Regiment, Forward Operating Base Summerall, Bayji, Iraq APO AP 09393, may have related about the death of Mr. Ali MANSOUR.

Between 1520 and 1705, 18 Aug 08, SA (b)(6) (b)(7)(C) interviewed SFC (b)(6) (b)(7)(C) who provided a sworn statement relating although he briefly spoke with 1LT BEHENNA at the end of May 08, he did not discuss Mr. MANSOUR or 1LT BEHENNA's investigation. SFC (b)(6) (b)(7)(C) stated he was informed by SSG (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Rear Detachment, 1/327 Infantry Regiment, FCKY, that 1LT BEHENNA shot an Iraqi national and was under investigation. SFC (b)(6) (b)(7)(C) further related he read about 1LT BEHENNA's investigation in the Oklahoma Journal, an Oklahoma news website.

About 1720, 18 Aug 08, SA (b)(6) (b)(7)(C) coordinated with SFC (b)(6) (b)(7)(C) who provided a copy of the NEWSOK.COM news article relating 1LT BEHENNA was currently under investigation for killing an Iraqi National.

Between 1815 and 1908, 18 Aug 08, SA (b)(6) (b)(7)(C) interviewed SSG (b)(6) (b)(7)(C) who provided a sworn statement. SSG (b)(6) (b)(7)(C) stated he spoke with 1LT BEHENNA on two occasions wherein 1LT BEHENNE admitted he shot an Iraqi National and was now under investigation. SSG (b)(6) (b)(7)(C) stated 1LT BEHENNA did not show any remorse for shooting the Iraqi but said he would do it again because he had lost two of his Soldiers. SSG (b)(6) (b)(7)(C) further stated his Chain of Command openly discussed this investigation with unit members.

About 0015, 22 Aug 08, SA (b)(6) (b)(7)(C) coordinated with SA (b)(6) (b)(7)(C) who related no further investigative activity was needed from this office. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION	
SA (b)(6) (b)(7)(C) (b)(7)(E)	31st MP Detachment (CID), 3d MP GRP (CID), Ft Campbell, KY 42223	
SIGNATURE (b)(6) (b)(7)(C)	DATE 22 Aug 08	EXHIBIT 120

CID FORM 94

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

SWORN STATEMENT

FILE NUMBER : 0363-08-CID033
LOCATION : 31st Military Police Det (CID), Fort Campbell, KY 42223
DATE : 18 Aug 08 (b)(6) (b)(7)(C) TIME: 1705 (b)(6) (b)(7)(C)
NAME : (b)(6) (b)(7)(C)
SSN : (b)(6) (b)(7)(C) Grade/Status: E-7 / AD
(b)(6) (b)(7)(C) ORG/ADDRESS : D Company, Warrior Transition Unit, Fort Campbell, KY 42223 ____

I, _SFC (b)(6) (b)(7)(C) want to make the following statement under oath: On 21 Apr 2008, at approx. 1400 while returning back to the FOB Summerall from a patrol outside of Al Butoma, Iraq (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C)
(b)(6) (b)(7)(C) to FOB Speicher. I briefly remember seeing LT Behenna before (b)(6) (b)(7)(C) I was at Speicher from the 21st to the 25th of April 2008. The period of time that I was there he did not come to see me. (b)(6) (b)(7)(C)
(b)(6) (b)(7)(C) The last time I had contact with LT Behenna was when he came back to the states for R&R leave which was at the end of May (b)(6) (b)(7)(C) his parents house to see if he had made it home. I briefly talked to him to see how he was doing and how he was holding up about the IED incident. He said that he was doing ok. We than said goodbye. I have had no further contact with him since than. The only information I've received has been secondhand information and nothing directly from 1LT BEHENNA or anyone else involved to my knowledge.

Q: SA (b)(6) (b)(7)(C)
A: SFC (b)(6) (b)(7)(C)
Q: Did you type the above narrative?
A: Yes.
Q: How well do you know 1LT BEHENNA?
A: I have known him since 1 Sep 07.
Q: What kind of relationship do you have with 1LT BEHENNA?
A: We didn't go out and drink but a standard (b)(6) (b)(7)(C) working relationship.
Q: How did you know when 1LT BEHENNA was going to be back in the United States?
A: We turned in our leave dates as soon as we got to Iraq.
Q: What number did you call him at?
A: At his parents house, I don't remember the phone number.
Q: How did you know the number to his parents house?
A: That was the contact number he had provided to the Family Readiness Group. My wife had it on file along with other soldiers contact information.
Q: Exactly what was said when you spoke 1LT BEHENNA?
A: I asked him how he was doing and how he was holding up in relation to the (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) He told me he was doing ok. I told him I had talked to the fallen soldiers families and (b)(6) (b)(7)(C) they were doing ok. He told me he was going to try and come see me during the last part of his

(b)(6) (b)(7)(C)

Statement of _SFC (b)(6) (b)(7)(C) taken on _18 Aug 08 at Fort Campbell CID, Fort Campbell, KY 42223
Continued:"

leave. I told him it would be great to see him before he went back. I wanted him to see I was doing ok. Then we said goodbye and that was the last contact.

Q: Did 1LT BEHENNA ever come see you or make any other contact after this?

A: No.

Q: Did anything seem strange about 1LT BEHENNA when you spoke with him?

A: Nothing seemed out of the ordinary, but it was over the telephone, but from what I could tell everything seemed fine.

Q: Have you ever heard the name Mr. Ali MANSOUR?

A: No, I don't remember that name.

Q: Did 1LT BEHENNA make any statements to you about any insurgents being killed?

A: No he did not.

Q: Are you aware of any incidents involving 1LT BEHENNA during his current tour in Iraq?

A: Yes, Sometime in the middle of Jul 08, I spoke with SSG (b)(6) (b)(7)(C) who is on the rear detachment for 1/327 Infantry Regiment, who told me two Iraqi guys had been picked up and 5th platoon had been given the mission to return them to where they had been picked up at. Then SSG (b)(6) (b)(7)(C) stated 1LT BEHENNA hand picked some guys he thought he could trust and they loaded the iraqi's up in the truck and dropped one off then took a different route back. At some point whoever was in the truck beat the second Iraqi up pretty bad then shot him. Then someone tried to put a Thermite Grenade on second iraqi's body to burn him. Then around the end of Jul 08, I read in the Oklahoman News Paper that 1LT BEHENNA was involved in the killing of a local Iraqi with the use of a handgun.

Q: What is your relationship with SSG (b)(6) (b)(7)(C)

A: He was a squad leader in third platoon while we were in Iraq.

Q: Why would SSG (b)(6) (b)(7)(C) tell you these things?

A: Because I asked him what was going on in Iraq with my old platoon because I hadn't had any contact with them.

Q: Did SSG (b)(6) (b)(7)(C) tell you how he found out about this information?

A: No.

Q: Was SSG (b)(6) (b)(7)(C) one of the individuals 1LT BEHENNA picked to drop off the Iraq's?

A: No he wasn't he was in third platoon and SSG (b)(6) (b)(7)(C) told me 1LT BEHENNA picked guys out of 5th platoon.

Q: When did SSG (b)(6) (b)(7)(C) return from Iraq and why?

A: (b)(6) (b)(7)(C)

Q: Did SSG (b)(6) (b)(7)(C) tell you who shot the second Iraqi?

A: I think he said 1LT BEHENNA, but I'm not sure.

Q: Did SSG (b)(6) (b)(7)(C) tell you who was in the Vehicle with the second Iraqi?

A: The only one he knew or heard was in the vehicle was SSG WARNER who was a squad leader in 5th platoon.

Q: Did SSG (b)(6) (b)(7)(C) tell you who put the Thermite Grenade on the Iraqi?

A: I believe he said SSG WARNER was the one who put the thermite grenade on the Iraqi.

Q: Did SSG (b)(6) (b)(7)(C) tell you any other information concerning the death or abuse of any Iraqi's? (b)(6) (b)(7)(C)

EXHIBIT 121

000476

(b)(6) (b)(7)(C)

Statement of _SFC (b)(6) (b)(7)(C), taken on _18 Aug 08 at Fort Campbell CID, Fort Campbell, KY 42223
Continued:"

A: Not that I can remember at this time.
Q: Do you know of anyone else 1LT BEHENNA spoke with or visited while on leave?
A: No.
Q: Is there anything else you would like to add to you statement at this time?
A: No.///END OF STATEMENT (b)(6) (b)(7)(C)

AFFIDAVIT

(b)(6) (b)(7)(C)

I, SFC (b)(6) (b)(7)(C), 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

WITNESSES:

_____

_____

_____
ORGANIZATION AND ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _18_th day of _AUG_, 2008

(b)(6) (b)(7)(C)

SA (b)(6) (b)(7)(C)
(Typed Name of Person Administering Oath)

10 USC § 936
(Authority to Administer Oath)

EXHIBIT 121
000477

FOR OFFICIAL USE ONLY
LAW ENFORCEMENT SENSITIVE

0363-08-CID083

SWORN STATEMENT

FILE NUMBER :
LOCATION : 31st Military Police Det (CID), Fort Campbell, KY 42223
DATE : 18 Aug 08 (b)(6) (b)(7)(C) TIME: 19:08 (b)(6) (b)(7)(C)
NAME : (b)(6) (b)(7)(C)
SSN : (b)(6) (b)(7)(C) Grade/Status: E-6 / AD
ORG/ADDRESS : Rear Detachment, 1/327 Infantry Battalion, Fort Campbell, KY 42223

(b)(6) (b)(7)(C) I, _SSG (b)(6) (b)(7)(C) _, want to make the following statement under oath: On or about May 15, 2008 an investigation was started on a possible murder of an Iraqi National. It involved members of 5th PLT. D. Company 1-327 Infantry Battalion. During the investigation Information was circulating around the F.O.B. about different scenarios that took place. Some of the information was coming from soldiers at the Battalion level and Company level. On one occasion I had spoken to (b)(6) (b)(7)(C) (b)(3) about what had happened and he mentioned very little in the way of specifics, he did mention that Lt. Behenna and SSG. Warner had killed a Local National, that's all he mentioned. On or about the beginning of June 08, I saw lt behenna in the chowhall at fob speicher, we talked briefly about what had taking place and he said that he shot the guy and he didn't feel bad for what he did because 2 of his guys had been killed, and would do it again if he had too. A couple days later I saw him again in the chowhall and he only talked about the possibilities of what could happen such as going to prison and it was a chance he would take. On or about late May 08, during (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) were talking about the events that took place. It was said that 5th plt. was tasked with taking two detainees back to where they were detained and release them. It was said that only one detainee was dropped off in mezra and the remaining detainee was kept in lt. behennas truck and that he and some unknown members of his plt., just mentioned as guys he could trust. They said that the individual was tortured and later shot 2 times and a grenade was placed under his head. Also mentioned in the meeting that he had moved guys he could trust into his truck, and changed the order of movement for his vehicles.

Q: SA (b)(6) (b)(7)(C)
A: SSG (b)(6) (b)(7)(C)
Q: Did you type the above narrative?
A: Yes.
Q: Do you know 1LT BEHENNA?
A: Yes, I know him as a Platoon Leader in D company.
Q: What is your relationship with 1LT BEHENNA?
A: Just a work related relationship.
Q: Exactly what did 1LT BEHENNA tell you the first time you talked to him about the death of the local national?
A: We were setting down eating chow in the chow hall and I specifically asked could he talk about why he was in trouble and he said he couldn't talk about is completely because it was still under investigation but he had shot a guy and would do it again because he had lost two guys. (b)(6) (b)(7)(C)

EXHIBIT 122

(b)(6) (b)(7)(C) "Statement of _SSG (b)(6) (b)(7)(C) _, taken on _18 Aug 08 at Fort Campbell CID, Fort Campbell, KY 42223 Continued:"

Then he went on to tell me that he hadn't been arrested and that he was the OIC for the gates guards for FOB SPIECHER.

Q: Did 1LT BEHENNA say anything else to you about this incident during this conversation?

A: No.

Q: Exactly what did 1LT BEHENNA tell you the second time you talked to him about the death of the local national?

A: We didn't talk about how the local national was killed we only talked about what could happen to him. We were in the chowhall and I asked him what could happen to him with his situation, reffering to the death of the local national and he told me he could go to jail but that was a chance he was willing to take because he had lost two soldiers and he felt like what he had done was right. He then told me he didn't have any remorse for killing the local national because he had lost two guys.

Q: Did 1LT BEHENNA ever tell you how he killed the local national?

A: Yes, he told me he shot the local national twice. He told me this during this first conversation.

Q: Did 1LT BEHENNA tell you exactly where he shot the local national?

A: No.

Q: Did 1LT BEHENNA tell you geographically where he had shot the local national?

A: No.

Q: Did 1LT BEHENNA tell you the name of the local national he had shot?

A: No.

Q: Did 1LT BEHENNA tell you exactly why he had shot the local national?

A: He only talked about himself and never about any of his soldiers and he never implied anyone else was involved in the killing of the local national. However during the company meeting

(b) (7)(D)

Q: Do you know SSG WARNER?

A: All I know about him is that he is in D Company 1/327 Infantry Battalion. I've never spoke with him.

Q: Do you know if SSG WARNER had any involvement with the death of a the local national 1LT BEHENNA had shot twice?

A: I heard in the company meeting that SSG WARNER placed a Thermite or fragmentary grenade under the local nationals head or under his body from (b)(6) (b)(7)(C) (b)(3) This was common knowledge around the FOB.

Q: Is everything in your statement true?

A: Yes.

Q: Is there anything else you would like to add to your statement at this time?

A: When I arrived back to Fort Campbell in the middle of Jul 08, I saw (b)(6) (b)(7)(C) (b)(3) and he asked me what was going on with 5th Platoon and I told him pretty much everything I've put in this statement.

Q: Is there anything else you would like to add to your statement at this time? (b)(6) (b)(7)(C)

EXHIBIT 122

000479

(b)(6) (b)(7)(C) "Statement of _SSG (b)(6) (b)(7)(C), taken on _18 Aug 08 at Fort Campbell CID, Fort Campbell, KY 42223 Continued:"
A:No///END OF STATEMENT/// (b)(6) (b)(7)(C)

AFFIDAVIT

(b)(6) (b)(7)(C) _SSG (b)(6) (b)(7)(C) 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)
(Signature of Person Making Statement)

WITNESSES:

_____

_____

_____
ORGANIZATION AND ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _18_th day of _Aug_, 2008 at Fort Campbell CID, Fort Campbell, KY 42223

(b)(6) (b)(7)(C)
(Signature of Person Administering Oath)

SA (b)(6) (b)(7)(C)
(Typed Name of Person Administering Oath)

10 USC § 936
(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT: (b)(6) (b)(7)(C)

EXHIBIT 122

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 1 PAGES

DETAILS

About 1604, 1 Sep 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a compact disc containing a unit roll number (URN) spread sheet, and the Blue Force Tracker report pertaining to the URN's 761726 and 761725, which were reported as being assigned to the 5th PLT, D CO, 1-327th INF. The report documented positional grid coordinates for URN 761726 between 1547 and 1703, 16 May 08. Further, the report documented positional grid coordinates for URN 761725 between 1548 and 1711, 16 May 08. No other activity was reported on 16 May 08, pertaining to both URN's. (b)(6) (b)(7)(C) (b)(3) further explained there was no way of indicating if the Blue Force Tracker system was manually turned off or if it automatically shut down due to mechanical failure.

About 1200, 3 Sep 08, this office received the USACIL Trace Evidence Final Report. The report revealed the grenade remains recovered at the death scene by Iraqi Police and metal pieces recovered at the death scene by CID Special Agents, were consistent in their morphological characteristics and elemental comp0osition with the post-combustion of an AN-M14 TH3 incendiary hand grenade and the remains of the "control" post-combusted AN-M14 TH3 incendiary hand grenade provided by this office. Further examination of the gauze pads recovered at the death scene by CID Special Agents, also revealed the presence of several composition of a post-combusted AN-M14 TH3 incendiary grenade.

About 1200, 3 Sep 08, this office received the USACIL DNA Branch Final Report. The report revealed blood was identified on the bullet recovered from the death scene. Blood was also discovered on the rocks and gauze pads recovered from the death scene. A chemical indication of blood was discovered on SSG WARNER's knife. A DNA profile was obtained from the bullet, both rocks, and gauze pads, which was consistent with originating from an unknown individual that genetically types as male. Although DNA was extracted from SSG WARNER's knife, a profile could not be obtained due to lack of genetic typing information. ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION:
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	(b)(6) (b)(7)(C) (b)(3)
	DATE: 3 Sep 08
	EXHIBIT: 123

Exhibit(s) 124 and 125

Page(s) 000482 thru 000584 referred to:

Directorate of Human Resources
Attn: FOIA Officer
91 Michigan Avenue
Fort Campbell, KY 42223-5634

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-TE 18 August 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

EXHIBITS:

3 - Grenade piece (Item 2, Doc 0588-08).
11 - Remains of a "control" AN-M14 TH3 incendiary grenade (Item 1, Doc 0590-08).
12 - Metal pieces (Item 1, Doc 0594-08).
13 - Metal pieces (Item 2, Doc 0594-08).
16 - Gauze pads (Item 5, Doc 0594-08).

FINDINGS:

1. For reference purposes, the AN-M14 TH3 (thermate) incendiary hand grenade is composed of three basic components: a thin, cylindrical sheet metal grenade body; an M201A1 igniting fuze; and an incendiary filler mixture. The M201A1 igniting fuze contains three essential pyrotechnic mixtures: a primer, a delay element, and an ignition mixture. The incendiary main body filler mixture consists of two essential pyrotechnic mixtures: a starter mixture (First-Fire Mixture VII) and a thermate (TH3) mixture. The AN-M14 TH3 incendiary hand grenade is functioned by pulling the safety pin which releases the safety lever allowing the striker to spring forward and strike the primer. The primer initiates a chain reaction igniting the delay element, the ignition mixture, the starter mixture, and the thermate mixture. The thermate mixture proceeds by an aluminothermic reaction between powdered aluminum and a metal oxide which can burn at temperatures up to approximately 4,000

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 126 000585

CILA-TE
SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

degrees Fahrenheit and produces white-hot molten iron/slag. The slag produced by the initiation of an AN-M14 TH3 incendiary hand grenade primarily contains the elements aluminum (Al), silicon (Si), barium (Ba), and iron (Fe) with sulfur (S), titanium (Ti), and lead (Pb) as accessory elements.

2. Examination of the contents of Exhibit 11 (AN-M14 TH3 "control") disclosed the presence of gray slag which was consistent in its morphological characteristics and elemental composition with laboratory standards of the post-combustion remains from an AN-M14 TH3 incendiary hand grenade. Exhibit 11 did not contain the remnants of the AN-M14's M201A1 igniting fuze body.

3. Examination of the contents of Exhibits 3 (grenade piece), 12 (metal pieces), and 13 (metal pieces) disclosed the following:

a. Exhibit 3 contained the remains of an M201A1 igniting fuze body or a like fuze body. The M201A1 igniting fuze is used in several different chemical grenades, which includes the AN-M14 TH3 incendiary hand grenade. The primer housing, inside the M201A1 igniting fuze body, bore the head stamps: "W.R.A." and "MARK V". This primer housing was found to be similar to all three primer housings in each laboratory post-combustion AN-M14 TH3 incendiary hand grenade standard.

b. Exhibit 3 contained the partial remains of the top rimmed section of the thin, cylindrical sheet metal container attached to the fuze body. The diameter of the container which this item originated from was determined to be approximately 2-1/2 inches (O.D.). This diameter is physically consistent with the cylindrical diameter of the AN-M13 TH3 incendiary hand grenade.

c. Exhibits 3, 12, and 13 each contained pieces of gray slag that were consistent in their morphological characteristics and elemental composition with laboratory standards of the post-combustion AN-M14 TH3 incendiary hand grenade and the remains of Exhibit 11 ("control").

EXHIBIT 126

CILA-TE
SUBJECT: Trace Evidence Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

4. Examination of the soiled gauze pads identified as Exhibit 16 revealed several small dark gray particles within the weave structure. These particles were determined to be consistent in elemental composition with laboratory standards of the post-combustion AN-M14 TH3 incendiary hand grenade and the remains of Exhibit 11 ("control").

5. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

(b)(6) (b)(7)(C) (b)(3)

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA 13 August 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COD SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

EXHIBITS:

9 - Bullet (Item 1, Doc 0589-08).
14 - Rock (Item 3, Doc 0594-08).
15 - Rock (Item 4, Doc 0594-08).
16 - Gauze pads (Item 5, Doc 0594-08).
18 - Knife from WARNER (Item 1, Doc 0593-08).
19 - Knife with sheath from WARNER (Item 2, Doc 0593-08).
19(1) - Knife.
19(2) - Sheath.
20 - Knife from BEHENNA (Item 1, Doc 0592-08).
21 - Multi-tool with case from BEHENNA (Item 2, Doc 0592-08).
21(1) - Multi-tool.
21(2) - Case.

FINDINGS:

1. Blood was identified on the bullet, both rocks and gauze pads.

2. A chemical indication of blood was obtained on the knife (Exhibit 18).

3. No blood was detected on the knife (Exhibit 19(1)), sheath (Exhibit 19(2)), knife (Exhibit 20) and multi-tool.

[redacted]

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 127 000588

CILA-DNA
SUBJECT: DNA Branch – Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

4. No stains of apparent evidentiary value were observed on the case (Exhibit 21(2)).

5. DNA (deoxyribonucleic acid) was extracted from the bullet, both rocks, gauze pads and knife (Exhibit 18).

6. DNA profiles were obtained using PCR (polymerase chain reaction) technology on the fifteen STR (short tandem repeat) loci D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, FGA, and the gender identification locus Amelogenin.

7. The DNA profile obtained from the bullet, both rocks and gauze pads is consistent with originating from an unknown individual that genetically types as male.

8. The DNA profile obtained from the knife (Exhibit 18) could not be conclusively interpreted due to mixture complexity and lack of genetic typing information.

9. The above listed exhibits will be returned to the submitting agency upon completion of laboratory testing. Retain the swab of the knife (Exhibit 18) prepared during analysis with the evidence.

10. The DNA results may be compared to other potential DNA contributors when suitable standards for comparison are submitted to this laboratory.

11. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email:

EXHIBIT 127 000589

CILA-DNA
SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

usacil@conus.army.mil.

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT 127

FOR OFFICIAL USE ONLY
Law Enforcement Sensitive

AGENT'S INVESTIGATIVE REPORT
CID Regulation 195-1

ROI NUMBER 0205-08-CID024-

DETAILS:

BASIS FOR INVESTIGATION: On 15 Aug 08, this office received a Request for Assistance (RFA), from the 38th Military Police (MP) Detachment (CID), COB Speicher, Tikrit, Iraq, requesting this office conduct a local law enforcement check pertaining to 1LT Michael C. BEHENNA (b)(6) (b)(7)(C) (b)(3) D Company, 1/327th Infantry Regiment, 1/101st Brigade Combat (b)(6) (b)(7)(C) (b)(3) Team, Iraq. 1LT BEHENNA was currently the suspect of murder in Report of Investigation 066-08-CID469-51987. 1LT BEHENNA reportedly attended college at the University of Central Oklahoma. It was further requested this office coordinate with the university to determine 1LT BEHENNA's actual dates of attendance and if he had any adverse record with the university.

About 0900, 19 Aug 08, Ms. (b)(6) (b)(7)(C) Criminal Intelligence Coordinator (CIC), this office, conducted a check of the local law enforcement files and the Regional Organized Crime Information Center (ROCIC), which revealed no derogatory information pertaining to 1LT BEHENNA.

About 0945, 20 Aug 08, SA (b)(6) (b)(7)(C) this office, coordinated with Ms. (b)(6) (b)(7)(C) Coordinator of Academic Records, University of Central Oklahoma (UCO), 110 N. University Drive, Edmond, OK 73034 (EOK), who conducted a review of the university records, which showed 1LT BEHENNA attended school from August 2002 thru May 2006. 1LT BEHENNA received a Bachelor of Science degree on 5 May 2006.

About 1135, 20 Aug 08, SA (b)(6) (b)(7)(C) coordinated with Mr. (b)(6) (b)(7)(C) Student Conduct, UCO, EOK, who indicated his office would need a written request before providing any conduct information pertaining to 1LT BEHENNA. A request was subsequently forwarded to Mr (b)(6) (b)(7)(C)

About 1400, 22 Aug 08, SA (b)(6) (b)(7)(C) coordinated with Mr. (b)(6) (b)(7)(C) who related he forwarded the request to the legal department for review and action.

About 1120, 27 Aug 08, SA (b)(6) (b)(7)(C) coordinated with Mr. (b)(6) (b)(7)(C) Senior Legal Counsel, UCO, EOK, who related his office received the request from Mr (b)(6) (b)(7)(C) but due to federal privacy laws, his office could not provide the requested information. Mr. (b)(6) (b)(7)(C) indicated his office wanted to cooperate, but was restricted to providing

TYPED NAME, SEQUENCE NUMBER
SA (b)(6) (b)(7)(C) (b)(7)(E)

ORGANIZATION
90th Military Police Detachment (CID)
Fort Sill, OK 73503

SIGNATURE (b)(6) (b)(7)(C)

DATE 9 Sep 08

EXHIBIT 128

AGENT'S INVESTIGATIVE REPORT

CID Regulation 195-1

ROI NUMBER 0205-08-CID024-

DETAILS:

attendance dates, and could not provide information on adverse actions. Mr. (b)(6) (b)(7)(C) recommended this office coordinate with the Edmond Police Department to determine if they had any pertinent information.

About 0820, 4 Sep 08, SA (b)(6) (b)(7)(C) coordinated with SA (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(3) and briefed him on the status of this RFA. SA (b)(6) (b)(7)(C) related that since the Senior Legal Counsel for the University stated they were not able to provide the information due to privacy act laws, he requested this office coordinate with the Edmond Police Department to determine if there were any incidents involving 1LT BEHENNA. SA (b)(6) (b)(7)(C) stated that once coordination with the Edmond Police Department was completed, no further investigative assistance was needed and this office could close the RFA.

About 1110, 9 Sep 08, SA (b)(6) (b)(7)(C) received a Department Incident Report, #200405490, from the Edmond Police Department, 23 E 1st Street, Edmond, OK 73034, pertaining to 1LT BEHENNA. The report was concerning an incident in which 1LT BEHENNA and his two brothers were the subjects of simple assault and battery. The report was dated 7 Nov 04, wherein there was a municipal summons for assault and battery, which went into mediation before being dismissed without cost. Additionally, the Edmond Police Department reported there was a fireworks violation on 8 Jun 01, but no reports were provided.
///Last Entry///

TYPE	ORGANIZATION
SA (b)(6) (b)(7)(C) (b)(7)(E)	90th Military Police Detachment (CID) Fort Sill, OK 73503
SIGNATURE (b)(6) (b)(7)(C)	DATE: 9 Sep 08 / EXHIBIT: 128

CID FORM 94-E
(Automated)

000592
encl 1

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1* FOR OFFICIAL USE ONLY – Law Enforcement Sensitive	ROI NUMBER 0066-08-CID469-51978 Page 1 of 1 Page

DETAILS

About 1450, 14 Oct 08, this office received the Final Report from the Firearms Branch, USACIL, which determined both cartridges collected from the death scene were fired from the 9mm Glock, serial number GWY 473. The examination further disclosed the weapon was functioning properly. The examination of the bullet failed to disclose significant individual characteristics for identification or elimination.

Agent's Comment: The 9mm Glock, serial number GWY 473, was identified by (b)(6) (b)(7)(C) (b)(3) [redacted] the pistol he assigned 1LT BEHENNA for missions.///LAST ENTRY///

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3) [redacted]	DATE 14 Oct 08	EXHIBIT 129

FOR OFFICIAL USE ONLY – LAW ENFORCEMENT SENSITIVE

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-FA 27 August 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

EXHIBITS:

1 - Pistol; 9mm Beretta, SN: 1353496 (Item 1, Doc 0587-08).
2 - Cartridge case; 9mm (Item 1, Doc 0588-08).
4 - Pistol; 9mm Glock, SN: GWY473 (Item 1, Doc 0591-08).
5 - Pistol; 9mm Glock, SN: GWY469 (Item 2, Doc 0591-08).
6 - Pistol; 9mm Glock, SN: GWY209 (Item 3, Doc 0591-08).
7 - Pistol; 9mm Glock, SN: GWY679 (Item 4, Doc 0591-08).
8 - Magazine; 9mm Glock (Item 5, Doc 0591-08).
9 - Bullet; 9mm (Item 1, Doc 0589-08).
10 - Cartridge case; 9mm (Item 2, Doc 0589-08).
17 - Six cartridges; 9mm (Item 1, Doc 0585-08).

FINDINGS:

1. Examination of Exhibit 4 (Pistol) disclosed that it is operational with its incorporated safety features working properly. The trigger pull is approximately 6.5 pounds. Exhibit 4 was test fired using Exhibit 8 (Magazine) and the test fired bullets and cartridge cases were recovered.

2. Examination of Exhibits 1, 5-7 (Pistols) disclosed that they are operational with their incorporated safety features working properly.

3. Microscopic examination of Exhibits 2 and 10 (Cartridge cases) disclosed that they were fired in Exhibit 4.

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 000594

CILA-FA
SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2008-CID131-1346
Submitter Case Number 0066-08-CID469-51978

4. Examination of Exhibit 17 (Cartridges) disclosed that they are unfired, intact and designed for use in Exhibit 1, 4-7 (Pistols).

5. Examination of Exhibit 9 (Bullet) disclosed that it is consistent with a 9mm bullet that was fired from a barrel with the class characteristics of six polygonal rifled lands and grooves, such as a Glock or firearm with similar rifling. Microscopic examination of Exhibit 9 failed to disclose significant individual characteristics for identification or elimination.

6. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

EXHIBIT

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 1 PAGES

DETAILS

About 1603, 10 Nov 08, this office received a Garries Notice from USACIL. The Garries Notice detailed the DNA analysis of a stain from the boots of 1LT BEHENNA would result in the consumption of the entire stain.

About 1500, 12 Nov 08, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who was of (b)(5)

(b)(5)

About 1833, 13 Nov 08, this office received a Garries Notice from USACIL. The Garries Notice detailed the DNA analysis of a stain from the groin protector of 1LT BEHENNA would result in the consumption of the entire stain.

At 1400, 17 Nov 08, (b)(6) (b)(7)(C) (b)(3) collected two bags of clothing previously owned by Mr. MANSOUR, as evidence, from Mr. (b)(6) (b)(7)(C) ///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION:
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	(b)(6) (b)(7)(C) (b)(3)
	DATE: 17 Nov 08 / EXHIBIT: 131

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA 29 October 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32nd MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Analysis of USACIL Laboratory Case 2008-CID131-1346
Submitter Case Number 0066-07-CID469-51978

This is to inform you that DNA analysis of a stain from the boots of BEHENNA (Doc. 0734-08 Item 2 of 13) will result in consumption of the entire stain. In compliance with US v. GARRIES please notify the supporting Staff Judge Advocate or Legal Office that the evidence will be consumed. Please reply via email (b)(6) (b)(7)(C) (b)(3) fax (b)(6) (b)(7)(C) (b)(3) or by phone (b)(6) (b)(7)(C) (b)(3) within seven (7) working days. **The analysis will automatically be conducted if no word is received from you or your legal authorities within these seven (7) working days. Analysis will begin on 10 November 2008 on the stain from the boots of BEHENNA if no word is received from you or your legal authorities.**

If an affirmative reply is received (i.e. observation of testing is requested), the Staff Judge Advocate has **thirty (30) days** to make the necessary arrangements to observe the DNA testing.

(b)(6) (b)(7)(C) (b)(3)

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 132

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA 13 November 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32nd MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: Analysis of USACIL Laboratory Case 2008-CID131-1346
Submitter Case Number 0066-07-CID469-51978

This is to inform you that DNA analysis of a stain from the groin protector of BEHENNA (Doc. 0734-08 Item 8 of 13) will result in consumption of the entire stain. In compliance with US v. GARRIES please notify the supporting Staff Judge Advocate or Legal Office that the evidence will be consumed. Please reply via email (b)(6) (b)(7)(C) (b)(3) fax (DSN: (b)(6) (b)(7)(C) (b)(3) or by phone (b)(6) (b)(7)(C) (b)(3) within seven (7) working days. **The analysis will automatically be conducted if no word is received from you or your legal authorities within these seven (7) working days. Analysis will begin on 24 November 2008 on the stain from the boots of BEHENNA if no word is received from you or your legal authorities.**

If an affirmative reply is received (i.e. observation of testing is requested), the Staff Judge Advocate has **thirty (30) days** to make the necessary arrangements to observe the DNA testing.

(b)(6) (b)(7)(C) (b)(3)

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

EXHIBIT 133

AGENT'S INVESTIGATION REPORT

CID Regulation 195-1

ROI NUMBER
0066-08-CID469-51978

PAGE 1 OF 1 PAGES

DETAILS

About 1651, 9 Dec 08, (b)(6) (b)(7)(C) (b)(3) received USACIL DNA Branch final examination report # 2008-CID131-1346 A2/A3/A4. The report indicated there was blood identified on various items belonging to 1LT BEHENNA and unknown DNA profiles were obtained from the blood. Further testing will compare the unknown DNA profiles to known DNA of Mr. MANSOUR upon receipt.

About1032, 13 Feb 09, (b)(6) (b)(7)(C) (b)(3) received USACIL DNA Branch final examination report # 2008-CID131-1346 A5/A6/A7. The report indicated the clothing from Mr. MANSOUR turned out to be unsuitable for comparison to the unknown profile that was obtained from crime scene evidence. A Y-STR DNA analysis was conducted on the evidence from the buccal swabs from Mr. (b)(6) (b)(7)(C) of Mr. MANSOUR. The Y-STR DNA profiles from the rock and Mr. (b)(6) (b)(7)(C) were the same. Since the Y-STR profile is inherited by males from their father and brothers have the same Y-STR profile.

About 1000, 20 Feb 09, this office received the results of trail pertaining to SSG WARNER and the offenses committed in this investigation. On 18 Feb 09, under a General Court-Martial, SSG WARNER received a sentence to be reduced to E1; forfeit all pay and allowances; confined for 17 months; and to be discharged from the service with a bad-conduct discharge. ///LAST ITEM///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)	(b)(6) (b)(7)(C) (b)(3)
	DATE: 20 Feb 08
	EXHIBIT: 134

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA

3 December 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COB SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346-A2/A3/A4
Submitter Case Number 0066-08-CID469-51978

EXHIBITS:

24 - Boots of WARNER (Item 1, Doc 0733-08).
25 - Camel back of WARNER (Item 2, Doc 0733-08).
26 - Vest of WARNER (Item 3, Doc 0733-08).
27 - Body armor of WARNER (Item 4, Doc 0733-08).
28 - Gloves of WARNER (Item 5, Doc 0733-08).
29 - Helmet cover of WARNER (Item 6, Doc 0733-08).
30 - Jacket of WARNER (Item 7, Doc 0733-08).
31 - Trousers of WARNER (Item 8, Doc 0733-08).
32 - Trousers of WARNER (Item 9, Doc 0733-08).
33 - Shirt of WARNER (Item 10, Doc 0733-08).
34 - Pouches of WARNER (Item 11, Doc 0733-08).
35 - Pouch of WARNER (Item 12, Doc 0733-08).
36 - Boots of WARNER (Item 13, Doc 0733-08).
37 - Helmet cover and band of BEHENNA (Item 1, Doc 0734-08).
37(1) - Helmet cover.
37(2) - Band.
38 - Boots of BEHENNA (Item 2, Doc 0734-08).
38(1) - Left boot.
38(2) - Right boot.
39 - Boots of BEHENNA (Item 3, Doc 0734-08).
40 - Gloves of BEHENNA (Item 4, Doc 0734-08).
41 - Gloves of BEHENNA (Item 5, Doc 0734-08).
42 - Trousers of BEHENNA (Item 6, Doc 0734-08).
42(1) - Trousers.
42(2) - Trousers.

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

(b)(6) (b)(7)(C) (b)(3) [redacted]

EXHIBIT
135

CILA-DNA
SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346-A2/A3/A4
Submitter Case Number 0066-08-CID469-51978

42(3) - Trousers.
42(4) - Trousers.
43 - Knee pads of BEHENNA (Item 7, Doc 0734-08).
43(1) - Knee pad.
43(2) - Knee pad.
44 - Groin protector of BEHENNA (Item 8, Doc 0734-08).
45 - Pouch of BEHENNA (Item 9, Doc 0734-08).
46 - Pouches of BEHENNA (Item 10, Item 0734-08).
47 - Pouches of BEHENNA (Item 11, Doc 0734-08).
47(1) - Pouch.
47(2) - Pouch.
48 - Vest of BEHENNA (Item 12, Doc 0734-08).
49 - Body armor of BEHENNA (Item 13, Doc 0734-08).
50 - Toothbrush of Ali Mansour (Item 1, Doc 0704-08).
51 - Buccal swabs (b)(6) (b)(7)(C) (b)(3) (Item 1, Doc 0790-08).
52 - Hair sample of (b)(6) (b)(7)(C) (b)(3) Item 2, Doc 0790-08).

FINDINGS:

1. Blood was identified on the groin protector of BEHENNA and pouch (Exhibit 45) of BEHENNA.

2. A chemical indication of blood was obtained on the left boot of BEHENNA (Exhibit 38(1)) and knee pad (Exhibit 43(1)) of BEHENNA. Immunological testing was not performed on these stains due to limited sample size.

3. No blood was detected on Exhibits 24 through 36, 37(1), 38(2), 39, 40, 42(2 through 4), 47(1), 48 and 49.

4. No stains of apparent evidentiary value were observed on Exhibits 37(2), 41, 42(1), 43(2), 46 and 47(2).

5. No analysis was performed on the hair sample of (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

6. DNA (deoxyribonucleic acid) was extracted from the left boot of BEHENNA (Exhibit 38(1)), knee pad (Exhibit 43(1)), groin protector (stains 1 and 2), pouch of BEHENNA (Exhibit 45), toothbrush of Ali Mansour and buccal swabs of (b)(6) (b)(7)(C) (b)(3)

000601
EXHIBIT 135

CILA-DNA
SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346-A2/A3/A4
Submitter Case Number 0066-08-CID469-51978

7. DNA profiles were obtained using PCR (polymerase chain reaction) technology on the fifteen STR (short tandem repeat) loci D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, FGA, and the gender identification locus Amelogenin.

8. The DNA profile obtained from the knee pad (Exhibit 43(1)) of BEHENNA is consistent with originating from an unknown individual that genetically types as male (Unknown #2).

9. The partial DNA profile obtained from the groin protector of BEHENNA (stain 1) is consistent with the DNA profile from Unknown #2.

10. No further DNA testing was performed on the groin protector (stain 2) due to an insufficient amount of autosomal DNA obtained. The DNA extract will be retained per (b)(6) (b)(7)(C) (b)(3) or future Y-STR analysis.

11. The DNA profile obtained from the pouch of BEHENNA (Exhibit 45) is consistent with originating from an unknown individual that genetically types as male (Unknown #3).

12. The DNA profile obtained from the left boot of BEHENNA (Exhibit 38(1)) is consistent with originating from an unknown individual that genetically types as male (Unknown #4).

13. The unknown DNA profile (Unknown #1) from the DNA final report dated 13 August 2008 for USACIL case number 2008-CID131-1346 is excluded as a source of the DNA obtained from the knee pad (Exhibit 43(1)), groin protector (stain 1), pouch (Exhibit 45) and left boot (Exhibit 38(1)).

14. A mixture of DNA profiles from at least two individuals was obtained from the toothbrush of Ali Mansour. Therefore, the toothbrush is not a suitable standard for comparison purposes.

15. A DNA profile was obtained from the buccal swabs of (b)(6) (b)(7)(C) (b)(3) However, no comparisons were made because this lab does not perform kinship analysis.

EXHIBIT
000602
135

CILA-DNA
SUBJECT: DNA Branch – Final Report
USACIL Case Number 2008-CID131-1346-A2/A3/A4
Submitter Case Number 0066-08-CID469-51978

16. The results may be compared to other potential DNA contributors when suitable standards for comparison are submitted to this laboratory.

17. The above listed exhibits will be returned to the CID office at Ft. Campbell as requested by Cpt (b)(6) (b)(7)(C) trial counsel, upon completion of laboratory testing. Retain the swab of the toothbrush prepared during analysis with the evidence.

18. This report was completed at or near the time of forensic examinations(s) and prepared in the ordinary course of business by the person identified below. This report was made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. The point of contact is (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and DSN (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4930 N 31ST STREET
FOREST PARK, GA 30297-5205

CILA-DNA

11 February 2009

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, 32ND MILITARY POLICE DETACHMENT (CID), COD SPEICHER, TIKRIT, IRAQ, APO AE 09393

SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346-A5/A6/A7
Submitter Case Number 0066-08-CID469-51978

EXHIBITS:

9 - Bullet (Item 1, Doc 0589-08) resubmitted as Item 1, Doc 251-08.
14 - Rock (Item 3, Doc 0594-08) resubmitted as Item 3 Doc 255-08.
15 - Rock (Item 4, Doc 0594-08) resubmitted as Item 4 Doc 255-08.
16 - Gauze pads (Item 5, Doc 0594-08) resubmitted as Item 5 Doc 255-08.
44 - Groin protector of BEHENNA (Item 8, Doc 0734-08).
51 - Buccal swabs of (b)(6) (b)(7)(C) (b)(3) Item 1, Doc 0790-08).
53 - Clothing of Ali Mansour (Item 1, Doc 1041-08).
53(1) - Dishdasha.
53(2) - Dishdasha.
53(3) - Dishdasha.
53(4) - Shirt.
53(5) - Shirt.
53(6) - Boxer shorts.
53(7) - Boxer shorts.
53(8) - Long john bottoms.
54 - Blanket and belt of Ali Mansour (Item 2, Doc 1041-08).
54(1) - Blanket.
54(2) - Belt.

FINDINGS:

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

000604 EXHIBIT 136

CILA-DNA
SUBJECT: DNA Branch - Final Report
USACIL Case Number 2008-CID131-1346-A5/A6/A7
Submitter Case Number 0066-08-CID469-51978

1. A chemical indication of blood was obtained on the rock (Exhibit 14).

2. No analysis was performed on Exhibits 15, 16, 54(1), and 54(2). See DNA final report dated 13 August 2008 for USACIL case number 2008-CID131-1346 for previous analysis of Exhibits 15 and 16.

3. DNA (deoxyribonucleic acid) was extracted from the neck and left and right armpit areas (Exhibits 53(1), 53(4), 53(5)), the left and right armpit areas (Exhibits 53(2) and 53(3)) and the inside waistband (Exhibits 53(7) and 53(8)) of the clothing of Ali Mansour.

4. DNA profiles were obtained using PCR (polymerase chain reaction) technology on the fifteen STR (short tandem repeat) loci D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, FGA, and the gender identification locus Amelogenin.

5. No further DNA testing was performed on the shirt (Exhibit 53(4) left armpit) and shirt (Exhibit 53(5) neck area and right armpit) due to an insufficient amount of DNA obtained.

6. A mixture of DNA profiles from at least two individuals was obtained from the swabs of the clothing of Ali Mansour (Exhibits 53(1) neck area and left and right armpits, 53(2) left and right armpits, 53(3) left and right armpits, 53(4) neck area, 53(7) inside waistband, and 53(8) inside waistband. Therefore, the clothing is not a suitable secondary standard for comparison purposes.

7. The DNA profile obtained from the shirt (Exhibit 53(5) left armpit) could not be conclusively interpreted due to a lack of genetic typing information.

8. No DNA results were obtained from the swab of the right armpit from the shirt (Exhibit 53(4)) due to degraded and/or insufficient amount of DNA present in the sample.

000605 EXHIBIT 130

CILA-DNA
SUBJECT: DNA Branch – Final Report
USACIL Case Number 2008-CID131-1346-A5/A6/A7
Submitter Case Number 0066-08-CID469-51978

9. DNA profiles were obtained from the rock (Exhibit 14), groin protector of BEHENNA (stain 2) and buccal swabs of (b)(6) (b)(7)(C) (b)(3) using PCR (polymerase chain reaction) technology on the seventeen Y-STR loci DYS456, DYS389(I), DYS390, DYS389(II), DYS458, DYS19, DYS385(a/b), DYS393, DYS391, DYS439, DYS635, DYS392, Y GATA H4, DYS437, DYS438 and DYS448.

10. Exhibit 9 was not suitable for Y-STR DNA analysis.

11. The Y-STR DNA profile obtained from the rock (Exhibit 14) matches the Y-STR profile from (b)(6) (b)(7)(C) (b)(3) Therefore, (b)(6) (b)(7)(C) (b)(3) and his paternal male relatives are not excluded as potential DNA donors to this sample.

Utilizing the Applied Biosystems Yfiler Haplotype Database, consisting of 1276 Caucasian, 985 Black and 597 Hispanic individuals, the selected Y-STR profile was observed 0 times in all three population groups. Applying a 95% upper confidence interval results in an estimated frequency of approximately:

1 in 426 Caucasian individuals
1 in 329 Black individuals
1 in 199 Hispanic individuals.

12. The Y-STR DNA profile obtained from the groin protector of BEHENNA (stain 2) could not be conclusively interpreted due to a lack of genetic typing information.

13. The above listed exhibits will be returned to the CID office at Ft. Campbell as requested by Cpt. (b)(6) (b)(7)(C) trial counsel, upon completion of laboratory testing. Retain the swabbings of the clothing prepared during analysis with the evidence.

14. This report was completed at or near the time of forensic examinations and prepared in the ordinary course of business by the person identified below. This report was made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory.

CILA-DNA
SUBJECT: DNA Branch – Final Report
USACIL Case Number 2008-CID131-1346-A5/A6/A7
Submitter Case Number 0066-08-CID469-51978

The point of contact is (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

000607 EXHIBIT 120

Exhibit 137

Page(s) 000608 and 000609 referred to:

U.S. Army Judiciary
Office of the Clerk of Court

Attn: JALS-CCO

9275 Gunston Road

Fort Belvoir, VA 22060

AGENT'S INVESTIGATION REPORT *CID Regulation 195-1*	ROI NUMBER 0066-08-CID469-51978 PAGE 1 OF 1 PAGES

DETAILS

About 0957, 3 Apr 09, CPT (b)(6) (b)(7)(C) 3rd MP Group SJA, provided the following (b)(5)

(b)(5)

(b)(5) CPT (b)(6) (b)(7)(C) related Mr. (b)(6) (b)(7)(C) was present during the death of Mr. MANSOUR; however, he did not take part in any of the events and he eventually came forward and notified law enforcement of everything that occurred at the scene.

About 0900, 13 Apr 09, this office received the results of trial pertaining to 1LT BEHENNA and the offenses committed in this investigation. On 27 Feb 09, under a General Court-Martial, 1LT BEHENNA received a sentence to forfeit all pay and allowances; confined for 25 years; and to be discharged from the service.
///LAST ENTRY///

TYPED AGENT'S NAME AND SEQUENCE NUMBER	ORGANIZATION:
(b)(6) (b)(7)(C) (b)(3), (b) (7)(E) (b)(6) (b)(7)(C) (b)(3)	
	DATE: 13 Apr 09
	EXHIBIT: 138

Exhibit 139

Page(s) 000611 thru 000612 referred to:

U.S. Army Judiciary
Office of the Clerk of Court

Attn: JALS-CCO

9275 Gunston Road
Fort Belvoir, VA 22060

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:

Director
☐ USACIL
4930 N. 31st Street
Forest Park, GA 30297-5205

☒ Other *(Specify)*:

Serology

2. FROM:

Special Agent in Charge
38yh MP Det (CID)
COB Speicher, Tikrit, Iraq
APO AE 09393

3. RETURN EVIDENCE TO:

Commander, 11th MP BN (CID)
ATTN: Evidence Custodian
Camp Victory, Iraq
APO AE 09432

4. EXAM PRIORITY

◯ ROUTINE
◉ EXPEDITE

☐ Trial/Article 32/39A (*)
☐ Subject in pre-trial confinement
☐ Subject pending PCS/ Separation/Reenlist (*)
☒ Other (Specify in Block 13)

*Date _____

5. LAB USE ONLY

a. LAB CASE #

b. METHOD OF RECEIPT

c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER

0066-08-CID469-51978

7. TYPE OF OFFENSE

Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-08-12	Registered Mail	2008-CID131-1346	WARNER, Hal Mitchell BEHENNA, Michael Chase

9. SUSPECT(S) *[Last, first and middle name(s)]*

WARNER, Hal Mitchell
BEHENNA, Michael Chase

10. VICTIM(S) *[Last, first and middle name(s)]*

AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED *(e.g., Summary of investigation, crime scene sketches/photographs, statements)*

Evidence collected was believed to have been worn by and contain possible DNA of Mr. MANSOUR.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
53	Bag (Item 1, Voucher _____)
54	Bag (Item 2, Voucher _____)

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:

Director
USACIL
4930 N. 31st Street
Forest Park, GA 30297-5205

☐ Other *(Specify)*:

2. FROM:

Special Agent in Charge
38th MP Det (CID)
COB Speicher, Tikrit, Iraq
APO AE 09393

3. RETURN EVIDENCE TO:

Commander, 10th MP BN (CID)
ATTN: Evidence Custodian
Camp Victory, Iraq
APO AE 09432

4. EXAM PRIORITY

◯ ROUTINE
◉ EXPEDITE

☒ Trial/Article 32/39A (*)
☐ Subject in pre-trial confinement
☐ Subject pending PCS/ Separation/Reenlist (*)
☐ Other (Specify in Block 13)

*Date 2009-02-16

5. LAB USE ONLY

a. LAB CASE #

b. METHOD OF RECEIPT

c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER

0066-07-CID469-51978

7. TYPE OF OFFENSE

Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-11-17	Registered Mail	2008-CID131-1346	WARNER, Hal Mitchell BEHENNA, Michael C.

9. SUSPECT(S) *[Last, first and middle name(s)]*

WARNER, Hal Mitchell
BEHENNA, Michael C.

10. VICTIM(S) *[Last, first and middle name(s)]*

AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED *(e.g., Summary of investigation, crime scene sketches/photographs, statements)*

See initial report.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
14	Jar with rock (Item 3, VO 0894-08)
15	Jar with rock (Item 4, VO 0594-08)
16	Jar with gauze pads (Item 5, VO0594-08)

DD FORM 2922, JUL 2006

REPLACES DA FORM 3655, AF FORM 1880, AND NCIS FORM 5580/29, WHICH ARE OBSOLETE.

Adobe Designer 7.0

EXHIBIT 190

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Serology: Please re-examine Exhibits 14-16, performing Y-STR analysis on them.

EXPEDITE: Due to the command interest generated by this investigation and the potential media coverage it is requested all examinations be expedited in order for prosecution to go forward in a timely manner.

Conduct any further examination you deem necessary.

14.a. INVESTIGATOR AND ALTERNATE POC *(Typed or Printed) (Mandatory Information)*

(b)(6) (b)(7)(C) (b)(3)

b. TELEPHONE *(Primary/Alt)*:

c. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)

d. Fax:

e. E-Mail: (b)(6) (b)(7)(C) (b)(3)

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE: 2009-02-03

b. TYPED/PRINTED NAME OF REQUESTOR: (b)(6) (b)(7)(C) (b)(3)

c. TELEPHONE *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)

DSN *(Primary/Alt)*:

Fax:

E-Mail: (b)(6) (b)(7)(C) (b)(3)

16. LAB USE ONLY

LAB CASE #

DD FORM 2922 (BACK), JUL 2006

EXHIBIT 000615 C10

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
☒ Director USACIL 4930 N. 31st Street Forest Park, GA 30297-5205 ☐ Other *(Specify)*:	Special Agent in Charge 38th MP Det (CID) COB Speicher, Tikrit, Iraq APO AE 09393 3. RETURN EVIDENCE TO: Commander, 10th MP BN (CID) ATTN: Evidence Custodian Camp Victory, Iraq APO AE 09432	○ ROUTINE ◉ EXPEDITE ☒ Trial/Article 32/39A (*) ☐ Subject in pre-trial confinement ☐ Subject pending PCS/ Separation/Reenlist (*) ☐ Other (Specify in Block 13) *Date 2009-02-16	a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER	7. TYPE OF OFFENSE
0066-07-CID469-51978	Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-11-17	Registered Mail	2008-CID131-1346	WARNER, Hal Mitchell BEHENNA, Michael C.

9. SUSPECT(S) *[Last, first and middle name(s)]*	10. VICTIM(S) *[Last, first and middle name(s)]*
WARNER, Hal Mitchell BEHENNA, Michael C.	AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (*e.g., Summary of investigation, crime scene sketches/photographs, statements)*

See initial report.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
9	Projectile (Item 1,VO 0589-08)

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Serology: Please examine Exhibits 9 and 25, performing Y-STR analysis on them to see if the profiles are the same.

EXPEDITE: Due to the command interest generated by this investigation and the potential media coverage it is requested all examinations be expedited in order for prosecution to go forward in a timely manner.

Conduct any further examination you deem necessary.

14.a. INVESTIGATOR AND ALTERNATE POC *(Typed or Printed) (Mandatory Information)*	b. TELEPHONE *(Primary/Alt)*:
(b)(6) (b)(7)(C) (b)(3)	c. DSN *(Primary/Alt)* (b)(6) (b)(7)(C) (b)(3)
	d. Fax: (b)(6) (b)(7)(C) (b)(3)
	e. E-Mail

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE	b. TYPED/PRINTED NAME OF REQUESTOR	d. TELEPHONE *(Primary/Alt)*:
2009-02-03	(b)(6) (b)(7)(C) (b)(3)	e. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
		f. Fax: (b)(6) (b)(7)(C) (b)(3)
		g. E-Ma

16. LAB USE ONLY
LAB CASE #

DD FORM 2922 (BACK), JUL 2006

EXHIBIT 000617 140

0066-08-CID469-51978

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
☒ Director USACIL 4930 N. 31st Street Forest Park, GA 30297-5205 ☐ Other *(Specify)*:	Special Agent in Charge 32nd MP Det (CID) COB Speicher, Tikrit, Iraq APO AE 09393 3. RETURN EVIDENCE TO: Commander, 11th MP BN (CID) ATTN: Evidence Custodian Camp Victory, Iraq APO AE 09432	○ ROUTINE ◉ EXPEDITE ☐ Trial/Article 32/39A (*) ☐ Subject in pre-trial confinement ☐ Subject pending PCS/ Separation/Reenlist (*) ☒ Other (Specify in Block 13) *Date _____	a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER	7. TYPE OF OFFENSE
0066-07-CID469-51978	Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):

9. SUSPECT(S) [*Last, first and middle name(s)*]	10. VICTIM(S) [*Last, first and middle name(s)*]
WARNER, Hal Mitchell BEHENNA, Michael C.	AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (*e.g., Summary of investigation, crime scene sketches/photographs, statements*)

See attached initial report.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
1	M-9 Beretta 9mm, serial #1353496 (Item 1, VO 0587-08)
2	9mm shell casing (Item 1, VO 0588-08)
3	Grenade piece (Item 2, VO 0588-08)
4	Glock 9mm, serial # GWY473 (Item 1, VO 0591-08)
5	Glock 9mm, serial # GWY469 (Item 2, VO 0591-08)
6	Glock 9mm, serial # GWY209 (Item 3, VO 0591-08)
7	Glock 9mm, serial # GWY379 (Item 4, VO 0591-08)
8	Magazine (Item 5, VO 0591-08)
9	Projectile (Item 1,VO 0589-08)
10	9mm shell casing (Item 2, VO 0589-08)
11	Container with control sample of AN-M14 TH3 Incendiary Grenade (Item 1, VO 0590-08)
12	Jar with two metal pieces (Item 1, VO 0594-08)
13	Jar with various pieces of metal (Item 2, VO 0594-08)
14	Jar with rock (Item 3, VO 0594-08)
15	Jar with rock (Item 4, VO 0594-08)
16	Jar with gauze pads (Item 5, VO 0594-08)

0066-08-CID469-51978

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
17	6 Rounds 9mm ball ammunition, control item (Item 1, VO 0585-08)
18	Knife, folding type (Item 1, VO 0593-08)
19	Knife (Item 2, VO 0593-08)
20	Knife, folding type (Item 1, VO 0592-08)
21	Multi-tool (Item 1, VO 0592-08)
22	Major case prints of SSG WARNER

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Latent Prints: Please examine exhibits 2, 3, and 10 to determine if any latent prints, suitable for comparison, are identified. If any latent prints are identified compare with Exhibit 22. Major case prints of 1LT BEHENNA will be forwarded as soon as they are collected.

Firearms: Please examine and fire Exhibit 4 utilizing one of Exhibit 17 with Exhibit 8. Compare the spent shell casing with Exhibits 2 and 10 to determine if there is a match. Compare the fired round with Exhibit 9 to determine if there is a match. If there is not a match conduct the same examination with Exhibits 1, 5, 6, and 7. NOTE: Exhibit 4 was identified as the weapon maintained by 1LT BEHENNA and is believed to be the weapon he used when the victim was killed. Exhibits 4 through 7 have been recently fired and cleaned since the incident on 16 May 08.

Trace Evidence: Please examine and compare the chemical make up of Exhibits 3, 12, 13, and 16 and compare with Exhibit 11 to determine if it is a match. All exhibits are believed to contain the chemical make up consistent with that of an AN-M14 TH3 Incendiary Grenade. Note: Exhibit 16 is believed to contain blood evidence as well.

Serology: Please examine Exhibits 9, 16, 18, 19, 20, and 21 for blood evidence. Determine if human blood is present and what the DNA profile is and if the profile is consistent on all exhibits. Examine Exhibits 14 and 15 for blood evidence and maintain sample on record for future use, if needed. Efforts are ongoing to obtain a DNA example from the victim for comparison. The victim has since been buried and we are pending authorization for the remains to be exhumed and transported to a medical examiner's office.

EXPEDITE: Due to the command interest generated by this investigation and the potential media coverage it is requested all examinations be expedited in order for prosecution to go forward in a timely manner. Please notify this office if the request to expedite is denied.

14.a. INVESTIGATOR AND ALTERNATE POC *(Typed or Printed) (Mandatory Information)*	b. TELEPHONE *(Primary/Alt)*:
(b)(6) (b)(7)(C) (b)(3)	c. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
	d. Fax:
	e. E-Ma (b)(6) (b)(7)(C) (b)(3)

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE	TYPED/PRINTED NAME OF REQUESTOR	d. TELEPHONE *(Primary/Alt)*:
2008-06-21	(b)(6) (b)(7)(C) (b)(3)	e. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
		f. Fax:
		g. E-Ma (b)(6) (b)(7)(C) (b)(3)

16. LAB USE ONLY

LAB CASE #

DD FORM 2922 (BACK), JUL 2006

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 140

0066-08-CID469-51978

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
Director ☒ USACIL 4930 N. 31st Street Forest Park, GA 30297-5205 ☐ Other *(Specify)*:	Special Agent in Charge 32nd MP Det (CID) COB Speicher, Tikrit, Iraq APO AE 09393 3. RETURN EVIDENCE TO: Commander, 11th MP BN (CID) ATTN: Evidence Custodian Camp Victory, Iraq APO AE 09432	○ ROUTINE ◉ EXPEDITE ☐ Trial/Article 32/39A (*) ☐ Subject in pre-trial confinement ☐ Subject pending PCS/ Separation/Reenlist (*) ☒ Other (Specify in Block 13) *Date _____	a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER	7. TYPE OF OFFENSE
0066-07-CID469-51978	Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-06-23	Registered Mail		WARNER, Hal Mitchell BEHENNA, Michael Chase

9. SUSPECT(S) *[Last, first and middle name(s)]*	10. VICTIM(S) *[Last, first and middle name(s)]*
WARNER, Hal Mitchell BEHENNA, Michael Chase	AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (*e.g., Summary of investigation, crime scene sketches/photographs, statements)*

See attached initial report.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
23	Major Case prints of 1LT BEHENNA

FOUO

DD FORM 2922, JUL 2006 — REPLACES DA FORM 3655, AF FORM 1880, AND NCIS FORM 5580/29, WHICH ARE OBSOLETE. — Adobe Designer 7.0

LAW ENFORCEMENT SENSITIVE

EXHIBIT 140

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Latent Prints: Please compare any latent prints developed with Exhibit 23 to determine if there is a match.

Initial Request:
Please examine exhibits 2, 3, and 10 to determine if any latent prints, suitable for comparison, are identified. If any latent prints are identified compare with Exhibit 22. Major case prints of 1LT BEHENNA will be forwarded as soon as they are collected.

14.a. INVESTIGATOR AND ALTERNATE POC
(Typed or Printed) (Mandatory Information)
(b)(6) (b)(7)(C) (b)(3)

b. TELEPHONE *(Primary/Alt)*:
c. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
d. Fax: (b)(6) (b)(7)(C) (b)(3)
e. E-M

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE
2008-06
b. TYPED/PRINTED NAME OF REQUESTOR (b)(6) (b)(7)(C) (b)(3)

d. TELEPHONE *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
e. DSN *(Primary/Alt)*
f. Fax: (b)(6) (b)(7)(C) (b)(3)
g. E-Ma

FOUO

16. LAB USE ONLY
LAB CASE #

DD FORM 2922 (BACK), JUL 2006

LAW ENFORCEMENT SENSITIVE

EXHIBIT 140

0066-08-CID469-51978

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
[X] Director USACIL 4930 N. 31st Street Forest Park, GA 30297-5205 [ ] Other *(Specify)*:	Special Agent in Charge 32nd MP Det (CID) COB Speicher, Tikrit, Iraq APO AE 09393 3. RETURN EVIDENCE TO: Commander, 11th MP BN (CID) ATTN: Evidence Custodian Camp Victory, Iraq APO AE 09432	○ ROUTINE ◉ EXPEDITE [ ] Trial/Article 32/39A (*) [ ] Subject in pre-trial confinement [ ] Subject pending PCS/ Separation/Reenlist (*) [X] Other (Specify in Block 13) *Date _____	a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER	7. TYPE OF OFFENSE
0066-07-CID469-51978	Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-06-21	Registered Mail		WARNER, Hal Mitchell BEHENNA, Michael Chase

9. SUSPECT(S) [*Last, first and middle name(s)*]	10. VICTIM(S) [*Last, first and middle name(s)*]
WARNER, Hal Mitchell BEHENNA, Michael Chase	AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (*e.g., Summary of investigation, crime scene sketches/photographs, statements*)

Toothbrush listed below was received from family of the deceased.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
24	Toothbrush (Item 1,VO _____)

DD FORM 2922, JUL 2006

REPLACES DA FORM 3655, AF FORM 1380 AND NC IS FORM 3530/21, WHICH ARE OBSOLETE

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EXHIBIT 10

000622

0066-08-CID469-51978

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Serology: Please examine Exhibit 24 to determine if DNA profile can be extracted. If a DNA profile can be made compare with DNA profile obtained from Exhibits 9, 16, 18, 19, 20, and 21.

Initial Request:
Please examine Exhibits 9, 16, 18, 19, 20, and 21 for blood evidence. Determine if human blood is present and what the DNA profile is and if the profile is consistent on all exhibits. Examine Exhibits 14 and 15 for blood evidence and maintain sample on record for future use, if needed. Efforts are ongoing to obtain a DNA example from the victim for comparison. The victim has since been buried and we are pending authorization for the remains to be exhumed and transported to a medical examiner's office.

14.a. INVESTIGATOR AND ALTERNATE POC *(Name, Organization, Laboratory Information)*	b. TELEPHONE *(Primary/Alt)*:
(b)(6) (b)(7)(C) (b)(3)	c. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
	d. Fax: (b)(6) (b)(7)(C) (b)(3)
	e. E-Ma

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE	d. TELEPHONE *(Primary/Alt)*:
2008-07-01 (b)(6) (b)(7)(C) (b)(3)	e. DSN *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3)
	f. Fax: (b)(6) (b)(7)(C) (b)(3)
	g. E-Ma

	16. LAB USE ONLY
	LAB CASE #

DD FORM 2922 (BACK), JUL 2006

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 140

0066-08-CID469-51978

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
☒ Director USACIL 4930 N. 31st Street Forest Park, GA 30297-5205 ☐ Other *(Specify)*:	Special Agent in Charge 32nd MP Det (CID) COB Speicher, Tikrit, Iraq APO AE 09393 3. RETURN EVIDENCE TO: Commander, 11th MP BN (CID) ATTN: Evidence Custodian Camp Victory, Iraq APO AE 09432	○ ROUTINE ◉ EXPEDITE ☐ Trial/Article 32/39A (*) ☐ Subject in pre-trial confinement ☐ Subject pending PCS/ Separation/Reenlist (*) ☒ Other (Specify in Block 13) *Date _____	a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER	7. TYPE OF OFFENSE
0066-07-CID469-51978	Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-06-21	Registered Mail		WARNER, Hal Mitchell BEHENNA, Michael Chase

9. SUSPECT(S) *[Last, first and middle name(s)]*	10. VICTIM(S) *[Last, first and middle name(s)]*
WARNER, Hal Mitchell BEHENNA, Michael Chase	AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED (*e.g., Summary of investigation, crime scene sketches/photographs, statements)*

Swabs and hair samples are from brother of deceased.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
25	Swabs (Item 1,VO 0790-08)
26	Hair Samples (Item 2, VO 0790-08)

SEP 1 1 2008

RA 850 876 446 US

DD FORM 2922, JUL 2006 — REPLACES DA FORM 3655, AF FORM 1880, AND NCIS FORM 5580/29, WHICH ARE OBSOLETE. — Adobe Designer 7.0

0790 08

FOUO

LAW ENFORCEMENT SENSITIVE

EXHIBIT 524 MO

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Serology: Please extract a DNA profile from either Exhibit 25 or 26 and determine if it is consistent with that of a relative (brother) of any extracted DNA profile from previously submitted Exhibits.

Initial Request:
Please examine Exhibits 9, 16, 18, 19, 20, and 21 for blood evidence. Determine if human blood is present and what the DNA profile is and if the profile is consistent on all exhibits. Examine Exhibits 14 and 15 for blood evidence and maintain sample on record for future use, if needed. Efforts are ongoing to obtain a DNA example from the victim for comparison. The victim has since been buried and we are pending authorization for the remains to be exhumed and transported to a medical examiner's office.

Please examine Exhibit 24 to determine if DNA profile can be extracted. If a DNA profile can be made compare with DNA profile obtained from Exhibits 9, 16, 18, 19, 20, and 21.

14.a. INVESTIGATOR AND ALTERNATE POC *(Typed or Printed) (Mandatory Information)*	b. TELEPHONE *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3) c. DSN *(Primary/Alt)*: d. Fax: e. E-Ma (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)	

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE	b. TYPED/PRINTED NAME OF REQUESTOR	d. TELEPHONE *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3) e. DSN *(Primary/Alt)*:
2008-07-04	(b)(6) (b)(7)(C) (b)(3)	f. Fax: g. E-Mail (b)(6) (b)(7)(C) (b)(3)

	16. LAB USE ONLY
	LAB CASE #

FOUO

DD FORM 2922 (BACK), JUL 2006

LAW ENFORCEMENT SENSITIVE

EXHIBIT 0625 40

FORENSIC LABORATORY EXAMINATION REQUEST

1. TO:	2. FROM:	4. EXAM PRIORITY	5. LAB USE ONLY
Director ☒ USACIL 4930 N. 31st Street Forest Park, GA 30297-5205 ☐ Other *(Specify)*:	Special Agent in Charge 32nd MP Det (CID) COB Speicher, Tikrit, Iraq APO AE 09393 3. RETURN EVIDENCE TO: Commander, 11th MP BN (CID) ATTN: Evidence Custodian Camp Victory, Iraq APO AE 09432	○ ROUTINE ◉ EXPEDITE ☐ Trial/Article 32/39A (*) ☐ Subject in pre-trial confinement ☐ Subject pending PCS/ Separation/Reenlist (*) ☒ Other (Specify in Block 13) *Date _____	a. LAB CASE # b. METHOD OF RECEIPT c. RECEIVED BY/DATE

6. SUBMITTING AGENCY CASE NUMBER	7. TYPE OF OFFENSE
0066-08-CID469-51978	Murder

8. PREVIOUS EVIDENCE SUBMITTED

DATE:	MAIL METHOD:	LAB CASE #:	SUSPECT(S):
2008-06-21	Registered Mail	2008-CID131-1346	WARNER, Hal Mitchell BEHENNA, Michael Chase

9. SUSPECT(S) *[Last, first and middle name(s)]*	10. VICTIM(S) *[Last, first and middle name(s)]*
WARNER, Hal Mitchell BEHENNA, Michael Chase	AL JOBOURI, Ali Mansour Muhammad (AKA Ali Mansur)

11. BRIEF DESCRIPTION (SYNOPSIS) OF CASE FACTS THAT MIGHT ASSIST THE LABORATORY IN EXAMINING OR EVALUATING THE EVIDENCE OR ADDITIONAL DOCUMENTATION ATTACHED *(e.g., Summary of investigation, crime scene sketches/photographs, statements)*

Evidence was seized from living areas of 1LT BEHENNA and SSG WARNER, subsequent to Magistrate's Authorization. The clothing and equipment seized was believed to have been worn during the incident.

12. EVIDENCE SUBMITTED

a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
27	Boots (Item 1,VO 0733-08)
28	Camel Back (Item 2, VO 0733-08)
29	Vest - OTV (Item 3, VO 0733-08)
30	Vest - Interceptor Body Armor (Item 4, VO 0733-08)
31	Gloves (Item 5, VO 0733-08)
32	Helmet Cover (Item 6, VO 0733-08)
33	ACU Jacket (Item 7, VO 0733-08)
34	ACU Trousers (Item 8, VO 0733-08)
35	ACU Trousers (Item 9, VO 0733-08)
36	Shirt (Item 10, VO 0733-08)
37	Pouches (Item 11, VO 0733-08)
38	Pouch (Item 12, VO 0733-08)
39	Boots (Item 13, VO 0733-08)
40	Helmet Cover (Item 1, VO 0734-08)
41	Boots (Item 2, VO 0734-08)
42	Boots (Item 3, VO 0734-08)

FOUO

DD FORM 2922, JUL 2006 — REPLACES DA FORM 3655, AF FORM 1880, AND NCIS FORM 5580/29, WHICH ARE OBSOLETE. — Adobe Designer 7.0

LAW ENFORCEMENT SENSITIVE

EXHIBIT 0626 40

0066-08-CID469-51978

12. EVIDENCE SUBMITTED *(Continued)*	
a. EXHIBIT	b. DESCRIPTION OF EXHIBIT
43	Gloves (Item 4, VO 0734-08)
44	Gloves (Item 5, VO 0734-08)
45	ACU Trousers (Item 6, VO 0734-08)
46	Knee Pads (Item 7 VO 0734-08)
47	Groin Protector (Item 8, VO 0734-08)
48	Pouch (Item 9, VO 0734-08)
49	Pouches (Item 10, VO 0734-08)
50	Pouches (Item 11, VO 0734-08)
51	Vest - OTV (Item 12, VO 0734-08)
52	Vest - Interceptor Body Armor (Item 13, VO 0734-08)

13. EXAMINATION(S) REQUESTED *(Briefly furnish any information or instructions that might assist the laboratory in examining the evidence)*

Serology: Please 27 through 52 to determine if there is any human blood detected. If blood is detected please compare DNA profile of blood with that of the DNA profile extracted from previously submitted evidence. Concentration need only be directed to the front of clothing and equipment with specific attention to the sleeves of jackets and shirts and pant pockets of trousers. Examination of boots can be concentrated on the front toe area.

Trace Evidence: Please examine Exhibits 27, 31, 33 through 36, 39, and 41 through 45 to determine if any chemicals are present consistent with that of an AN-M14 TH3 Incendiary Grenade.

Conduct any further examination you deem necessary.

14.a. INVESTIGATOR AND ALTERNATE POC *(Typed/Printed) (Mandatory Information)*	b. TELEPHONE *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3) c. DSN *(Primary/Alt)*: d. Fax: e. E-Mai
(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)

15. I CERTIFY EVIDENCE HAS NOT BEEN SUBMITTED TO ANOTHER LABORATORY FOR THE SAME EXAMINATION

a. DATE	b. TYPED/PRINTED NAME OF REQUESTOR	d. TELEPHONE *(Primary/Alt)*: (b)(6) (b)(7)(C) (b)(3) e. DSN *(Primary/Alt)*: f. Fax: g. E-Mai
2008-08-12	(b)(6) (b)(7)(C) (b)(3)	(b)(6) (b)(7)(C) (b)(3)

FOUO

16. LAB USE ONLY

LAB CASE #

DD FORM 2922 (BACK), JUL 2006

LAW ENFORCEMENT SENSITIVE

EXHIBIT 0027 40

Exhibit(s) 141
Page(s) 000628 thru 000858
withheld as

Duplicate of Exhibit(s) 86, 94 and 113

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER: 0016-08-CID-1161

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

CRD REPORT/CID ROI NUMBER: 51978

RECEIVING ACTIVITY: Tikrit CID OFFICE, [redacted]	LOCATION: COB Speicher, IZ APO AE 09342
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: ☐ OWNER Mr [redacted] ☒ OTHER 0041046024	ADDRESS (Include Zip Code): Bayji-Tanha, IZ
LOCATION FROM WHERE OBTAINED: From the hand of Mr [redacted] at CMOC CCDC, COB Speicher, Tikrit IZ, APO AE 09342	REASON OBTAINED: Evidence
TIME/DATE OBTAINED: 1400/ 17 NOV 08	

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Bag, clear and white of color, plastic type construction, torn and used condition, containing various articles of clothing belonging to Mr. Mansour, all in used condition, placed in clean paper bag [redacted] with tape. MFID with 1400/17 nov [redacted]
2	1	Bag, black in color, plastic type construction, used condition, containing various articles of clothing belonging to Mr. Mansour, all in used condition placed in clean paper bag [redacted] MFID with 1400/17 Nov [redacted]
		///LAST ITEM///

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	17 Nov 08	[redacted]		Evaluation as evidence
1-2				Released to Registered mail
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137, 1 Jul 76 — Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION _____

DOCUMENT NUMBER 142

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

OWNER X (b)(6) (b)(7)(C) (b)(3)

OTHER

ADDRESS (Include Zip Code)

(b)(6) (b)(7)(C) (b)(3)

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
From the hands of (b)(6) (b)(7)(C) (b)(3) while in the MWR building, FOB Summerall, Bayji, IZ. APO AE 09393	Evidence	1255/ 18 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	6	Rounds, 9mm Ball M882, bearing markings WCC05. Rounds maintained in original cardboard container with styrofoam insert. Marked for identification with 1255/18 Jun 0(b)(6) (b)(7)(C) (b)(3) ----------LAST ITEM----------

CHAIN OF CUSTODY

ITEM NO.	DATE	(b)(6) (b)(7)(C) (b)(3)	PURPOSE OF CHANGE OF CUSTODY
1	18 Jun 08		EVALUATION AS EVIDENCE
	Jun 08		Released to Unit Evidence Custodian
1	JUN 21 20		RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
		SIGNATURE	SIGNATURE
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE

EXHIBIT 42

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

For Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 000880 08

0066-08-CID469-51978

EVIDENCE./PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER (b)(6) (b)(7)(C) (b)(3) OTHER X	ADDRESS (*Include Zip Code*) (b)(6) (b)(7)(C) (b)(3)
LOCATION FROM WHERE OBTAINED From the hands of (b)(6) (b)(7)(C) (b)(3) in the MWR building, FOB Summerall, Bayji, IZ.	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 1726/ 13 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Compact Disc, white and silver in color, bearing markings of Princo, CD-R, 700MB/80Min, 2x-56x, CD-Recordable printed on disc, with writing in red in color ink on the front of the disc in Arabic writing which translated as "Death of an Innocent". Disc was contained in a clear, plastic type construction protective sleeve. Marked for ID on the Disc and Sleeve with 1726, 13 Jun 0(b)(6) (b)(7)(C) (b)(3)
//////////	////////// (b)(6) (b)(7)(C) (b)(3)	//////////LAST ITEM//////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	13 Jun 08	(b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1	JUN 21			RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

EXHIBIT 142

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

For Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 0586 08 000861

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY: Tikrit CID Office	LOCATION: COB Speicher, Tikrit, IZ
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED: OWNER (b)(6) (b)(7)(C) (b)(3) OTHER X	ADDRESS (*Include Zip Code*): (b)(6) (b)(7)(C) (b)(3)
LOCATION FROM WHERE OBTAINED: From the hands of (b)(6) (b)(7)(C) (b)(3) le in the MWR building, FOB Summerall, Bayji, IZ.	REASON OBTAINED: Evidence
	TIME/DATE OBTAINED: 1820-1830 ~~1726~~ 13 Jun 08 SEC

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	M-9 Pistol, Beretta name brand, Serial number 1353496, used condition. Slide machine stamped with "ASSY 9346487-65490". Barrel machine stamped with "9346426-65490". Lower receiver machine stamped with "U.S. 9mm M9-BERETTA U.S.A.-65490". Pistol grip machine stamped with "P BERETTA". MFID on the slide, lower receiver, and barrel with 1800, 13 Jun 08 (b)(6) (b)(7)(C) (b)(3)
2	1	Plastic bag, zip lock style, measuring 8" by 12". MFID 1800, 13 Jun 08 (b)(6) (b)(7)(C) (b)(3)
3	1	Document, DA Form 2062, 29 Apr 08. Containing known handwriting of Michael BEHENNA. MFID 1830, 13 Jun 08 (b)(6) (b)(7)(C) (b)(3)
4	2	Documents, DA Form 2062, 3 Jun 08. Two page document, known handwriting of Hal WARNER. MFID 1830, 13 Jun 08 (b)(6) (b)(7)(C) (b)(3)
//////////	//////////	//LAST ITEM//

M.F.R. Time/date obtained was corrected from 1726 to 1820-1830 (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

ITEM NO.	DAT			PURPOSE OF CHANGE OF CUSTODY
1 THRU 4	13 Jun 08			EVALUATION AS EVIDENCE
1 thru 4	JUN 2			RECEIVED BY EVIDENCE CUSTODIAN SCRNI(i)
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

EXHIBIT 42

DA FORM 4137, 1 Jul 76 — Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement, 26 Sep 75 Which are Obsolete.

FOR Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 060862 08

0066 - 08 - CID469 - 51978

EVIDENCE./PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER (b)(6) (b)(7)(C) (b)(3) OTHER X	ADDRESS (Include Zip Code) (b)(6) (b)(7)(C) (b)(3)
LOCATION FROM WHERE OBTAINED From the hands of (b)(6) (b)(7)(C) (b)(3) while in the MWR building, FOB Summerall, Bayji, IZ. APO AE 09393	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 1134/ 14 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	9mm Shell casing, metal type construction, brass in color, used condition, bearing the markings on the primer side "WCC 05". Shell casing sealed in a brown paper bag. DA Form 4002 affixed to the brown paper bag, MFID: 1134, 14 Jun (b)(6) (b)(7)(C) (b)(3)
2	1	Grenade piece. Charred, melted and used condition. Silver, grey and yellow in color. Melted grenade sealed in a brown paper bag. DA Form 4002 affixed to the brown paper bag, MFID: 1134, 14 Jun 08, (b)(6) (b)(7)(C) (b)(3)
//////////	//////////	//////////LAST ITEM//////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 and 2	14 Jun 08	(b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1 and 2	20 JUN 08			Released to unit Primary custodian
1 and 2	JUN 21 2008			RECEIVED BY EVIDENCE CUSTODIAN SCRENI
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

EXHIBIT 142

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

For Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 0588 000863

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, IZ, APO AE 09393

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

OWNER (b)(6) (b)(7)(C) (b)(3)

OTHER X

ADDRESS (Include Zip Code) (b)(6) (b)(7)(C) (b)(3)

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
From the hands of (b)(6) (b)(7)(C) (b)(3) while in the FOB Summerall MWR building, FOB Summerall, Bayji, IZ, APO AE 09303.	Evidence	1615/ 16 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Projectile, metal type construction, grey and brass in color, flattened, damaged and used condition. Placed in a plastic container and sealed. MFID: 1615, 16 Jun (b)(6) (b)(7)(C) (b)(3) PHAZAR-D
2	1	Shell casing, 9mm, metal type construction, brass and red in color, spent and used condition, bearing the markings on the primer side "WCC 05". Placed in a plastic container. MFID: 1615, 16 Jun (b)(6) (b)(7)(C) (b)(3)
//////////	//////////	//////////LAST ITEM//////////

CHAIN OF CUSTODY

ITEM NO.	DATE	(b)(6) (b)(7)(C) (b)(3)	PURPOSE OF CHANGE OF CUSTODY
1 and 2	16 Jun 08		EVALUATION AS EVIDENCE
1 and 2	20 Jun 08		Returned to Unit Evidence Custodian
1 and 2	JUN 21 20		RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE

EXHIBIT 142

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

For Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 0589 08 000864

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY: Tikrit CID Office	LOCATION: COB Speicher, IZ, APO AE 09393
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER N/A OTHER X	ADDRESS (*Include Zip Code*): Firing Range, FOB Summerall, Bayji, IZ APO AE 09393
LOCATION FROM WHERE OBTAINED: From the ground of the firing range, FOB Summerall, Bayji, IZ, APO AE 09303.	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 2010/ 17 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Plastic container with black twist style lid containing an undetermined amount of control samples of known melted AN-M14 TH3 incendiary grenades. MFID: 2010, 17 Jun (b)(6) (b)(7)(C) (b)(3)
//////////	//////////	//////////LAST ITEM//////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1	17 Jun 08	(b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1	20 Jun 08			Released to unit Evidence Custodian
1	JUN 21 200			RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

EXHIBIT 42

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

For Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 0590 08

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED

OWNER (b)(6) (b)(7)(C) (b)(3)

OTHER X

ADDRESS (*Include Zip Code*)

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
From the hands of (b)(6) (b)(7)(C) (b)(3) while in the MWR building, FOB Summerall, Bayji, IZ. APO AE 09393	Evidence	2226-2230/ 14 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Pistol, brand name Glock, Serial number GWY473 on the barrel, slide and receiver, in used condition, marked with Glock, 19 Austria, 9x19 on one side of slide and made in Austria, Glock INC, Smyrna.GA. Contained inside of a black in color, plastic type construction, box with top. Box has built in retaining system fitting pistol inside of box and bears markings of Glock safe action pistol, perfection, int. Pat on box top and side of box has paper type tag bearing 1 unit pistol glock 19 cal.9x19, a bar code, 4000, and GWY473 and also bears the writing of "training weapon, MCID on the slide, lower receiver, and barrel of pistol and box top and bottom with 2226, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3)
2	1	Pistol, brand name Glock, Serial number GWY469 on the barrel, slide and receiver, in used condition, marked with Glock, 19 Austria, 9x19 on one side of slide and made in Austria, Glock INC, Smyrna.GA. Contained inside of a black in color, plastic type construction, box with top. Box has built in retaining system fitting pistol inside of box and bears markings of Glock safe action pistol, perfection, int. Pat on box top and side of box has paper type tag bearing 1 unit pistol glock 19 cal.9x19, a bar code, 4000, and GWY469 and also bears the writing of "training wea(b)(6) (b)(7)(C) (b)(3)e slide, lower receiver, and barrel of pistol and box top and bottom with 2227, 14 Jun 0
3	1	Pistol, brand name Glock, Serial number GWY209 on the barrel, slide and receiver, in used condition, marked with Glock, 19 Austria, 9x19 on one side of slide and made in Austria, Glock INC, Smyrna.GA. Contained inside of a black in color, plastic type construction, box with top. Box has built in retaining system fitting pistol inside of box and bears markings of Glock safe action pistol, perfection, int. Pat on box top and side of box has paper type tag bearing 1 unit pistol glock 19 cal.9x19, a bar code, 4000, and //Continued on page 2//

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 THRU 5	14 Jun 08	(b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1 thru 5	JUN 2			RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

EXHIBIT 142

0066-08-CID469-51978

MPR/CID SEQUENCE NUMBER

Continuation of DA Form 4137, Evidence/Property Custody Document:

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES *(Include model, serial number, condition and unusual marks or scratches)*
		Continued from page 1
		GWY209 and also bears the writing of "training weapon - MFID on the slide, lower receiver, and barrel of pistol and box top and bottom with 2228, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3)
4	1	Pistol, brand name Glock, Serial number GWY379 on the barrel, slide and receiver, in used condition, marked with Glock, 19 Austria, 9x19 on one side of slide and made in Austria, Glock INC, Smyrna.GA. Contained inside of a black in color, plastic type construction, box with top. Box has built in retaining system fitting pistol inside of box and bears markings of Glock safe action pistol, perfection, int. Pat on box top and side of box has paper type tag bearing 1 unit pistol glock 19 cal.9x19, a bar code, 4000, and GWY379 and also bears the writing of "training weapon - MFID on the slide, lower receiver, and barrel of pistol and box top and bottom with 2229, 14 Jun 0 (b)(6) (b)(7)(C) (b)(3)
5	1	Magazine, Black in color, plastic and metal type construction, with twelve evenly spaced holes on the back side numbered from 4 through 14. Bearing markings of 9mm, Glock, Austria on the back and Glock on the bottom. Magazine was MFID on the bottom and side with 2230, 14 Jun 08 (b)(6) (b)(7)(C) (b)(3)
//////////	//////////	//////////LAST ITEM//////////

For Official Use Only
Law Enforcement Sensitive

EXHIBIT 142

DOCUMENT NUMBER 0000867

0591

0066-08-CID469-51978

EVIDENCE./PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ

NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED	ADDRESS (Include Zip Code)
OWNER [redacted] (b)(6) (b)(7)(C) (b)(3)	[redacted] (b)(6) (b)(7)(C) (b)(3)
OTHER X	

LOCATION FROM WHERE OBTAINED	REASON OBTAINED	TIME/DATE OBTAINED
From trunks in containerized housing unit (CHU) 162, Pad 2C, FOB Summerall, Bayji, IZ.	Evidence	2032-2036/ 18 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Knife, folding type with attached pocket clip, black and silver in color, metal type construction, approximately 5" long in folded configuration and approximately 9" when extended. Knife bears markings on blade of "Rex Applegate, WE. Fairbairn, Gerber, USA and sword in stone picture" on one side of blade and "Covert Folder, 154CM" on the opposite side, knife is in used and dirty condition. Marked for ID on the handle with 2032, 18 Jun [redacted] (b)(6) (b)(7)(C) (b)(3) From trunk in CHU 162)
2	1	Multi-tool, brand name Gerber with carrying case. Multi-tool is grey and black in color, plastic and metal type construction, containing tools and knife, approximately 4" in length in folded configuration and is in used and dirty condition. Multi-tool bears the markings of "Gerber" in on each side. Case is black in color, cloth type construction with hook and loop fastener, and belt loop, in used and dirty type construction. Multi-tool and case were marked for ID on knife and case with 2036, 18 Jun [redacted] (b)(6) (b)(7)(C) (b)(3) (Trunk inside CHU 162)
//////////	//////////	////////////////////////////////////LAST ITEM//

M.F.D. Evidence was not marked as documented due to requested lab examinations [redacted] (b)(6) (b)(7)(C) (b)(3)

MFR: THE PACKAGING WAS MFID W/ 1153/21 JUN [redacted] APPEAR ON SEALS.

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1-2	18 Jun 08	[redacted] (b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1-2	20 JUN 08			Released to unit Evidence custodian
1-2	JUN 21 20			RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE	

EXHIBIT K12

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

For Official Use Only
Law Enforcement Sensitive

LOCATION

DOCUMENT NUMBER 0592 08 000868

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER X Warner, Hal M. SSG OTHER	ADDRESS (*Include Zip Code*) D Company, 1-327th Infantry Regiment FOB Summerall, Bayji, IZ, APO AE 09393
LOCATION FROM WHERE OBTAINED From the hands of SSG WARNER while in the D Company Headquarters building , and containerized housing unit (CHU) 138, Pad 2C, FOB Summerall, Bayji, IZ.	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 1949-2019/ 18 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Knife, folding type with attached pocket clip, grey and silver in color, metal type construction, approximately 5 ½" long in folded configuration and approximately 9" when extended. Knife bears markings on blade of "Carson design, M21-14, U.S.PAT 5,596,808" on one side of blade and symbol of broken square with "CRKT" on the opposite side, knife is in used and dirty condition. Marked for ID on the handle with 1949, 18 Jun [redacted] (From SSG WARNER)
2	1	Knife with sheath. Knife, fixed type blade. Knife has brown and black in color handle of plastic and leather type construction. Blade of knife is black in color, metal type construction, bearing markings of "USMC" on one side of blade and "KA-BAR Olean, N.Y." on the opposite side. Handle is approximately 4 ½" in length and blade is approximately 7" in length with the first approximate 3" a serrated blade. Knife was in used condition. Sheath was Black and beige in color, metal, cloth and plastic type construction. Top of sheath is cloth type construction belt attachment with strap to secure knife handle and attached to the body of sheath with metal rivet type fasteners. Body of sheath is plastic and metal type construction with four pairs of metal eyelets with an approximate 24" length of green cord through the two upper eyelets. Sheath bore markings of "KA-BAR" on the plastic body. Marked for ID on knife and sheath with 2019, 18 Jun [redacted] Trunk inside CHU 138)
//////////	//////////	//////////LAST ITEM//////////

M.F.R. Evidence was not marked as documented due to [redacted]

MFR: THE PACKAGING WAS MFID W/1153/21JUN0[redacted] TO APPEAR ON SEALS.

CHAIN OF CUSTODY

ITEM NO.	DATE	PURPOSE OF CHANGE OF CUSTODY
1-2	18 Jun 08	EVALUATION AS EVIDENCE
1-2	20 Jun 08	Released for Un. / Evidence Custodian
1-2	JUN 21	RECEIVED BY EVIDENCE CUSTODIAN SCRCNI

[redacted]

NAME, GRADE OR TITLE	NAME, GRADE OR TITLE
SIGNATURE	SIGNATURE
NAME, GRADE OR TITLE	NAME, GRADE OR TITLE

EXHIBIT 142

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

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LOCATION

DOCUMENT NUMBER 0593 08 000869

0066-08-CID469-51978

EVIDENCE./PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

CID REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ, APO AE 09393
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED ☐ OWNER Crime Scene ☒ OTHER	ADDRESS (*Include Zip Code*) N/A
LOCATION FROM WHERE OBTAINED Ground of Culvert located beneath railroad tracks at Grid LD 59625 61025 in the proximity of FOB Summerall, Bayji, IZ	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 0830-0915 18 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Jar, plastic type construction with plastic screw on lid co[redacted] pieces of unknown metal type substance. Jar was sealed and marked for identification with 0830/18 Jun [redacted] marked BIOHAZRD. (ground)----------
2	1	Jar, plastic type construction with plastic screw on lid containing various pieces of unknown metal type substance. Jar was sealed and marked for identification with 0835/18 Jun [redacted] marked BIOHAZRD. (ground)----------
3	1	Jar, plastic type construction with plastic screw on lid containing one rock. Jar was sealed and marked for identification with 0843/18 Ju[redacted] arked BIOHAZRD. (ground)
4	1	Jar, plastic type construction with plastic screw on lid containing one rock. Jar was sealed and marked for identification with 0855/18 Jun [redacted] marked BIOHAZRD. (ground)
5	1	Jar, plastic type construction with plastic screw on lid containing two cloth-like gauze pads. Jar was sealed and marked for identification with 0915/18 Jun [redacted] marked BIOHAZRD. (ground)
----------	----------	----------LAST ITEM----------

CHAIN OF CUSTODY

ITEM NO.	DATE	[redacted]	PURPOSE OF CHANGE OF CUSTODY
1 through 5	18 Jun 08		Evaluation as Evidence
1 through 5	20 Jun 08		Released to Unit Evidence Custodian
1 thru 5	JUN 21		RECEIVED BY EVIDENCE CUSTODIAN
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE

EXHIBIT 142

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION _____

DOCUMENT NUMBER 0594 08 000870

ORIGINAL

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LAW ENFORCEMENT SENSITIVE

EXHIBIT

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER: 0066-08-CID469-

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

CID REPORT/CID ROI NUMBER: 51978

RECEIVING ACTIVITY Tikrit CID Office	LOCATION COB Speicher, Tikrit, IZ, APO AE 09393
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED ☒ OWNER Hal M. WARNER, SSG ☒ OTHER	ADDRESS (*Include Zip Code*) B Co, 1/327th Infantry Regiment COB Speicher, APO AE 09393 Tikrit, IZ
LOCATION FROM WHERE OBTAINED CHU C-30, LSA 13, COB Speicher, APO AE 09393, Tikrit. IZ (SSG WARNER'S Living Area)	REASON OBTAINED Evidence TIME/DATE OBTAINED 1815-1914 13 Jul 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	2	Boots, Desert Ops, Brand Name "Blackhawk Warrior Wear", Model 0012745-2, tan, in used condition, [redacted] USA. In used condition. Sealed in a suitable container and marked for identification with 1815/13 Jul [redacted] (Biohazard)----------
2	1	Camel back, Brand Name "Maximum Gear", green electric ACU pattern, name "WARNER" marked on front. In used condition. Sealed in a suitable container and marked for identification with 1817/13 Ju[redacted]zard)----------
3	1	Vest, body armor carrier (OTV), size medium, green electric ACU pattern, with SSG/E-6 rank and name tag "WARNER" affixed to it. Serial Number 63014. Neck [redacted]d. In used condition. Sealed in a suitable container and marked for identification with 1824/13 Ju[redacted]zard)----------
4	1	Vest, Interceptor Body Armor carrier, size medium, green electric ACU pattern. Neck guard, throat guard, and two side plate carriers are attached. Serial num[redacted]n used condition. Sealed in a suitable container and marked for identification with 1827/13 Jul [redacted]ard)----------
5	2	Gloves, combat, Model CAG-1, PO: 7329, size Small, [redacted] In used condition. Sealed in a suitable container and marked for identification with 1830/13 J[redacted]ard)----------
6	1	Cover, helmet, green camouflage electric ACU pattern, [redacted]e. Name tag "WARNER" affixed to it. Patch with Black clover and #[redacted] In used condition. Sealed in a suitable container and marked for identification with 1834/13 Ju[redacted]azard)----------
7	1	Jacket, green camouflage electric ACU pattern, size medium regular with "W" written [redacted] In used condition. Sealed in a suitable container and marked for identification with 1856/13 J[redacted]hazard)----------
8	1	Trousers, Army Combat Uniform, green camouflage electric ACU pattern, size medium regular with "6201" written [redacted] In used condition. Sealed in a suitable container and marked for identification with 1858/13 Jul [redacted]azard)----------

Continued on next page----------

ITEM NO.	DATE	PURPOSE OF CHANGE OF CUSTODY
1 thru 13	13 Jul 08	Collected as evidence
1,3-6,10-13	15 Jul 08	Forwarded to evidence custodian
2 + 7-9	15 Jul 08	Forwarded to evidence custodian
1,3-6,10-13	11 Aug 08	RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
2, 7-9	11 Aug 08	RECEIVED BY EVIDENCE CUSTODIAN SCRCNI

[redacted]

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

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LAW ENFORCEMENT SENSITIVE

LOCATION Blue Connex

DOCUMENT NUMBER 0733 08

EXHIBIT

LAW ENFORCEMENT SENSITIVE

EXHIBIT 142

Continuation of Description of Articles received from: SSG Hal M. WARNER

ITEM #	QUANTITY	DESCRIPTION OF ARTICLES
9	1	Trousers, Army Combat Uniform, green camouflage electric ACU pattern, size inseam 29 ½-32 ½ in, waist 31-35 in. In used condition. Sealed in a suitable container and marked for identification with 1859/13 Jul [redacted] (Biohazard)----------
10	1	Shirt, long sleeve, green camouflage electric ACU pattern on sleeves, solid green on front nd back. "Army Strong" printed on front of shirt, Airborne tab and black patch with Eagle affixed upside down to right sleeve, left sleeve pocket has "G16" written on it. In used condition. Sealed in a suitable container and marked for identification with 1902/13 Ju[redacted]azard)----------
11	2	Pouches, green camouflage electric ACU pattern, with straps on back. In used condition. Sealed in a suitable container and marked for identification with 1910/13 [redacted]azard)----------
12	1	Pouch, brand name Spec Ops, green camouflage electric ACU pattern, with straps on back. In used condition. Sealed in a suitable container and marked for identification with 1912/13 Jul [redacted]zard)----------
13	2	Boots, brand name Vibram, tan, size 8 ½ R. In used condition. Sealed in a suitable container and marked for identification with 1914/13 Jul [redacted]azard)----------
----------	----------	----------LAST ITEM----------

0066-08-CID469-51978

DEPARTMENT OF THE ARMY
TIKRIT CID OFFICE
CONTINGENCY OPERATING BASE SPEICHER
TIKRIT, IRAQ APO AE 09393

CIRF-ZC-CC

14 Jul 08

MEMORANDUM FOR RECORD

SUBJECT: Release of Ballistic Panels

1. On 13 Jul 08, evidence was collected in conjunction with Report of Investigation 0066-08-CID469-51978 from SSG WARNER.

2. Items 3 and 4 contained the ballistic panels which were not required to be maintained as evidence. These items were removed and were returned to SSG WARNER on 14 Jul 08.

3. The point of contact for this memorandum is the undersigned at VOIP (b)(6) (b)(7)(C) (b)(3) DSN (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Verified by

HAL M. WARNER
SSG, USA

FOUO

LAW ENFORCEMENT SENSITIVE

0733 08

EXHIBIT 142

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

MPR/CID SEQUENCE NUMBER: 0066-08-CID469-

For use of this form see AR 190-45 and AR 195-5: the proponent agency is US Army Criminal Investigation Command

CID REPORT/CID ROI NUMBER: 51978

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ, APO AE 09393
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED ☒ OWNER Michael C. BEHENNA, 1LT ☐ OTHER	ADDRESS (*Include Zip Code*) Security Detachment, Special Troops Battalion, 1st AD, COB Speicher, APO AE 09393 Tikrit, IZ
LOCATION FROM WHERE OBTAINED Room F of an unmarked building between buildings 2906 and 2907, COB Speicher, APO AE 09393, Tikrit, IZ (1LT BEHENNA'S Living Area)	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 2207 - 2315, 13 Jul 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or scratches*)
1	1	Cover, helmet, green camouflage electric ACU pattern, size Large/XLarge with helmet band bearing the markings "BDDE5704", "BEHENNA" and "O POS". Both used condition. Sealed in a brown paper bag. Seals MFID: 1532, 14 (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2207, 13 Jul 08. (Biohazard)----------
2	1 pair	Boots with laces, Desert hot weather, Size 11R, tan, used condition. Sealed in a brown paper bag. Seals MFID: 1600, 14 (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2210, 13 Jul 08. (Biohazard)----------
3	1 pair	Boots with laces, Wellco name brand, tan, used and muddy condition. Sealed in a brown paper bag. Seals MFID: 1613 (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2215, 13 Jul 08. (Biohazard)----------
4	1 pair	Gloves, size 11, cloth and leather construction, used condition. Sealed in a brown paper bag. Seals MFID: 1622, (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2219, 13 Jul 08. (Biohazard)----------
5	1 pair	Gloves, size 14, black, leather construction, used condition. Sealed in a brown paper bag. Seals MFID: 1634, 14 Jul 08 JEC. 4002 affixed bearing collection time: 2223, 13 Jul 08. (Biohazard)----------
6	4	Trousers, Army Combat Uniform, green camouflage electric ACU pattern, size medium regular, used condition. Sealed in a brown paper bag. Seals MFID: 1646, 14 (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2230, 13 Jul 08. (Biohazard)----------
7	1 pair	Knee pads, ALTA name brand, green camouflage electric ACU pattern, cloth metal and plastic construction, used condition. Sealed in a brown paper bag. Seals MFID: 1657, 14 (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2232, 13 Jul 08. (Biohazard)----------
8	1	Groin protector, green camouflage electric ACU pattern, used condition. Sealed in a brown paper bag. Seals MFID: 1704, 14 (b)(6) (b)(7)(C) (b)(3) 4002 affixed bearing collection time: 2235, 13 Jul 08. (Biohazard)----------
9	1	Improved First Aid Kit Pouch, green camouflage electric ACU pattern, used condition. Sealed in a brown paper bag. ----------Continued on page 2---------

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 thru 13	13 Jul 08	(b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1 THRU 13	15 JUL 08			Forwarded to Evidence Custodian
1-13	11 AUG 08			RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION Blue Comex

DOCUMENT NUMBER 0734-08

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EXHIBIT

EXHIBIT 142
000874

Continuation of Description of Articles received from: 1LT Michael C. BEHENNA

ITEM #	QUANTITY	DESCRIPTION OF ARTICLES
10	2	Seals MFID: 1714, 14 Jul 08 JEC. 4002 affixed bearing collection time: 2242, 13 Jul 08. (Biohazard)--Magazine Pouches, M-4, MOLE II, green camouflage electric ACU pattern, used condition. Sealed in a brown paper bag. Seals MFID: 1725, 14[redacted]4002 affixed bearing collection time: 2250, 13 Jul 08. (Biohazard)----------
11	2	Hand Grenade Pouches, green camouflage electric ACU pattern, used condition. Sealed in a brown paper bag. Seals MFID: 1735, 14[redacted]4002 affixed bearing collection time: 2258, 13 Jul 08. (Biohazard)----------
12	1	Improved Outer Tactical Vest front and back carrier with Yoke/Collar Back Assembly carrier, and Lower Back Protector Outershell. All with Serial Number 027970. All green camouflage electric ACU pattern and used condition. Sealed in a brown paper bag. Seals MFID: 1744, 14[redacted]002 affixed bearing collection time: 2307, 13 Jul 08. (Biohazard)----------
13	1	Body Armor "Interceptor" Base Vest carrier, Point Blank name brand, size large, green electric ACU pattern, bearing a Velcro nametag "BEHENNA". With Enhanced Side Ballistic Insert Outershell carriers (left and right). All used and dirty condition. Sealed in a brown paper bag. Seals MFID: 1753, 14[redacted]002 affixed bearing collection time: 2315, 13 Jul 08. (Biohazard)----------
----------	----------	----------LAST ITEM----------

Document Number _____

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EXHIBIT_____

0734-08

EXHIBIT 142

000875

0066-08-CID469-51978

DEPARTMENT OF THE ARMY
TIKRIT CID OFFICE
CONTINGENCY OPERATING BASE SPEICHER
TIKRIT, IRAQ APO AE 09393

CIRF-ZC-CC

14 Jul 08

MEMORANDUM FOR RECORD

SUBJECT: Release of Ballistic Panels

1. On 13 Jul 08, evidence was collected in conjunction with Report of Investigation 0066-08-CID469-51978 from 1LT BEHENNA.

2. Items 12 and 13 contained the ballistic panels which were not required to be maintained as evidence. These items were removed and were returned to 1LT BEHENNA on 14 Jul 08.

3. The point of contact for this memorandum is the undersigned at VOIP (b)(6) (b)(7)(C) (b)(3) DSN (b)(6) (b)(7)(C) (b)(3)

Verified by:
(b)(6) (b)(7)(C) (b)(3)

MICHAEL C. BEHENNA
1LT, IN

0734-08

EXHIBIT 142

000876

0066-08-CID469-51978

EVIDENCE./PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER:

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER (b)(6) (b)(7)(C) (b)(3) OTHER X	ADDRESS (*Include Zip Code*) (b)(6) (b)(7)(C) (b)(3)
LOCATION FROM (b)(6) (b)(7)(C) (b)(3) From the hands o hile in the Battalion Aid Medical Facility, FOB Summerall, Bayji, IZ. APO AE 09393	REASON OBTAINED: Evidence TIME/DATE OBTAINED: 1642-1648/ 1 Jul 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (*Include model, serial number, condition and unusual marks or sc* (b)(6) (b)(7)(C) (b)(3)
1	2	Swab, plastic and cotton type construction, containing the cheek swabbings (b)(6) (b)(7)(C) (b)(3) Swabs were air dried and placed in a paper type construction box which was sealed with evidence tape and MFID with 1642, 1 Jul (b)(6) (b)(7)(C) (b)(3) HAZARD) From the hand of (b)(6) (b)(7)(C) (b)(3)
2	1	Paper type envelope, white in color, containing several hair samples o (b)(6) (b)(7)(C) (b)(3) Envelope was sealed with evidence tape and MFID with 1648, 1 Ju (b)(6) (b)(7)(C) (b)(3) HAZARD) From the hand of (b)(6) (b)(7)(C) (b)(3)
//////////	//////////	//////////LAST ITEM//////////

CHAIN OF CUSTODY

ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
1 and 2	1 Jul 08	(b)(6) (b)(7)(C) (b)(3)		EVALUATION AS EVIDENCE
1 and 2	1 Jul 08			Released to Registered Mail
1-2	11 Sep 08			RECEIVED BY EVIDENCE CUSTODIAN SCRCNI
1-2	11 Sep 08			FORWARDED TO USACIL FOR EXAMINATION
		SIGNATURE		
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137 1 Jul 76

Replaces DA FORM 4137, 1 Aug 74 and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

LOCATION USACIL

DOCUMENT NUMBER 0790 08

FOUO

LAW ENFORCEMENT SENSITIVE

EXHIBIT 12

000877

0066-08-CID469-51978

EVIDENCE/PROPERTY CUSTODY DOCUMENT

For use of this form see AR 190-45 and AR 195-5; the proponent agency is US Army Criminal Investigation Command

MPR/CID SEQUENCE NUMBER: 0066-08-CID469

CRD REPORT/CID ROI NUMBER: 51978

RECEIVING ACTIVITY	LOCATION
Tikrit CID Office	COB Speicher, Tikrit, IZ
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED OWNER (b)(6) (b)(7)(C) (b)(3) OTHER X	ADDRESS (Include Zip Code) (b)(6) (b)(7)(C) (b)(3)
LOCATION FROM WHERE OBTAINED From the hands of (b)(6) (b)(7)(C) (b)(3) while in Building 719, COB Speicher, APO AE 09393, Tikrit, IZ	REASON OBTAINED Evidence
	TIME/DATE OBTAINED 1115/ 29 Jun 08

ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)
1	1	Toothbrush, brand name "Smile", plastic type construction, pink handle with blue and white bristles. Toothbrush was sealed in a paper envelope and marked for identified with 1 (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)
2	1	Bag, plastic type construction, black, was sealed in a paper envelope and marked for identified with (b)(6) (b)(7)(C) (b)(3) from (b)(6) (b)(7)(C) (b)(3)
---	---	----------LAST ITEM----------

CHAIN OF CUSTODY

ITEM NO.	DATE	(b)(6) (b)(7)(C) (b)(3)	PURPOSE OF CHANGE OF CUSTODY
1 & 2	29 Jun 08		EVALUATION AS EVIDENCE
1 & 2	1 Jul 08		Forwarded to Evidence Custodian via Registered Mail
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE
		SIGNATURE / NAME, GRADE OR TITLE	SIGNATURE / NAME, GRADE OR TITLE

EXHIBIT

DA FORM 4137
1 Jul 76

Replaces DA FORM 4137, 1 Aug 74, and DA FORM 4137-R Privacy Act Statement 26 Sep 75 Which are Obsolete.

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DOCUMENT NUMBER 42

000878

AGENT'S ACTIVITY SUMMARY	Control Number	0066-2008-CID469-51978
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY	

06/13/2008 06:00
(b)(6) (b)(7)(C) (b)(3)

BASIS FOR INVESTIGATION: about 1300, this office was notified by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who reported 1LT BEHENNA was suspected in the shooting of an Iraqi Detainee.

06/13/2008 07:00
(b)(6) (b)(7)(C) (b)(3) lus 3 s)
10:00 Investigative

About 1400 (b)(6) (b)(7)(C) (b)(3) conducted a telephonic briefing to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1430, (b)(6) (b)(7)(C) (b)(3) arrived at 1/101st Brigade Combat Team Headquarters, COB Speicher, awaiting departure via rotary aircraft.

About 1500 (b)(6) (b)(7)(C) (b)(3) departed enroute Forward Operating Base (FOB) Summerall, Bayji, Iraq (IZ) via rotary aircraft.

About 1502 (b)(6) (b)(7)(C) (b)(3) ends a telephonic wheels up report via S-VOIP to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1515 (b)(6) (b)(7)(C) (b)(3) rrive at FOB Summerall.

About 1518, SA (b)(6) (b)(7)(C) sends a telephonic wheels down report via S-VOIP to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1520, (b)(6) (b)(7)(C) (b)(3) coordinated with Mr. (b)(6) (b)(7)(C), DOB: (b)(6) (b)(7)(C) L-3/Titan, (b)(6) (b)(7)(C), Category II Linguist, and provided him with Arabic medical and police documents for translation.

About 1535 (b)(6) (b)(7)(C) (b)(3) eceived an in-brief from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided preliminary information pertaining to the allegation 1LT BEHENNA killed Mr. Ali Mansour Muhammad Al JoBouri, a detainee who was to be released.

About 1540 (b)(6) (b)(7)(C) (b)(3) this office, met with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

(b) (7)(D)

(b) (7)(D)

About 1600, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3)

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AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY

(b)(6) (b)(7)(C) (b)(3) who provided the statements and other information developed as part of his initial Commander's Inquiry (b)(6) (b)(7)(C) (b)(3) elated sworn statements were taken from some of the individuals assigned to D Co, 1/327th IN REG, FOB Summerall and he verbally interviewed other (b)(6) (b)(7)(C) (b)(3) advised he suspended his inquiry once it was determined a crime was possibly committed. A review of the documents identified a sworn statement provided by SSG WARNER indicating he was aware 1LT BEHENNA shot Mr. Ali Mansour Muhammad AL JOBOURI was then instructed by 1LT BEHENNA to throw a grenade in the direction where 1LT BEHENNA and Mr. Ali Mansour Muhammad AL JOBOURI were last seen. According to SSG WARNER it was dark so he did not actually see what happened. The packet also included a statement by the 5th Platoon Interpreter wherein he stated he witnessed 1LT BEHENNA shoot and kill Mr. Ali Mansour Muhammad AL JOBOURI and SSG WARNER place a grenade under the neck of Mr. MANSOUR before they departed.

About 1630, (b)(6) (b)(7)(C) (b)(3) this office prepared and sent an SSI Notification:
Subject: SSI Notification 0066-08-CID469
Importance: High
The following information is provided:
Offense: Murder; Article 118, UCMJ
Victim: MUHAMMAD, Ali Mansur;Iraqi Policeman (Al-Rayyash Police Station); 1 Feb 82; A/M; Village of Albu-Tu'mah, Bayji District, Salah ad-Din
Subjects:
BEHENNA, Michael C.; 1LT (US Army (b)(6) (b)(7)(C) (b)(3) Delta Company, 1st Battalion, 327th Infantry Regiment (1/327th IN REG), 1st Brigade Combat Team (BCT), 101st Airborne Division, Forward Operating Base (FOB) Summerall, Bayji, Iraq, APO AE 09393.
WARNER, Hal Mitchell; SSG (US Army (b)(6) (b)(7)(C) (b)(3) /M; DOB: Unknown; Delta Company, 1/327th IN REG, 1st BCT, 10 ision, FOB Summerall, Bayji, Iraq, APO AE 09393.
Witness:
(b)(6) (b)(7)(C)); Local National Interpreter; assigned to Delta Company, 1/327th IN REG, 1st BCT, 101st Airborne Division, FOB Summerall, Bayji, Iraq, APO AE 09393
Incident Location: 700 meters south of the Al-Siniyah (Hyundai) Bridge under the gutter adjacent to the railroad tracks. Close to the Bayji railroad station between Bayji and Tikrit Road. Grid coordinate withheld for OPSEC purposes.
Time/Date: Approximately 1830/16 May 08
About 1300,13 Jun 08, this office was notified by (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3)
of a murder of an Iraqi Local National.
Preliminary investigation determined at approximately 1830, 16 May 08, while enroute to return a released detainee, 1LT BEHENNA ordered his convoy to stop in the village of Albu Tu'mah, Bayji district. 1LT BEHENNA exited his vehicle and stated, "I don't want anybody with me except for the Terp and SSG WARNER." 1LT BEHENNA ordered his interpreter, (b)(6) (b)(7)(C) to remove Mr. Ali Mansur MUHAMMAD, a detainee, from the same vehicle. 1LT BEHENNA led Mr. Ali Mansur MUHAMMAD, SSG WARNER, and Mr. (b)(6) (b)(7)(C) to a tunnel, approximately 100 meters south of the convoy. Once inside the tunnel 1LT BEHENNA tore off Mr. MUHAMMAD's clothing. 1LT BEHENNA then demanded Mr. MUHAMMAD tell him everything he knows and then fired two rounds from a 9mm pistol at Mr. MUHAMMAD. SSG WARNER then placed a thermite hand grenade on Mr. MUHAMMAD's face and pulled the pin, activating the grenade. 1LT BEHENNA, SSG WARNER, and Mr. (b)(6) (b)(7)(C) returned to the convoy vehicles and proceeded back to FOB Summerall. Mr. MUHAMMAD's body was found at 2030, 17 May 08, by Iraqi Police patrols. Criminal investigation reports describe the body as naked; burned on the nape, face, and hair; and a single bullet hole in the upper right portion of the head. At the crime scene Iraqi Police recovered a 9mm shell casing, which was near the body and a metal item, identified as a detonator, from beneath the neck. Mr. MUHAMMAD's remains were then transported to the morgue at the Tikrit Hospital Police Station #522. On 21 May 08,

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Mr. MUHAMMAD was positively identified by his family. An autopsy was performed and a death certificate was issued by the Republic of Iraq Minister of Health dated 27 May 08. Mr. MUHAMMAD's remains were released to the family for burial.
1LT BEHENNA is currently on rest and recuperation leave in Oklahoma. He is scheduled to return approximately 18 June 08.
SSG WARNER is currently at FOB Summerall.

About 1715, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided the Trip Ticket (Convoy Manifest) for 5th Platoon, D Co, 1/327th IN REG, for 16 May 08.

(b)(6) (b)(7)(C) (b)(3) requested the unit armorer be the first to arrive at the arranged interview area.

About 1726 (b)(6) (b)(7)(C) (b)(3) collected, as evidence, (1) M-9 Beretta handgun; (1) plastic bag; and (2) DA Form 2062, from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) The items were documented on a DA Form 4137, Evidence/Property Custody Document, Document Number _____-08.

About 1845 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he re[illegible]ued 1LT BEHENNA a Beretta 9mm, serial number 1353496, on 29 Apr 08. (b)(6) (b)(7)(C) (b)(3) elated the weapon was reassigned to SSG WARNER on 5 Jun 08.

About 2017 (b)(6) (b)(7)(C) (b)(3) advised SSG WARNER of his legal rights which he invoked and requested to speak with a lawyer. SSG WARNER stated he was advised of his legal rights on 11 Jun 08, which he waived, but indicated he attempted to obtain legal counsel the following day.

(b)(6) (b)(7)(C) (b)(3) eleased SSG WARNER to (b)(6) (b)(7)(C) (b)(3)

About 2030, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing the events of 16 Apr 08, and he believed 1LT BEHENNA killed the detainee when they stopped to inspect a culvert.

About 2316, (b)(6) (b)(7)(C) (b)(3) advised Mr. (b)(6) (b)(7)(C), Local National Interpreter, Global Linguistics, FOB Summerall, of his legal rights, which he waived, and provided a sworn statement wherein he related he witnessed 1LT BEHENNA shoot and kill Mr. Ali Mansour Muhammad Al JoBouri. Mr. (b)(6) (b)(7)(C) stated 1LT BEHENNA shot Mr. Ali Mansour Muhammad AL JOBOURI with a Glock 9mm. The rights advisal and interview was conducted primarily in the English language with assistance in Arabic provided by Mr. (b)(6) (b)(7)(C), Linguist, MND-N G-3, COB Speicher, APO AE 09393, Tikrit, IZ. At the conclusion of the interview Mr. (b)(6) (b)(7)(C) provided a sketch depicting the scene of the shooting.

06/13/2008 10:52 (b)(6) (b)(7)(C) (b)(3) 0:01 Investigative

Case Initiation

06/14/2008 00:00 (b)(6) (b)(7)(C) (b)(3) (plus 3 nts) 17:00 Investigative

About 0900 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) to set up interviews for the day.

About 0915 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and inquired about weapons collected during missions. (b)(6) (b)(7)(C) (b)(3) tated all weapons are immediately handed over to the S-2 but in some instan[illegible]ons will be stored in the unit's arms room overnight, dependent on the time the mission is complete (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) tated it was not typical for unit personnel to carry unassigned or illegal weapons while on mission.

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About 0930 (b)(6) (b)(7)(C) (b)(3) met with (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) both from Bayji Felony I , Hay Al-Assry, Bayji, Salah Ad Din Province, Iraq. Arabic to English language translation was provided by Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(3) elated Ali Mansour Muhammad AL JOBOURI's body was found by local village boys. The Mansour Muhammad AL JOBOURI family was conducting their own investigation. The Mansour Muhammad AL JOBOURI family believed (b)(6) (b)(7)(C)), a Concerned Local Citizen (CLC) leader, was responsible for the death of Ali Mansour Muhammad AL JOBOURI. There was an ongoing feud between (b)(6) (b)(7)(C) and the Mansour URI family (b)(6) (b)(7)(C) (b)(3) brought (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) of Ali Mansour Muhammad AL JOBOURI, so that he may be interviewed (b)(6) (b)(7)(C) (b)(3) brought one 9mm shell casing and a melted grenade piece, and gave them to (b)(6) (b)(7)(C) (b)(3) also provided several Arabic language stateme hotographs of damage to (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) house.

About 0950, (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn written statement wherein he recalled making a "tactical pause" on the night of 16 May 08, but did not see any bright flashes or hear gunshots (b)(6) (b)(7)(C) (b)(3) did not recall a detainee being present during the tactical pause.

About 1134 (b)(6) (b)(7)(C) (b)(3) collected the 9mm shell casing and melted grenade piece from (b)(6) (b)(7)(C) (b)(3) as evidence. The items were documented on an Evidence/Property t (EPCD), Document Number _____-08.

About 124 (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) who provided an Arabic language sworn statement. Arabic to English language translation was provided by Mr. (b)(6) (b)(7)(C). (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) was at his house, in Albu Toma, on 5 May 08, when Coalition Forces raided both his brother's houses (b)(6) (b)(7)(C) and Ali Mansour Muhammad AL JOBOURI. (b)(6) (b)(7)(C) drew a map, labeled in Arabic, which depicted where the houses were in relation to where the Coalition Forces were. Mr. (b)(6) (b)(7)(C) will translate the Arabic language sworn statement and the hand drawn map into English.

About 1016 (b)(6) (b)(7)(C) (b)(3) nterviewe (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing he estigating of g the events surrounding Mr. Ali Mansour Muhammad AL JOBOURI (b)(6) (b)(7)(C) (b)(3) related he only conducted interviews and did not collect any physical evid this matter.

About 1030 (b)(6) (b)(7)(C) (b)(3) scanned and emailed copies of information obtained thus fa (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1335 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) n he tactical pause on 16 May 08, but he did not see anyone else with the 1LT BEHENNA (b)(6) (b)(7)(C) (b)(3) tated later there comments made by unit personnel our Muhammad AL JOBOURI.

About 1345 (b)(6) (b)(7)(C) (b)(3) oordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) to determine if any Glock 9mm handguns were turned in as the result of missions conducted on or after 16 May 08 (b)(6) (b)(7)(C) (b)(3) tated there were no Glocks turned in since then and no one has access weapons maintained by the S-2.

About 1403, (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) to

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initiate obtaining a search authorization for 1LT BEHENNA's containerized housing unit (CHU).

About 1428 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) to obtain a search authorization for 1LT BEHENNA's CHU, #162, PAD 2C, FOB Summerall.

About 1700 (b)(6) (b)(7)(C) (b)(3) prepared a DA Form 3744, Affidavit, and a DA Form 3745 Search Authorization for 1LT BEHENNA's CHU (b)(6) (b)(7)(C) (b)(3) presented the Affidavit and Search Authorization to (b)(6) (b)(7)(C) (b)(3) who advised that he needed more corroboration forming a nexus between the murder weapon and 1LT BEHENNA's CHU.

(b)(6) (b)(7)(C) (b)(3) wed (b)(6) (b)(7)(C) (b)(3) who he related SSG WARNER admitted 1LT BEHENNA killed Mr. Ali Mansour Muhammad AL JOBOURI and a grenade was used to cover up the incident. (b)(6) (b)(7)(C) (b)(3) stated he was in possession of a Glock 9mm handgun which 1LT BEHENNA would carry on missions.

About 2015, (b)(6) (b)(7)(C) (b)(3) oordinated with (b)(6) (b)(7)(C) (b)(3) who identified MRAP M51 which was located at Pad #, FOB Summerall. A search of the vehicle met with negative results. M51 was identified by SFC (b)(6) (b)(7)(C) as SSG WARNER's vehicle in which SSG WARNER allegedly stored Mr. Ali Mansour Muhammad AL JOBOURI's clothing before discarding it south of Check Point 100.

About 222 (b)(6) (b)(7)(C) (b)(3) ollected, as evidence, four Glock 9mm handguns and a magazine from (b)(6) (b)(7)(C) (b)(3) The handguns were identified as serial number GWY473; GWY469; GWY and one magazine. The weapons and magazine were documented on a DA Form 4137, Evidence/Property Custody Document, Document Number _____-08 (b)(6) (b)(7)(C) (b)(3) dentified the Glock 9mm, serial number GWY 473, as the handgun 1LT BEHENNA maintained prior to going on leave.

06/14/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining to BEHENNA, Michael C

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

CRC Name Check Requested for: BEHENNA, Michael

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining to Warner, Hal Mitchell

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

CRC Name Check Requested for: Warner, Hal

06/14/2008 06:02
(b)(6) (b)(7)(C) (b)(3)

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

06/14/2008 07:03
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) (plus 3 nts)
14:00 Investigative

About 0800, (b)(6) (b)(7)(C) (b)(3) onducted a review of information and the following is provided:

Summary of significant events:

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On 21 Apr 08, two personnel and one interpreter from 5th Plt, D Co, 1/327th die as the result of an IED attack while returning from mission.

On 5 May 08, Ali Mansour Muhammad Al JoBouri (Mr. MANSOUR) arrested by 5th Plt, D Co, 1/327th on suspicion of weapons trafficking.

On 14 May 08, Ali Mansour Muhammad Al JoBouri released from the Brigade Detainment Holding Area (BDHA).

On 16 May 08, Ali Mansour Muhammad Al JoBouri to be released as there was insufficient evidence. 5th Plt, D Co were tasked with releasing Ali Mansour Muhammad Al JoBouri and another detainee.

On 17 May 08, a body was reported as being found south of CP 101, Bayji district. Shortly thereafter the body is identified by the family as Ali Mansour Muhammad Al JoBouri.

On 21 May 08, initial inquiry initiated b (b)(6) (b)(7)(C) (b)(3)

On 7 Jun 08, 5th Plt personnel provided statements concerning the events of 16 May 08. Nothing significant was developed.

On 11 Jun 08, SSG WARNER provides information indicating 1LT BEHENNA killed Ali Mansour Muhammad Al JoBouri.

On 12 Jun 08, Investigating officer appointed (b)(6) (b)(7)(C) (b)(3) Several interviews completed which indicate 1LT BEHENNA was involved in the death of Ali Mansour Muhammad Al JoBouri.

About 1300, 13 Jun 08, CID Investigation initiated after being notified by the 1st Armored Division Provost Marshal (b)(6) (b)(7)(C) (b)(3)

* somewhere between 21 Apr and 4 May 08 information was developed leading 1LT BEHENNA to believe Ali Mansour Muhammad Al JoBouri was involved in the IED attack on 21 Apr 08.

This information is further outlined in the documentation included in (b)(6) (b)(7)(C) (b)(3) documents.

About 0855 (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statem e related he only saw one detainee released at the first stop on 16 May 08 (b)(6) (b)(7)(C) (b)(3) id not hear any gunshots at the last stop but stated his gunner indicated he saw what he believed to be an incendiary grenade burning behind them (b)(6) (b)(7)(C) (b)(3) believed 1LT BEHENNA was responsible for the death of Mr. MANSOUR.

About 1100 (b)(6) (b)(7)(C) (b)(3) forwarded statements to (b)(6) (b)(7)(C) (b)(3)

About 1110 (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) and XXXX, tements. A was provided by Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) detailed how his house was raided on 5 May 08 by Coalition Forces and he identified where his brother, Ali MANSOUR, lived. (b)(6) (b)(7)(C) was taken to Ali MANSOUR's front porch where he could hear Ali MANSOUR screaming inside the house. (b)(6) (b)(7)(C) saw Coalition Forces enter Ali MANSOUR's house. (b)(6) (b)(7)(C) did not hear any questioning or dialog going on inside Ali MANSOUR's house, only screaming. XXXXX detailed how he saw Coalition Forces arrest Ali MANSOUR and then drive off in the direction of a hilly, treed area. The Coalition Forces were in that area for a while. XXXXX heard several small arms gun firing coming from the location where the Coalition Forces took Ali MANSOUR. XXXXX then

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saw the Coalition Forces leave the hilly, treed area and continue in the direction of FOB Summerall. Translation of the Arabic language statements will be translated into English by Mr. (b)(6) (b)(7)(C)

About 1200, SA (b)(6) (b)(7)(C) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement whe G WARNER indicated to him 1LT BEHENNA killed Mr. MANSOUR. (b)(6) (b)(7)(C) (b)(3) tated when the patrol stopped in the desert on 16 May 08, the detainee m the vehicle but when the patrol resumed movement the detainee was not in the vehicle. (b)(6) (b)(7)(C) (b)(3) believed 1LT BEHENNA was responsible for the death of Mr. MANSOUR.

About 1530, (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he related on 16 May 08, while stopped along the railroad tracks, he observed four personnel leave the convoy on foot. (b)(6) (b)(7)(C) (b)(3) stated one of the four was 1LT BEHENNA and after about five to ten e people returned. (b)(6) (b)(7)(C) (b)(3) related he observed a bright orange glow, through his NVGs, in the direction in which the four personnel walked. (b)(6) (b)(7)(C) (b)(3) stated he thought the detainee was killed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) elated old him he did not go into the underpass with 1LT BEHENNA and the detainee, but did hear two shots and was then instructed by the 1LT, at gunpoint, to throw a grenade into the direction of the underpass.

About 1600, (b)(6) (b)(7)(C) (b)(3) orwarded statements t (b)(6) (b)(7)(C) (b)(3)

About 1910 (b)(6) (b)(7)(C) (b)(3) interviewe (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he detailed the detainees were loaded into his truck where security was provided for them (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) lated the detainee later identified as Mr. MANSOUR appeared to be praying e he was in the vehicle. (b)(6) (b)(7)(C) (b)(3) tated a stop was made at a checkpoint, where the unknown deta Mr. MANSOUR remained in the vehicle and left with the convoy. (b)(6) (b)(7)(C) (b)(3) stated several stops were made in Albu Toma and upon leaving to return to FOB Summerall, Mr. MANSOUR was still in the vehicle. (b)(6) (b)(7)(C) (b)(3) related a change was made to the scheduled return route, and the conv esert. (b)(6) (b)(7)(C) (b)(3) stated the convoy was stopped and 1LT BEHENNA dismounted and requested Mr. MANSOUR be unloaded. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) 1LT BEHENNA. d (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) tated he watched 1LT BEHENNA, SSG WARNER, and (b)(6) (b)(7)(C), the interpreter, walk Mr. MANSOUR to the culvert under the rail road tracks (b)(6) (b)(7)(C) (b)(3) tated approximately thirty minutes later SSG WARNER entered the tru moved to FOB Summerall.

This the individual referenced in interview conducted by (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) The individual was identified a (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

06/15/2008 07:49
(b)(6) (b)(7)(C) (b)(3)

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

06/15/2008 09:10
(b)(6) (b)(7)(C) (b)(3)

Recorded data pertaining to (b)(6) (b)(7)(C) (b)(3)

0:01 Investigative

06/15/2008 11:07

Recorded data pertaining to (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
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06/15/2008 11:30
(b)(6) (b)(7)(C) (b)(3)
Recorded data pertaining to (b)(6) (b)(7)(C) (b)(3)

06/15/2008 14:46
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative
Send Investigative Report for Approval

06/15/2008 15:23
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative
Send Investigative Report for Approval

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative
Send Investigative Report for Approval

06/15/2008 16:33
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative
Approve Investigative Report

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative
Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

06/16/2008 00:08
(b)(6) (b)(7)(C) (b)(3)
: 1 I v s I at v
Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

06/16/2008 01:00
(b)(6) (b)(7)(C) (b)(3) (plus 3 nts)
12:00 Investigative
About 0900, (b)(6) (b)(7)(C) (b)(3) interviewe (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing how he heard 1LT BEHENNA murdered Ali Mansour Al JoBouri.

About 0915, (b)(6) (b)(7)(C) (b)(3) obtained a copy of 1LT BEHENNA's leave form.

About 0945 (b)(6) (b)(7)(C) (b)(3) scanned in and sent copies of statements to (b)(6) (b)(7)(C) (b)(3) and SJA. Contacted (b)(6) (b)(7)(C) (b)(3) and was briefed the interview of (b)(6) (b)(7)(C) (b)(3) t completed. Informed (b)(6) (b)(7)(C) (b)(3) oordination would be mad n S-3 concerning info needed to conduct scene examination. Briefe (b)(6) (b)(7)(C) (b)(3) on ments and the desire to conduct scene examination on ovide (b)(6) (b)(7)(C) (b)(3) with contact information fo (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1045 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and obtained an incendiary grenade for example and comparison purposes.

About 1215 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) ho provided a sworn statement detailing how he heard 1LT BEHENNA murdered Ali MANSOUR.

About 1500 (b)(6) (b)(7)(C) (b)(3) terviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing how he heard 1LT BEHENNA murdered Ali MANSOUR.

About 1615 (b)(6) (b)(7)(C) (b)(3) collected, as evidence (1) projectile and (1) shell casing, as evidence, from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) The items were documented on an ECPD, Document Number _____-08.

About 1700, (b)(6) (b)(7)(C) (b)(3) interviewe (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing his relationship to 1LT BEHENNA, how he conducted a commander's inquiry, and

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how he collected one projectile and one shell casing from the scene where Mr. MANSOUR was found dead, GRID LD 59625 61025.

About 1720 (b)(6) (b)(7)(C) (b)(3) interviewe (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who pr ement detailing how he heard 1LT BEHENNA murdered Ali MANSOUR. (b)(6) (b)(7)(C) (b)(3) further stated all of the 7 Jun 08 statements provided by D Company Soldiers, to (b)(6) (b)(7)(C) (b)(3) ere fabricated and personnel were told what to say in their statements

About 1800 (b)(6) (b)(7)(C) (b)(3) -mailed case notes for 13-14 Jun 08 t (b)(6) (b)(7)(C) (b)(3) It should be noted during the duration of this investigation all internet acc was blacked out on FOB Summerall, per higher headquarters.

06/16/2008 02:30
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Reviewed the initial report

~Good work but confusing initial report ~ it jumps around too much and doesn't flow

~Document the remarks section of ACI2 correctly

~Missing rank for Warner ~ correct in the entities section of ACI2

~"MR. ALI MANSOUR MUHAMMAD AL JOBOURI" should be "MR. AL JOBOURI" ~ his name is fully documented in the victim block

~"AT THE TIME OF THIS REPORT....." ~ unnecessary ~ of course it is at the time of this report or it would not be in this report.

~"may have felt" is speculation and should be avoid ~ facts and accuracy ~ they either felt he did it because or they didn't ~ but "may have"

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

06/16/2008 12:09
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
12:00 Investigative

About 1540 (b)(6) (b)(7)(C) (b)(3) this office received a carbon copy of an electronic (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) authorizing the mission from FOB Summerall to the death scene. (b)(6) (b)(7)(C) (b)(3) stipulated that the convoy must provide security while the agents proce cene (b)(6) (b)(7)(C) (b)(3) rdered that the agents get in quickly, do what has to be done, and get ou tated he does not want our agents to be sitting ducks and that they must think force protection at all times.

About 153 (b)(6) (b)(7)(C) (b)(3) this office received a carbon copy of an electronic correspond om (b)(6) (b)(7)(C) (b)(3) advising of the OPORD, Risk Assess qu rom FOB Summerall to the death scen (b)(6) (b)(7)(C) (b)(3) advise (b)(6) (b)(7)(C) (b)(3) that the S-2 is working an intelligence update.

About 1505 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) g she received the OPORD and Risk Assessment and will present it to the Battalion Commander.

About 1437 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from th (b)(6) (b)(7)(C) (b)(3) advising that the G-3 Air has

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added a leg to a current flight schedule and will pick (b)(6) (b)(7)(C) (b)(3) p at FOB Summerall at 0320 hours, 19 June 08.

About 1427 (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) r ment by ground convoy from FOB Summerall to the death scene (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with a digitally scanned and attached copy of the OPORD and Risk As

About 1355 (b)(6) (b)(7)(C) (b)(3) his office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) eq ce in coordinating transport of (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) rom FOB Summerall to COB Speicher.

About 133 (b)(6) (b)(7)(C) (b)(3) his office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) onfirming receipt of Iraqi autopsy interpretation.

About 1332 (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR to (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) second gunshot wound to the chest was noted in the the Iraqi autopsy report.

About 1055, (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) providing Tactical Operations Center (TOC) logs for the days relevant to the Ali Mansur incident.

About 0900 (b)(6) (b)(7)(C) (b)(3) this office prepared a 16 page OPORD and Risk Assessment for the 18 Ju om FOB Summerall to the death scene.

About 0707, (b)(6) (b)(7)(C) (b)(3) this d a carbon copy electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) o (b)(6) (b)(7)(C) (b)(3) roviding a power point presentation on recent intellig ummerall to the crime scene.

06/17/2008 01:55
(b)(6) (b)(7)(C) (b)(3) (plus 3 nts)
14:00 Investigative

17 Jun 08

About 0855, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he detailed he was the medic on the convoy to return two detainees on 16 May 08. (b)(6) (b)(7)(C) (b)(3) stated he had no knowledge of who the detainees were, which truck they were transported in, or where they were dropped off.

About 1015, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) briefe (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) on the status of this investigation. Topics covered were the Assault and Murder of Ali MANSOUR; the conspiracy and the influenced 7 Jun 08 statements; request (b)(6) (b)(7)(C) (b)(3) address the locals and the IP to obtain the body for an ns if we cannot bring the body to Germany or the USA. (b)(6) (b)(7)(C) (b)(3) was working the issue of placing 1LT BEHENNA in pre-trial confineme

(b)(6) (b)(7)(C) (b)(3) ordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who related h debriefs pertaining to 5th Platoon's missions on 5 and 16 May 08. Sometimes these missions debriefs are not completed at S-2 and are completed with the Fire Support Officer (FSO), D Company. Although the mission debriefs are required to be completed after a mission outside the wire, they are sometimes not completed.

About 1040, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) obtained trip ticket information pertaining to 5th Platoon's 5 and 16 may 08 missions and the mission tracker forms from the 5 and 16 may missions. A review of the mission tracker forms revealed mission #11 on 5 May 08 had an SP time of 1315 and there was no return time. Mission #8 on 16 May 08 had an SP time of 1715 and a return time of 2004.

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1045 ~ forwarded statements t (b)(6) (b)(7)(C) (b)(3)

About 1050, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) oordinated with (b)(6) (b)(7)(C) (b)(3) nd briefed him on the status of this inv

About 1110, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewe (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he detailed he was on the convoy on 16 May 08, to return two detainees. (b)(6) (b)(7)(C) (b)(3) elated he was not aware of which vehicle the detainees rode in, and did not see where the detainees were released. (b)(6) (b)(7)(C) (b)(3) elated when he wrote his statement for the unit on 7 Jun 08, he was informed of what to put in the statement by SSG WARNER.

About 1130, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) obtained a copy of the Blue Force Tracker information 8 from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1140, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated wit (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) any mission debriefs pertaining to 5th Platoon's 5 and 16 May 08 missions. D Company FSO had not been maintaining any mission debriefings since 5 Mar 08, and that the debriefings should be maintained at the BN S-2.

About 1315, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who related she was representing SSG WARNER and had met with him. (b)(6) (b)(7)(C) (b)(3) ndicated she would not allow an interview of SSG WARNER without her present. She will be busy until Saturday, 21 Jun 08. (b)(6) (b)(7)(C) (b)(3) related he would re-contact her around 21 Jun 08 and attempt to set up a time to interview SSG WARNER in her presence.

About 1410, 17 Jun 0 (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who p detailed he was in the convoy to drop off detainees on 16 May 08. (b)(6) (b)(7)(C) (b)(3) elated he was not aware of which vehicle the detainees rode in, and did not see where the detainees were released (b)(6) (b)(7)(C) (b)(3) related when he wrote his statement for the unit on 7 Jun 08, he was informed of what to put in the statement by SSG WARNER.

1600 ~ notified by (b)(6) (b)(7)(C) (b)(3) mission was a go.

1610 ~ (b)(6) (b)(7)(C) (b)(3) oordinated with (b)(6) (b)(7)(C) (b)(3) who verified mission was a go (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) urity and transportation would be provided by D Co, 1/327th.

1620 ~ forwarded statements to (b)(6) (b)(7)(C) (b)(3)

1645 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who related security and transportation would be provided by 2nd Plt, D Co, 1/327th. It was requested to meet at pad 2C at 0730, 18 Jun 08 for a mission brief.

About 1700, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) obtained photographs and full case prints of SSG WARNER.

1730 (b)(6) (b)(7)(C) (b)(3) riefed BN FSO on pending scene examination.

About 1930, 17 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated wi (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who assisted in experimenting with XXXX Incendiary Grenades in n and what types of damages they do and what is left. A grenade was placed on a wooden box and employed. The grenade ignited and flamed within seconds. The grenade emitted an extremely bright light and ignited the wooden box into flames. Next, a grenade was ignited on the ground behind a sandy berm. This was done

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to see the amount of light and glowing that could be seen from a distance at approximately 100 meters. The glow and light could be seen above the berm. The glow and light was consistent with witness statements. The berm test grenade was placed on an ammo can to see the effects of a grenade burning directly on metal. The grenade burned a hole directly through the ammo can and melted reminents of the grenade could be seen coming through the bottom of the ammo can. Next, a grenade was placed on the ground and employed to test how one burns by itself. The grenade burned to a puddle of molten metal. Next, a grenade was placed on a sandbag in attempts to see if the grenade would roll off once employed. The grenade immediately rolled from the sandbag, igniting the sandbag, and burning to a puddle of molten metal. Each grenade burned to a puddle of molten metal and then hardened. No part of the grenade was left. This contradicts a part of the grenade that wa cene and brought to this agent, and previously collected as evidence. (b)(6) (b)(7)(C) (b)(3) captured video, an (b)(6) (b)(7)(C) (b)(3) aptured digital images, of the aforementioned tests.

About 2010, 17 Jun 08, (b)(6) (b)(7)(C) (b)(3) collected samples of the hardened metal, left over from the burned grenades, as evidence, and to use as control samples of a known incendiary grenade. The items were documented on an EPCD, Document Number _____-08.

06/17/2008 06:26
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining to (b)(6) (b)(7)(C) (b)(3)

06/17/2008 06:43
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining to (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining to (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) (plus 2 additional participants)
13:00 Investigative

18 Jun 08:

0730 (b)(6) (b)(7)(C) (b)(3) an (b)(6) (b)(7)(C) (b)(3) ttended mission briefing with 2nd Plt, D Co, 1-327th Inf Reg, FOB Summerall.

0800 ~ (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) departed FOB Summerall to conduct crime scene examination.

About 0815, 18 Jun (b)(6) (b)(7)(C) (b)(3) conducted a crime scene examination of the underpass at grid LD 59625 61025. Investigative activity documented in Crime Scene AIR.

0820 ~ (b)(6) (b)(7)(C) (b)(3) notified (b)(6) (b)(7)(C) (b)(3) of the departure of (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

1015 (b)(6) (b)(7)(C) (b)(3) completed crime scene examination. Convoy returns to FOB Summerall.

1035 (b)(6) (b)(7)(C) (b)(3) return to base. All evidence secured at work location.

1120 ~ forwarded case notes for 15-16 Jun t (b)(6) (b)(7)(C) (b)(3) Briefe (b)(6) (b)(7)(C) (b)(3) on completion of mission and intentions for return flight on 19 Jun 08.

1215 ~ Based on information developed at scene, a review of photographs of the body, and statement indicating the victim's clothing was cut it was determined the victim was cut

as he sustained a large laceration to his right leg which was visible in the photographs. The blood spatter at the scene indicated the victim, at one time, was standing or seated upright and bleeding as the spatter was circular. According to a witness statement SSG WARNER and 1LT BEHENNA removed the victim's clothing by cutting it off with knives. Based on this information it is believed 1LT BEHENNA's personal property, which was inventoried and packed up by unit personnel, may contain a knife with trace evidence. This is also possible for SSG WARNER. Coordination will be made to obtain search authorization for the knives.

(b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who related he was tasked to in (b)(6) (b)(7)(C) (b)(3) T BEHENNA's personal effects and items in his CHU. During the inventory (b)(6) (b)(7)(C) (b)(3) oted two knives. All items inventoried were documented on DD form property was put into four tough boxes, which were still in 1LT BEHENNA's CHU #162, Pad 2-C, FOB Summerall.

(b)(6) (b)(7)(C) (b)(3) ascertained SSG WARNER resided in CHU 138, Pad 2-C, FOB Summerall. Based off of the witness statement of Harry the Interpreter, and a review of photographs of the body of Ali MANSOUR and a review of the crime scene, it was determined necessary to obtain search authorization of both 1LT BEHENNA's and SSG WARNER's CHU's for possible knives (blades) which they may have used to cut Ali MANSOUR's clothing off of him, in the process slicing him.

About 1430, 18 Jun 0 (b)(6) (b)(7)(C) (b)(3) rovided all pertinent information t (b)(6) (b)(7)(C) (b)(3) to provide to a military magistrate in attempts to obtain a search authorizat respected CHU's.

About 1930, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) received Search and Seizure Authorizations (DA Form 3745), signed (b)(6) (b)(7)(C) (b)(3) vi (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

About 1935, 18 Jun 0 (b)(6) (b)(7)(C) (b)(3) briefed (b)(6) (b)(7)(C) (b)(3) n this office's search both SSG WARNER's person and his CHU, and 1LT BEHENNA's CHU (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) provided a copy of the DA Form 3745 pertaining to 1LT BEHENNA's CHU.

About 1948, 18 Jun 08 (b)(6) (b)(7)(C) (b)(3) presented the DA Form 3745 to SSG WARNER to search his person and CHU. Upon reading the form, SSG WARNER reached into his right ACU pocket and handed a folding knife to (b)(6) (b)(7)(C) (b)(3)

About 1949, 18 Jun 0 (b)(6) (b)(7)(C) (b)(3) ollected one CRKT folding knife from SSG WARNER. The item was documented on an EPCD, Document Number _____-08.

18 Jun 08 (b)(6) (b)(7)(C) (b)(3) searched SSG WARNER's CHU #138. (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) discovered a KA-BAR knife in a plastic sheath, which was located in a foot locker. The item was collected (b)(6) (b)(7)(C) (b)(3) ment Number _____-08. The (b)(6) (b)(7)(C) (b)(3) rminated at 2022 SSG WARNER, and his room mate were present.

About 2000, 18 Jun 0 (b)(6) (b)(7)(C) (b)(3) coordinated wit (b)(6) (b)(7)(C) (b)(3) and conducted an additional experiment with an AN-M14 TH3 Incendiary Grenade. The grenade was placed on a cement tile similar to the floor of the crime scene. The grenade was ignited and the remains were photographed as they cooled. Subsequent to cooling the remains were chipped away and revealed a pattern similar to that at the crime scene. The entire grenade was reduced to melted slab but was consistent with the pattern of the object recovered at the crime scene.

(b)(6) (b)(7)(C) (b)(3) 18 June 08 (b)(6) (b)(7)(C) (b)(3) searched 1LT BEHENNA's CHU #16 (b)(6) (b)(7)(C) (b)(3) iscovered one Gerber tool with knife in a carry case, and one folding knife in a

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tough box in the CHU. The items were collected on an EPCD, Document Number _____-08. The search was terminated at 2039. (b)(6) (b)(7)(C) (b)(3) ere present (b)(6) (b)(7)(C) (b)(3) provided copies of DD Form 1750's documenting items inventoried in 1L CHU that were release to D Company, and identified not belonging to 1LT BEHENNA.

~ 2050 (b)(6) (b)(7)(C) (b)(3) rovided an out brief to (b)(6) (b)(7)(C) (b)(3) ailable. (b)(6) (b)(7)(C) (b)(3) informed (b)(6) (b)(7)(C) (b)(3) the f 1LT BEHENNA and (b)(6) (b)(7)(C) (b)(3) R leave.

06/18/2008 01:08
(b)(6) (b)(7)(C) (b)(3)

About 1630, (b)(6) (b)(7)(C) (b)(3) this office forwarded fully executed search authorizations to (b)(6) (b)(7)(C) (b)(3) via SIPR.

About 1500, SA (b)(6) (b)(7)(C), this office coordinated with (b)(6) (b)(7)(C) (b)(3) who swore (b)(6) (b)(7)(C) (b)(3) to the information provided in orizations for SSG WARNER and 1LT BEHENNA's Containerized Housing Units (CHUs). (b)(6) (b)(7)(C) (b)(3) authorized both searches.

About 1400, (b)(6) (b)(7)(C) (b)(3) this office prepared a DA form 3744 and 3745 requesting authorization to search SSG WARNER's CHU and person for knives. A DA form 3744 and 3745 was prepared requesting authorization to search 1LT BEHENNA's CHU for knives.

341 (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) dvising we will work around 1LT BEHENNA's need to recover from sleep deprivation from his return travel from R & R leave. (b)(6) (b)(7)(C) (b)(3) dvised (b)(6) (b)(7)(C) (b)(3) that the interview could not be any sooner due to (b)(6) (b)(7)(C) (b)(3) an (b)(6) (b)(7)(C) (b)(3) returning at 0400 hours from FOB Summerall.

About 1340 (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR to LTC (b)(6) (b)(7)(C) (b)(3) advising that (b)(6) (b)(7)(C) (b)(3) had arrived on r and was available at the chance 1LT BEHENNA waives his rights and is willing to submit to a polygraph examination.

About 1329 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR fro (b)(6) (b)(7)(C) (b)(3) advising 1LT BEHENNA's interview depends on his arrival time and nee ep.

About 1323 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) advising th (b)(6) (b)(7)(C) (b)(3) and the Brigade will coordinate getting 1LT BEHENNA to CID. (b)(6) (b)(7)(C) (b)(3) inquired as to the status of a Polygrapher.

About 1220 (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) advising that (b)(6) (b)(7)(C) (b)(3) would like to set up an interview of 1LT BEHENNA for 1400 hours on 19 June

About 1204 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3), advising that 1/101st BCT will take charge of 1LT BEHENNA once he ar B Speicher from R&R leave (b)(6) (b)(7)(C) (b)(3) dvised after 1LT BEHENNA's interview he will be escorted to FOB Summerall to clean out his stuff and then will be detailed back with 1st Armored Division pending completion of the investigation and any subsequent action.

About 1109, (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) confirming receipt of the last update.

About 1044, (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3) dvising tha (b)(6) (b)(7)(C) (b)(3) will return to COB Speicher ely 0400 hours on 19 June 08 via rotary aircraft.

About 1036, (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) advising th (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) safely returned to FOB Summerall at 1028 hours and that the mission is complete.

About 1035 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) advising that 1LT BEHENNA should be returning to COB Speicher late

About 0836, (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) advising that (b)(6) (b)(7)(C) (b)(3) are working the crime ll return to COB Speicher on 19 June 08, pending weather (b)(6) (b)(7)(C) (b)(3) canned copy attachment to (b)(6) (b)(7)(C) (b)(3) of all documents received from (b)(6) (b)(7)(C) (b)(3)

About 0824 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) confirming receipt of SITREP.

About 0823, (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) advising (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) ad left the wire at 0805 hours enroute to the death scene (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) dvised that safe arrival to the crime scene had been confirmed via Blue Force Tracke (b)(6) (b)(7)(C) (b)(3) advised that (b)(6) (b)(7)(C) (b)(3) have been AMRed Speicher via rotary aircraft at 0330 hours, 19 June 08.

About 0819 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR fro (b)(6) (b)(7)(C) (b)(3) ming receipt of SITREP and requesting updates throughout and upon completion of the mission.

About 0808, (b)(6) (b)(7)(C) (b)(3) this office sent an electronic correspondence via SIPR (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) advising that this office is tracking (b)(6) (b)(7)(C) (b)(3) movement and that this office is in constant contact with 1/327th IN REG TOC (Bulldog Main) and Delta Company TOC, 1/327th IN REG. (b)(6) (b)(7)(C) (b)(3) advised that an SP time of 0800 with 3 MRAPs and 20 PAX is expected.

(b)(6) (b)(7)(C) (b)(3)
2:00 Investigative

About 1420, 18 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) ho provided a sworn statement detailing how she was informed of Mr. MANSOUR's death and what information was provided to her by Iraqi personnel.

(b)(6) (b)(7)(C) (b)(3) (plus 1 additional participant)
3:00 Investigative

About 1420, 18 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing how she was informed of Mr death and what information was provided to her by Iraqi personnel.

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

CRC Name Check has been completed for BEHENNA, MICHAEL C in case 0066-2008-CID469

06/18/2008 18:44
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

CRC Name Check has been completed for WARNER, HAL MITCHELL in case 0066-2008-CID469

06/19/2008 04:47
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

About 1147 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who advised he would discuss the issue of the

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AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
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gash on Mr. Ali Mansur's knee and the search and seizure of any knives associated with SSG WARNER and 1LT BEHENNA wit (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) plus 1 additional participant)
10:00 Investigative

20 Jun 08

About 0950, 20 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) oth of Navy EOD Company 3/6, COB Speicher. Both of the aforementioned EOD sts examined the grenade piece, collected as evidence while at FOB Summerall. (b)(6) (b)(7)(C) (b)(3) urmised the piece appeared to be that of an AN-M14 TH3 Incendiary Grenade. A smoke grenade would leave behind an intact canister. An incendiary grenade burns from top to bottom and usually burns completely and does not leave behind identifiable pieces. Possible reasons why the piece was left unburned include: the grenade was extinguished before completely burning, or the grenade was placed at an angle and the canister broke into different pieces while burning.

(b)(6) (b)(7)(C) (b)(3) ith (b)(6) (b)(7)(C) (b)(3) wh MANSOUR's detainee packet. After reviewing the packet, (b)(6) (b)(7)(C) (b)(3) noted this was the same packet this office received from the S-2, FOB Summerall. There were additional documents in the packet received form (b)(6) (b)(7)(C) (b)(3) here was a Serious Incident Report (SIR) and a TF 1-327 Detainee Placard. The SIR dated 13 May 08, from CDR 1/101 BCT to CDR MNC-I, (b)(6) (b)(7)(C) (b)(3) listed Ali MANSOUR as the victim of detainee abuse and SSG WARNER an (b)(6) (b)(7)(C) (b)(3) as assailants. SSG WARNER and (b)(6) (b)(7)(C) (b)(3) ere listed on the s the capturing Soldiers.

Agent's Comment: There was never mention of this incident to this office; neither at the initial notification or while this investigation was being conducted at FOB Summerall. These two documents were omitted in the detainee packet provided by S-2, while at FOB Summerall. There was no indication of whether SJA opined on this incident.

About 1555, 20 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated he interrogated Ali MANSOUR four times. (b)(6) (b)(7)(C) (b)(3) was not able to extract any further intelligence from Ali MANSOUR, an be forwarded to Cropper or Bucca for further interrogation.

(b)(6) (b)(7)(C) (b)(3) ascertained from (b)(6) (b)(7)(C) (b)(3) there was only one intelligence report on Ali MANSOUR, which was collected prior to him being detained.

(b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who recalled in processing Ali MANSOUR. (b)(6) (b)(7)(C) (b)(3) pecifically recalled his beard. Ali MANSOUR did not complain about any pain nor did he indicate he needed any medical attention. Ali MANSOUR was not sent to the CSH for the contusion on his back. (b)(6) (b)(7)(C) (b)(3) could not remember which interpreter he used during the in processing of Ali MANSOUR.

About 1650, 20 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated with the MP Ops, BDHA, COB Speicher, and ascertained there were no photographs taken of Ali MANSOUR during his in processing. Any photographs would be in the BATS database.

~ 2000 (b)(6) (b)(7)(C) (b)(3) briefed (b)(6) (b)(7)(C) (b)(3) on this investigation. Subsequent to the briefing coordination was made wit (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) oncerning the interview of 1LT BEHENNA. 1LT BEHENNA was scheduled to OB Speicher later this evening and would be transported to the CID Office at 0900, 21 Jun 08.

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AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
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06/20/2008 03:14
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

About 1637 (b)(6) (b)(7)(C) (b)(3) this office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) advising that 1LT BEHENNA is 00 hours on 20 Jun 08.

About 1014 (b)(6) (b)(7)(C) (b)(3) his office received an electronic correspondence via SIPR from (b)(6) (b)(7)(C) (b)(3) inquiring if positive control was achi

06/20/2008 21:00
(b)(6) (b)(7)(C) (b)(3)

About 0400, 21 Jun 08 (b)(6) (b)(7)(C) (b)(3) ransported evidence to the 11th MP BN (CID) evidence room.

About 1600, 21 Jun 08 (b)(6) (b)(7)(C) (b)(3) coordinated wit (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) ho reviewed laboratory request (b)(6) (b)(7)(C) (b)(3)

About 1200, 22 Jun 08 (b)(6) (b)(7)(C) (b)(3) rovided laboratory request to evidence custodian.

21 Jun 08

(b)(6) (b)(7)(C) (b)(3) plus 2 additional participants)
14:00 Investigative

~ 0730 – (b)(6) (b)(7)(C) (b)(3) was contacted b (b)(6) (b)(7)(C) (b)(3) who reported 1LT BEHENNA did not stay on COB Speicher after his arrival on 20 Jun 08 and caught a flight to FOB Summerall (b)(6) (b)(7)(C) (b)(3) stated 1LT BEHENNA was returned to COB Speicher and was currently at the BCT TOC.

~ 0930 – (b)(6) (b)(7)(C) (b)(3) initiated a CID Form 44 on 1LT BEHENNA. During the preliminary administrative phases of the interview 1LT BEHENNA commented he has not slept in 27 hours.

~ 0942 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who concurred 1LT BEHENNA should b rest prior to being interviewed.

~ 1109 – (b)(6) (b)(7)(C) (b)(3) released 1LT BEHENNA to (b)(6) (b)(7)(C) (b)(3) An interview was rescheduled for later in the evening, 21 Jun 08.

~ 114 (b)(6) (b)(7)(C) (b)(3) received correspondence evidence was received and processed. The document numbers were 0585-08 to 0594-08. Evidence was to be sent to USACIL on 23 Jun 08.

About 1315, 21 Jun 08 (b)(6) (b)(7)(C) (b)(3) interviewe (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement wherein he stated he only saw SSG WARNER leave their vehicle on 16 May 08 (b)(6) (b)(7)(C) (b)(3) related he did not hear gunshots or see a bright flash while he was man vehicle M-51. (b)(6) (b)(7)(C) (b)(3) could not provide any information pertaining to Mr. MANSOUR.

About 1350, 21 Jun 08 (b)(6) (b)(7)(C) (b)(3) was contacted b (b)(6) (b)(7)(C) (b)(3) who relate (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) provided a sworn statement detailing how pproached him at the CHU during the early morning of 21 Jun 08. (b)(6) (b)(7)(C) (b)(3) also stated he observed 1LT BEHENNA confront SSG WARNER but he the conversation.

~ 1500 (b)(6) (b)(7)(C) (b)(3) eviewed translated documents completed by (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(3) initiated at 1000).

~ 1517 (b)(6) (b)(7)(C) (b)(3) coordinated wit (b)(6) (b)(7)(C) (b)(3) nd briefed him on the statement provided b (b)(6) (b)(7)(C) (b)(3) requested coordination be made with Battalion personnel to made contact with the interpreter.

~ 1730 (b)(6) (b)(7)(C) (b)(3) was contacted by (b)(6) (b)(7)(C) (b)(3) who related 1LT BEHENNA did

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not make contact with the interpreter.

About 1735, 21 Jun 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who indicated Space A list for rotary wing flight ND-2 which departed at 0240, 20 Jun 08. (b)(6) (b)(7)(C) (b)(3) state (b)(6) (b)(7)(C) (b)(3) (same listed UIC: WACGT10 as 1LT BEHE D cards to the terminal desk and registered them both for the fligh (b)(6) (b)(7)(C) (b)(3) id not note any suspicious activity by 1LT BEHENNA (b)(6) (b)(7)(C) (b)(3) provide ND-2 flight manifest.

~ 1932 – 1LT BEHENNA returned to the CID office after having time to sleep.

About 1940, 21 Jun 08, (b)(6) (b)(7)(C) (b)(3) advised 1LT BEHENNA of his legal rights, which he invoked and requested legal counsel.

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

06/22/2008 05:00
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) continued with translating documents pertaining to this

06/22/2008 06:45
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

About 1345, 22 Jun 08 (b)(6) (b)(7)(C) (b)(3) eviewed the results of the name checks conducted within the Defense Clearance and Investigation Index (DCII) and the National Crime Information Center which did not disclose any criminal history pertaining to 1LT BEHENNA or SSG WARNER.

(b)(6) (b)(7)(C) (b)(3)

DELAYED ENTRY:

No investigative activity in files assigned t (b)(6) (b)(7)(C) (b)(3) 13-19 Jun 08 due to priority SSI investigation (0066-08-CID469) at FOB Summerall.

Limited investigative activity fo (b)(6) (b)(7)(C) (b)(3) due to reduced manpower in office and providi

During this period final reports were held in abeyance until SAC returned from investigative mission.

(b)(6) (b)(7)(C) (b)(3) was also in process of completing other administrative matters as he is scheduled to depart the AO at the end of the month.

06/25/2008 03:00
(b)(6) (b)(7)(C) (b)(3)
2:00 Investigative

(b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and briefed her on the status of this investigat (b)(6) (b)(7)(C) (b)(3) stated she would be travelling to FOB Summerall and it was noted C y her in order to complete additional investigative activity.

(b)(6) (b)(7)(C) (b)(3) agreed to determine if any preliminary investigation was conducted into the alleged abuse of the deceased after he was detained. Additionally (b)(6) (b)(7)(C) (b)(3) tated she would obtain a copy of the commander's preliminary inquiry concerning the IED incident with 5th Plt on 21 Apr 08.

This office will further review the detainee packet of Mr Ali MANSOUR to determine if credible information exists to title SSG WARNER and (b)(6) (b)(7)(C) (b)(3) with assault as they were listed as the assailants in the packet. However, it is possible they were listed due to them being the personnel identified on the capture tag. Preliminary review of information determined Mr. Ali MANSOUR did not allege he was assaulted by CF.

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06/25/2008 21:08
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Send Investigative Report for Approval

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Approve Investigative Report

06/29/2008 03:00
(b)(6) (b)(7)(C) (b)(3)

About 1000, 29 Jun 08, (b)(6) (b)(7)(C) (b)(3) provided (b)(6) (b)(7)(C) (b)(3) with copies of statements prepared by unit personnel on 9 Jun 08. The statements provided were prepared b (b)(6) (b)(7)(C) (b)(3) and SSG WARNER, a

06/29/2008 04:15
(b)(6) (b)(7)(C) (b)(3)

n 08, (b)(6) (b)(7)(C) (b)(3) collected, as evidence, one toothbrush from (b)(6) (b)(7)(C) (b)(3) elated the toothbrush was obtained from the family of Mr. MANSOUR. The toothbrush was photographed and documented on an EPCD, DN _____-08.

The toothbrush was processed and prepared to be sent to the evidence custodian.

(b)(6) (b)(7)(C) (b)(3) was also in possession of some notes, classified documents, and a green journal, which he indicated was found in 1LT BEHENNA's possessions (b)(6) (b)(7)(C) (b)(3) reviewed the materials and referre (b)(6) (b)(7)(C) (b)(3) o the Iraqi Field Office for the issue of unsecured classified materia (b)(6) (b)(7)(C) (b)(3) did not collect any of these items fro (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Approval for convoy ops received from BC.

06/30/2008 10:00
(b)(6) (b)(7)(C) (b)(3)
1:00 Investigative

About 1700, 30 Jun 08, (b)(6) (b)(7)(C) (b)(3) dvised (b)(6) (b)(7)(C) (b)(3) f his legal rights, which he waived and provided a sworn statement detailing how SSG WARNER and (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) ld members of 5th platoon what to write on their 9 Jun 08 statements (b)(6) (b)(7)(C) (b)(3) dmitted to lying on his statement when he was present when his patr released Mr. ALI MANSOUR to the CLC.

07/01/2008 01:30
(b)(6) (b)(7)(C) (b)(3) (plus 1 additional participant)
12:00 Investigative

About 0830, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) aveled with a D Company convoy to Albu Toma to conduct interviews of (b)(6) (b)(7)(C) (b)(3) d to re-visit the scene.

About 0850, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) ascertained (b)(6) (b)(7)(C) (b)(3) was currently in Baghdad for a meeting.

1 Jul 08, (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (MANSOUR family Sheik) who (b)(6) (b)(7)(C) family, from Hondai Village, that claimed to have found Ali MANSOUR's body on 17 May 08.

About 1045, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) showed how American forces arrived at his residence on 5 May 08 and kicked his door in. Soldiers took him into a room and punched and kicked him several times (b)(6) (b)(7)(C) (b)(3) was taken outside and instructed to show where Ali MANSOUR lived. He identified Ali MANSOUR's residence (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) as tak R's residence and was made to sit on the porch near the front door. (b)(6) (b)(7)(C) (b)(3) could hear Ali MANSOUR screaming from inside the house. Soldiers were laughing with an interpreter. Soldiers to (b)(6) (b)(7)(C) (b)(3) that Ali MANSOUR was being sexually assaulted inside the house on the porch for approximately two hours. Ali MANSOUR was arrested and taken away, an (b)(6) (b)(7)(C) (b)(3) was never arrested.

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About 1140, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) arrived at the scene where Ali MANSOUR was found dead. It was noted the gunner would most likely not be able to see the culvert where Ali MANSOUR was killed, due to the height of the railroad tracks and the distance from the west culvert to the east culvert.

About 1230, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) and his son, (b)(6) (b)(7)(C). Master (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) spotted the body of Ali MANSOUR on the morning of 17 May 08 while he was walking to get well water. He returned to his house and told his father that he saw what he believed to be someone sleeping. (b)(6) (b)(7)(C) went to the area and saw a man laying dead in the culvert. (b)(6) (b)(7)(C) called the Iraqi Army checkpoint and reported the finding.

About 1545, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advise (b)(6) (b)(7)(C) (b)(3) of his legal rights for False Official Statement and Assaul (b)(6) (b)(7)(C) (b)(3) requested legal counsel.

About 1610, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) f his legal rights for False Official Statement an (b)(6) (b)(7)(C) (b)(3) equested legal counsel.

About 1624, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) advise (b)(6) (b)(7)(C) (b)(3) of his legal rights for False Official Statement and Conspiracy. (b)(6) (b)(7)(C) (b)(3) equested legal counsel.

About 1642, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) ollected cheek swabbings and hair samples of Mr. (b)(6) (b)(7)(C) from (b)(6) (b)(7)(C) (b)(3) while in the Battalion Aid Medical Facility on FOB Summerall on an EPCD.

About 1745, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) f his legal rights for False Official Statement. (b)(6) (b)(7)(C) (b)(3) equested legal counsel.

About 1820, 1 Jul 08 (b)(6) (b)(7)(C) (b)(3) dvised (b)(6) (b)(7)(C) (b)(3) of his legal rights for False Officia t and Conspiracy (b)(6) (b)(7)(C) (b)(3) requested legal counsel.

About 2134, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) advised (b)(6) (b)(7)(C) (b)(3) of his legal rights for Obstruction of Justice (b)(6) (b)(7)(C) (b)(3) waived his rights and provided a sworn written statement in which he detailed he was not aware at the time of the statements of 1LT BEHENNA's involvement in Mr. MANSOUR's death, and only wanted to ensure the platoon statements were consistent with each other.

About 2215, 1 Jul 08, (b)(6) (b)(7)(C) (b)(3) re-interviewe (b)(6) (b)(7)(C) (b)(3) he Interpreter), who recollected on 5 May, he was pre EHENNA an (b)(6) (b)(7)(C) (b)(3) at the (b)(6) (b)(7)(C) (b)(3) house. 1LT BEHENNA had a list of names given to him by a source. A ame was on the list. 1LT BEHENNA showed the names on the list to (b)(6) (b)(7)(C) (b)(3) and asked about the names on the list as to whether they were terrorists or not. (b)(6) (b)(7)(C) (b)(3) said that Ali MANSOUR was "Not good", and then he told 1LT BEHENNA SOUR resided. 1LT BEHENNA takes the platoon to where he was told Ali MANSOUR resided. (b)(6) (b)(7)(C) knocked on a door and a male answered. (b)(6) (b)(7)(C) identified the male as (b)(6) (b)(7)(C) (Ali MANSOUR's brother). (b)(6) (b)(7)(C) asked (b)(6) (b)(7)(C) where Ali was, to which (b)(6) (b)(7)(C) shows where Ali's house was. (b)(6) (b)(7)(C) stayed at his house while (b)(6) (b)(7)(C) 1LT BEHENNA, SSG WARNER, and a few other platoon members walked about 20 meters to Ali's house located behind (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) knocked on Ali's door. Ali is identified and he is brought outside his house. Soldiers search the inside of his house and an RPK, AK-47, and some magazines of rounds were found. (b)(6) (b)(7)(C) brought Ali's wife and kids outside of the house. The AK-47 was left at Ali's house, but the RPK and the magazines of rounds were confiscated. 1LT BEHENNA, SSG WARNER, and (b)(6) (b)(7)(C) went inside the house with Ali, and took him to a room in the back of the house. 1LT BEHENNA questioned Ali. A passport was found in Ali's house. The

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passport belonged to Ali and had two visa stamps indicating Ali traveled to Syria on two separate occasions. When asked, Ali denied ever going to Syria. Ali was shown the passport and then admitted to going to Syria once for the Hajj. He then denied going a second time. 1LT BEHENNA shows the second visa to Ali and he admitted to going to Syria on a second time to visit a doctor. 1LT BEHENNA put Ali on the ground, laying face down, and beat Ali on his back with his Army Combat Helmet (ACH) about 40 to 50 times. While striking Ali, 1LT BEHENNA was asking about names of local terrorists. Ali gave some names that were on 1LT BEHENNA's list. 1LT BEHENNA never showed the list to Ali. At one point during the beatings, SSG WARNER stood on Ali's legs, because he was moving around. SSG WARNER stood on Ali's legs for about one minute. After the beatings, Ali was arrested and brought outside. 1LT BEHENNA never asked Ali about the 21 Apr 08 IED attack or about any connection to IED emplacement or support. Harry never took part in beating Ali, he only translated. Hakim MANSOUR was never at Ali's house, inside or outside. Soldiers were inside Ali's house for approximately 30 minutes. Harry only knew of Soldiers inside Hakim's house for approximately one minute. (b)(6) (b)(7)(C) never heard 1LT BEHENNA and (b)(6) (b)(7)(C) speak of Ali MANSOUR prior to 5 May 08, and he never heard Ali's name mentioned in connection to the 21 Apr 08 IED attack until after Ali was killed. On 16 May 08, just prior to loading a convoy to take Ali MANSOUR and another detainee back to Albu Toma, 1LT BEHENNA told Harry to bring Ali to a location just in front of 1LT BEHENNA's CHU. 1LT BEHNNA asked Ali again to tell him the names of any terrorists. Ali replied that he did not know any. 1LT BEHENNA told Ali, "Today, I'm going to kill you, motherfucker." To which Ali answered, "I told you all I know. I'm innocent." Ali was scared and shaking, and began to pray or mumble something repeatedly. (b)(6) (b)(7)(C) did not believe 1LT BEHENNA would actually kill Ali, but thought it was told to him just to scare him. After his leave, around 0300 one night, 1LT BEHENNA came back to FOB Summerall and knocked on (b)(6) (b)(7)(C) CHU door. (b)(6) (b)(7)(C) did not know who was knocking on his door, and when he answered he was shocked to see 1LT BEHENNA standing there. 1LT BEHENNA came in and asked (b)(6) (b)(7)(C) how he was doing. (b)(6) (b)(7)(C) replied he was fine. 1LT BEHENNA asked, "Did you tell them everything?" (b)(6) (b)(7)(C) replied, "Yes, I did tell them everything." 1LT BEHENNA said, "Okay, bye." 1LT BEHENNA then left. He was at the CHU for approximately two minutes. (b)(6) (b)(7)(C) did not have any interaction with 1LT BEHENNA since.

07/01/2008 03:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

The toothbrush collected as evidence on 29 Jun 08 was forwarded to the evidence custodian under Registered Mail Number RA 376773365 US.

07/02/2008 03:45
(b)(6) (b)(7)(C) (b)(3)
8:00 Investigative

About 1045, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) interviewed 1LT (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Iraqi Police, ge, DOB: 18 Jan 1979, who stated sometime in May 08 he heard the call of a found dead body over the radio. He arrived at the scene and found an unidentified dead male, burned and laying in a pool of blood. 1LT (b)(6) (b)(7)(C) did not recall who made the video of Ali MANSOUR's body, however, he did say it was an accurate portrayal of how his body was found. 1LT (b)(6) (b)(7)(C) did collect one shell casing and a piece of a grenade from the scene near the body. He took the collected items and the body to the Bayji Police station. The collected items were secured at the police station. Ali MANSOUR's body went to the local morgue. The Iraqi Police did not do an examination of the scene and no further documentation of the scene was completed.

About 1410, 2 Jul 08 (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who stated he had screened Ali. MANSOUR around 11 May 08. (b)(6) (b)(7)(C) (b)(3) elated he was informed Mr. MANSOUR was involved with IEDs and was found in possession of machine guns and was resisting arrest, but could not recall who he heard this information from. (b)(6) (b)(7)(C) (b)(3) related he did not receive any documents or identification from Mr. MANSOUR and screened Mr. MANSOUR for about one hour (b)(6) (b)(7)(C) (b)(3) elated Mr. MONSOUR did not complain of any abuse during his detention, and rated Mr. MANSOUR as extremely deceptive during the interview and recommended he be sent for further

AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
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intelligence exploitation.

About 1435, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) nterviewed Mr. (b)(6) (b)(7)(C) Category 2 interpreter, (b)(6) (b)(7)(C), HHC, Multi Function Team, FOB Summerall, who related he was the interpreter assigned to both screenings conducted of Mr. MANSOUR at FOB Summerall (b)(6) (b)(7)(C) during the second screening conducted by (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) cess. (b)(6) (b)(7)(C) (b)(3) lated he was not aware why 1LT BEHENNA was in the room during the questioning, and only repeatedly asked Mr. MANSOUR to repeat the list of names he had given before. (b)(6) (b)(7)(C) related he was never told by Mr. MANSOUR he was abused during his detention, and further related he did not notice any deceptive behavior of Mr. MANSOUR during his interviews. 1LT BEHENNA never asked Mr. MANSOUR about any IED emplacement or support during the screening.

About 1445, 2 Jul 08 (b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) elated he screened Mr. MANSOUR sometime around 14 May 08. (b)(6) (b)(7)(C) (b)(3) ated he was approached by 1LT BEHENNA who requested to be present d rview. (b)(6) (b)(7)(C) (b)(3) lated he was informed 1LT BEHENNA was given permission by S-2 (NFI) to be present during the interview (b)(6) (b)(7)(C) (b)(3) ated he was informed by 1LT BEHENNA, Mr. MANSOUR had more intelligence information, indicating he knew more names of terrorists. (b)(6) (b)(7)(C) (b)(3) he found Mr. MANSOUR to be deceptive during the interview by body language, repeat and control questions, and Mr. MANSOUR never complained of any abuse during his detention. 1LT BEHENNA never asked Mr. MANSOUR about any IED emplacement or support during the screening.

About 1700, 2 Jul 08, (b)(6) (b)(7)(C) (b)(3) interviewed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) who provided a sworn statement detailing his witnessing 1LT BEHENNA questioning an Iraqi male sometime in Mar 08 with a knife held to the man's right ear (b)(6) (b)(7)(C) (b)(3) related he told 1LT BEHENNA it was not a way to question anyon (b)(6) (b)(7)(C) (b)(3) related 1LT BEHENNA told him he had gotten the information he wa an, which was the location of his brother who was detained later during the mission.

About 1730, 2 Jul 08 (b)(6) (b)(7)(C) (b)(3) oordinated with Mr. (b)(6) (b)(7)(C), Iraqi Police Transition Team, FOB Summerall, who provided a copy of a hand receipt indicating a Glock 9mm, serial number GWY379, and a Beretta 9mm, serial number X16807Z, were signed for by (b)(6) (b)(7)(C) (b)(3) Mr. (b)(6) (b)(7)(C) stated he did not find any other hand receipts showing (b)(6) (b)(7)(C) (b)(3) igned for additional Glock 9mm handguns.

07/02/2008 14:00
(b)(6) (b)(7)(C) (b)(3)

Approval from BC for agents to convoy back from Sumemrall received.

07/03/2008 00:30
(b)(6) (b)(7)(C) (b)(3)
1:00 Investigative

(b)(6) (b)(7)(C) (b)(3) eparted FOB Summerall and returned to COB Speicher.

07/07/2008 04:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

(b)(6) (b)(7)(C) (b)(3) forwarded the serial numbers of the collected Glocks to (b)(6) (b)(7)(C) (b)(3) DCIS, Baghdad.

07/08/2008 05:00
(b)(6) (b)(7)(C) (b)(3)
0:40 Investigative

About 1200, 4 Jul 08 (b)(6) (b)(7)(C) (b)(3) ent buccal swabs and hair to Evidence room via Registered mail # RA 376 773 405 US

07/10/2008 02:40
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

As of late 8 Jul 08 connectivity on COB Speicher was limited or not available and was expected to have problems until 10 Jul 08. During this time AAS entries and investigative reports could not be completed.

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07/12/2008 03:00
(b)(6) (b)(7)(C) (b)(3) (plus 2 additional participants)
4:30 Investigative

About 1000, 12 Jul 08, during an administrative review of this case file and evidence collected, it was determined necessary to attempt to collect any military/civilian clothing and/or equipment worn by both 1LT BEHENNA and SSG WARNER on 16 May 08 as there may be the presence of Ali MANSOUR's blood. In light of blood spatter at the scene and (b)(6) (b)(7)(C) the Interpreter's statement, it is believed blood evidence would most likely be present on their clothing when they cut Ali MANSOUR's clothing off, when 1LT BEHENNA shot Ali MANSOUR, and when they both collected his cut clothing to leave the area.

About 1200, 1200, 12 Jul 08, (b)(6) (b)(7)(C) (b)(3) briefed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) on all known aspects of this investigation, particularly on the theory of how Ali MANSOUR's blood may be present on clothing and/or equipment 1LT BEHENNA and SSG WARNER were wearing on 16 May 08.

About 1400, 12 Jul 08, (b)(6) (b)(7)(C) (b)(3) drafted two Affidavits Supporting Request for Authorization to Search and Seize or Apprehend, DA Form 3744. One for 1LT BEHENNA's room located at Room 8 of a building in between Buildings 2906 and 2907, COB Speicher; and another for SSG WARNER's room located at CHU C-30, LSA 13, COB Speicher.

About 1722, 12 Jul 08 (b)(6) (b)(7)(C) (b)(3) granted authorizations to search 1LT BEHENNA's and SSG WARNER's residences. The authorizations were documented on Search and Seizure Authorizations, DA Form 3745.

(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

About 1600, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) coordinated, through (b)(6) (b)(7)(C) (b)(3) o have 1LT BEHENNA present at his residence at 1900, 13 Jul 08, so the Search and Seizure Authorization could be executed.

(b)(6) (b)(7)(C) (b)(3) (plus 1 additional participant)
2:00 Investigative

About 1800, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) oordinated with the 732nd ESFS to ha l meet at the CID office in support of the search of 1LT BEHENNA's residence (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) oth 732nd ESFS, COB Speicher, arrived at the CID Office and were briefed.

About 1845, 13 Jul 08 (b)(6) (b)(7)(C) (b)(3) rrived at Room 8 to execute the search of 1LT BEHEENA's residence. As of 2000, 1LT BEHENNA did not show up and no one answered the door to Room 8.

(b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) 1LT BEHENNA's Commander), Security Detachment, Special Troops Battalion, 1st AD, COB Speicher, who arrived at the building and related he was mistaken on the room number he provided as 1LT BEHENNA's residence. The correct room was Room E in the same building located approximately 50 meters from Room 8 (b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and briefed her on the room number mistake. (b)(6) (b)(7)(C) (b)(3) rafted a second DA Form 3744 and DA Form 3745 reflecting the correct room for 1LT BEHENNA.

(b)(6) (b)(7)(C) (b)(3) plus 1 nt)
23:30 Investigative

About 1815, 13 Jul 08, subsequent to magistrate's authorization (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) conducted a search of SSG WARNER's assigned living area at CHU 30-C, LSA 13, COB Speicher, which resulted in the seizure of the following items of evidence: (2) pair tan boots; (1) camel back hydration system; (2) Interceptor Body Armor carriers; (1) pair gloves; (1) Army Combat Helmet cover; (1) Army Combat Uniform (ACU) jacket; (2) pair ACU trousers; (1) ACU undershirt; (2) ammunition pouches; and (1) pouch/carrier. The items were documented on an EPCD, DN _____-08. During the search (b)(6) (b)(7)(C) (b)(3) tilized a Lynn Peavey Ultralight Alternate Light Source (ALS) to examine su s of evidence (b)(6) (b)(7)(C) (b)(3) exposed digital images of the seized evidence utilizing a Nikon D80 digital camera with flash.

SSG WARNER was provided a copy of the Search and Seizure AUthorization.

All evidence was processed and packaged for shipment to the evidence custodian.

For Official Use Only - Law Enforcement Sensitive

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07/13/2008 14:33
(b)(6) (b)(7)(C) (b)(3)
0:50 Investigative

(b)(6) (b)(7)(C) (b)(3) granted authorization to search 1LT BEHENNA's residence located at Room F of the building between Buildings 2906 and 2907, COB Speicher. The authorization was documented on a DA Form 3745.

(b)(6) (b)(7)(C) (b)(3) (plus 1 additional participant)
2:30 Investigative

About 2147, 13 Jul 08, (b)(6) (b)(7)(C) (b)(3) rovided a copy of the DA Form 3745 to 1LT BEHENNA.

207, 13 Jul 08, pursuant to magistrate's authorization, (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) onducted a search of 1LT BEHENNA's assigned living area at Room F of a building located between Buildings 2906 and 2907, COB Speicher, which resulted in the seizure of the following items of evidence: (1) ACH cover, (2) pairs of boots, (2) pairs of gloves, (4) sets of ACU trousers, (1) pair of kneepads, (1) groin protector, (1) Improved first aid kit pouch, (2) magazine pouches, (2) hand grenade pouches, (1) Improved outer tactical vest carrier, and (1) Interceptor body armor carrier. The items were documented on an EPCD, DN _____-08. During the search (b)(6) (b)(7)(C) (b)(3) tilized a Ly v Ultralight Alternate Light Source (ALS) to examine suspe of evidenc (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) exposed digital images of the seized evidence utilizing a Nikon D80 digital camera with flash.

07/14/2008 08:32
(b)(6) (b)(7)(C) (b)(3)
2:20 Investigative

Between 1532 and 1753, 14 Jul 08 (b)(6) (b)(7)(C) (b)(3) ealed the evidence collected from 1LT BEHENNA's residence in appropriate paper bags.

07/15/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
1:00 Investigative

About 0900, 15 Jul 08 (b)(6) (b)(7)(C) (b)(3) packaged all evidence collected from 1LT BEHENNA's residence sent the box to the 11th Military Police Battalion (CID) Evidence Custodian, Camp Victory, Iraq, via Registered Mail # RA 376 773 581 US.

(b)(6) (b)(7)(C) (b)(3)

About 0930, 15 Jul 08 (b)(6) (b)(7)(C) (b)(3) downloaded photos taken at 1LT BEHENNA's room during the serving of the Search Authorization for ACUs, boots, IBA, ACH, gloves and all other items possibly containing blood evidence

07/15/2008 03:00
(b)(6) (b)(7)(C) (b)(3)
1:00 Investigative

(b)(6) (b)(7)(C) (b)(3) orwarded the evidence collected on 13 Jul 08 to the evidence custodian under Registered Mail Numbers RA 376773459 US and RA 376773462 US.

07/15/2008 15:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

(b)(6) (b)(7)(C) (b)(3) coordinated with Ms (b)(6) (b)(7)(C), USACIL, who verified the evidence was received on 11 Jul 08 and will be expedited. The USACIL tracking number is 2008-1346-CID131.

(b)(6) (b)(7)(C) (b)(3) riefed (b)(6) (b)(7)(C) (b)(3) on the coordination with USACIL.

07/18/2008 10:00
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

About 1700, 18 Jul 08, (b)(6) (b)(7)(C) (b)(3) provide (b)(6) (b)(7)(C) (b)(3) opies of the EPCD's documenting the results of the search authoriz T BEHENNA's and SSG WARNER's knives at FOB Summerall and for their residences at COB Speicher.

07/21/2008 12:25
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

(b)(6) (b)(7)(C) (b)(3) attempted to reach Mr (b)(6) (b)(7)(C) Trace Evidence, USACIL concerning an email he sent last week. Mr (b)(6) (b)(7)(C) was not available and a message was left on his voicemail.

(b)(6) (b)(7)(C) (b)(3) also attempted to reach Mr (b)(6) (b)(7)(C) on 18 Jul 08.

(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

(b)(6) (b)(7)(C) (b)(3) coordinated wit (b)(6) (b)(7)(C) (b)(3) who related on 23 Jul 08 she interviewed Dr. (b)(6) (b)(7)(C), the al examiner for Mr. MANSOUR. Dr. (b)(6) (b)(7)(C) stated he observed two gunshot wounds on Mr. MANSOUR's body, both with exit wounds. Dr. (b)(6) (b)(7)(C) related he was able to determine the trajectory of the projectiles but did not find any evidence of the projectiles in the body. Dr. (b)(6) (b)(7)(C) stated Mr. MANSOUR suffered burns to approximately nine percent of his body which were concentrated around the neck and head. Dr. (b)(6) (b)(7)(C) was unable to determine the cause of the burns.

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07/25/2008 04:45
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Send Investigative Report for Approval

07/25/2008 05:27
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Approve Investigative Report

07/25/2008 05:35
(b)(6) (b)(7)(C) (b)(3)

Per Ops guidance a third status report was generated to provide an update on this investigation.

07/26/2008 03:00
(b)(6) (b)(7)(C) (b)(3)
3:00 Investigative

About 1730, 24 Jul 08 (b)(6) (b)(7)(C) (b)(3) oordinated with Mr. (b)(6) (b)(7)(C) who related he had discovered the case number contained the year 07. Mr. (b)(6) (b)(7)(C) advised this was an error and the case number should have included the year 08. Mr. (b)(6) (b)(7)(C) related he would make the correction to the year and advised one latent print report had already been generated with the 07 year.

About 1745, 24 Jul 08 (b)(6) (b)(7)(C) (b)(3) received message from Mr. (b)(6) (b)(7)(C) elating evidence had been transferred at the ce evidence.

Assembled documents, made corrections to documents, put file in order

07/28/2008 03:30
(b)(6) (b)(7)(C) (b)(3)
1:00 Investigative

(b)(6) (b)(7)(C) (b)(3) riefed (b)(6) (b)(7)(C) (b)(3) on the status of this investigation.

08/01/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

(b)(6) (b)(7)(C) (b)(3) ecieved a scanned copy of the LP Branch report which documented no s were found on the shell casings or grenade fragment.

08/05/2008 09:00
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) and briefed the investigation would be completed by (b)(6) (b)(7)(C) (b)(3) who was assuming responsibilities as the Special Agent in Charge.

(b)(6) (b)(7)(C) (b)(3) stated charges were preferred on 1LT BEHENNA and verified the charge of eferred for the incident which took place at Ali MANSOUR's residence. Additionally, SSG WARNER was also charged with obstruction for instructing platoon members to provide false or incomplete statements on 7 Jun 08.

08/07/2008 09:56
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

About 1656, 7 Aug 08, (b)(6) (b)(7)(C) (b)(3) elephonically interviewed Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Police Transition Team, 561st Military Police Company, FOB Summerall, who related in mid April 08 he signed out a Glock 9mm to a member of the 1/327th In Reg, FOB Summerall, who presented themselves as a member of a Military Transition Team or National Police Transition Team. Mr. (b)(6) (b)(7)(C) stated he could not recall the exact name of the individual but if (b)(6) (b)(7)(C) (b)(3) name was on the hand receipt then that was the individual he signed th o. Mr. (b)(6) (b)(7)(C) recalled also signing out a Beretta to the same individual. Mr. (b)(6) (b)(7)(C) recalled the individual returned the first Glock as it was not functioning correctly and obtained an additional Glock. Mr. (b)(6) (b)(7)(C) denied signing out additional Glocks to anyone. Mr. (b)(6) (b)(7)(C) stated he did not know or recall dealing with 1LT BEHENNA.

08/08/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received the following update from Mr (b)(6) (b)(7)(C) at USACIL:

As of today, I have pretty much completed 95% of my trace examination regarding the suspected incendiary hand-grenade. I still need to examine the submitted bloody gauze pads when all DNA analyses are completed and I get the evidence transferred back to me. That transition should happen on Monday (11-Aug-2008). In fact, I should also get back the submitted projectile from DNA that day and then will have all pertinent items of

evidence available for the assigned Firearms Examiner to take possession and to commence their examinations. By the end of next week, we should be a couple huge steps closer to completing all examinations presently on-going with this case based on the evidence submitted thus far.

I will keep the progress reports going and ensure that when the final reports are ready on each discipline that EP scans and e-mails those to you ASAP. If anything new pops up, let us know. Take care!

V/R,

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

08/09/2008 15:10
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received and sent the following information on the grenade to Mr (b)(6) (b)(7)(C) SACIL (who requested the Lot Number):

The information on the container for the grenade is as follows:

G900 CCA
Grenade Hand
Incendiary AN-M14
TAC-1-32

(b)(6) (b)(7)(C) (b)(3)
5:00 Investigative

About 1000, 10 Aug 08, (b)(6) (b)(7)(C) (b)(3) and Mr (b)(6) (b)(7)(C) conducted a review of the Iraqi documents collected to date. Mr. (b)(6) (b)(7)(C) translated several remaining documents which were posted to the file. The death certificate and identification report was included with these documents, were obtained initially during the week of 13 – 18 Jun 08. A preliminary translation was completed in order to determine the content of the documents. Mr. (b)(6) (b)(7)(C) completed the official translation which was appended as an exhibit to this report.

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Recorded data pertaining to U.S. Government

08/12/2008 05:00
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

(b)(6) (b)(7)(C) (b)(3) orwarded the lab request for the evidence collected as a result of the searches (b)(6) (b)(7)(C) (b)(3) ust received the evidence in the mail.

(b)(6) (b)(7)(C) (b)(3) s still pending receipt of the swabs.

08/12/2008 06:00
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

(b)(6) (b)(7)(C) (b)(3) recieved the NCIC name check results of SSG WARNER and 1LT BEHENNA, which were negative.

08/12/2008 06:45
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

(b)(6) (b)(7)(C) (b)(3) recieved the charge sheets from (b)(6) (b)(7)(C) (b)(3) as they pertained to SSG WARNER and 1LT BEHENNA.

08/13/2008 02:45
(b)(6) (b)(7)(C) (b)(3)

Recorded data pertaining t (b)(6) (b)(7)(C) (b)(3)

08/13/2008 02:55
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Send Investigative Report for Approval

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(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Approve Investigative Report

08/13/2008 03:30
(b)(6) (b)(7)(C) (b)(3)
6:00 Investigative

Updated file and prepared CD for FSO and SJA. Four copies in all were prepared with documents, draft AIRs, and photos.

Forwarded RFA to Fort Campbell for interview o (b)(6) (b)(7)(C) (b)(3)

File to be handed off to SAC, 38th MP Det (CID).

The following needs to be completed:

~ coordinate wit (b)(6) (b)(7)(C) (b)(3) to obtain arial photo of incident location (grid coordinates are on initial/status report. This c d to crime scene exam as an establishing document. Also, coordinate wit (b)(6) (b)(7)(C) (b)(3) for Blue Force tracker information on 5th Platoon convoy on 16 MAy 08. Information received initially was for incorrect date.

~ send RFA to Fort Sill to conduct local agency check with Central OK Univ Campus Police to determine if there are any records pertaining to 1LT BEHENNA. ORB is posted in file.

~ interview (telephonic will suffice) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) concerning how she collected the toothbrush and from which family member she received it. POC number is S-2 at 672-5231.

Lab is pending and Mr. (b)(6) (b)(7)(C) informed there was a new POC at this location. All evidence except for the swabs is either at the lab or on its way.

File to (b)(6) (b)(7)(C) (b)(3)

08/14/2008 03:01
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Reviewed the status report

~Good work

~Pending USACIL examinations

~Priority case

08/14/2008 06:00
(b)(6) (b)(7)(C) (b)(3)
5:00 Quality Control

Received case file.

~Started reviewing case file.

08/15/2008 01:30
(b)(6) (b)(7)(C) (b)(3)
1:00 Quality Control

Reviewed case file.

(b)(6) (b)(7)(C) (b)(3)
1:00 Quality Control

Reviewed case file.

08/15/2008 07:00
(b)(6) (b)(7)(C) (b)(3)
1:20 Investigative

(b)(6) (b)(7)(C) (b)(3) interviewed Mr. (b)(6) (b)(7)(C), Iraqi Police Transition Team, who provided a verbal statement. Mr. (b)(6) (b)(7)(C) related he arrived at FOB Summerall in June 2007 and adopted the responsibility of maintaining a weapons cage which contained numerous weapons utilized to train the Iraqi Police. Mr. (b)(6) (b)(7)(C) related no log book or inventory was ever maintained in the weapons storage cage and there was no accurate record of weapons leaving or returning to the weapons cage. Mr. (b)(6) (b)(7)(C) related he remembered

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being in the weapons cage when (b)(6) (b)(7)(C) (b)(3) requested a 9mm Glock and a 9mm Barretta pistol. He related (b)(6) (b)(7)(C) (b)(3) gave the impression he was with the Military Transition Team (MTT) and wanted to sign out the weapons for training purposes. Mr. (b)(6) (b)(7)(C) related (b)(6) (b)(7)(C) (b)(3) was the only military person he had ever witnessed signing out weapons from the weapons cage. He related both weapons were signed out to (b)(6) (b)(7)(C) (b)(3) on a hand receipt and provided a copy of the hand receipt to this office earlier. A couple of minutes after (b)(6) (b)(7)(C) (b)(3) was issued the pistols (b)(6) (b)(7)(C) (b)(3) returned and claimed the 9mm Glock he initially signed out was malfunct (b)(6) (b)(7)(C) related Mr. (b)(6) (b)(7)(C) issued another 9mm Glock pistol to (b)(6) (b)(7)(C) (b)(3) n exchange for the bad pistol. Mr. (b)(6) (b)(7)(C) related he was under the impression Mr. (b)(6) (b)(7)(C) was going to change the serial number on the existing hand receipt to reflect the new 9mm Glock pistol issued to (b)(6) (b)(7)(C) (b)(3) How (b)(6) (b)(7)(C) (b)(3) ure if that happened and could not find any other hand receipts t (b)(6) (b)(7)(C) (b)(3) Mr. (b)(6) (b)(7)(C) related he did know 1LT BEHENNA, but he never issued any weapons to him from the weapons cage. Mr. (b)(6) (b)(7)(C) related since the incident happened, the weapons cage had since been turned over to the military. Mr. (b)(6) (b)(7)(C) had nothing further to add that would assist in this investigation.

08/15/2008 09:45
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) who related she had no specific questions regarding the interview of Mr. (b)(6) (b)(7)(C) . (b)(6) (b)(7)(C) (b)(3) further clarified the soldiers who initially made false statements on 7 and 9 Jun 08 regarding their knowledge of the events on the night of 16 May 08, were given immunity in exchange for their testimony and no charges would be pursued against them with the exception of SSG WARNER. (b)(6) (b)(7)(C) (b)(3) stressed the importance of the lab work being conducted by USACIL in an expeditious manner.

08/15/2008 11:10
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Coordinated with SA (b)(6) (b)(7)(C) , Special Agent in Charge, Fort Sill CID Office, Fort Sill, OK 73503, regarding a request for assistance. SA (b)(6) (b)(7)(C) provided his email address: (b)(6) (b)(7)(C) @us.army.mil.

08/15/2008 11:20
(b)(6) (b)(7)(C) (b)(3)
0:45 Investigative

(b)(6) (b)(7)(C) (b)(3) assembled enclosures and sent an RFA t (b)(6) (b)(7)(C) (b)(3) ia email.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Coordinated with SA (b)(6) (b)(7)(C) , Special Agent in Charge, Monterey Branch Office (CID), Monterey, CA 93944 in reference to a request for assistance. SA (b)(6) (b)(7)(C) provided his email address: (b)(6) (b)(7)(C) @us.army.mil.

(b)(6) (b)(7)(C) (b)(3)

Reviewed case file, assembled enclosures, and drafted RFA to the Monterey Branch Office.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Sent RFA t (b)(6) (b)(7)(C) (b)(3) ia email.

(b)(6) (b)(7)(C) (b)(3)
1:30 Quality Control

Finished reviewing case file.

~Missing AIR entries: Interviews of (b)(6) (b)(7)(C) (b)(3) dated 14 Jun 08. Will add to AIR.

~Will scrub case file and redact all SSN's

~Updated IP

~Pending USACIL reports, interview (b)(6) (b)(7)(C) (b)(3) nd coordination wit (b)(6) (b)(7)(C) (b)(3) reference Blue Force Tracker logs.

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AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY

08/16/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
0:01 Quality Control

Submit case file to SAC for review.

(b)(6) (b)(7)(C) (b)(3)

Received an email fro (b)(6) (b)(7)(C) (b)(3) who acknowledged receipt of the RFA and provided their case number: 0205-08-CID024.

(b)(6) (b)(7)(C) (b)(3)

SAC REVIEW:

- Reviewed file. File pending RFA's and Lab report.

- Noted Article 32's are scheduled for 5 Sep 08 (WARNER) and 20 Sep 08 (BEHENNA)

- Case agent see me to discuss AIR's some may need administrative corrections.

(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Response to SAC review:

1. Noted
2. Noted
3. Discussed with SAC regarding remaining leads in investigation.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from SA (b)(6) (b)(7)(C) Monterey Branch Office (CID), Monterey, CA, who acknowledged receipt of the RFA and provided his case number of 0084-08-CID036.

08/21/2008 06:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email fro (b)(6) (b)(7)(C) (b)(3) ho related his interview with Mr. (b)(6) (b)(7)(C) was complete (b)(6) (b)(7)(C) (b)(3) lso attached a rough draft of his AIR documenting the interview.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

This office received the Final Reports from the Latent Print Branch, USACIL, which disclosed the examinations of the cartridge cases and grenade remnants revealed there were no latent prints suitable for identification.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) nterviewed (b)(6) (b)(7)(C) (b)(3) the her receipt of the toothbrush belonging to Mr. MANSOU (b)(6) (b)(7)(C) (b)(3) elated she did not remember the day she received the toothbrush, but s th Mr. (b)(6) (b)(7)(C) at the Civil Military Operations Center (CMOC), FOB Summerall, to discuss another matter. She related towards the end of their meeting, Mr. (b)(6) (b)(7)(C) handed her a black plastic bag and was told by M (b)(6) (b)(7)(C) U.S. agent's requested he bring a toothbrush belonging to Mr. MANSOUR (b)(6) (b)(7)(C) (b)(3) elated she did not open the plastic bag to verify if there was in fact a to of it. Instea (b)(6) (b)(7)(C) (b)(3) laced the bag on (b)(6) (b)(7)(C) desk along with a note. (b)(6) (b)(7)(C) (b)(3) ad nothing further to add that would assist in this investigation.

(b)(6) (b)(7)(C) (b)(3)

Cooridnated wit (b)(6) (b)(7)(C) (b)(3) who relat (b)(6) (b)(7)(C) (b)(3) would check to determine the course for requesting Blue Force Tracker informatio (b)(6) (b)(7)(C) (b)(3) elate (b)(6) (b)(7)(C) (b)(3) o longer worked there.

(b)(6) (b)(7)(C) (b)(3)

Coordinated with (b)(6) (b)(7)(C) (b)(3) who related he would check with his NCOIC in regards to the information needed to provide this office with an accurate Blue Force Tracker report.

(b)(6) (b)(7)(C) (b)(3)

Coordinated with (b)(6) (b)(7)(C) (b)(3) who related he would email an unclassified aerial photograph of grid location LD 59625 61025; however, he related it would probably not be the magnification this office is requesting. (b)(6) (b)(7)(C) (b)(3) further related he would arrange closer photographs of the grid location, but

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because of the higher resolution they would most likely be classified as secret.

08/25/2008 09:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) and provided him with the pert provide this office with a Blue Force Tracker report for 16 May 08. (b)(6) (b)(7)(C) (b)(3) elated he would try to have the report to this office tomorrow.

08/26/2008 10:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email via SIPR from (b)(6) (b)(7)(C) (b)(3) regarding the Blue Force Tracker information regarding 5th Platoon, D Company, 1/327th Infantry, FOB Summerall, for 16 May 08. A review of the report determined the need for an explanation by a SME.

08/26/2008 10:10
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received advance copies of the Final Reports of the DNA and Trace Evidence Branches, USACIL. Additional reports from both the DNA and Trace Evidence Branches are expected regarding later laboratory request submissions.

08/26/2008 10:30
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email via SIPR from (b)(6) (b)(7)(C) (b)(3) wherein he attached the aforementioned aerial photographs of grid location: LD 59625 61025. However, the attachments could not be opened as a result of an error message.

08/26/2008 11:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email Mr. (b)(6) (b)(7)(C) , Criminal Intelligence Specialist, Fort Campbell CID Office, For Campbell, KY, who provided an advanced copy of the Final Information report regarding the interview of (b)(6) (b)(7)(C) (b)(3) Mr. (b)(6) (b)(7)(C) related the original copy was mailed via official mail to this office on 26 Aug 08.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Sent an email to (b)(6) (b)(7)(C) (b)(3) requesting a status on the RFA sent to their office.

08/27/2008 07:46
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Emailed (b)(6) (b)(7)(C) (b)(3) status on the updates regarding the interviews of (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3)

08/27/2008 08:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) who explained the contents of the Blue Force Tracker report (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related the report was specific to the unit roll number (URN) which was specific to the transmitter assigned to a specific truck. (b)(6) (b)(7)(C) (b)(3) elated the transmitter automatically transmits the location every f st reported location on 16 May 08, occurred at approximately 1711 hrs. (b)(6) (b)(7)(C) (b)(3) elated if the end time of the last known location does not correspond with any other recorded mission return times, it's possible the Blue Force Tracker system was turned off sometime during the actual mission. (b)(6) (b)(7)(C) (b)(3) further related all of the location coordinates were in latitude and longitude, and would have to be converted to Military Grid Reference System (MGRS) for an easier understanding. (b)(6) (b)(7)(C) (b)(3) related he would double e sure there were no other reports for that particular URN. Further (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) related he would provide a roster of URN's and the corresponding units/vehicles they belong to. (b)(6) (b)(7)(C) (b)(3) related he would contact this office when he obtains additional information.

08/27/2008 08:20
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) and obtained aerial photographs of grid location 38S LD 59625 61025 to supplement the crime scene examination AIR, 18 Jun 08.

08/28/2008 02:00
(b)(6) (b)(7)(C) (b)(3)

Pending actions:

- USACIL final reports.
- receipt of Final Information Reports from Fort Campbell, Monterey, and Fort Sill.

- receipt of Blue Force Tracker report
- pull / mark exhibits, draft final report

Submit case file to SAC for review.

08/28/2008 06:45
(b)(6) (b)(7)(C) (b)(3)
0:20 Quality Control

SAC REVIEW:

- Good work by case agent.

- Continue coordination with the lab and ensure that lab reports arrive in time for the Art 32's.

- Ensure administrative corrections to AIR's are completed and all pertinent activity from the 28's are posted to AIR's.

- To case agent. Continue.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Response to SAC review, 28 Aug 08:

1. Noted
2. Noted
3. Noted

Response to Det CDR review, 29 Aug 08:

1. Noted
2. Noted
3. Exhibits pulled, will prepare for final FSO and Det CDR review
4. Noted
5. Noted

09/01/2008 09:04
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) coordinated with (b)(6) (b)(7)(C) (b)(3) who provided a compact disc containing unit roll number (URN) spreadsheet, and the Blue Force Tracker report pertaining to the URN's 761726 and 761725, which were reported as being assigned to 5th PLT, D CO, 1-327th INF. The report documented positional grid coordinates for URN 761726, between 1547 and 1703, 16 May 08. Further, the report documented positional grid coordinates for URN 761725, between 1548 and 1711, 16 May 08. No other activity was reported on 16 May 08, pertaining to both URN's.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

This office received the Final Reports of the Trace Evidence Branch and DNA Branch, USACIL.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

(b)(6) (b)(7)(C) (b)(3) coordinated with SA (b)(6) (b)(7)(C) Fort Sill CID office, Fort Sill, OK, who related a check with the University revealed they could not release any disciplinary records of 1LT BEHENNA without a subpoena due to privacy act protections. SA (b)(6) (b)(7)(C) related he would coordinate with the Edmond Police Department to determine if anything was reported there.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

This office received the Final Information Report from the Fort Campbell CID office.

(b)(6) (b)(7)(C) (b)(3)

This office received the Final Information Report from the Monterey Branch Office (CID).

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TIME, DATE, AND AGENT	SUMMARY OF INVESTIGATIVE ACTIVITY

09/10/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from (b)(6) (b)(7)(C) (b)(3) wherein he attached a copy of the Final Information Report. (b)(6) (b)(7)(C) (b)(3) related he would forward the original copy of this report to this office via mail.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

(b)(6) (b)(7)(C) (b)(3) oordinated with Mr. (b)(6) (b)(7)(C) Evidence Processing Branch, USACIL, who provided a status on the lab examinations regarding this investigation. Mr. (b)(6) (b)(7)(C) verified USACIL had received four requests from this office, and that the first two requests were completed. Mr. (b)(6) (b)(7)(C) the Final Firearms Branch Report was completed and was mailed to 11th MP Battalion on 5 Sep 08. Mr. (b)(6) (b)(7)(C) he could not release an emailed copy of this report at this time, as it would violate policy to send final reports via email. Mr. (b)(6) (b)(7)(C) he would refer the request to his supervisor regarding an exception to policy.

Mr. (b)(6) (b)(7)(C) USACIL only received four requests, but could not verify what evidence was actually received. Mr. (b)(6) (b)(7)(C) to contact Mr. (b)(6) (b)(7)(C) Trace Evidence Branch, but met with negative results. Mr. (b)(6) (b)(7)(C) the evidence was currently assigned to Mr. (b)(6) (b)(7)(C) and that he could confirm what evidence is currently present at USACIL.

09/10/2008 10:36
(b)(6) (b)(7)(C) (b)(3)

Sent an email to (b)(6) (b)(7)(C) (b)(3) and inquired about the lab request dated 4 Jul 08 (b)(6) (b)(7)(C) (b)(3) requested the date the evidence was mailed to USACIL and the er.

09/10/2008 11:34
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

(b)(6) (b)(7)(C) (b)(3) eceived an email from (b)(6) (b)(7)(C) (b)(3) who inquired about the date the evidence was mailed t nce room. (b)(6) (b)(7)(C) (b)(3) elated he recalled discuss th (b)(6) (b)(7)(C) (b)(3) and relate ved the evidence from this office. (b)(6) (b)(7)(C) (b)(3) requested the registered mail number from this office.

09/10/2008 11:40
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) eviewed the copy of the DA Form 4137, which revealed the evidence request, 4 Jul 08, was mailed to the Evidence Room via registered mail# RA 376 773 405 US, on 4 Jul 08. A further review of this office's mailing records/documents revealed the original PS Form 3806, Receipt for Registered Mail, pertaining to RA 376 773 405 US, which was date stamped on 4 Jul 2008.

Also see AAS entry 1200, 8 Jul 08, by (b)(6) (b)(7)(C) (b)(3) hich documented she mailed the aforementioned evidence via registere 00, 4 Jul 08.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) mailed (b)(6) (b)(7)(C) (b)(3) the registered mail number pertaining to the aforementioned evidence and provided the date it was mailed.

09/11/2008 00:00
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) received an email from Ms. (b)(6) (b)(7)(C) , Chief, Evidence Processing Branch, USACIL, who attached a copy of the Final Firearms Branch Report.

09/11/2008 00:10
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

(b)(6) (b)(7)(C) (b)(3) y of the USACIL Final Firearms Branch Report (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) via email. (b)(6) (b)(7)(C) (b)(3) as also provided a status on the pending ns at USA

09/11/2008 03:30
(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Pending USACIL reports, Final Info Report from Fort Sill, OK, and final report draft.

To SAC for review

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from (b)(6) (b)(7)(C) (b)(3) who related the evidence mailed via registered mail# RA 376 773 405 US, was just received. (b)(6) (b)(7)(C) (b)(3) elated he would forward the evidence to USACIL tomorrow and provided copies of the EPCD and lab request to this office.

AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
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(b)(6) (b)(7)(C) (b)(3)

SAC REVIEW:

- Reviewed file. Pending info report and lab.

- Note WARNER's Art 32 was rescheduled for 13 Sep 08.

- Coordinated wit(b)(6) (b)(7)(C) (b)(3) ho stated(b)(6) (b)(7)(C) (b)(3) would testify telephonically at the Art 32 and that Agents from this office may not be called to testify.

- Requested(b)(6) (b)(7)(C) (b)(3) ome by today to discuss case file in the event someone from this office need testify at the Art 32.

- Case Agent, Good activity and distribution of information to SJA.

- Continue.

09/13/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Response to SAC review:

1. Noted
2. Noted
3. Noted
4. Noted

09/16/2008 07:00
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

(b)(6) (b)(7)(C) (b)(3) coordinated with Mr.(b)(6) (b)(7)(C) who related he did not think further examinations by the Trace Evidence Branch, regarding the clothing, would be probative. Mr.(b)(6) (b)(7)(C) related the examinations would consume a lot of time, which would be better utilized by the DNA Branch. Mr.(b)(6) (b)(7)(C) related he would send an email to this office explaining his opinion on this matter, and requested this office make a decision regarding further examinations of the evidence by USACIL.

09/16/2008 12:56
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) received an email from Mr.(b)(6) (b)(7)(C) Trace Evidence Branch, USACIL:

As per our conversation earlier this morning (EST), here is a quick synopsis of USACIL's intentions regarding the examination of the evidentiary items currently in-house: (With your blessing)

1. No trace analyses by the Trace Evidence Branch for residues consistent with an AN M14 TH3 incendiary hand grenade on the submitted clothing items (Submission A2) will be conducted at this time. Based on the extensive time lapse (~58 days) from the date of the incident (16 MAY 2008) until the date of collection (13 JUL 2008), conducting the requested examinations would be very time consuming, would tie up certain instrumentation for several weeks, and the results would not be very probative if probative at all. Any positive indication or identification of elemental residues common to an AN M14 TH3 incendiary hand grenade could not be linked to the incident nor to the previously submitted post-combustion AN M14 TH3 incendiary hand grenade fragments (Exhibits 3, 12, and 13).

2. The best course of action is to have Mr.(b)(6) (b)(7)(C) (DNA) check out the evidence from the USACIL Evidence Processing (EP) Branch and commence his examination of the articles of clothing for suspected blood, as well as his examination of the toothbrush (Submission A3). I have talked with(b)(6) (b)(7)(C) and intend on being present when he begins his examinations to assist him in searching through the bulk of items, but also to allow myself to examine the boots primarily and any other article of clothing that may be of interest. I will look for slag or potentially any questionable burn areas that may need to be examined further. Pending the outcome of all this, I will most likely issue a report of findings (whatever they may be).

Please consider this carefully and let me know if this is agreeable with you and your

superiors. Like I mentioned on the phone, I believe this is the best course of action to achieve the most probative findings. I will wait for your response. Take care and keep safe!

V/R,

(b)(6) (b)(7)(C) (b)(3)

09/17/2008 14:00
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Discussed email from Mr. (b)(6) (b)(7)(C) with SAC, who concurred with Mr. (b)(6) (b)(7)(C) opinion of cancelling further examinations by the Trace Evidence Branch and forwarding the evidence to the DNA/Serology Branch.

(b)(6) (b)(7)(C) (b)(3)

Sent a reply to Mr. (b)(6) (b)(7)(C) regarding the SAC's decision to forward the evidence to the DNA Branch. Also courtesy copie (b)(6) (b)(7)(C) (b)(3) regarding the decision.

(b)(6) (b)(7)(C) (b)(3)

Received emails fro (b)(6) (b)(7)(C) (b)(3) nd Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(3) oncurred with the decision to forward the evidence to the DNA Branch. Mr. (b)(6) (b)(7)(C) related he would forward the evidence to the DNA Branch and assist them with the examination of the clothing.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) who related the Article 32 hearing of 1LT BEHENNA was scheduled for 20 - 21 Sep 08.

09/19/2008 07:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) and discussed this investigation regarding 1LT BEHENNA's Articl (b)(6) (b)(7)(C) (b)(3) elated the hearing was push back to 21 - 22 Sep 08.

(b)(6) (b)(7)(C) (b)(3)

Received the Final Information Report from the Fort Sill CID Office.

(b)(6) (b)(7)(C) (b)(3)
2:15 Investigative

(b)(6) (b)(7)(C) (b)(3) estified at the Article 32 hearing of 1LT BEHENNA at the court room,

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

***** NO INVESTIGATIVE ACTIVITY ON 23 SEP 08 DUE TO COB SPEICHER WIDE POWER OUTAGE. *****

(b)(6) (b)(7)(C) (b)(3)

Pending USACIL examinations from DNA Branch and possible examinations by the Trace Evidence Branch if needed.

Submit to SAC for review.

(b)(6) (b)(7)(C) (b)(3)

SAC REVIEW:

- Reviewed.

- SJA wants to have evidence forwarded to Ft Campbell for trial after it's examinations are completed at USACIL. Although the Art 32's are taking place here, the Court martial will take place at Ft Campbell. Case agent, coordinate with Ft Campbell, USACIL and our evidence custodian to make this happen. Ensure we get the lab reports.

- File pending USACIL.

- Get draft final completed and posted to file. Ensure all exhibits are in order.

- To case agent.

(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Response to SAC review:

1. Noted
2. Will coordinate with (b)(6) (b)(7)(C) (b)(3)
3. Noted
4. Noted

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Coordinated with (b)(6) (b)(7)(C) (b)(3) regarding the transfer of evidence to the Fort Campbell CID office pending Courts-Martial. (b)(6) (b)(7)(C) (b)(3) related to provide a memorandum to him and he would take of everythin

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received a Cancellation Report from the Evidence Processing Branch, USACIL, regarding the cancellation of Trace Evidence examinations of the clothing of SSG WARNER and 1LT BEHENNA. Posted to case file.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

An administrative review determined a 120 day status report is due between 8 Oct 08 and 12 Oct 08.

10/03/2008 10:30
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Sent memorandum to (b)(6) (b)(7)(C) (b)(3) regarding the transfer of evidence to the Fort Campbell CID Office.

10/06/2008 01:45
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from (b)(6) (b)(7)(C) (b)(3) regarding minor corrections to the memorandum to transfer the evidence to Fort Campbell, KY.

10/08/2008 02:30
(b)(6) (b)(7)(C) (b)(3)

Made minor corrections to memorandum and resent t (b)(6) (b)(7)(C) (b)(3) via email. Posted copy to case file.

10/08/2008 14:30
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Coordinated with Ms. (b)(6) (b)(7)(C), Evidence Support Branch, USACIL, who related the evidence was currently assigned to Mr. (b)(6) (b)(7)(C) , Serology/DNA Branch. Ms. (b)(6) (b)(7)(C) related Mr. (b)(6) (b)(7)(C) was not available, but provided his direct contact number to reach him at a later time: DSN 318-797-4466.

10/09/2008 06:10
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Drafted 120 day status report.

10/09/2008 06:30
(b)(6) (b)(7)(C) (b)(3)

Send Investigative Report for Approval

10/09/2008 06:50
(b)(6) (b)(7)(C) (b)(3)

Pending receipt of the original copy of the Firearms Branch report, and the Serology/DNA Branch examinations.

Pending completion of Final Report draft.

Submit case file to SAC for review.

10/09/2008 09:45
(b)(6) (b)(7)(C) (b)(3)
0:45 Quality Control

SAC REVIEW:

- Reviewed 5th Status and dispatched.

- File needs FSO review. Scan and sent to (b)(6) (b)(7)(C) (b)(3)

- File pending lab. Although Art 32's are completed, the Labs will be necessary for trial and has been requested that we complete prior to closure from SJA.

- File to CA

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Approve Investigative Report

(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Response to SAC review:

Will complete final report draft and scan to FSO for review.

10/11/2008 06:30
(b)(6) (b)(7)(C) (b)(3)
3:00 Investigative

Drafted final report, corrected AIR's.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

This office received the USACIL Firearms Branch Final Report.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from Mr. (b)(6) (b)(7)(C), DNA Examiner, USACIL, who related it would be approximately three more weeks until the examination is completed.

10/16/2008 09:24
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from Mr. (b)(6) (b)(7)(C) DNA Branch, USACIL, who related USACIL will forward the remaining evidence to the Fort Campbell CID Office.

(b)(6) (b)(7)(C) (b)(3)

Drafted final report, corrected AIR's.

10/21/2008 12:00
(b)(6) (b)(7)(C) (b)(3)
3:00 Investigative

Drafted Final Report, pulled and marked Exhibits, and corrected AIR's.

(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Pending FSO review and receipt of DNA Branch Final Report.

Submit to SAV for review.

10/22/2008 02:00
(b)(6) (b)(7)(C) (b)(3)
4:00 Investigative

Ops review of case file. A good case with a lot of hard work put into it.
1. Why wasn't the terp titled with murder, conspiracy and FOS? Discussed this with BN OPS and will make that determination. MNC-I SJA and MND-North have gotten involved attempting to stop any titling activity in the case. Does the terp have immunity?
2. Was the victim's clothing collected?
3. Was the Glock sent to trace evidence to determine if any blow-back was present?
4. Ensure the CMD knows about the detainee abuse allegations - that the soldiers were rough with the Iraqis. Do not title for this, just refer to Unit CMD
5. Refer FOS from soldiers back to the unit. They all admitted to lying to the IO.

10/24/2008 02:50
(b)(6) (b)(7)(C) (b)(3)

Response to OPS/FSO review:

1. The decision not to title was made by the previous office, in that they coordinated with SJA, who provided the interpreter with immunity in exchange for his testimony.
2. The victim's clothing was never collected.
3. No. Firearms Branch already determined the cartridges found at the scene were fired

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from the Glock used by 1LT BEHENNA.
4. The Command already preferred charges against SSG WARNER and 1LT BEHENNA for detainee abuse.
5. Will refer False Official Statements from Soldiers back to the unit.

(b)(6) (b)(7)(C) (b)(3)
0:10 Quality Control

About 1050, 28 Oct 08, (b)(6) (b)(7)(C) (b)(3) coordinated with Mr. (b)(6) (b)(7)(C) BN OPS, 10th MP BN (CID), who stated he discussed this investigation with the 3rd MP GRP (CID) operations officer. Mr. (b)(6) (b)(7)(C) stated not to dispatch a status report to add the interpreter at this time. A status report may be dispatched at a later time after USACIDC SJA provides an opine on this investigation.

Mr. (b)(6) (b)(7)(C) reiterated that the Soldiers that lied in their statements would be referred to the Unit Commander for action via memorandum.

(b)(6) (b)(7)(C) (b)(3)
0:45 Investigative

Drafted referral memo to BN CDR, regarding False Official Statements provided by unit personnel.

(b)(6) (b)(7)(C) (b)(3)

Sent an email to (b)(6) (b)(7)(C) (b)(3) quested (b)(6) (b)(7)(C) (b)(3) ontact information.

10/29/2008 15:10
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Received an email from Mr. (b)(6) (b)(7)(C), DNA Examiner, USACIL, who informed this office of the DNA analysis of a stain from the boots of 1LT BEHENNA, which would result in the consumption of the entire stain. In compliance with US v. GARRIES, the SJA must be notified and a response with an intent to observe the testing must be received within 7 days. Mr. (b)(6) (b)(7)(C) related testing would begin on 10 Nov 08, if no response was received.

The email was immediately forwarded to (b)(6) (b)(7)(C) (b)(3) A copy of the USACIL memo was posted to the case file.

10/29/2008 15:29
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

Contacted by MAJ (b)(6) (b)(7)(C), Senior Trial Counsel, SJA, Fort Campbell, KY 42223, who related she had received the original firearms report pertaining to this investigation from USACIL.

MAJ (b)(6) (b)(7)(C) the subjects had already attended an Article 32 hearing and the GCM would be conducted at Fort Campbell.

10/30/2008 08:31
(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

Sent an email to (b)(6) (b)(7)(C) (b)(3) o determine if she received the email from Mr. (b)(6) (b)(7)(C) regarding the testing of DNA evidence.

About 1645, 30 Oct 08 (b)(6) (b)(7)(C) (b)(3) esponded via email and stated she passed the information to the defense and that they should have an answer for Mr. (b)(6) (b)(7)(C) five days.

10/30/2008 09:45
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Coordinated wit (b)(6) (b)(7)(C) (b)(3) who related (b)(6) (b)(7)(C) (b)(3) as located on FOB Summerall and OIP 672-5206. (b)(6) (b)(7)(C) (b)(3) lso inquired if any determination or opine had been made regarding the interpreter. Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) s briefed on the current information at hand (b)(6) (b)(7)(C) (b)(3) rth ll nel who provided false statements t (b)(6) (b)(7)(C) (b)(3) already received Article 15s for providing False Official Statements.

(b)(6) (b)(7)(C) (b)(3) coordinated with SAC, who requeste (b)(6) (b)(7)(C) (b)(3) ontact him regarding her concerns about the opine.

About 2204, 31 Oct 08 (b)(6) (b)(7)(C) (b)(3) ent an email t (b)(6) (b)(7)(C) (b)(3) requesting she contact the SAC with any further concerns regarding the opine of Mr. (b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

(b)(6) (b)(7)(C) (b)(3) made several attempts to contac (b)(6) (b)(7)(C) (b)(3) ut met with

11/03/2008 01:30
(b)(6) (b)(7)(C) (b)(3)

Attempted to mail original referral memo to (b)(6) (b)(7)(C) (b)(3) owever, the post office cannot send any mail via registered mail at break in funding. Funding is anticipated to resume at the end of the month at the earliest.

(b)(6) (b)(7)(C) (b)(3)
0:05 Quality Control

Pending:

- Mail referral memorandum to (b)(6) (b)(7)(C) (b)(3)

- Opine regarding interpreter, Mr. (b)(6) (b)(7)(C)

- DNA Branch Final Report.

Briefe (b)(6) (b)(7)(C) (b)(3) n the current status of this investigation.

To (b)(6) (b)(7)(C) (b)(3)

11/03/2008 02:30
Received brief from (b)(6) (b)(7)(C) (b)(3) on this investigation.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Conducted a brief review of the case for familiarization.

(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

To SAC for review.

(b)(6) (b)(7)(C) (b)(3)

SAC REVIEW:

- File pending lab report.

- As official mail is down in MND-N. Email referral memorandum to (b)(6) (b)(7)(C) (b)(3)

- Coordinate with USACIL to let them know the case has been reassigned and to determine the current status of the lab exam.

- File to Case Agent. Continue.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

RESPONSE
1. Will eam (b)(6) (b)(7)(C) (b)(3)
2. Will coordinate with USACIL.
3. Updated IP.

(b)(6) (b)(7)(C) (b)(3)
0:45 Investigative

Emailed the memo of referral to (b)(6) (b)(7)(C) (b)(3)

Emailed USACIL and notified them I was now the CA.

Emailed SJA and notified her i was now the CA.

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) eceived the memorandum and stated he has already addressed the issue and gave each Soldier a FG ART 15.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received the following email from USACIL:

(b)(6) (b)(7)(C) (b)(3)

I wanted to remind you that I will process the entire stain from the boots of BEHENNA as referenced in the Garries notice dated 29 Oct 08. If I do not hear from you, I will begin my analysis on Monday November 10th.

V/r,

(b)(6) (b)(7)(C)
Forensic DNA Examiner
U.S. Army Crime Lab
4930 N. 31st Street
Forest Park, GA 30297
404-469-4466
DSN 797-4466
FAX 797-4618
(b)(6) (b)(7)(C)@us.army.mil

11/10/2008 08:03
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received the following email:

(b)(6) (b)(7)(C) (b)(3)

I issued the attached Garries notice a couple of weeks ago. (b)(6) (b)(7)(C) (b)(3) forwarded the notice t (b)(6) (b)(7)(C) (b)(3) e-maile (b)(6) (b)(7)(C) (b)(3) ast Friday to let her know that the deadline of the notice is today. The message that I sent to her was returned because her mailbox is full. Could you please forward the attached Garries notice to someone on the prosecution in this case? I would like to know that someone has read the notice before I begin my analysis. Please let me know who you forward this message to.

Thank you,

(b)(6) (b)(7)(C)
Forensic DNA Examiner
U.S. Army Crime Lab
4930 N. 31st Street
Forest Park, GA 30297
404-469-4466
DSN 797-4466
FAX 797-4618
(b)(6) (b)(7)(C)@us.army.mil

MR. (b)(6) (b)(7)(C) provided a copy of the GARRIES notice.

(b)(6) (b)(7)(C) (b)(3)

Forwarded the following email:

(b)(6) (b)(7)(C) (b)(3) nd (b)(6) (b)(7)(C) (b)(3)

Can you please read the attached email from Mr. (b)(6) (b)(7)(C) at USACIL. He needs to make sure someone in prosecution has read this notice before he proceeds in his work. Thank you as always.

(b)(6) (b)(7)(C) (b)(3)

11/10/2008 09:00
(b)(6) (b)(7)(C) (b)(3)

Was contacted by (b)(6) (b)(7)(C) (b)(3) ho related she was having difficulties with Campbell email ad ll emails should be forwarded to her AKO. (b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3) tated she notified TDS about the Garri (b)(6) (b)(7)(C) (b)(3) y were not objecting to the exam and were not providing their own exper stated she notified USACIL of the same information.

(b)(6) (b)(7)(C) (b)(3) urther related MAJ (b)(6) (b)(7)(C) Chief Crim Law, Fort Campbell would be handling the case and her email address is : (b)(6) (b)(7)(C) @us.army.mil.

11/10/2008 09:29
(b)(6) (b)(7)(C) (b)(3)

Sent the following email to MAJ (b)(6) (b)(7)(C)

Ma'am,

I am contacting you to let you know that I am now handling the BEHENNA and WARNER on (0066-08-CID469-51978). I received your contact information fro (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) s a point of contact, if need be, while she is in transition. If you need anything nd please let me know. Thank you and have a great day.

(b)(6) (b)(7)(C) (b)(3)

Reviewed case file.

(b)(6) (b)(7)(C) (b)(3)

Coordinated with (b) (5)
(b)(5)
(b) (5)
(b)(5)
(b) (5)
(b)(5)

The FOS for the Soldiers was forwarded to the COC to deal with.

11/12/2008 08:00
(b)(6) (b)(7)(C) (b)(3)

Briefed (b)(6) (b)(7)(C) (b)(3) n the SJA opine.

(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

Received the following email from USACIL:
(b)(6) (b)(7)(C) (b)(3)

The toothbrush from Mr. Ali Mansour (Item 1 Voucher 0704-08) is a mixture of DNA profiles and is not suitable for use as a known standard. Also, this laboratory does not compare DNA profiles from brothers (Swab of Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Item 1 Voucher 0790-08) to determine relatedness. Is there any other item from Mr. Ali Mansour that could be submitted to the laboratory for use as a known standard? Anything that belonged to him and that only he used would work, for example, glasses or sunglasses, jewelry (a watch or earrings), a scarf that would have covered his mouth that might have his saliva on it or possibly a hat. Anything that he exclusively used might work. In addition to the known from Mr. Ali Mansour, could you submit an oral swab from Mr. Ali Mansour's parents? If the unknown profile from the original DNA report shares alleles with the parents then I would be able to say that this indicates relatedness. If you have any questions, please contact me.

(b)(6) (b)(7)(C)

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Forensic DNA Examiner
U.S. Army Crime Lab
4930 N. 31st Street
Forest Park, GA 30297
404-469-4466
DSN 797-4466
(b)(6) (b)(7)(C)@us.army.mil

Forwarded email to SJA and CC'd FSO, requested any information SJA may have to contact the parents of MANSOUR. Awaiting response.

Notified MR. (b)(6) (b)(7)(C) that the issue is being worked of obtaining a DNA standard.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

11/13/2008 04:35
(b)(6) (b)(7)(C) (b)(3)

Received the following email from (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

I've passed this t(b)(6) (b)(7)(C) (b)(3) the family's primary contact at FOB Summerall). If we can get anything, we'll have it bagged and brought here to Speicher.

Thank you,

(b)(6) (b)(7)(C) (b)(3)

Received the following email:

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

(b)(6) (b)(7)(C) (b)(3)

I calle (b)(6) (b)(7)(C) (b)(3) the paralegal at FOB Summerall) about getting some samples. Unfortunately, we both have a sneaking suspicion that Ali Mansur's parents are deceased. If that's the case, he's going to try to get two or three of Ali Mansur's belongings for USACIL. At this point, t either having the family come to the FOB Summerall CMOC an (b)(6) (b)(7)(C) (b)(3) and-carrying the evidence to you, or having the family come to the Speicher CMOC. If the family elects to come to the CMOC, would you nt to collect the samples? If so, it will be easy to coordinate the handover. (b)(6) (b)(7)(C) (b)(3) cc'd above, is responsible for the CMOC here at Speicher.

I've include(b)(6) (b)(7)(C) (b)(3) n this email - please go direct with him if any issues arise. I should be headed to the ADACG today, so I'll be out of the loop.

Thank you,

(b)(6) (b)(7)(C) (b)(3)

11/13/2008 06:00
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Coordianted wit (b)(6) (b)(7)(C) (b)(3) who realted they are trying to see if the MANSOUR family is willing to come to SPEICHER or SUMMERALL a e alive. He stated he would contact CA with any information receive (b)(6) (b)(7)(C) (b)(3) is also leaving the area in 2 days and (b)(6) (b)(7)(C) (b)(3) s leaving the area today.

11/13/2008 06:24
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Received the following email.

(b)(6) (b)(7)(C) (b)(3)

I've talked with the (b)(6) (b)(7)(C) (b)(3) on FOB Summerall and he is going to schedule a time for the Mansur's to meet with you at the COB Speicher CMOC. I'll let you know as soon as he has a scheduled time for you to meet with them. Just in case you may

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need them, the phone numbers for 2 of Ali Mansur's brothers that we've been working with are below.

(b)(6) (b)(7)(C)

Hopefully I'll have an answer on when you can meet them sometime later on today.

v/r
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

This office received a Garries Notice from USACIL. The Garries Notice detailed the DNA analysis of a stain from the groin protector of 1LT BEHENNA would result in the consumption of the entire stain.

(b)(6) (b)(7)(C) (b)(3)
4:00 Investigative

RECEIVED EVIDENCE FROM REGISTERED MAIL RA 850 877 092 US EVIDENCE CUSTODY DOCUMENTS DN 0585-08 ITEM#1, DN 0586-08 ITEM#1, DN 0587-08 ITEM#1-4, DN 0588-08 ITEM#1-2, DN 0589-08 ITEM#1-2, DN 0590-08 ITEM#1, DN 0591-08 ITEM#1-5, DN 0592-08 ITEM#1-2, DN 0594-08 ITEM#1-5, DN 0704-08 ITEM#2, DN 0593-08 ITEM#1-2. PROCESSED EVIDENCE INTO EVIDENCE ROOM UNDER EVIDENCE CUSTODY DOCUMENTS
DN 0247-08 ITEM#1, DN 0248-08 ITEM#1, DN 0249-08 ITEM#1-4, DN 0250-08 ITEM#1-2, DN 0251-08 ITEM#1-2, DN 0252-08 ITEM#1, 0253-08 ITEM#1-5, DN 0254-08 ITEM#1-2, DN 0255-08 ITEM#1-5, DN 0256-08 ITEM#2, DN 0257-08 ITEM#1-2. MFR'S INITIATED FOR DOCUMENT DISCREPANCIES.

(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

Received the following email:

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) was able to schedule a meeting wit (b)(6) (b)(7)(C) (b)(3) n Monday @1400 at the er CMOC. He let them know that they need to bring a few items that should contain DNA from Ali Mansur. His father is deceased and his mother is very old and won't be able to come.

The individual that they contacte (b)(6) (b)(7)(C) (b)(3) s phone number i (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) If you need anything else please let me know.

v/r

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) (plus
0:20 Investigative

Traveled to 570 HST and picked up the Arabic translator Ms. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) . Then traveled to CMOC 000, COB Speicher to meet with Mr. MANSOUR'S family and representative.

(b)(6) (b)(7)(C) (b)(3) (plus
0:30 Investigative

Arrived at CMOC, COB Speicher and meet with family and representative.

At 1400, (b)(6) (b)(7)(C) (b)(3) ollected two bags containing various clothing items which previously belonged to Mr. MANSOUR from his brother Mr. (b)(6) (b)(7)(C) .

About 1410, briefed same on the status of this investigation, they requested contact information of this office and the lawyers. Related to same that CA would attempt to find

commercial contact information for lawyers and this office and would have translator call them on the cell phone.

Mr. (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) (b)(3) (plus 0:30 Investigative

Traveled back to main post and dropped of terp at 570 HST.

(b)(6) (b)(7)(C) (b)(3)

Photographed and sealed evidence.

11/17/2008 08:00
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Emailed MR. (b)(6) (b)(7)(C) and notified him that clothing had been obtinaed that belonged to MR. MANSOUR. Further requested guidance on lab request.

(b)(6) (b)(7)(C) (b)(3)

Drafted lab request and packaged evidence to be mailed.

Registered mail number RA 376 774 600 US, to be sent on 18 Nov 08.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Recorded data pertaining to (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) (b)(3)

Case to SAC for review.

Pending labs.

(b)(6) (b)(7)(C) (b)(3)

SAC Review:

- Good activity by Case Agent.

- Ensure Lab is sent and that USACIL is notified of additional evidence.

- File pending Lab Exams.

- File to Case Agent. Continue.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Sent email:

(b)(6) (b)(7)(C) (b)(3)

I was informed to contact you b (b)(6) (b)(7)(C) (b)(3) to be a point of contact for CID Investigation 0066-08-CID469-5 r of Mr. Ali Mansour Muhammad Al Jobouri. I recently met with the family and family representative to collect evidence from them and they wanted to know if there was someone they could contact if they wished to speak to the lawyers in this investigation, hence where you come in. I am not sure if you have previously spoken with this family but I have the following contact information for them: Family Representative: Mr. (b)(6) (b)(7)(C) and the brother: Mr. (b)(6) (b)(7)(C). If you could please contact the family m they can contact you if they need to contact the lawyers our CID. Also (b)(6) (b)(7)(C) (b)(3) was wondering if you could possible set up a meeting with them so they can meet (b)(6) (b)(7)(C) (b)(3) hat would be great. Howev (b)(6) (b)(7)(C) (b)(3) would also like to be there and he leaves this area on 25 Nov 08. If you have any questions feel free to contact any of us. I really appreciate the assistance.

(b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3)

11/21/2008 01:00
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Received the following email from defense:
(b)(6) (b)(7)(C) (b)(3)

Defense counsels for Behenna and Warner have no objections and do not wish to observe testing for both Garries notifications. Please proceed with testing. Thanks.

v/r,

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Received the following email:
(b)(6) (b)(7)(C) (b)(3)

I have extracted DNA from a stain on the groin protector of BEHENNA. However, there is not enough DNA present for autosomal DNA analysis. There may be enough DNA for Y-STR DNA analysis. With your permission, I would like to retain the DNA extract for comparison to the items that are being submitted from Ali Mansour. Usually, the DNA extracts are thrown away. So in order to retain the extract I need your permission. If you have any questions, please contact me.

(b)(6) (b)(7)(C)
Forensic DNA Examiner
U.S. Army Crime Lab
4930 N. 31st Street
Forest Park, GA 30297
DSN 797-4466
404-469-4466
(b)(6) (b)(7)(C)@us.army.mil

Fowarded email to BN FSO for guidance.

(b)(6) (b)(7)(C) (b)(3)

Received the following email:
(b)(6) (b)(7)(C) (b)(3)

I'm back at Fort Campbell - I even have an office and a computer. The trial dates for U.S. v. Behenna and U.S. v. Warner have been set. Warner is set for 16 February and Behenna should start on 23 Feb. Have you heard anything new from USACIL? I am anxious to get the testing completed well in advance of trial.

Thank you,

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Case prepared for review.

To SAC for review:

-pending labs.

For Official Use Only - Law Enforcement Sensitive

AGENT'S ACTIVITY SUMMARY	Control Number 0066-2008-CID469-51978
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(b)(6) (b)(7)(C) (b)(3)
0:15 Quality Control

SAC REVIEW:

- Due to the nature of this investigation, its publicity, and pending trial, the investigation will remain open until such time that the forensic examinations are complete. However, this file will be held in abeyance pending the receipt of USACIL's report as no additional investigative leads are pending or warranted.

- File still pending lab reports, continue periodic contact with USACIL.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

RESPONSE TO SAC REVIEW:

Noted.

12/05/2008 03:08
(b)(6) (b)(7)(C) (b)(3)
0:45 Investigative

Made various corrections to address for the report.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

To DET CDR for review.

(b)(6) (b)(7)(C) (b)(3)

Received USACIL DNA final report.

Fowarded information t (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Thank you! Both cases have been progressing, with trial dates set for U.S. v. Warner on 16 Feb 09 and U.S. v. Behenna on 23 Feb 09. There will be motions hearings in both cases from 20-24 January. I have not seen any of the motions yet, so I am not sure which agents are liable to be called (most likely, it will be the agents from the previous office).

I appreciate you keeping me in the loop and forwarding this on. Do you have any idea on when USACIL will be able to start testing Ali Mansur's old belongings?

Thank you,
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Coordinated with DET CDR pertaining to guidance of titling interpreter. Awaiting guidance.

12/29/2008 06:29
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Sent email to (b)(6) (b)(7)(C) (b)(3) o see if there was any further assistance needed in this investigation. This office is pending the final dna lab report that should be able to verify the dna of the blood found on the subjects gear.

Pending response.

12/30/2008 08:23
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Received the following email from SJA:
(b)(6) (b)(7)(C) (b)(3)

Aside from the final DNA report, there shouldn't be much lingering out there. I can only think of one issue that you may be able to help me with - the defense is requesting production of two ex-interpreters, (b)(6) (b)(7)(C) and (b)(6) (b)(7)(C) We have been trying to contact both individuals for some time, with no luck. Do you have any ideas on how to track them down? They were both employed by GLS and tasked out to 1-327 IN out of FOB

Summerall.

Here's the information we have on them:

(b)(6) (b)(7)(C) (b)(3) real name i (b)(6) (b)(7)(C) (b)(3) Past contact numbers:
(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) real name i (b)(6) (b)(7)(C) (b)(3) Past contact numbers:
(b)(6) (b)(7)(C) (b)(3)

If there is anything you can do to help find them, I'd greatly appreciate it.

Thank you,

(b)(6) (b)(7)(C) (b)(3)

12/31/2008 03:55
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received notification from USACIL they received the final evidence and assigned case number 2008-CID131-1346-A5.

SAC made determination that case will remain open until these results are received.

01/05/2009 07:00
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Emailed DNA on the status of the lab since the clothing of Mr. MANSOUR was received by the lab.

01/05/2009 07:30
(b)(6) (b)(7)(C) (b)(3)
5:00 Investigative

Reviewed case file and made corrections to AIR's and to Final Report.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

(b)(6) (b)(7)(C) (b)(3)

I have attached the DNA final report dated 3 Dec 2008 that you requested. Also, I have been notified by the evidence processing here at the lab that the evidence has been received. I have not had a chance to look at the clothing yet. I will get started on the analysis this week. If you need anything else, let me know.

(b)(6) (b)(7)(C) (b)(3)

01/13/2009 11:47
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

To BN for review.

01/14/2009 07:30
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

BN SAV
0066 08 CID469
1. Good work.
2. BN OPS reviewed on 22 Oct.
3. Pending opine from GRP SJA.
4. Theatre SJA has (b)(5)
(b)(5)
5. SJA has requested location of two interpreters (AAS dated 30Dec 08) – get this RFA completed.
6. Continue to hold case open in abeyance pending item #3.
7. Did we determine if subjects were involved with the deaths of two other Soldiers from their unit?

01/14/2009 10:00
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Discussed review with MR. (b)(6) (b)(7)(C)

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(b)(6) (b)(7)(C) (b)(3)
0:18 Investigative

Received MFR from USACIL pertaining to evidence collected.

01/16/2009 02:00
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received guidance form MR. (b)(6) (b)(7)(C) that we are to keep this case open until the opine from Group SJA is obtained pertaining to the TERP.

(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

Attempted to contact GLS, however there was no answer at DSN 318-845-1002. Will continue to contact.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Coordinated with GLS about trying to find the two TERPs. Coordinated with MR. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) at (b)(6) (b)(7)(C) @gls-1.com.

(b)(6) (b)(7)(C) (b)(3) tated he would pass on the information to see if the where about of these two ns could be located.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Emailed (b)(6) (b)(7)(C) (b)(3) and updated her on the status of the investigation and requested a status of the court martial proceedings.

(b)(6) (b)(7)(C) (b)(3)

RESPONSE TO SAV:
1. Thank you.
2. Noted reviewed on 22 Oct 08.
3. Will keep case in abeyance pending GRP SJA opine pertaining to the TERP.
4. FOS were referred to BN CDR.
5. Coordinated with GLS and awaiting their response on locating the two other TERPs.
6. Continuing to hold case open.
7. Discussed with MR. (b)(6) (b)(7)(C) and the two persons being talked about were two Soldiers possible being killed by the victim, not the subjects killing the two Soldiers.

02/03/2009 13:20
(b)(6) (b)(7)(C) (b)(3)
0:25 Investigative

Drafted lab request for re-examination of projectile, which was requested by Mr. (b)(6) (b)(7)(C), USACIL, and (b)(6) (b)(7)(C) (b)(3) Forwarded request t (b)(6) (b)(7)(C) (b)(3) nd (b)(6) (b)(7)(C) (b)(3) to provide to the EC at Fort Campbell, who is supposed to have the case for the court martial.

(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

Coordination with GLS, still no luck in tracking down terps.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received email notification from Ms. (b)(6) (b)(7)(C) USACIL, that she received the projectile and it was being worked under case number 2008-cid131-1346/A6. Received via FED EX, howerver the voucher stated register mail. This issue was clarified and a MFR was drafted by MR. (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3) nd (b)(6) (b)(7)(C) (b)(3)

I received the following email from USACIL:

(b)(6) (b)(7)(C) (b)(3)

I hate to bother you again but could you have the rocks and gauze pads (Custody Doc # 0594-08 Items 3, 4 and 5) resubmitted to the lab. I need to do more testing on the items. The lab exam request should request Y-STR analysis just like the one you just filled out for the bullet/projectile.
If you have any questions, let me know.

Thanks for you help,

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(b)(6) (b)(7)(C) (b)(3)

I have attached the new request if one of you can provide to Fort Campbell Evidence Custodian. I am assuming he has the stuff on this request. Thanks.

(b)(6) (b)(7)(C) (b)(3)

Received email from SA (b)(6) (b)(7)(C), EC Fort Campbell, relating they opened RFA 0076-09-CID033 for further evidence lab requested needed.

POC is (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

Send Investigative Report for Approval

02/10/2009 06:25
(b)(6) (b)(7)(C)
0:15 Investigative

Drafted 6th Status report.

02/10/2009 06:55
(b)(6) (b)(7)(C) (b)(3)

Approve Investigative Report

02/13/2009 02:32
(b)(6) (b)(7)(C) (b)(3)
0:40 Investigative

(b)(6) (b)(7)(C) (b)(3)

Here is the DNA Final Report dated 11 Feb 09. This is the only copy of the report you will receive as the lab no longer mails out reports. If you have any questions, feel free to contact me. Just a reminder, all of the evidence at the lab will be sent back to Ft. Campbell at the request (b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

V/r,

(b)(6) (b)(7)(C) (b)(3)

Coordinating with MR. (b)(6) (b)(7)(C) to get a break down of the report.

(b)(6) (b)(7)(C) (b)(3)

Mr. BOONE,

I received the final lab request from the lab today. So my case is now ready to be closed, pending a few tweaks to the report. I am just awaiting the opine from group SJA pertaining to the interpreter in this investigation. I know you sent a message to Mr. (b)(6) (b)(7)(C) the opine. I just wanted to see if there was any news yet. Thanks and have a great day.

(b)(6) (b)(7)(C) (b)(3)

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02/13/2009 03:54
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received and email from Mr. (b)(6) (b)(7)(C) relating BN OPS requested an update the other day with no clear resolution in sight.

02/16/2009 01:00
(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

Received the following answer from (b)(6) (b)(7)(C) (b)(3) o clarify the final DNA report.

(b)(6) (b)(7)(C) (b)(3)

To answer your second question first, yes, the labs are done. I don't anticipate having to do anymore work on the case. As to what the report says, the clothing from Ali Mansour turned out to be unsuitable for comparison to the unknown profile that I obtained from the crime scene evidence. I am referring to the unknown profile from the bullet, rocks and gauze that was the subject of the first DNA report dated 13 August 2008. (In order to use the results from the clothing, I would have needed to get a DNA profile from only one person). So I performed what is called Y-STR DNA analysis on the buccal swabs from (b)(6) (b)(7)(C) of the deceased. I also performed Y-STR DNA analysis on a stain from one of the rocks from the crime scene. The Y-STR DNA profiles from the rock and (b)(6) (b)(7)(C) were the same. Since the Y-STR profile is inherited by males from their father, then brothers have the same Y-STR profile. I hope this clears it up. If something is as clear as mud, let me know and I'll see if I can't explain it a different way.

(b)(6) (b)(7)(C)
Forensic DNA Examiner
U.S. Army Crime Lab
4930 N. 31st Street
Forest Park, GA 30297
404-469-4466
DSN 797-4466
(b)(6) (b)(7)(C)@us.army.mil

(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

Received results of trail pertaining to SSG WARNER from the Fort Campbell CID Office. SSG WARNER was reduced to E1; forfeit all pay and allowances; confined for 17 months; discharged from the service with a BCD.

PLEAS and FINDINGS:

ART 78; plea was NG and found NG
ART 107; plea was G and found G
ART 118; plea was NG and found NG
ART 128; plea was G and found G
ART 134; plea was NG and found NG
ART 93; plea was G and found G

SSG WARNER is due to testify in the trial against LT BEHENNA next week.

02/20/2009 07:31
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

Documented the results of trial in 4833 of WARNER.

(b)(6) (b)(7)(C) (b)(3)

Organized file and drafted more of the final report.

02/20/2009 08:42
(b)(6) (b)(7)(C) (b)(3)

Emailed BN OPS and notified them about the results of trial for WARNER and asked about the status of the opine from Group SJA.

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(b)(6) (b)(7)(C) (b)(3)

Received email from MR.(b)(6) (b)(7)(C) received from(b)(6) (b)(7)(C) (b)(3) Who stated she is still reviewing the case for the opine of the TERP.

02/23/2009 09:00
(b)(6) (b)(7)(C) (b)(3)

RELEASED ITEM#2 ECD 0251-08, ITEM#1-2 ECD 0250-08, iTEM#1 ECD 0253-08 TTO (b)(6) (b)(7)(C) (b)(3) FOR TRIAL.

02/23/2009 19:30
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

PROC 0250-08, iTEM#1 ECD 0253-08 FROM(b)(6) (b)(7)(C) (b)(3) BACK INTO EVIDENCE ROOM.

02/24/2009 06:51
(b)(6) (b)(7)(C) (b)(3)

SAC REVIEW:

CA going on R&R and court martial. Case being re-assigned t (b)(6) (b)(7)(C) (b)(3)

PENDING:
1. Opine from Group SJA pertaining to TERP.
2. Since pending opine BEHENNA trial will be completed by end of week so obtain the Results of trial from Fort Campbell CID office. They are tracking this case.

02/24/2009 08:15
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

RELEASED ITEM#2 ECD 0251-08, ITEM#1-2 ECD 0250-08, iTEM#1 ECD 0253-08 TO (b)(6) (b)(7)(C) (b)(3)

02/24/2009 12:00
(b)(6) (b)(7)(C) (b)(3)
0:20 Investigative

PROCESSED ITEM#1, ECD 0251-08, ITEM#3,4,5, ECD 0255-08 FROM USACIL FEDERAL EXPRESS MAIL 8670 8022 8074 BACK INTO EVIDENCE ROOM.

02/24/2009 12:30
(b)(6) (b)(7)(C) (b)(3)
0:10 Investigative

RELEASED ITEM#1, ECD 0251-08, ITEM#3,4,5, ECD 0255-08 TO (b)(6) (b)(7)(C) (b)(3) FOR TRIAL.

(b)(6) (b)(7)(C) (b)(3)
0:05 Investigative

ADMIN: EVIDENCE CUSTODIAN ENTERED AAS ENTRIES IN ORIGINAL ROI 0066-08-CID469-51978 INSTEAD OF MOT 0076-09-CID033 INITIATED AT 31ST MP DET(CID) AT FT CAMPBELL. THE ENTRIES WERE ADDED TO THE MOT TO CORRECT THE MISTAKE.

Emailed BN AOPS about status of SJA opine. Awaiting response.

(b)(6) (b)(7)(C) (b)(3)
0:15 Investigative

04/03/2009 02:57
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

Received the following email from AOPS BOONE pertaining to the Group SJA opine:

Mr. (b)(6) (b)(7)(C)/Mr.(b)(6) (b)(7)(C)

My apologies for the delay in getting this review back to you. I have reviewed the entire case and will answer the questions you posed to me.

IAW CIDR 195-1, para. 8-6, Investigation and Offenses, "[t]he categorization of a case is based on all facts and circumstances present at the time the investigation is completed and the Final ROI is prepared. It is a decision made by the investigating CID Field element, independent of any judicial opinion or disciplinary action." The following terms and definitions will be used.

a. "Founded. A determination made by CID that criminal offense has been committed. The determination that a founded offense exists is an investigative decision independent of any judicial opinion or disciplinary action.

b. "Unfounded. A determination made by CID that a criminal offense did not occur. A lack of evidence to support a complaint or questioning of certain elements of a complaint is not sufficient to categorize an incident as unfounded.

c. "Insufficient evidence.

(1) "The inability of the investigation to determine that a reported or alleged criminal offense did or did not occur, or

(2) "The inability to establish probable cause to believe that a certain person listed in the subject block for committing the offense did or did not commit the offense."

d. For titling purposes, whether or not to title an individual based on whether "credible information exists which was cause a reasonable person to suspect that person may have committed a criminal offense, or otherwise cause such person . . . to be the object of a criminal investigation."

1. DO WE HAVE ENOUGH INFORMATION TO TITLE THE INTERPRETER, MR. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C), FOR MURDER AND CONSIPRACY? IF NOT, DO WE HAVE ENOUGH TO TITLE FOR MISPRISION OF A SERIOUS FELONY?

a. CONSPIRACY. Conspiracy requires "(1) that the accused entered into an agreement with one or more persons to commit an offense under the code; and (2) That, while the agreement continued to exist, and while the accused remained a party to the agreement, the accused or at least one of the co-conspirators performed an overt act for the purpose of brining about the object of the conspiracy."

b. (b)(5)

c. MURDER. (b)(5)

(b)(5)

d. MISPRISON OF A SERIOUS OFFENSE. This offense requires "(1) that a certain serious offense was committed by a certain person; (2) That the accused knew that the said person had committed the serious offense; (3) That, thereafter, the accused concealed the serious offenses and failed to make in known to civilian or military authorities as soon as possible; (4) that the concealing was wrongful; and (5) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces."

e. (b)(5)

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(b)(5)

2. IF WE TITLE THE INTERPRETER, WILL WE DAMAGE THE PROSECUTOR'S CASE?

a. I can't answer this. I do not know what the prosecutor's case looks like. But I can tell you this, we title based on the guidance provided in CIDR 195-1. If there is information and evidence to title, then we do it. We do not make decisions to title based on how much more difficult it makes a case to try. That is part of being a prosecutor--taking the witnesses that you have and working with what you got, no matter how shitty, and trying to get a conviction. If JAG wants "makes case difficult to prosecute" to be an exception to CIDR 195-1, they can petition the CG.

3. SHOULD THE INTEPRETER BE TITLE WITH FOS?

a. Elements of this offense include: (1) That the accused signed a certain official document or made a certain official statement; (2) That the document or statement was false in certain particulars;(3) That the accused knew it to be false at the time of signing it or making it; and (4) That the false document was made with the intent to deceive."

b. (b)(5)

(b)(5)

4. DO WE NEED TO TITLE THE SOLDIERS FOR FOS WHO LIED TO THE IO?

a. (b)(5)

b. On a side note, even if we did not advise them of the offense, we can still title them for this offense. Oftentimes you won't know that the subject is going to provide a differing statement then the first. Once they do, and if you want to question them about the discrepancies, then you may want to stop and advise, but so long as they are just providing a second statement, freely and voluntarily, you can title anyway.

5. SHOULD WE TITLE ALL 13 SOLDIERS WITH OBSTRUCTING JUSTICE OR

MISPRISON OF A SERIOUS FELONY?

a. MISPRISON OF A SERIOUS FELONY. They should not be titled with this offense. Again, none of these Soldiers did anything to affirmatively cover up the crime to satisfy that element. Furthermore, they knew even less than Mr. Silah. One of them saw a glow. One of them had a hunch. They all were talking, but nobody had first-hand knowledge. It would have behooved these knuckleheads to come forward and tell their Company Commander or even their Platoon Sergeant what they were thinking (which he was thinking too), but they didn't commit a crime. As much as it pains me to say it.

b. OBSTRUCTION OF JUSTICE. Elements are (1) That the accused wrongfully did a certain act; (2) That the accused did so in the case of a certain person against whom the accused had reason to believe there were or would be criminal proceedings pending; (3) That the act was done with the intent to influence, impeded, or otherwise obstruct the due administration of justice and (4) That, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces."

c. (b)(5) [redacted]

d. After reading the statements, I found to be the most truthful and forthcoming (b)(6) (b)(7)(C) (b)(3) [redacted] don't know what the Agents' experience with them were, but they struck me as decent Soldiers. That being said, they provided us with information, in their third statement, to get to credible information on this offense. The act they did was getting together, discussing the case and what they should say in their statements, deciding that they wanted to protect the LT, and then attempting to provide statements they knew were false.

e. I feel for these junior enlisted Soldiers. I think they thought they were doing right by their leader, under a very stressful situation. They have loyalty to their platoon leader and this should be commended. However, their actions cannot be tolerated. They were trying to "help out" Behenna. I understand that, at that time, it was difficult for them to believe that the allegations were true, so it was their duty to say what they knew to be true and let the chips fall where they may. They cannot lie, let alone, agree to lie.

f. (b)(5) [redacted]

6. SHOULD THE SOLDIERS BE TITLED IN THE CURRENT CASE, OR SHOULD THE INFORMATION BE FORWARDED TO THE CHAIN OF COMMAND FOR ACTION?

a. (b)(5) [redacted].

Hope this answers your questions.

Take care.

Very Respectfully,

(b)(6) (b)(7)(C) (b)(3) [redacted]

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(b)(6) (b)(7)(C) (b)(3)

Entered adjudication pertaining to BEHENNA.

04/15/2009 08:25
(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Send Investigative Report for Approval

04/15/2009 08:29
(b)(6) (b)(7)(C) (b)(3)
4:00 Investigative

Completed the final report for this investigation.

Drafted memo for Exhibit 82.

Submitted report.

(b)(6) (b)(7)(C) (b)(3)
0:01 Investigative

Approve Investigative Report

05/07/2009 03:00
(b)(6) (b)(7)(C) (b)(3)
5:00 Investigative

Made copies of caes file. Burned CDs. Scanned file onto CD for distro.

05/11/2009 09:42
(b)(6) (b)(7)(C) (b)(3)
0:30 Investigative

Made copies of all the case notes and packaged the originals for CRC.