

FOUO

UNCLASSIFIED

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: Haditha Dam
2. DATE: 20060221
3. TIME
4. FILE NO.
5. NAME (Last, First, MI): Kalley, William T
6. SSN
7. GRADE/STATUS: O1/2LT
8. ORGANIZATION OR ADDRESS: K/3/1 3rd Battalion 1st Marine Regiment

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 and wanted to question me about the following offense(s) of which I am suspected/accused: EVENT WRT 19 Nov 05 Haditha Complex Attack
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:
1. I do not have to answer any question 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
If 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. I am now willing to discuss the event 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)
1a. NAME (Type or Print)
b. ORGANIZATION OR ADDRESS AND PHONE
3. SIGNATURE OF INTERVIEWEE
4. SIGNATURE OF INVESTIGATOR
5. TYPED NAME OF INVESTIGATOR: COL GREGORY A. WATT
6. ORGANIZATION OF INVESTIGATOR: USA.

Section C. Non-waiver

1. I do not 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

FOUO

UNCLASSIFIED

FOUO

UNCLASSIFIED

On 19 November 2005, 3d Platoon, Company K, 3d Battalion, 1st Marines was acting as the supporting effort 2 in Haditha, Iraq. Our task was to carry out any working parties in the firm base as assigned by the Company Gunnery Sergeant, run administrative convoys, and have a quick reaction force (QRF) on stand by at all times. One of our platoon taskers was to conduct a convoy to the Kilo Company Traffic Control Point (TCP) in the Banir Dahir area to drop off Iraqi Army Soldiers to run the check point, pick up the ones who had been there the previous day and conduct a crypto change for the TCP platoon's radios.

At approximately 0700 I was standing as the Kilo Company watch officer in the company combat operations center (COC). I had been on duty for the night and was in the process of conducting changeover with my platoon sergeant, Staff Sergeant Fields. I was filling him in on the events of the night when we heard a large explosion outside. There was a few second delay before we heard the call for the QRF on the radio.

I heard Spartan 3/1 say something along the lines of, "IED, IED, we need QRF on Chestnut." We called the QRF runner and I ran to get my gear on. After I had geared up I went back to the COC where SSgt Fields was briefing Cpl Sanchez (the QRF squad leader). He told us that there had been an IED on Chestnut and that 3/1 had one urgent and two routine casualties that needed to be evacuated to LZ Bull.

We ran out to the vehicles and Cpl Sanchez yelled out the situation to his fireteams as I got into the vehicle. We drove west out of Entry Control Point (ECP) 1 and then turned south on leopard which is a straight shot to Chestnut. At that time I did not know that anyone had been killed and remember thinking we were lucky. Spartan 3/1's radio traffic was reporting the vehicle that had been hit was destroyed and I was wondering how that was possible with two routines. We drove directly south to Chestnut and turned east toward the convoy. When we rounded the corner and could see them Cpl Sanchez directed his vehicle directly to the IED site, which was shrouded in smoke.

When I dismounted the vehicle I went directly to the lead vehicle in Spartan 3/1's convoy to get the situation from then Sergeant Wuterich, the on scene commander until I arrived, where he was talking on the VRC. He told me that there had been small arms fire from the north directly after the IED but not any more and that the rear (fourth) vehicle had been hit. So I went back to the detonation site and ordered Cpl Sanchez to turn his vehicles around and be prepared to load up the casualties when the corpsmen had finished and take them to LZ Bull. I then went the blown up vehicle and saw HNs Whitt and Hatch working on Lance Corporal Crossan who was pinned under the tire of the vehicle. Private First Class Guzman was sitting against the vehicle and Corporal Salinas was standing by the vehicle. I asked him where the third casualty was and he pointed to Lance Corporal Terrazas who had been killed and was on the street a few meters to the west.

At the time I asked Sergeant Wuterich where he had security set, he told me we were good, so I tried to help the corpsmen with LCpl Crossan. At that time they had him unpinned from the vehicle and had him on a stretcher so we backed a vehicle from the

NR 21R60G

Kallop 2LT

FOUO

UNCLASSIFIED

001424

Bargewell Discovery

01430

FOUO

UNCLASSIFIED

QRF up to him and loaded him on. It was about that time when we began receiving small arms fire from the south side of the road. Corporal Salinas told me to get down and I got behind the blown up HMMWV with Sergeant Wuterich. I looked out to the south and identified where the rounds were coming from with Sergeant Wuterich. They were coming from a house that was across a wadi on the south side of the road and a little to our west. I could see movement and hear the rounds cracking around me so I pointed at the house and told Staff Sergeant Wuterich to clear south to the enemy and that I would be there as soon as the casualties were away safe.

At that time Sergeant Wuterich gathered a team of Marines and began moving toward the house. Corporal Sanchez's QRF was still there and he tried to join the stack forming up but I caught him and told him to get his squad to the LZ. At that point I realized that we would need more Marines to secure the site so I went to the lead vehicle to use the VRC and called Spartan Main. As I was on the radio the QRF pulled away with LCpl Crossan, PFC Guzman and both corpsmen. I also saw Sergeant Wuterich's team breach the house. LCpl Sharratt had a M240G dismounted and was suppressing the house as the stack closed with it. I lost sight of the team after they rounded a wall and LCpl Sharratt ceased fire and moved in with the team.

While on the radio I gave a situation report (sitrep) to Spartan Main. I told them that we had (1) urgent and (1) priority on their way to LZ Bull, that there was one KIA on site, and that we had taken fire from our south and were in the process of clearing it but that we needed another squad on scene. The watch officer told me that a squad from Spartan 1 was en route and would be taking river road.

I then went to try to catch up with Sergeant Wuterich's team but about half way there Lance Corporal Graviss called me back and told me that he thought he had found the trigger house for the IED. I walked back across Chestnut where the Lance Corporal Rodriguez and an Iraqi Army soldier were in the process of detaining two military age males (MAM) who had been in the area. I stopped to tell Rodriguez, who by that time was the only Marine left with the vehicles, to detain every MAM in the area to be questioned by HET.

LCpl Graviss took me directly north of the detonation site to a house about 75 meters off the road and separated from the road by a wadi. There is a finished portion of the house on the north side and a wing that is still under construction to the south. He took me through the empty part first and showed me an Iraqi sleeping mat in an otherwise totally empty room right in front of a window that faced the road and was in line with a telephone pole. He then took me to the front side where he and Corporal Dela Cruz had assembled all of the people in the house. I told them that was reason enough to search the house and told them to turn it inside out and keep me updated, and I was going back to the south.

I left the house and started towards the road while calling another sitrep to Spartan Main when I heard more AK fire. I reported that to Spartan Main and began running to the south. About half way I heard Machine Gun fire and knew that Sergeant Wuterich's

2

WZ 21 Feb 05

Kell 22T

FOUO

UNCLASSIFIED

Bargewell Discovery 181425

01431

FOUO

UNCLASSIFIED

team was suppressing so I called Spartan 4 at the TCP and told them we were suppressing south and to hunker down as I ran south. By the time I got to the road all firing had ceased. On the road there were about five detainees and an Iraqi Soldier was beating one with a stick. I took it away from him and yelled at him not to hit them, but to guard them and continued running across the wadi to our south, where I threw the stick, and linked up with Sergeant Wuterich. He told me that after clearing the first house there had been more enemy fire directed at him from the south so he had continued clearing in order to close with and destroy the enemy. I did not ask if they had gotten them because we were no longer receiving fire so I told him to pull back and get overwatch set over the detonation site and that I would call the wrecker.

All the Marines pulled back and I got on the VRC and requested a flatbed to come get the blown up HMMWV because it had been destroyed and un-towable. At that time I was told by Spartan Main that the squad from Spartan 1 had found an IED on River Road and had received fire from the palm groves so would not be able to get to our position for a while and that Spartan 3/2 was en route, clearing through the desert to our west with Spartan 6 (Captain McConnell) and would clear to our south in order to ensure the enemy had not gotten away and that 3/1 would not have to over extend.

I then walked back toward the detonation site where the detainees were being staged and found the same Iraqi Soldier hitting a detainee with the stick that I had confiscated earlier. I confiscated the stick again and told LCpl Rodriguez and LCpl Tatum to make sure the IA didn't beat them anymore.

Sergeant Wuterich had posted overwatch on the north side of Chestnut at the intersection of Viper and I walked back to Cpl Dela Cruz and LCpl Graviss' position. They had found a number of Jordanian passports, approximately 15, two cell phones (one of which had been disassembled and a large amount of cash which according to them the woman had tried to hide during the search. So I called the HET team (Sgt Laughner) and gave him the situation and began taking pictures of all the MAMs in the house with the items that had been found.

I left my camera with Cpl Dela Cruz to finish taking pictures and walked back to Chestnut. On my way there was another burst of AK fire directed at the Marines in the overwatch position, and I saw a MAM in all black running from behind one of the houses that had been cleared down into the wadi on the south of the road. Believing he had been the shooter I fired my weapon at him and when he disappeared into the wadi I directed the overwatch's fire onto him.

When I got to Chestnut I linked up with Corporal Salinas and told him to take me to the houses they had cleared. The first one we went to was the original one we had taken fire from and that I had pointed Sergeant Wuterich toward. Inside we found a number of dead people in the family room in the back of the house, to include women and some children. I looked around the room searching for weapons when one of the children moved and I noticed that he and a little girl with him was still alive. I got them up and saw that they had been hit by shrapnel so I tried to get them to come outside to a

3

HK 21 Feb 06
Keller JLT

FOUO

UNCLASSIFIED

Bargewell Discovery

01432

FOUO

UNCLASSIFIED

corpsman but they would not go. At that point I decided that I had to keep going and that I would come back for them. Cpl Salinas took me to the next house to the south and as we began to make entry there was more gunfire on Chestnut. We bounded back toward the road when Spartan 3/2 told us that they were coming down from the north and to cease fire. I saw Sergeant Wuterich and LCpl Sharratt firing to the west on Chestnut and told them to cease fire because 3/2 was over there.

I then walked to their position where there was a white four door sedan with the doors open and four dead MAMs a few meters to its south. I asked Cpl Salinas what had happened and he told me that they had been parked on the side of the road before the IED had detonated, they had stayed and observed after the IED had detonated and while the Marines had tried to cordon the area and that when Marines showed their weapons and yelled at the MAMs in the car to get out so they could detain them they opened the doors and attempted to run away. He said that he thought they were the triggermen or connected to the attack because they had been suspicious before and then failed to comply with the Marine's directions so they had been shot.

At that time the ambush site had been secured and I told Sergeant Wuterich to consolidate, and post security. At that time I heard Spartan 4 on the radio, they were in contact with the enemy to our south and needed an LZ for a MEDEVAC. I called Spartan 6 and told him that I had two civilian children that I wanted to MEDEVAC as well. Their wounds were routine, but their family was dead and I did not want them staying in that room and I did not have any corpsmen on site to do a complete assessment. I wanted to get them to a hospital to make sure they would be okay physically and would have someone take care of them.

Spartan 6 said that he could facilitate that so I got Lance Corporal Rodriguez to come with me and we went back to the first house off Chestnut where we picked up the children and brought them to a highback that was from the original convoy. We put them in with an Iraqi soldier so he could talk to them and let them know that we were going to take care of them. I then applied a pressure bandage to the girl's shrapnel wound in the leg and prepared to move to the LZ.

At that time I left Sergeant Wuterich in charge of the ambush site and LCpl Rodriguez and I drove south to Spartan 3/2's position to facilitate MEDEVAC. However, once we arrived and I had linked up with Spartan 6 we found out that Spartan 4 had taken more casualties, and we thought that we may have to maneuver for them so MEDEVAC got delayed. That Cobra gunships and bombs being dropped also delayed the MEDEVAC, but we finally got an Army Dust-off into our hasty LZ where we evacuated 3 Marines, the 2 children and 1 MAM that had been engaging Spartan 3/1 from the west and Spartan 3/2 had seen trying to egress from the ambush site as they came in from the north and shot.

After the helicopter was away safe Captain McConnell, Spartan 3/2, LCpl Rodriguez and I all consolidated at the original ambush site where Titan 2 (truck platoon) was picking up the blown up HMMWV and where Tiger 1 (a section of tanks) had just arrived. With

Wick 21 Feb 06
Kallor 22T

4
FOUO

UNCLASSIFIED 061427

Bargewell Discovery

01433

FOUO

UNCLASSIFIED

weapons platoon still in contact Capt McConnell ordered me to get a squad and head south to reinforce them. I told Sergeant Wuterich that he was now in command of security of the IED site and told Sergeant Wolf to get his squad with two vehicles and the tanks and we all moved south down River Road to consolidate with Weapons Platoon. Once there we coordinated with Sergeant Rafael's squad from Weapons Platoon and cordoned a house that air assets had tracked one of the insurgents run into from the weapon's engagement. The insurgent exited the house holding a baby in front of him as a shield and we detained him.

W. Wuterich

Kallop 2LT

FOUO

5

UNCLASSIFIED

001428

Bargewell Discovery

01434