

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: Haditha Dam, Iraq

Date: March 18, 2006

I, Sanick P. DELA CRUZ, have been advised by Special Agent Brian W. Brittingham that I am suspected of Violations of the Laws of Armed Conflict or rules of engagement resulting in the deaths of one or more non-combatants in Haditha, Iraq on 19Nov05 as may be punished under the UCMJ.

I have also been advised that:

- SPD (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;
- SPD (2) I have the right to remain silent and make no statement at all;
- SPD (3) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- SPD (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- SPD (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- SPD (6) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

Signature : *Sanick P. DeLa Cruz*  
 Date & Time: 1020/18mar06

Witnessed: *[Signature]*

Continuation of Statement of  
Sanick DE LA CRUZ  
on March 18, 2006

## STATEMENT

Place : Haditha Dam, Iraq

Date : March 18, 2006

SPD I, Sanick Pallerna DELA CRUZ, make the following free and voluntary statement to Brian W. Brittingham whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of Violations of the Law of Armed Conflict, or Rules of Engagement resulting in the deaths of one or more non-combatants in Haditha, Iraq, on 19Nov05. SPD

SPD For identification purposes I am Filipino Male Marine, born on 21Oct82, in Cavite City, Philippines. I am a U.S. citizen and my Social Security Number is [REDACTED]. I have black hair and brown eyes. I am approximately 66" inches tall and weigh approximately 120 pounds. I am currently assigned as an Infantryman, to Kilo Company, 3/1, 1stMarDiv, Haditha Dam, Iraq. I have been in Iraq since mid September, 2005. I will leave Iraq on 25Mar06. My home address is [REDACTED], [REDACTED]. SPD

SPD I would like to begin my statement by saying around 0600, 19Nov05, my convoy of four HMMWV's left Firm Base Sparta enroute to conduct change over with the Iraqi Army. The first vehicle in the convoy was a hardback. The driver of that vehicle was LCpl RODRIGUEZ, his A-Driver was Cpl SALINAS, the gunner was LCpl SHARRATT. The second vehicle was a high back, the driver of the vehicle was myself, my A-Driver was LCpl TATUM, LCpl MENDOZA was in the back on my truck with about four or five Iraqi Army Soldiers. The third vehicle was a high back HMMWV, the driver of that vehicle was SSgt WUTERICH, his A-Driver was LCpl GRAVISS, Doc WHITT was in the back of his vehicle with five Iraqi Army Soldiers. The fourth vehicle in the convoy was a high back HMMWV. The driver of that vehicle was LCpl TERRAZAS, his A-Driver was LCpl CROSSAN, LCpl GUZMAN was in the back of his vehicle. We left Sparta and turned onto Haditha Road, and drove out through ECP 1, turned south onto Leopard. We drove down Leopard to Antelope, down to Hazel, turned south again onto Badger, then we made a left turn onto Unknown Road, then made a left onto River Road. We stopped at the Traffic Control Point, conducted change over with the Iraqi Army Soldiers. I don't remember exactly how many, but we picked up as many Iraqi Soldiers as we dropped off. So when we came back we had the same number of Iraqi's that we left with. Around 0700, 19Nov05, we left the TCP and turned north onto River Road, followed that up to where we turned left onto Chestnut. Around 0700, 19Nov05, as my vehicle passed by Route Viper, I heard a huge explosion. It was so big in fact that I remember feeling the explosion push my HMMWV forward a little bit. At the time I heard the explosion I remember Vehicle one was just up the road past Viper. My vehicle was just past Viper. Vehicle three was in the opposite lane of the road, and vehicle four was approximately 100 meters east on my vehicle. SPD

SPD As soon as we heard the explosion the entire convoy stopped where we were. I, and my A-Driver immediately dismounted the vehicle. I don't know where my A-Driver went after he dismounted the vehicle. I remember all the Iraqi Army dismounting the vehicles as well. I am pretty sure no one stayed in the vehicles. I don't know exactly where the Iraqi Army Soldiers were. As soon as I dismounted the vehicle I looked to the south west and saw a car approximately 100 meters up

SPD

Page 1 of 6

Continuation of voluntary sworn statement of  
Sanick Pallerna DELA CRUZ  
on March 18, 2006

SPD ahead. I don't recall anything about the car, other than all the doors being open, and a group, like four individuals, of Military Aged Males (MAM) running away from the car towards the south west. I immediately yelled at them to stop in Arabic, but no sooner did I finish saying stop, and I heard the Iraqi Army Soldiers open up on them. When the Iraqi Army Soldiers opened up on the MAMs from the car, I supposed that they must be the enemy, and I fired at them as well. I don't recall if any of the other Marines shot at the MAM's from the car. I don't remember seeing any of the MAM's hands in the air. I do remember seeing several tracer rounds being fired in the direction of the car. I shouldered my M-16, and fired approximately 4 to 6 shots at the MAM's as they were running away from their car. I knew it was the Iraqi Army Soldiers firing at the MAM's because I heard AK fire coming from right beside me and right behind me. SPD

SPD I don't know exactly how many rounds the Iraqi Army shot, but it sounded to me like they were shooting out their magazines. It happened very fast. All I know is it all started and stopped in like a few seconds. I don't recall if any of the MAM's got away. I did not see if the MAM's were killed. From where I was standing I could only see from about the middle of their bodies to the tops of their heads. I don't recall seeing any of the MAM's with weapons, and I did not positively identify them, other than the fact they were running away. In my mind when they ran away they were guilty, or up to something. SPD

SPD I don't recall any Marines, or Iraqi Army being near the MAM's or I would not have shot in their direction. I don't recall anyone celebrating or dancing around when all the weapons fire stopped. My only concern after we engaged the MAM's was that I wanted to check on my convoy and my squad. I don't recall anyone being scared or mad, just on target getting the job done. There was no hesitation in our actions. SPD

SPD After shooting about 4 to 6 shots I immediately turned east so I could find out what had exploded. When I turned around I could see that Vehicle four was completely destroyed. I could see black smoke blowing past my vehicle and I could see debris stilling falling down. I began making my way down to where vehicle four was. As I was moving that way we began to take small arms fire. It was like a pop ever three to four seconds. I didn't know exactly where it was coming from, but it sounded like it was coming from the south of my position. I don't think that any of the shots were impacting anywhere close to me. When I got to where vehicle four was I saw Doc WHITT working with CROSSAN trying to get him out from under the wreckage of the HMMWV. Somehow CROSSAN had ended up with his legs pinned under the drive shaft on the drivers side of the vehicle. I saw TERRAZAS lying dead right beside the blast crater of the IED. I saw GUZMAN limping around the back of the HMMWV, towards TERRAZAS. I saw two Iraqi Army Soldiers posting security around the back of vehicle four. I began yelling for GUZMAN to get down and find cover. GUZMAN laid down beside TERRAZAS on the north side of the median. The HMMWV was completely destroyed. The cab was completely gone, only the high back box was left intact. I also saw GRAVISS by vehicle four. SPD

SPD I grabbed GRAVISS and one of the Iraqi Army Soldiers, and we stepped off to the north to begin searching houses. At this point I was mad that our convoy had been attacked, and that TERRAZAS was dead. GRAVISS, myself and the Iraqi Army Soldier moved north west to clear a house that was just off Chestnut. As we were moving out I heard the rest of the Marines begin SPD

SPD

Continuation of voluntary sworn statement of  
Sanick Pallerna DELA CRUZ  
on March 18, 2006

SPD engaging to the south. When GRAVISS, the Iraqi Army Soldier and myself got to the house we entered it through the north door. I believe we kicked that door open. I don't know who went in first, but when we got inside there was no one in the house. I have labeled this house as House Number 1 on a sketch that I prepared to help explain my actions on 19Nov05. We then exited that house through the same door and made our way to the south east to clear another house that was on the south side of Chestnut. I have labeled this a House Number 2 on my sketch. The whole time we were moving we were in the alert carry with our weapons. I had an M-16, with a M203 mounted to it, GRAVISS had an M-16, and the Iraqi Army Soldier had an AK-47. None of us had a pistol. We kicked in the door to house 2, I remember it taking us a while to open that door. We entered House 2 through the north door, again no one was in this house. From there we went across Chestnut to the house closest to the street on the north side. I have labeled this as House 3. We kicked in the east door to this house and entered it. There was no one in this house either. From there we exited the same door and made our way north to the next house, House 4 on my sketch. We kicked in the door to this house, and entered through the east door. I remember hearing a lot of gunfire coming from the north when we entered this house. This gunfire was a long way away. I cannot recall exactly where it was coming from. SPD

SPD When we got inside this house we discovered four MAM's in this house. One was in his 60's or 70's and the other three were like in their 20's. We immediately took these MAM's outside their house searched them and detained them. GRAVISS had a set of handcuffs and we flex cuffed the other two. At that point we didn't have anymore flex cuffs so we posted the Iraqi Army Soldier on them while we finished our sweep. I remember seeing two or three women in House 4 as well, there were also some children in this house. From there GRAVISS and I pushed over to House 5. I remember that this door, the south door, was open so we just walked into the house. When we walked into this house we saw three MAM's. We took the MAM's outside, searched them, and since we didn't have anymore flex cuffs we decided to walk them back to Chestnut. I remember there also being three women in this house. One was an old grandmother, the other two were in their 20's, and there were like five children in this house. One of the children in this house was an infant. SPD

SPD When we escorted the MAM's back to Chestnut, GRAVISS lead them, the Iraqi Army Soldier fell in, in the middle, and I followed them down the hill until we reach Chestnut. When we got there my Platoon Commander, Lt KALLOP was standing about <sup>halfway</sup> between vehicle 2 and vehicle 4. We left the detainee's with my Platoon Commander. At that point myself GRAVISS and the same Iraqi Army Soldier we had been with earlier pushing back out to the north to search more houses. We moved north towards House 6. I remember this house as being under construction with the south door open. We went inside this house and saw that there was a mattress on the floor in front of a window that looked south out onto Chestnut. I remember thinking this was probably the trigger house, due to the mattress being right by the window. There was no one in this house. We went upstairs onto the roof top where we saw that we could get into House 7 through a door on the roof. All we had to do is step across the wall and we could have been in. We thought it would be a better idea to exit House 6 and go around to the east door of House 7. SPD

SPD When we approached House 7 the door was open so we went inside. When we got inside we saw a lot of women and children in this house. As soon we walked in GRAVISS found a male, in his 30's or 40's laying down in a bed. GRAVISS brought him out and I asked him in Arabic if he heard the explosion. He told me that he was sleeping. I asked him if House 6 was his house, he said it was.

SPD

Continuation of voluntary sworn statement of  
Sanick Pallerna DELA CRUZ  
on March 18, 2006

11) While I was talking to the male, GRAVISS and the Iraqi Army Soldier were searching the house. They found like five more MAM's in the house and we escorted all of them outside. When we got them outside we searched and detained them. Again we didn't have anymore flex cuffs so we made them kneel on the ground with their hands behind their back. We pretty much waited there for the next three hours so we could get an interpreter to help us interrogate them. I remember at this point hearing firefights to the near south, another one to the far south, and another one to the far north. SPD

SPD During the search of House 7 we found stacks of \$100.00 bills, a few \$20.00 bills, and about 20 30 Jordanian Passports in a females purse. We also detained her. Around 1300, my Platoon Commander, TATUM, MENDOZA, the terp, and Justin (CI Guy) came to the house. They interrogated the Males and the female until around 1700 or 1800. During this time we moved all the women and children from House 5 to House 7 so we could keep them secured. After they finished the interrogation we loaded all the MAM's and the female into the back of a high back HMMWV, and moved them back up to Chestnut. We stood around on Chestnut for about an hour, then my squad leader SSgt WUTERICH told me, GRAVISS, and MENDOZA to move to House 8 to relieve the Marine that was posted there. We went to House 8, and assumed an over watch from the roof of that house. I think we were there until about 1900 when SSgt WUTERICH told us that we had to come down and help take bodies out of House 9 and House 10. SPD

SPD Everybody from 1<sup>st</sup> Squad, 3<sup>rd</sup> Squad and a couple of Marines from 1<sup>st</sup> Platoon, Lt FRANKS, and SSgt McDANIELS, went to House 9 first. I walked from House 8 to House 9, and entered the house from the north door. I walked down the hallway and I remember seeing an old lady laying dead on her back in front of the stairs. I remember thinking to myself that she <sup>look like she was</sup> ~~was the falling old lady~~. She was laying on the ground on her back with her hands situated so that they were above her head to either side. With the expression on her face it looked like she had fallen off of something and landed on her back. I then walked into the living room and remember seeing an old man laying dead on the floor in front of the door. I saw a woman laying dead at the end of the couch in that room and I saw several children laying next to her at the end of the couch. I remember this house being badly burnt inside. I remember smelling burnt flesh, and death. I think every room was burned in this house, and I remember that I could still feel the heat from the fire in this house. It was about this time that we had to run out of the house because someone said there was a live, or unexploded grenade in the house. After I ran out of the house I stayed outside posted security and made sure my Marines were doing their jobs. I didn't ask anyone what happened in this house, and I didn't really want to know. I remember thinking that I have a wife and kid, and I was like wow this is a lot of death. I remember a Marine by the name of LCpl WRIGHT taking pictures of all the bodies and the damage to the houses. I remember them writing numbers on the foreheads of each victim, like 1, 2, etc..., and then they took close up pictures of each victims face. SPD

SPD Once all the bodies from House 9 were loaded into the back of the HMMWV, I drove the HMMWV to House 10. I dismounted the vehicle and walked into this house as well. I remember walking into the house using the north entrance. As I walked into the house I saw a MAM laying dead on his back in the doorway. I also remember seeing bullet holes in the door and the glass in the door. I then walked down the hall to the bedroom, where I remember seeing a fat woman laying dead on her back on top of a bed. I remember she was fat because the Marines had a real hard time getting her out of the house an into the HMMWV. I don't remember what wounds she had, but I do remember seeing

SPD

Continuation of voluntary sworn statement of  
Sanick Pallerna DELA CRUZ  
on March 18, 2006

STU a lot of blood on the bed. I remember seeing some dead children at the foot of the bed, and a female teenager laying dead at the bottom of the bed. I remember I was in shock from seeing all the dead people in this house. I cant recall if this house had been burnt or not, but I don't think it was. I exited the house and stood by the HMMWV again to provide security. I only went into the houses because I was curious about what had happened in them. I was going to try to pull out the body bags, but I just didn't bother, I just wanted to get the hell out of these houses. SPD

SPD From House 10 we walked over to where the car had been parked, labeled on my sketch as C1. The car was located at the south west corner of Zebra and Chestnut. I remember seeing four bodies here. There were all dead in a group about 5 to 10 meters south west of the car. I remember seeing one face down, and one laying on his right side. I remember seeing bullet holes in ones back. I also remember seeing one with the right side of his head blown off, to where you could see his brain. I stood security again and watch as the Marines took photographs and put them bodies in bags. We didn't have enough body bags for al the dead, so we just started putting bodies in the back of the HMMWV's. SPD

SPD From here I walked to House 11, but just before I walked into the house, someone told me that it was the wrong house. From here I went to House 12. When I walked into House 12, I saw an old man sitting in the living room of this house. I don't know what he was doing there. He was just sitting there with a lantern. We told him to go away. I then walked into the back room of the house and say four bodies with blankets draped over them. Once we got the old man out of the house, the Marines pulled the blankets off of them, wrote numbers on their foreheads and arms, photographed them, and moved the bodies out to the HMMWV. While they were doing that I went next door to House 11. When I got inside this house I saw the old man from House 12. I asked who's house this was, and a female Iraqi, in her 20's, told me, in good English, that it was theirs. I told her that she spoke good English and asked her where she learned to speak it so well. She told me that she goes to College. From there we patrolled back to Firm Base Sparta, and arrived around 2300, or 2400. After that I went to sleep. SPD

SPD During the whole time we policed the battle field we found AK's in House's 4, 5, and 7. I shot my rifle about 4 to 6 times at about 100 meters distance. After I shot at the MAM's by the car I didn't fire my rifle again that day. I didn't have a radio so I didn't communicate to anyone on the radio. SPD

SPD I would like to talk about my training. Before coming Iraq on this deployment I trained with my unit for approximately five months. My training consisted of SASO, meaning we trained in a MOUT environment, out in town. During that training we practiced clearing houses, searching individual cars, searching and detaining individuals, how to react to near ambush, how to react to far ambush, how to react to an IED, how to react to small arms fire, and several scenarios. Also during this training we practiced making positive identification of enemy individuals. We were told that positive identification of enemy was if you were taking fire, or if they had a weapon in their hands, or if you saw a muzzle flash. Basically we were to make sure we identified the person if possible before engaging them. SPD

SPD I have drawn five different sketches of the events that occurred on 19Nov05. They are attached to this statement, as attachments A, B, C, D, and E. SPD

Continuation of voluntary sworn statement of  
Sanick Pallerna DELA CRUZ  
on March 18, 2006

This statement, consisting of this page and 5 other page(s) was typed for me by Brian W. Brittingham as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: *Sanick Pallerna*

Sworn to and subscribed before me this 18<sup>th</sup> day of March in the year 2006 at

Haditha Dam, Iraq

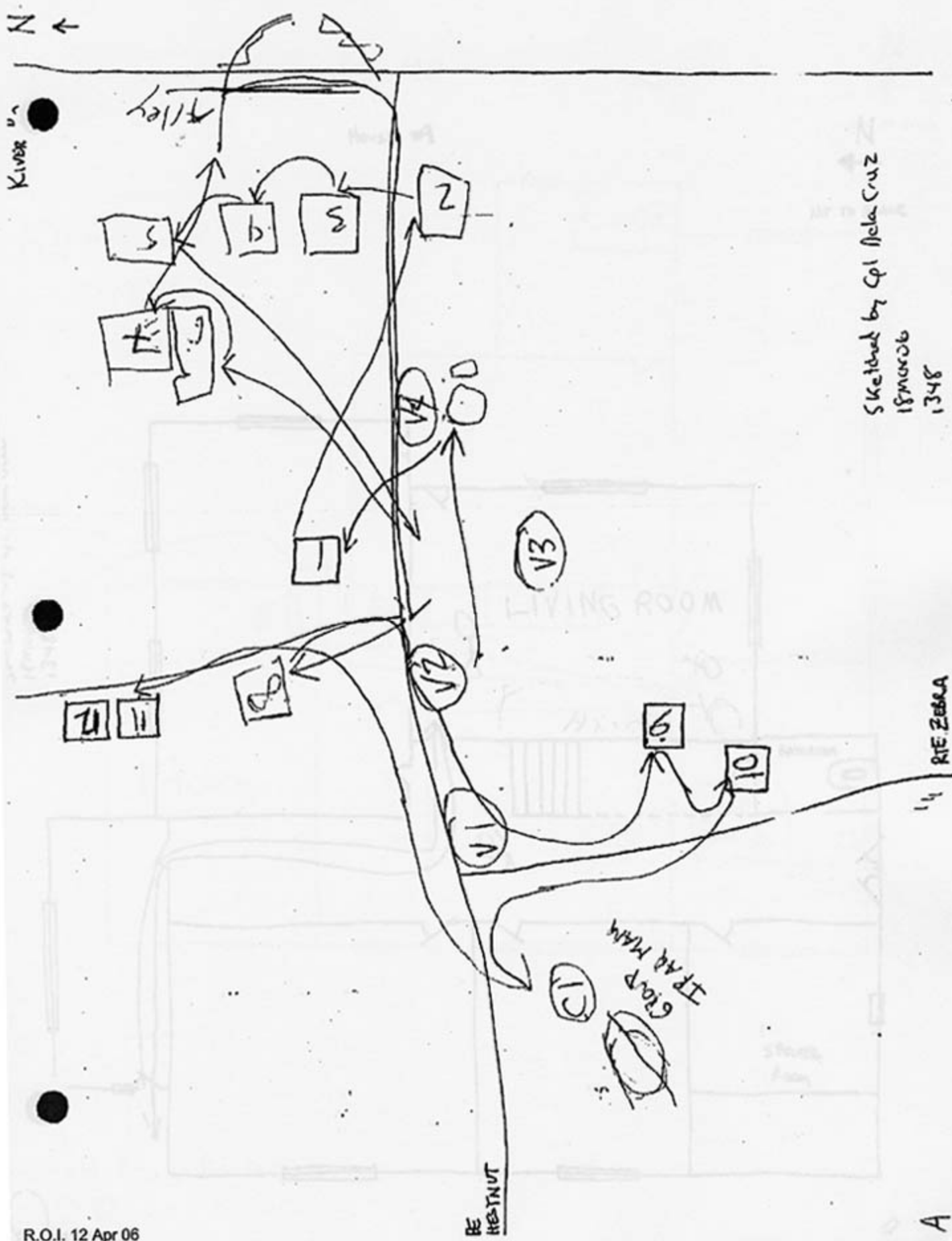
Witnessed: \_\_\_\_\_

*[Signature]*  
Representative, Naval Criminal Investigative Service  
AUTH: DERIVED FROM ARTICLE 136,  
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

SPD

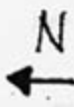
N ←

Kiver

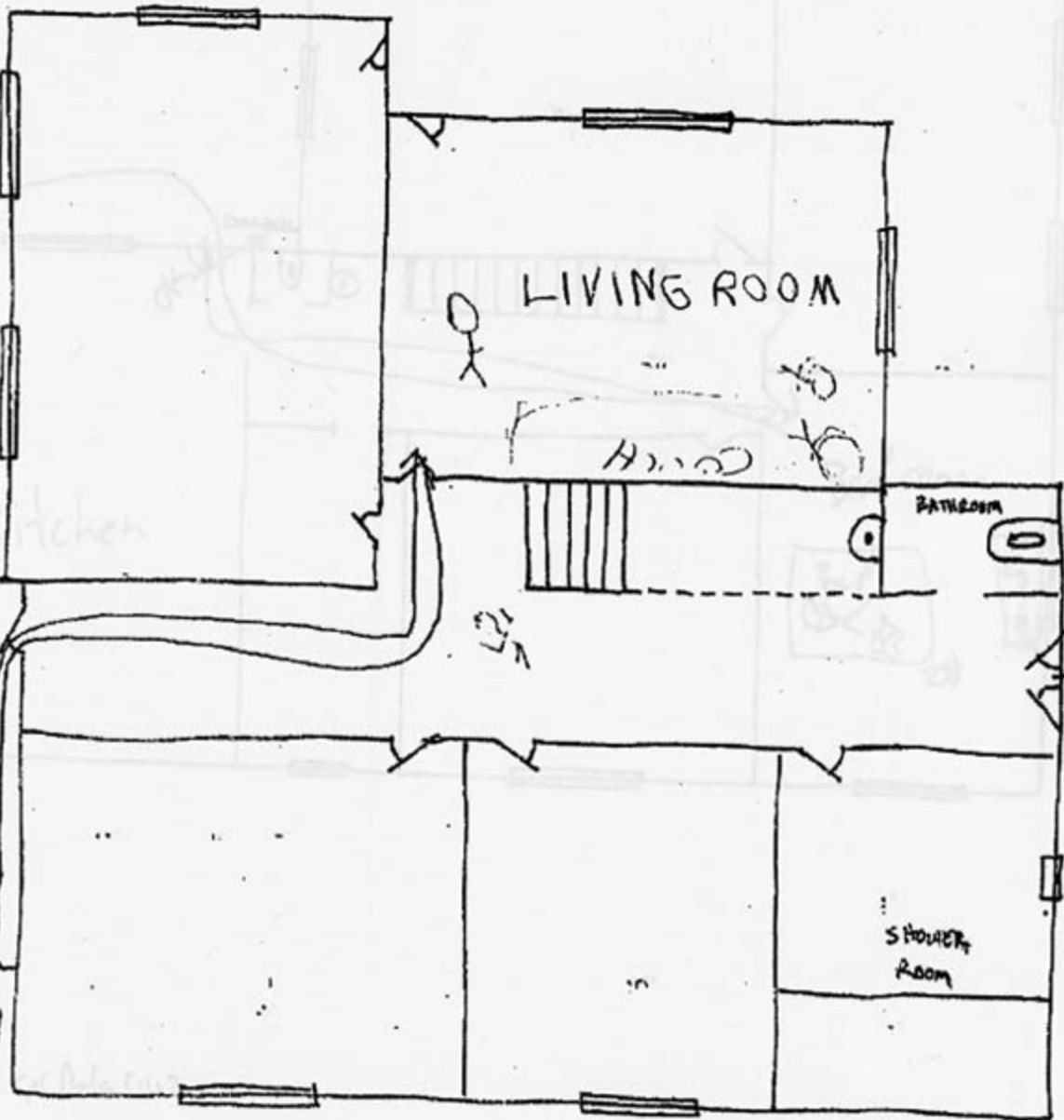


Sketched by Cpl Nela Cruz  
 18mar06  
 1348

House #9



NOT TO SCALE

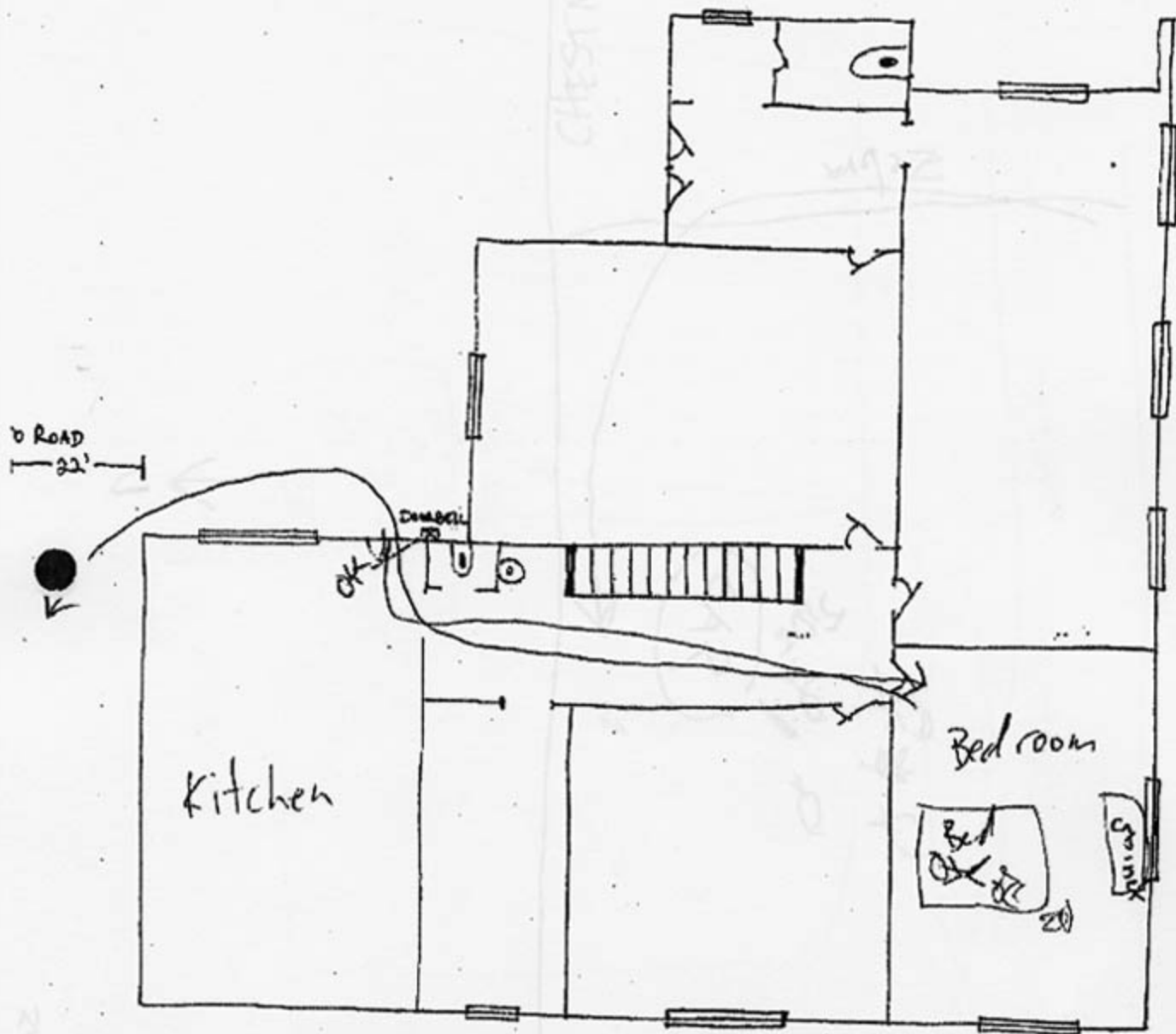


16m  
1348

House #10



NOT TO SCALE



Sketched by Cpl Nela Cruz  
18mar06

R.O. 57 Apr 06  
00123

N

CHESTNUT

ZELVA

CAR

50-100

50-50

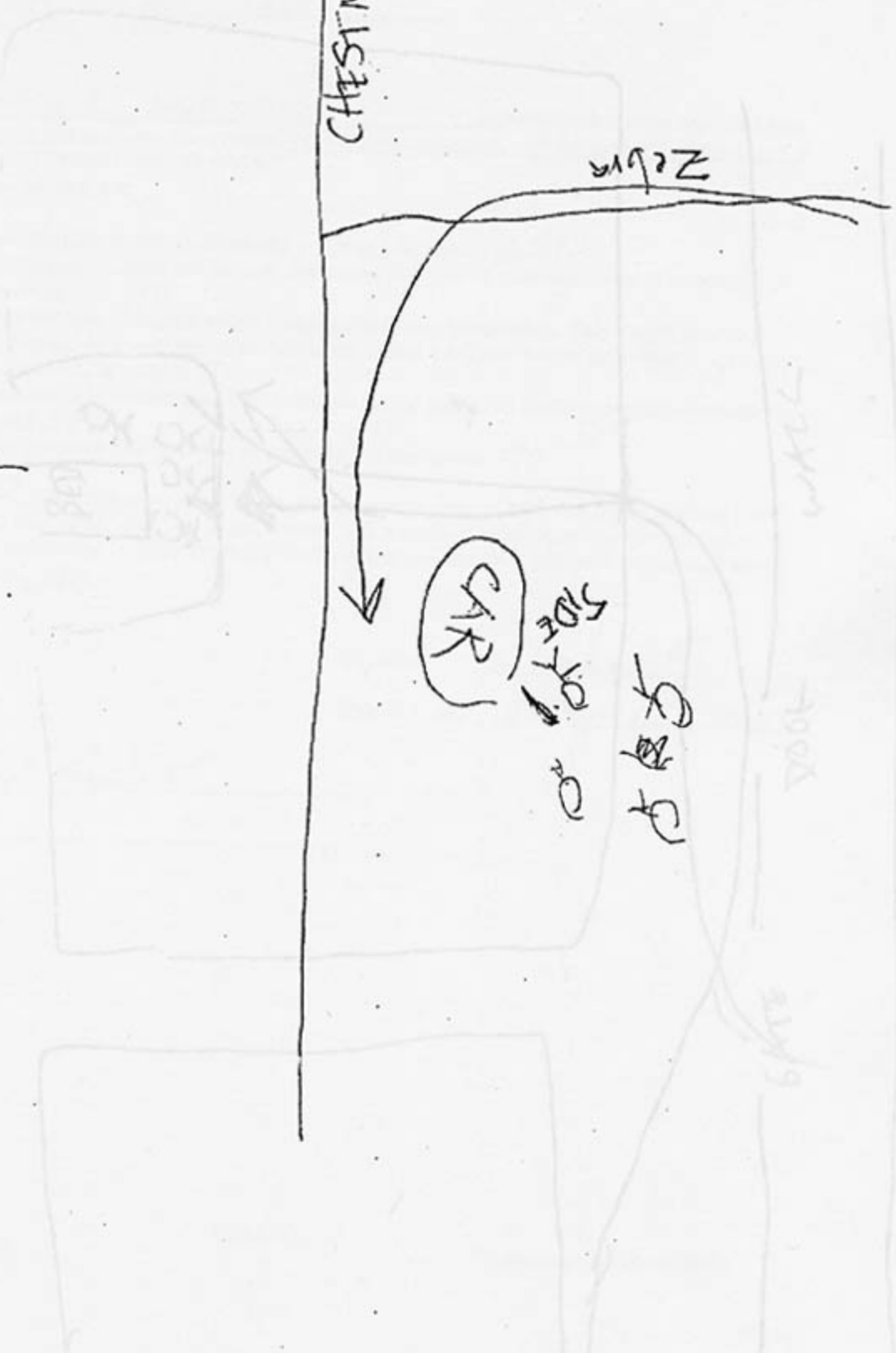
DOOR

6'x10'

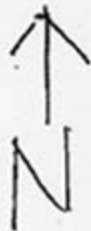
VIPER

11

3



MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS



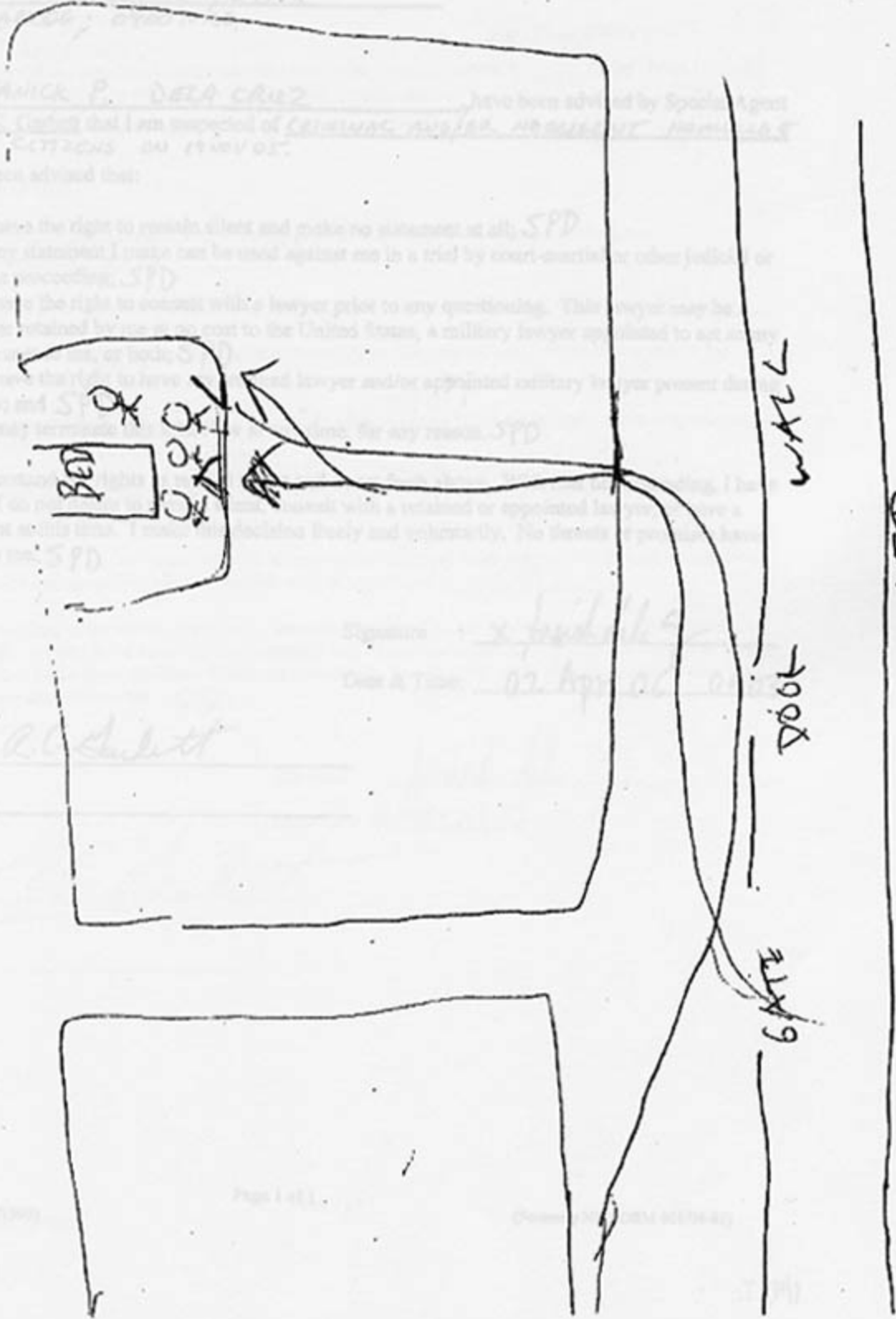
Name: SA MICHAEL P. DEEA CRUZ  
Date: 02 APR 06

I, SA MICHAEL P. DEEA CRUZ

have been advised by Special Agent SA Michael P. Deea Cruz that I am suspected of CRIMINAL MURDER, HARBORING AN ENEMY OF THE U.S.

I have also been advised that:

- SPD (1) I have the right to remain silent and make no statement at all.
- SPD (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding.
- SPD (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained here or one sent to the United States, a military lawyer assigned to act on my behalf at the site of the investigation, or a military lawyer and/or appointed military lawyer present during the interview and questioning.
- SPD (4) I will not be punished for not speaking, for any reason.
- SPD (5) I understand the rights I have been given and I have decided that I want to make a statement and answer questions with a retained or appointed lawyer, a military lawyer present at the investigation, or a military lawyer and/or appointed military lawyer present during the interview and questioning. No promises or threats have been made to me.



Reviewed by Col Mike Cruz  
02 APR 06  
00125  
02 APR 06

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: AL ASAD AIR BASE, IRAQ

Date: 02 APR 06; 0900 HRS.

I, SANICK P. DELA CRUZ, have been advised by Special Agent

SPD

SA Richard C. Garbett that I am suspected of CRIMINAL AND/OR NEGLIGENT HOMICIDE OF IRAQI CITIZENS ON 190005.

I have also been advised that:

SPD (1) I have the right to remain silent and make no statement at all; SPD

SPD (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding; SPD

SPD (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both; SPD

SPD (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and SPD

SPD (5) I may terminate this interview at any time, for any reason. SPD

SPD I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me. SPD

Signature : X Sanick Dela Cruz

Date & Time: 02 Apr 06 0903

Witnessed: R.C. Garbett

\_\_\_\_\_

R.C. Garbett

POLYGRAPH EXAMINATION WAIVER

Place: AL ASAD AIRBASE, IRAQ

Date/Time: 02 APR 06; 0904

SPD, SANCK P. DEZA CRUZ, have agreed to submit to a polygraph examination to be administered by SA R. G. GARRETT . SPD of the Naval Criminal Investigative Service relative to my knowledge of and/or participation in: CRIMINAL AND/OR NEGLENT HOMICIDE OF IRAQI CITIZENS ON 19 NOV 05 . SPD

I have been advised that:

- (a) I have the right to consult with a lawyer prior to making any decision concerning the examination; SPD
- (b) the polygraph examination will only be conducted with my prior written consent; SPD
- (c) no adverse action will be taken against me solely on the grounds that I refuse to consent to the examination; SPD
- (d) the area in which the examination is to be conducted (~~does~~ <sup>SPD</sup>) (does not) contain a two-way mirror or similar device; SPD
- (e) the area in which the examination is to be conducted (~~does~~ <sup>SPD</sup>) (does not) contain a camera; SPD
- (f) the area in which the examination is to be conducted (~~does~~ <sup>SPD</sup>) (does not) contain an audio recording device and the polygraph examination may be monitored. SPD

SPD With an understanding of the above conditions, I have decided that I do not desire to consult with a lawyer at this time. I freely consent to be examined by polygraph and I agree to cooperate fully with the examiner during the examination. I make these decisions freely and voluntarily, and they are made with no threats having been made or promises extended to me. SPD

Signature : [Handwritten Signature]  
Date/Time 02 APR 06 0907

Witnessed: [Handwritten Signature]  
Examiner: