



DEPARTMENT OF THE ARMY
COALITION FORCES LAND COMPONENT COMMAND
HEADQUARTERS, THIRD UNITED STATES ARMY
UNITED STATES ARMY FORCES CENTRAL COMMAND
1881 Hardee Avenue SW
Fort McPherson, Georgia 30330-1064

FOIA #04-05

1 September 2004

Mr. Frank Smyth
4449 Warren Street, NW
Washington, DC 20016

Dear Mr. Smyth:

This is in response to your request under the Freedom of Information Act (FOIA) concerning the Palestine Hotel investigation.

The information you requested has been reviewed by the Third U.S. Army/U.S. Army Forces Central Command Initial Denial Authority. It has been determined that not all the information you have requested under the Freedom of Information Act is releasable.

Enclosed is a sanitized copy of the releasable information. The document contains numbers in the margins. These numbers explain the respective FOIA exemptions under which the adjacent text was redacted.

- The "1" indicates classified information, which is exempt under 5 U.S.C. 552(b)(1)(2000).
- The "2" indicates information relating to internal agency personnel rules and practices, which are exempt under 5 U.S.C. 552(b)(2)(2000).
- The "3" indicates information that may be withheld due to a specific statute under 10 U.S.C. 130(b), which is exempt under 5 U.S.C. 552(b)(3)(2000).
- The "5" indicates privileged information (deliberative, attorney work product, attorney-client), which is exempt under 5 U.S.C. 552(b)(5) (2000).
- Finally, "6" indicates personal privacy information, which is exempt under 5 U.S.C. 552(b)(6)(2000).

If an entire page fell under an exemption, the number was placed at the center of the page. For individual text, the number was placed to the left or right of that text.

Since all information is not being released, you may appeal. Should you choose to appeal, your appeal must be received within 45 days of the date of this denial letter. Send your appeal through Headquarters, Third U.S. Army/U.S. Army Forces Central Command, ATTN: AFRD-IM, Fort McPherson, GA 30330-1064. We will forward your appeal to the Deputy Commander in Chief/Chief of Staff at U.S. Central Command.

If this office can be of further assistance to you, please contact Robin Pierce at the above address. The telephone number is (404) 464-4034.

Sincerely,

A handwritten signature in black ink, appearing to read "D. McKiernan".

David D. McKiernan
Lieutenant General, U.S. Army
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
COALITION JOINT TASK FORCE 7
UNITED STATES ARMY FORCES CENTRAL COMMAND
THIRD UNITED STATES ARMY
APO AE 09304

AFRD-JA

5 June 2003

MEMORANDUM FOR Commander, US Central Command (ATTN: CCJA), CFH, Doha, Qatar
APO AE 09365

SUBJECT: Legal Review of Commander's Inquiry Into the Engagement of the Palestine Hotel

1. The enclosed investigation was reviewed and determined to be in accordance with US CENTCOM direction for a comprehensive investigation into the subject incident.

6 2. It is forwarded to you for your review and retention. In the event you have any questions regarding this investigation, please contact [REDACTED], SJA CJTF-7 at [REDACTED]

6

6

[REDACTED]
Lieutenant General, USA
Commanding



DEPARTMENT OF THE ARMY
 COALITION JOINT TASK FORCE 7
 HEADQUARTERS THIRD UNITED STATES ARMY
 UNITED STATES ARMY FORCES CENTRAL COMMAND
 APO AE 09304

REPLY TO
 ATTENTION OF:

AFRD-JA

5 June 2003

MEMORANDUM THRU

- 6 Commander, CJTF-7 (ATTN: C3/ [REDACTED])
- 6 Commander, CJTF-7 (ATTN: COS/ [REDACTED])
- 6 FOR Commander, CJTF-7 (ATTN: AFRD-CG/ [REDACTED])

*M/G 4544
 C3 C/Flcc
 6/6/03*

SUBJECT: Legal Review of Commander's Inquiry Into the Engagement of the Palestine Hotel

1. I have reviewed the Commander's Inquiry regarding the engagement of the Palestine Hotel in Baghdad, Iraq on 8 April 2003.
2. I find that the investigation conforms with FRAGO 149 to COMCFLCC OPORD 03-033, and the appointment memorandum. The evidence supports the Investigating Officer's findings and recommendations.
3. I concur in finding no basis for legal action. Specifically, A Co., 4-64 Armor fired upon a building later identified as the Palestine Hotel with one 120mm tank round from an M1A1 Abrams Tank. An individual with binoculars was identified in the building along with individuals on the roof with what appeared to be a shoulder fired AT weapon. The tank fired to suppress forward observation of their position from the Palestine Hotel, and to end coordinated fire upon their position from the hotel and other locations. I further find that both commanders and soldiers adhered in all respects to the published Rules of Engagement. The soldiers returned aimed, deliberate fire at belligerents in a discriminate and proportionate manner. There was no indication that innocent civilians were directly or purposefully engaged.

6 4. POC for this action is [REDACTED] SJA CJTF-7 at [REDACTED]

6 [REDACTED]

Encls

- 1. V Corps CDR's Findings (Tab A) Colonel, JA
- 2. V Corps OSJA Findings (Tab B) Staff Judge Advocate
- 3. Appointment Memorandum (TAB C)
- 4. CDR's Inquiry with Exhibits (Tab D)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
COALITION JOINT TASK FORCE 7
HEADQUARTERS THIRD UNITED STATES ARMY
UNITED STATES ARMY FORCES CENTRAL COMMAND
APO AE 09304

SUBJECT: Legal Review of Commander's Inquiry Into the Engagement of the Palestine Hotel

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TAB A



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, V CORPS
UNIT 29355
APO AE 09014



AETV-CG

29 May 2003

MEMORANDUM FOR Commander, CJTF-7

SUBJECT: Commander's Inquiry on the Palestine Hotel Incident

1. The report of commander's inquiry is forwarded for your review.

2. Concur with the report of the Inquiry Officer, with the following comments:

a. The soldiers of A/4-64 Armor, 3rd Infantry Division acted in accordance with the rules of engagement in effect at the time of this incident. The use of a single 120mm tank round to suppress forward observation of their position and end coordinated fire upon their position was a clearly proportionate and justified response to the situation. After the tank engaged the observers in the Palestine Hotel, coordinated fire on their position ceased.

b. The report establishes that Iraqi Forces, including Special Republican Guards, Saddam Fedayeen and other irregular forces, used the Palestine Hotel as a platform for operations against Coalition Forces. Under the rules of engagement, soldiers have the inherent right of self-defense. There is no evidence whatsoever that soldiers deliberately targeted journalists or fired indiscriminately into the hotel.

3. There was no fault or negligence on the part of Coalition Forces. There was no violation of the Uniform Code of Military Justice and no disciplinary or administrative action is required. The death of the journalists at the Palestine Hotel was a tragic incident. I have the deepest sympathy for the families of those who were killed. However, responsibility for the incident rests with an enemy that chose to fight in a city, needlessly exposing the civilian population, including journalists, to the hazards of war.

6
6

[REDACTED]
Lieutenant General, USA
Commanding

TAB B



DEPARTMENT OF THE ARMY
HEADQUARTERS, V CORPS
OFFICE OF THE STAFF JUDGE ADVOCATE
UNIT 29355
APO AE 09014



REPLY TO
ATTENTION OF

AETV-JA

28 May 2003

MEMORANDUM FOR Commander, V Corps, Unit 29355, APO AE 09014

SUBJECT: Legal Review of Commander's Inquiry on the Palestine Hotel Incident

1. I have reviewed the subject Commander's Inquiry. I find the investigation in conformity with your appointment memorandum and [REDACTED] to [REDACTED].
2. The findings of the inquiry are supported by the evidence. The Investigating Officer's recommendations are consistent with the findings.
3. Point of contact for this action is [REDACTED] V Corps Main, OSJA, DNVT [REDACTED].

66

[REDACTED]
MAJ, JA
OIC, Administrative Law

TAB C



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, V CORPS
UNIT 29355
APO AE 09014



AETV-CG

22 May 2003

6 MEMORANDUM FOR [REDACTED] 214th Field Artillery, V Corps

SUBJECT: Incident at the Palestine Hotel, Baghdad, Iraq on 8 April 03

1. You are hereby appointed as an investigating officer to conduct a commander's inquiry into the subject incident. You will investigate the facts and circumstances surrounding the events of 8 April 03, in which elements of the 3d Infantry Division returned fire in the vicinity of the Palestine Hotel, Baghdad, Iraq. You will submit your report detailing the results of your inquiry to this headquarters NLT 27 May 03.
2. Your investigation will inquire into all facts and circumstances surrounding the subject incident and will obtain and preserve all available evidence. In your report, include findings of fact concerning why U.S. Forces fired at or near the Palestine Hotel and whether U.S. Forces properly applied the Rules of Engagement.
3. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you should coordinate with your legal advisor prior to proceeding with the interview. Your legal advisor may determine that you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. If during an interview you begin to reasonably suspect criminal conduct of the witness, suspend the interview with the witness and call your legal advisor. If possible, all witnesses will be sworn and recorded on DA Form 2823.
4. Prepare the report in memorandum format. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. You must submit any requests for delay to me in writing.
- 6 5. Before proceeding with the investigation, contact [REDACTED] -DVNT [REDACTED]
6 for an initial legal briefing. [REDACTED] will serve as your legal advisor during the investigation.

6 [REDACTED]
6 [REDACTED]
Lieutenant General, USA
Commanding

TAB D

DEPARTMENT OF THE ARMY
Headquarters, 214th Field Artillery Brigade (Forward)
Baghdad, Iraq

AFVI-CDR

27 May 2003

MEMORANDUM FOR Commanding General, V Corps, ATTN: OSJA, V Corps

SUBJECT: Commander's Inquiry Palestine Hotel Incident, Baghdad, Iraq, 8 April 03

1. IAW memorandum dated 22 May 2003 a commander's inquiry was conducted 25-27 May 2003. Investigation into the facts and circumstances surrounding the incident were obtained during interviews, sworn statements and a visit to the site documented with photographs. The purpose of the investigation was to determine facts concerning why U.S. Forces (specifically A/4-64 Armor) fired at or near the Palestine Hotel and whether or not U.S. Forces properly applied the Rules of Engagement (ROE).
2. On the morning of 8 April 2003, A Co., 4-64 Armor fired upon what is now known as the Palestine Hotel (MB 459864) with a 120mm main gun from a M1A1 Abrams Tank. The fire was directed at what was believed to be an enemy firing platform and observation point [REDACTED] tank, A-12, Exhibit F). It is also clear that the men of A company understood the ROE, specifically as it applied to the right to self-defense. The ROE in effect at the time is at Exhibit R and will be discussed later in this report.
3. 8 April 03 was a day of very intense, heavy, fighting for A company. A company moved east and then north up Palace Road to secure the intersection at MB 433872, (Exhibit C) just east of the Jamurohora Bridge, in order to deny the enemy use of the bridge. On A company's first attempt to secure the intersection they were met with heavy enemy direct and indirect fire. As the company proceeded through the archway, just south of the intersection (Exhibit J) RPG, mortar and small arms fires came from prepared defensive positions (bunkers), from within and from atop surrounding buildings (Exhibits K,L,M). During this first attempt A company had 2 soldiers WIA, the Red Platoon Sergeant and the loader from Red 2 (Exhibits D,E). As [REDACTED], the company commander, approached the intersection he saw that it was heavily defended by almost a battalion of Iraqi Republican Guards (Exhibit D). Enemy fire was coming from 3 sides of the intersection. The building just to the northwest (Exhibit K), the bunker complex to the northeast in a park with statues (Exhibit L), and the tall building to the west (Exhibit M).
4. [REDACTED] made an assessment of the situation and directed his company to move back through the archway, south, one intersection. He did this so he could maintain contact with the enemy and coordinate for additional fire support. He coordinated for the delivery of Close Air Support (CAS) and indirect fires (mortars) in and around the intersection. Once the additional fire support was complete, [REDACTED] directed the

company to move back through the archway and into the intersection. Once in the intersection he directed one platoon, ██████████'s, to secure the near (west) side of the bridge (Exhibit N). As enemy fighting in the intersection slowed and the company gained control of the intersection (Exhibits K,L,M), enemy fires from the east and southeast across the Tigris River increased. ██████████ and others observed enemy moving up and down the east side of the river, (Exhibit D,E,F) as well as enemy dismounts wearing black jump suits moving in and out of several buildings north and south along the river road on the east side. Multiple spot reports from his platoons indicated the same.

6 5. As ██████████ and his wingman (██████████, Red 2) start across the bridge, several spot reports are received. ██████████ is told by C company commander 4-64 AR, ██████████, located to his north, that he had just found 2, AT-14 anti-tank missiles. Near simultaneous to this report ██████████, the TF 4-64 Executive Officer, receives a report from TF 1-64 Executive Officer, ██████████ (Exhibits G,I). The report states that ██████████, a trained Arab linguist counter intelligence officer, found a hand held Motorola radio. ██████████ monitors transmissions that indicate that tanks (A/4-64's tanks) were being observed on the bridge from the east side of the river and the enemy observer was directing enemy forces towards that location.

6 6. ██████████ informs ██████████ that his unit is being observed from a "multi-story" building; one high enough to be able to observe ██████████ and ██████████ tanks. He directs him to have his unit scan building tops looking for the observer(s) (Exhibit G). During this time, ██████████ and ██████████ tanks were receiving heavy mortar, RPG and missile fire (Exhibits E,F,P) and they observed flashes of light coming from the direction of the Palestine Hotel building (building they describe as a large tan colored building on the southeast side of the river) (Exhibit Q). ██████████ further identifies an individual with binoculars making hand gestures towards the bridge on one of the top floors of the large tan building (Palestine Hotel) shortly after another enemy round impacts the bridge near his and ██████████ tanks. During this intense combat action ██████████ asked permission of his platoon leader, ██████████, to engage the observer in the building. ██████████ requested the same of ██████████ who directed him to engage the target and continue the mission to secure the bridge (Exhibits D,E,F). ██████████ fired one 120mm tank round into the building (Exhibit F). This was followed by another report from ██████████ (XO, 1-64 AR) to ██████████ (XO, 4-64 AR) that the most recent transmissions from the captured Motorola indicated that the enemy observer was being suppressed. ██████████ directed ██████████ to continue to observe and engage as required. (Exhibit G).

6 7. Reports prior to 8 April 03 and subsequent reporting to the Brigade S2, ██████████ indicated that the enemy had been reinforced with third country nationals ██████████. The Brigade S2 was battle tracking heavy enemy contact in the vicinity of the Palestine Hotel. Exploitation of enemy prisoners of war indicated Syrians along with Special Republican Guard forces were using the hotel as a base of operations (Exhibit H).

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8.

[REDACTED] (Exhibit R-1). The V Corps ROE Training Package provided units contains the CFLCC ROE card (Exhibit R-2) and training vignettes for commanders and soldiers. Situation 8/9 in the training vignettes (Exhibit R-3) clearly provide the commander guidance for situations like [REDACTED] and his men found themselves on 8 April 03.

9. It is clearly evident that A/4-64 was involved in very intense combat action throughout the morning on 8 April 03. It is also clear that the enemy forces were a mix of Republican Guards, Sadaam Fedayen and third country nationals. Their techniques, tactics and procedures varied from fighting from bunkers, to inside, on top of and in between buildings in the area of operation. The enemy force clearly had no or little concern for the safety of civilians in the area. On several occasions A Company received heavy fires from enemy forces that were firing on them from inside buildings (Exhibits K,L,M,N,O,P,Q) and in all cases they acted appropriately when they responded in self-defense.

10. I find the engagement of the Palestine Hotel by A/4-64 in accordance with the rules of engagement when they fired upon the suspected enemy forward observer with one 120mm tank round. It was clearly a proportionate and justifiable measured response. I further find that there was no violation of the Uniformed Code of Military Justice and no disciplinary or administrative action required. The unit showed magnificent courage and restraint as they executed combat operations in the city of Baghdad at the intersection and bridge vicinity MB 433872.

11. Highly recommend that non-embedded media personnel routinely inform, through the proper military and civilian authorities, their locations during combat operations.

6
6
[REDACTED]
COL, FA
Investigating Officer

1. UNIT

2 BCT 3ID (M)

2. INCIDENT

Engagement of Palestine Hotel and reporter deaths

3. LOCATION.

MB458860

4. TIME

080350ZAPR 03

5. PERSONNEL INVOLVED.

A/64 AR

6. SUMMARY OF INCIDENT.

On 8 April TF 4-64 AR conducted an attack to MB433872 to destroy a counterattack operating from the east side of the Tigris River. During the attack they received direct and indirect fire from a building on the east side of the river vic MB458860. Simultaneously TF 1-64 AR captured a handheld radio and through their translator, determined that the police net was being used to direct enemy forces and adjust indirect fires. They advised 4-64 AR who began scanning for observers. They identified a person with binoculars in the building at MB458860 and people on the roof with what appeared to be a shoulder fired AT weapon. A/4-64 AR fired one 120mm HEAT round at the observer at approx. 0350Z. The building was later confirmed through the media to be the Palestine Hotel. Later HUMINT from captured Syrian "volunteers" revealed that aside from the media, the Palestine Hotel was a reception building for non-Iraqi volunteers prior to their attack on American forces. After hearing the building was the Palestine, Spartan 6 ordered that no further fires be directed at the building.

7. REMARKS

8. PUBLICITY.

Yes. High

9. COMMANDER REPORTING.

6 [REDACTED] 2nd BCT Commander

10. POINT OF CONTACT.

6 G3 OPs at [REDACTED]

11. DOWNGRADING INSTRUCTIONS.

-NA-

Exhibit A

THIS REPORT IS IN ACCORDANCE WITH ARCENT/DJFLCC REQUIREMENTS AND AR
190-40.

11 April 2003

6 MEMORANDUM FOR ██████████, SJA, 3d Infantry Division (Mechanized),
Baghdad International Airport, Iraq

SUBJECT: 8 April 2003 Palestinian Hotel Shooting

1. On 8 April 2003, A Co, 4-64 Armor fired upon the Palestinian Hotel in Baghdad with 120mm main gun on an M1A1 Abrams Battle Tank. The tank fired in response to heavy fire coming from the building and after identifying a forward observer operating with binoculars on the upper floors of the hotel.
2. 8 April 2003 was a day of heavy fighting for the members of A Co, 4-64 Armor. The company was initially tasked with securing the intersection at MB 459 859 in order to cut off the flow of enemy traffic from the bridge over the Tigris River to the east. Beginning at 0200Z at the "Old Palace," they cleared east, then north, up "Palace Road," and encountered heavy fighting IVO of the Presidential Palace. The contact was consistent with earlier engagements, approximately 30 dismounts with heavy RPG and mortar fire. A Co. cleared through the Presidential Palace area and moved up to secure the intersection early in the morning on the 8th, at approximately 0300Z.
- 6 3. As ██████████ (A Co. CMDR) approached, he saw that the intersection was heavily defended. There were many white trucks with machine guns ("technicals") defending the area. The view of the entire intersection is impeded from the south by a large concrete archway, so much of the threat had not yet revealed itself. As A Co, passed through the archway and entered the intersection, they came under heavy fire, both direct and indirect. The technicals were quickly destroyed but heavy fire continued from 3 dug-in fighting positions. The fire came from 3 sides and there were approximately 3 platoons of enemy heavily dug in. A French reporter noted that the Iraqis had been preparing this intersection for almost 3 weeks in anticipation of an American attack there. The fighting was the fiercest A Co had seen to date. In addition to RPGs and mortars, snipers from the buildings around the intersection also began to fire. Two soldiers were wounded by sniper fire as the company advanced. The buildings where the snipers were firing from were identified and engaged. A Co, put main gun rounds in one large building to the east of the intersection in order to neutralize the snipers within.
- 6 4. Enemy reinforcements poured in from over the bridge to the east and were able to stop A Co's advance. ██████████ ordered the company to withdraw and called in air strikes. The intersection was hit with JDAM bombs and strafed by A-10s. The fires effectively suppressed the enemy. A Co. re-attacked into the intersection and was able to secure it. The enemy had managed to re-supply themselves, however, in the short time A Co. had pulled back. There were new rows of RPG rounds lined up in areas that were cleared just a few minutes earlier.

Exhibit B

6 MEMORANDUM FOR ██████████, SJA, 3d Infantry Division (Mechanized),
Baghdad International Airport, Iraq
SUBJECT: 8 April 2003 Palestinian Hotel Shooting

6 5. The RPG and mortar fire continued from the bridge. ██████████ estimated there were 20 RPG teams on the bridge. He sent his Red Platoon to suppress the fire. As the Red team moved toward the bridge, the fire continued. The fire was intense as Red team was the first team in the Division to move into position on one of the 3 bridges over the Tigris in downtown Baghdad. Mortar and RPG fire came from the entire eastern side of the Tigris and occasionally still from the west side of the river. Red team could see technicals and RPG teams moving all along the east side of the river. One mortar landed on the bridge next to the Red 2 tank and came from the direction of a building (the Palestinian Hotel) approximately 1500m to the southeast.

6 6. ██████████ (XO 4-64 AR) passed a key piece of intelligence to ██████████ around 0630Z. Intel was received from SOF channels that there was an enemy forward observer located in a large sand-colored building on the east side of the Tigris. The observer was said to be located on one of the top floors. ██████████ passed this information on to his Red team leader.

7. The fire remained heavy as the Red team continued to engage targets on the east side of the river. The tanks used the main gun and coax to suppress enemy fires. Targets were engaged as they were identified through the Tank gunner's primary sight. The main gun was used effectively against RPG teams on the ground and in buildings up and down the east side of the Tigris. When required, A Co. called in air strikes on enemy buildings. The Ministry of Information and Ministry of Intelligence, among other buildings, were neutralized using air strikes.

6 8. At approximately 0645Z, ██████████ passed intel to ██████████ that the enemy forward observer was currently observing the Red team positions on the bridge for RPG and mortar fire. At that time, the gunner on Red 2, ██████████, was scanning from the east to the south. He observed a bright flash from the building southeast of their position. It was from the building that would eventually be revealed to be the Palestinian Hotel. It was a clear day, so it was easy to see. The flash was too large and too bright to be small arms. It had to be either an RPG or a mortar. The Palestinian Hotel is a sand-colored building, approximately 20 stories, on the east side of the Tigris. ██████████ reported seeing the flash to ██████████ and began observing the building closely. On approximately the 15th floor he saw a person with binoculars, maybe two, observing their position. He relayed this information to ██████████ who, based on self-defense and the intel he received, gave the order to fire. One 120mm tank round was fired at the building where the observers were seen. ██████████ had no knowledge that the building was a hotel or that journalists had been moved into it. The fighting, which had already lasted some 5 hours, continued as A Co. suppressed mortar fires and RPGs in this manner.

MEMORANDUM FOR [REDACTED], SJA, 3d Infantry Division (Mechanized),
Baghdad International Airport, Iraq
SUBJECT: 8 April 2003 Palestinian Hotel Shooting

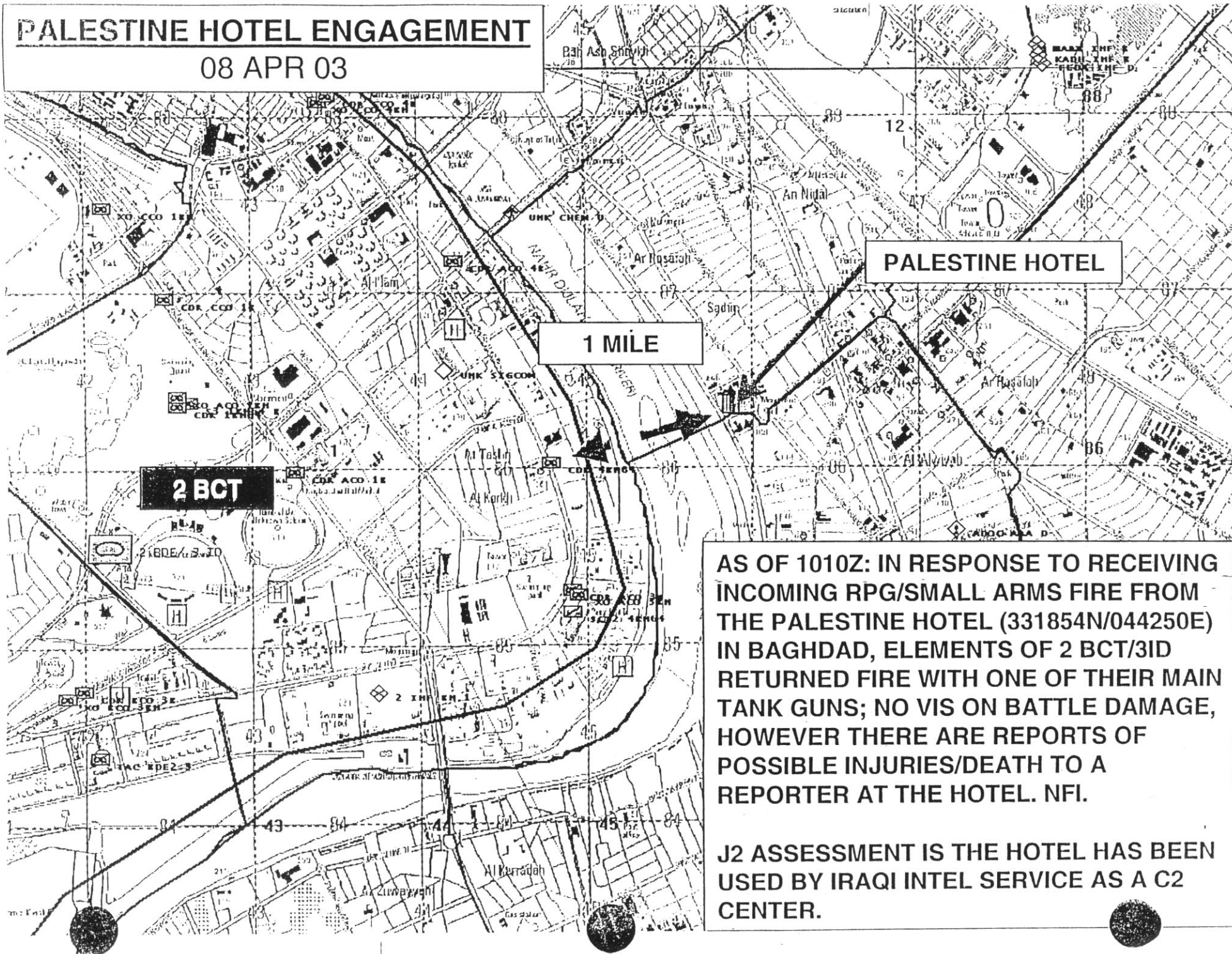
6 9. Intelligence gained by the 2 BCT S2, [REDACTED], revealed that the Palestinian Hotel had been established as a base of operations by a group of volunteer Syrian fighters at some point prior to the fighting on 8 April. The Syrians were part of a group bussed in from other Arab countries to fight Americans. Intelligence suggests that this group may be responsible for the fires coming from the hotel on the morning of the 8th.

10. POC for this action is the undersigned and can be reached at [REDACTED], or [REDACTED].

[REDACTED]
CPT, JA
Brigade Legal Advisor

PALESTINE HOTEL ENGAGEMENT

08 APR 03



PALESTINE HOTEL

1 MILE

2 BCT

AS OF 1010Z: IN RESPONSE TO RECEIVING INCOMING RPG/SMALL ARMS FIRE FROM THE PALESTINE HOTEL (331854N/044250E) IN BAGHDAD, ELEMENTS OF 2 BCT/3ID RETURNED FIRE WITH ONE OF THEIR MAIN TANK GUNS; NO VIS ON BATTLE DAMAGE, HOWEVER THERE ARE REPORTS OF POSSIBLE INJURIES/DEATH TO A REPORTER AT THE HOTEL. NFI.

J2 ASSESSMENT IS THE HOTEL HAS BEEN USED BY IRAQI INTEL SERVICE AS A C2 CENTER.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION TUSKER X-RAY BAGDAD IRAQ	2. DATE (YYYYMMDD) 20030526	3. TIME 0952	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS CPT	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

On the morning of 8 Apr 2003 my company came under an early morning attack near the Presidential Palace in Bagdad, Iraq. After several hours of intense firing we attacked into an intersection near the Jamyrohara Bridge. At the time the enemy situation was not clear as we attacked into the intersection. After several minutes of fighting it became clear that the intersection was heavily defended by a Bn⁽⁻⁾ of Iraqi Republican Guards. The company received heavy fire from 3 bunker complexes and two multi-story buildings. The sniper fire from the high rise buildings wounded two soldiers and forced us to withdraw from the intersection. I directed the company to move back (south) one intersection so we could maintain contact with the enemy and call in CAS and indirect fires. After the indirect fires stopped I directed the company to move back into the intersection. Red platoon was in the lead as we moved north back into the intersection and seized the area west of the bridge. As the fighting slowed down in the intersection we started to receive fire from our right (EAST) flank near the bridge. We began returning fire and moving towards the bridge. As we neared the bridge we observed heavy movement on the East

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. [REDACTED] (continued)

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
side of the river. I received multiple spot reports from my platoons on around 20-30 dismounted teams wearing black jump suits moving from several buildings, and they were beginning to move north and south along the river road. At this time [REDACTED] Task Force X0 informed me on the Task Force command net that CI had captured a radio and were monitoring a conversation between an Iraqi forward observer and another Iraqi soldier, that they were observing tanks on a bridge and were directing indirect fires on them. A few minutes later [REDACTED] Charlie Company Co called me on the Task Force Command Net to tell me that he had just found 2 AT-14 Anti-Tank missiles, weapons that were believed to be capable of destroying an M1A1c Main Battle Tank. Almost simultaneous with that transmission a missile fired at my two lead tanks and went high and never landed near us. As the enemy continued to move north and south along the far side of the bridge they continued to engage us with RPG-missile type weapons systems.

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 2 OF 4 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

EXHIBIT D

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME		6. SSN	7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS			

9. [REDACTED] (continued) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

My Red 2, [REDACTED] sent a report to his platoon leader [REDACTED] that he was receiving direct fire to his south and he observed what appeared to be a person with binoculars on the upper floor of a building in that area. [REDACTED] sent me the report saying they observed what appeared to be an observer in a building and were going to engage the building. I told him to engage and continue the mission. This was no different than anything we had done during any combat operations in Iraq. We acted within the Rules of Engagement and the right to self-defense.

Nothing Follows

10. EXHIBIT	11. INITIALS OF <u>[REDACTED]</u> MAKING STATEMENT	PAGE <u>3</u> OF <u>4</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

Exhibit D

6 STATEMENT OF [REDACTED] TAKEN AT Tusker TOC DATED 26 MAY 03

3. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

6 I, [REDACTED], 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.

[REDACTED] (Typed Name of Person Making Statement)

6 WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of MAY, 2003 at Tusker TOC, Baghdad, Iraq

6 ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

6 ORGANIZATION OR ADDRESS

[REDACTED] (Typed Name of Person Administering Oath)

Judge Advocate

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

Exhibit D

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: 4-64 AR TOC, Baghdad, Iraq
2. DATE (YYYYMMDD): 20030526
3. TIME: 0930
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: O-2
8. ORGANIZATION OR ADDRESS: [REDACTED]

to
6
6

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

On 08 April 2003 my platoon and company was counterattacked at approximately 0030Z. At that point we began our attack to secure the first bridge crossing just north of the Presidential Palace Complex. Through the large archway we observed trucks, cars and jeeps dropping off personnel with AK-47s and RPGs. The gates to the archway was partially closed so the entire threat was not seen. My platoon, red platoon, was the first platoon in the intersection. Upon entering the intersection we began to receive small arms, RPG and mortar fire. There were bunker complexes on three sides of the intersection including two 120mm recoilless rifles mounted on jeeps. There was also sniper fire coming from two buildings in the intersection. My Red 2 loader was wounded by sniper fire and was evacuated. Shortly after that my CO withdrew the company so he could call in Close Air Support. After two JDAMs were dropped and A-10s staffed the intersection our company returned to the intersection. Once we returned to the intersection I was told to take a tank section and secure the rear side of the bridge. I took my tank and my wing man's tank, Red 2, up to the bridge. About that time the CO passed down intel that we had intercepted an enemy transmission saying that they could see two tanks on the bridge and that they were calling in

6

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

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

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

Exhibit E

3. STATEMENT (Continued)

mortar fire on it. My wing man, Red 2, could see flashes coming from the base of a large tan building on the eastside of the river. From that same building my wing man saw a male in one of the top floors looking at our position with binoculars. I perceived the ~~building~~ man and the building as a threat and according to the ROE we could protect ourselves. My wing man called up the range for me and asked for permission to engage. I, in turn, called my commander and requested permission to fire. Once my CO gave me the go ahead, I told my Red 2 tank to engage. Once my wing man engaged, the firing from the base of the building ceased. We continued to scan and I received an update from my CO saying that the enemy traffic that we intercepted was saying that the enemy forward observer was ~~not~~ taking effective fire. The mortar fire stopped shortly after as well.

Nothing Follows

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of May, 2003 at

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

EXHIBIT E

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 4/64 AR TDC OLD PALACE BAGHDAD IRAQ	2. DATE (YYYYMMDD) 2003 05 26	3. TIME 0925	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6 Tank Commander.	
8. ORGANIZATION OR ADDRESS [REDACTED]			

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

ON THE MORNING OF 08 APRIL 2003 1ST PLT (RED) A/CO 4/64 AR WAS IN A DEFENSIVE POSITION AT THE OLD PALACE PULLING 50% SECURITY ON OUR PERIMETER. WHEN ENEMY DISMOUNTS. I FILTRATED THE PALACE GROUNDS AND CAME FORWARD. THIS IS HOW THE EVENTS OF 08 APRIL BEGAN. THROUGHOUT THE WHOLE OFFENSIVE CAMPAIGN THE SOLDIERS OF A/CO 4/64 ALWAYS HAD THE INTELLIGENCE BUILT PASSED DOWN FROM THE CO/CMR TO THE PT LEADERS DAILY TO THE SOLDIERS. ROE WAS IMPRESSED UPON DAILY ONE WHO IS FRIENDLY AT WHAT GRID AND WHERE THE ENEMY WAS OR COULD BE EXPECTED AT WHAT GRID AND WHAT OUR JOB WAS. ON THE MORNING OF 08 APRIL 03 AFTER WE PULLED BACK TO THE PALACE A-12 MY TANK LEFT BEFORE THE REST OF THE COMPANIES MOVE FOR I HAD TO MEDEVAC MY LOADER WHO HAD BEEN SHOT IN THE UPPER PART OF HIS RIGHT ARM. AFTER THE COMPANY REGROUP AND ATTACKED BACK TO THE INTERSECTION WE EFFECTIVELY DESTROYED THE REST OF THE ENEMY PERSONNEL. AFTER WATCHING THE JOAMS FALL ON THE BUILDING ACROSS THE BRIDGE RED PTI WAS ORDERED TO SEND A SECTION UP TO THE BRIDGE TO OVERWATCH. TANK TO SCAN OUR SECTOR TO SEE WHERE THE ENEMY WAS AT. AFTER PULLING UP ON THE BRIDGE A-12 TIC [REDACTED] WAS ON THE RIGHT SIDE AND A-11 TIC [REDACTED] WAS ON THE LEFT SIDE. AT THAT TIME WE STARTED OUR SCANNING

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

Exhibit F

3. STATEMENT (Continued) TECHNIQUE AND STARTED TO OBSERVE RPG TEAMS ALONG THE ROAD EAST SIDE OF THE RIVER. A-12 DESTROYED SEVERAL RPG TEAMS IN THE BUILDINGS ALONG THE ROAD AND SEVERAL VEHICLES WITH RPG TEAMS TRYING TO REPOSITION THEMSELVES. WHILE SCANNING A-12 ~~WAS~~ WAS RECEIVING MOTOR FIRE IN FRONT OF AND BESIDE THE TANK ON THE BRIDGE WE RECEIVED INTELLIGENCE THAT A CALL HAD BEEN INTERCEPTED TRYING TO PUT ARTILLERY ROUNDS ON OUR POSITIONS ALONG THE BRIDGE AND INTERSECTION. AFTER DESTROYING A RPG TEAM AND O.S.MOONS. I NOTICED A BRIGHT FLASH COMING FROM A BUILDING EAST OF THE BRIDGE. AFTER THE ROUND IMPACTED ON THE BRIDGE I NOTICED A PERSON ON THE NEXT TO THE TOP FLOOR OF THE BUILDING LOOKING AT THE TANKS WITH BINOC'S AND POINTING HIS ARM/HAND/FINGER IN OUR DIRECTION I CALLED IT UP TO REG 1 THE 1ST PLT LEADER. HE THEN IN RETURN CALLED IT UP TO THE CO. CMDR. AFTER A MINUTE OR TWO. HE CALLED ME BACK AND ASKED FOR THE RANGE TO THAT OBSERVED. RANGE WAS 1740 TO 1760 METERS. AFTER GETTING A RESPONSE 3 TO 5 MINUTES LATER THE ORDER WAS GIVEN AND 1 IMPACT ROUND WAS DISCHARGED FROM A-12 EFFECTIVELY DESTROYING THE TARGET. ~~WE~~ AT THAT TIME RPG TEAM STARTED SHOOTING AT THE TANKS FROM UNDER THE BRIDGE AND WERE ENGAGED BY ~~ONE~~ OTHER PLT. AND THW THE DAY WE CONTINUED TO EXCHANGE FIRE WITH RPG TEAMS AND SNIPER FIRE UNTIL ALL WAS EFFECTIVELY SUPPRESSED.

6 END OF STATEMENT [REDACTED]

AFFIDAVIT

6 I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

6 WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of MAY, 2003 at
[REDACTED]
(Signature of Person Administering Oath)
[REDACTED]
(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

EXHIBIT F

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Central Baghdad
2. DATE (YYYYMMDD): 2003 05 26
3. TIME: 0905 hrs
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: 04 / AD

8. ORGANIZATION OR ADDRESS

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

On 8 April @ approximately 0630 hours I received multiple radio transmissions from Assasin 6 ([redacted]) that he was under heavy fire @ the intersection near Bridge 2 on the Tigris River. The intensity of the combat was extremely heavy and multiple Assasin soldiers had been shot or injured in the counter attack. I was situated in the TF TCC Bradley @ the Presidential Palace (OOT Woody East) and wearing the Dash Force vest. At about 0635 hours, I received a call from Rogue 5 ([redacted]) that he had found a Motorola type radio that could be translated. The radio was active he said with 2 or three voices on the other side of the river that had "eyes on" our tanks (Assassin) near Bridge 2. [redacted] advised he was receiving multiple RPK and saw mortar fire on his positions. He felt he was definitely being watched and that someone was forward observing the rounds as they continued to get better adjusted. @ 0645, [redacted] called again and gave me information from the captured radio that the FO was in a multi story building "high enough" to see the bridge and that he had good observation. I advised to [redacted] that he needed to scan high on buildings across the river and he advised back that he was observing multiple flashes (muzzle flashes) from the building. The area near the base of the building was a frenzy of moving in mounted and dismounted vehicles. [redacted]

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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

Exhibit G.

3. STATEMENT (Continued)

continued to observe and advised the mortar rounds were getting better. @ 0650 hours MAJ Russo advised that the FO was being suppressed due to his comments on the other end of the radio transmissions. I called Assessor 6 and told him that his recent direct fire was effective and "that he was being suppressed, continue to observe and engage as required." @ no time was there any discussion of no fire areas, or protected sites on the East side of the Sigis River. Every building was littered with enemy FO's or disintegrating from windows and from breaches on the East side of the river. I did not know the Palestine Hotel was the FO observation area until after the fact. [REDACTED]

[REDACTED]. Both indirect and CAS were available and used for this battle.

NOTHING FOLLOWS

KAR

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of MAY, 2003 at 4-64 TASK FORCE HQ's

MAJ AR TF 44 S3
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

Exhibit G

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 2 APT HQ, BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 20030526	3. TIME 1203L	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O4	

8. ORGANIZATION OR ADDRESS
[REDACTED]

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

As the 2nd Brigade S2, we have been receiving reports on or about the 6th of APR 03 that in Baghdad and east of Baghdad that the enemy had been reinforced with third country nationals (TCNs), including Syrians, Palestinians, and Egyptians. On this particular day S APR, we (S2, TOC) were tracking heavy enemy contact at what we learned was the Palestinian Hotel. Exploitation of Enemy Prisoners of War (EPWs) indicated that Syrians were mixed in with Special Republican Guard Forces (SRGF) at the hotel and were using it as a base of operations; the first report was received at 0652Z the same time SPARTAN6 reported monitoring of a captured cell phone and possible broadcasts from a hotel building). Subsequent reporting, including some open source reporting also indicated that Syrians were using the hotel as a base of operations. We assessed that this group, based upon previous reporting, was a mixture of volunteers from at least 3 other Arab countries (Cyria, Palestine, Egypt) who were brought in — some reports explicitly said BUSED IN — to reinforce Baghdad forces to protect the city. NOTHING FOLLOWS [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"

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

Exhibit H

6
STATEMENT OF [REDACTED]

TAKEN AT

2 BCT Toc

DATED

26 May 03

3. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

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

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Exhibit H

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION BAGHDAD, IRAQ
2. DATE (YYYYMMDD) 2003/05/26
3. TIME 1300
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS O4 ACTIVE DUTY

8. ORGANIZATION OR ADDRESS

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

On 8 April, 2003 I was manning the Task Force 1-64 Armor Jump TOC (M113A3 HQ-65) at MB 427836, monitoring the Task Force and BCT command nets. The BCT was still in significant contact since seizing the center of the city on 7 April. [redacted] an Arab linguist trained counter intelligence officer was monitoring a hand held Motorola Radio recovered from the body of an enemy soldier found in his car. The radio was fully charged so [redacted] was scanning through the channels to gather information. He would scan channels and listen to the conversations. He brought the radio to me and stated someone on the radio was talking about the location of an American tank near a bridge. He focused on that conversation and began to translate what was being said. The person on the radio reported he was across the river and observing the activities of the American tank. Based on my knowledge of the tactical situation, I knew TF 4-64 Armor was responsible for the sector next to the Tigris River so I made contact with Tusker 5 (TF 4-64 Armor Executive Officer [redacted]) on the BCT command net. I asked Tusker 5 if he had any tanks at a bridge and that they may be under direct enemy observation. Tusker 5 reported they did so [redacted] and I focused on this channel. The individual speaking was talking about the location of the tank and trying to direct others to that location. He mentioned that he was in a Turkish Restaurant observing the tank. We relayed that information to Tusker 5 to see if they could spot the restaurant or the individual that was observing their tank. Tusker 5 took the information on the BCT command net. [redacted] and I were unsure of which building the observer was in as we were about three to four kilometers from the Tigris River and the action was occurring outside of our sector of responsibility.

-----END OF STATEMENT-----

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

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

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

Exhibit I

6 STATEMENT OF [REDACTED] TAKEN AT Spartan X-RAY DATED 26 MAY 03

9. STATEMENT (Continued)

Wetley Folms

[REDACTED]

AFFIDAVIT

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

6 [REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of May, 2003 at Spartan X-RAY

6 _____
ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

6 _____
ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Judge Aduzale
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 2 PAGES

Exhibit T