

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEAN STATEMENT OF RIGHTS

Place: Hacienda Dam, T2

Date: 24 MAR 06 1959

I, Sgt William Taylor Kallge, USMC, [REDACTED] have been advised by Robert A. McDonald that I am suspected of violations of the terms of Armed Conflict or Rules of Engagement

Resulting in the deaths of over one million non-combatants in Hacienda Dam
on 19 Nov 05 as may be punishable under the UCMJ.

I have also been advised that:

- (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;
- (2) I have the right to remain silent and make no statement at all;
- (3) Any statement I do make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (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;
- (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (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: [Handwritten Signature]

Date & Time: 24 MAR 06 2003

Witnessed: _____

At this time, I, _____ desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

//23/PE//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24MAR06

CONTROL: 13MAR06-MEJ-0164-7HMA

S/WUTERICH, FRANK D/SSGT USMC
M/W/MEEG/N/██████████//CONNECTICUT

RESULTS OF INTERVIEW/KALLOP

On 24Mar06, Reporting Agent began to interview 2DLT William Taylor KALLOP, USMC, concerning his knowledge of the deaths of Iraqi civilians on 19Nov05 near the intersection of military route Zebra and Chestnut in Haditha Iraq.

The interview began by asking KALLOP for his biographical data then he was questioned concerning the training his men had received concerning Rules of Engagement (ROE) and Escalation of Force. KALLOP responded by saying he has been the Platoon Commander of 3rd Platoon, Kilo Company, 3BN, 1MARREG, 1MARDIV since 28Jun05 to present. They arrived in Kuwait Sep05 and moved to Firm Base Sparta, Haditha Iraq in Oct05.

KALLOP claimed that while in Kuwait they received a formal class in ROE. KALLOP stated he conducted ROE and Escalation of Force training following their Oct05 move to Haditha. KALLOP stated he utilized a ROE card similar to the one he currently carried. KALLOP allowed his current card to be copied that was attached as Enclosure (A).

KALLOP also stated Squad Leaders went over "Order" each time they went out on convoy or patrol. The order is a five-paragraph order which gives information on current area of operation, what the mission was, where "friendly" (non-combatants) are located, and Escalation of Force.

Then KALLOP stated that his troops received training on Military Operations Urban Training (MOUT) in Camp Pendleton, Security and Stable Operations (SASO) at March Air Force Base, and Range 210A at Twenty-nine Palms, CA. KALLOP stated the training at Camp Pendleton and Twenty-nine Palms consisted of assaulting enemy held structures and it did not deal with taking a building that had both enemy and friendly inside the building.

KALLOP claimed the SASO training was primarily dealing with structures that were either held by enemy or friendly, but did not deal with both in the same building at the same time.

KALLOP then stated at about 0700, 19Nov05, he was at the Command Operations Center in Sparta when he felt the explosion that later turned out to be the IED attack near Zebra and Chestnut road in Haditha. Moments after the explosion, the affected convoy radioed in the attack and requested assistance.

KALLOP then joined the Quick Reaction Force (QRF) that was responding to the IED strike. They approached the destroyed HMMWV from the west

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on Chestnut road and at the time KALLOP did not notice the white car near the intersection of Zebra.

KALLOP stated the first thing he did upon arrival was go to the destroyed HMMWV where he found LCPL TERRAZAS dead and GUZMAN and CROSSAN injured. KALLOP began to assist in extracting CROSSAN from underneath the destroyed HMMWV when they started to receive enemy fire.

KALLOP helped free CROSSAN from the vehicle and then rejoined SGT WUTERICH at his HMMWV to get a situation report. CPL SALINAS joined them and they were near the intersection of Viper and Chestnut standing next to a HMMWV. While there SGT WUTERICH stated the firing was coming from the south indicating a house which he pointed out on a diagram (Enclosure (B)) as house #1. SALINAS then stated he could see the enemy so KALLOP told them to "take the house."

At this point Reporting Agent asked KALLOP to stop so Reporting Agent could advise KALLOP of his rights concerning Violations of Armed Conflict. It was 1945 when the break was taken. Reporting Agent got a Military Suspects Acknowledgement and Cleansing Waiver of Rights form and Participant BRITTINGHAM. The re-interview began at 1959 and KALLOP waived his rights at 2003.

KALLOP then continued his verbal statement by saying at that point SALINAS fired a M203 grenade at the structure and WUTERICH gathered a patrol and started towards the house. While the patrol started into the depression towards house #1, KALLOP began to check on the QRF which was leaving the area to transport GUZMAN and CROSSAN for a medical evacuation.

KALLOP then began to walk into the depression south of Chestnut in an attempt to catch up with WUTERICH and his patrol. KALLOP had to stop and turn around because LCPL GRAVISS was calling to KALLOP because Marines north of their position thought they had found the trigger house.

KALLOP began to walk across the depression north of the ambush site toward the suspected trigger house and while doing so could hear gunfire coming from the south.

KALLOP ended up inspecting the trigger house and talking to the Marines taking detainees in the surrounding homes. KALLOP then made his way back to the HMMWVs on Chestnut and at about that time WUTERICH and his patrol walked up from Zebra and joined him.

KALLOP asked WUTERICH what happened and WUTERICH responded they had assaulted house #1 and after doing so received fire from house #2 which they assaulted also. KALLOP pointed to house #2 on a diagram (Enclosure (B)).

KALLOP then began to walk north of his position because more detainees were being held. KALLOP then heard some shooting to the south and he saw a male individual running from house #1 to the east

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along a ridgeline. KALLOP thought the fleeing individual was an insurgent because he was running right after the shots had been fired. KALLOP raised his rifle and took a shot at the suspected insurgent but missed. Then he heard a Squad Automatic Weapon (SAW) fire from the top of the building marked OP and saw the suspected insurgent drop out of sight. KALLOP called up and asked if they got him and SHARRAT responded, "Yes." KALLOP responded with "Good."

KALLOP then took SALINAS and they walked along the road over to house #1 to do an assessment of that house. KALLOP stated there was no smoke or fire in the house at that time and he found many dead adults and children lying in the back bedroom, Enclosure (C) pertains. At the time he thought there may have been up to 15 individuals in that one room, but now he knew that was an exaggeration.

KALLOP and SALINAS also found a boy and girl still alive in the back bedroom and tried to get them out of the building; however, they refused to leave. KALLOP and SALINAS then left them in the bedroom and walked out to the back of the house and found the dead male that had been shot on the ridge line. KALLOP asserted that later, he and another Marine (could not remember which one) went back to the house to remove the kids from the home in an effort to get them to safety and receive medical attention. KALLOP noted the boy was injured on his back. Therefore, KALLOP attempted to remove the boy's shirt with his Leatherman; however, this frightened the boy and KALLOP stopped immediately.

KALLOP could not tell where the Iraqi had been hit, but after looking at him briefly KALLOP began to walk to house 2. He had just reached the residence's front door when he heard firing behind him. KALLOP noticed the front door was open and a dead body was lying just inside the doorway.

KALLOP stated the firing sounded like AK, SAW, and M-16 fire. Then KALLOP heard a radio call from a QRF force, that was west of them, for the firing to stop because they were in the area. SALINAS and KALLOP then ran toward the intersection of Zebra and Chestnut where WUTERICH and SALINAS were firing. KALLOP told them to stop because of friendlies and they did.

KALLOP stated they did not say anything about hitting anyone and he was unaware they had. KALLOP heard that a body was recovered west of their position, but thought that had been due to the westward QRF unit.

KALLOP, SALINAS, WUTERICH and SHARRAT then rejoined the HMMWVs on Chestnut road and turned over a 9mm pistol magazine to SHARRAT because SHARRAT had emptied a magazine while assaulting either house #1 or #2.

KALLOP then went back to house #1, got the surviving children and transported them to an LZ for transportation for medical attention. He returned to Chestnut and spoke to WUTERICH. WUTERICH stated while he was gone they had seen two Iraqi males run across Viper towards

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house #4 carrying AK rifles. WUTERICH and SHARRAT had gone to house #3 looking for the insurgents and the house was occupied only by females. The females said the males were next door in house #4 so WUTERICH and SHARRAT went to that residence and was confronted by armed insurgents and WUTERICH and SHARRAT killed them.

Reporting Agent then pointed out that SHARRAT claimed he never saw weapons until he entered the building. KALLOP stated he could be remembering wrong; however, he recalled WUTERICH claiming seeing them run armed across the road to the house.

Soon after that conversation KALLOP left the area to participate in fighting in other parts of the city. KALLOP did not return to the above IED site.

During administrative preparation to secure a written statement, KALLOP's hands began to shake and was sweating profusely. Then KALLOP stated he wanted to speak to a lawyer before making a statement and the interview was terminated at 2145. No further pertinent information was obtained.

ENCLOSURES

- (A) Copy of KALLOP's ROE card/25Mar06
- (B) Incomplete rough sketch of area/25Mar06
- (C) KALLOP's waiver of rights/25Mar06
- (D) Rough sketch of house 1/25Mar06

PARTICIPANTS

Brian BRITTINGHAM, Special Agent, NCIS Fallujah, IZ
Nayda MANNLE, Special Agent, Washington, D.C.

BIOGRAPHICAL DATA

DPOB: 01Jul81/New York City, NY
DUSTA: 3rd Platoon, Kilo Company, 3BN, 1MARREG, 1MARDIV
RESIDENCE: [REDACTED]
Ph# [REDACTED]

REPORTED BY: ROBERT A. MCDANIEL
OFFICE: NCIS AL ASAD IZ

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Name: Private William Taylor Kelly
Date: 24 March 1957

I, Private William Taylor Kelly, United States Army, have been advised by Robert A. McDavitt that I am suspected of being involved in the case of a recent conviction of a person of my regiment

Reluctant to see further action against me, I have voluntarily agreed to make a statement
and answer any questions that may be asked of me.

I have also been advised that:

- (1) Any prior illegal admissions or other improperly obtained evidence cannot be used against me in a trial by court-martial;
- (2) I have the right to remain silent and make no statement at all;
- (3) Any statement I do make can be used against me in a trial by court-martial or judicial or administrative proceedings;
- (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 me, or the United States, a military lawyer appointed by the military, or I may, at my request, have the assistance of a lawyer retained by me at no cost to me, or the United States, a military lawyer appointed by the military, or I may, at my request, have the assistance of a lawyer retained by me at no cost to me, or the United States, a military lawyer appointed by the military;
- (5) I have the right to stop answering questions at any time, for any reason, until I am again advised of my rights as set forth above. When I am again advised of my rights, I have the right to stop answering questions at any time, for any reason, until I am again advised of my rights;
- (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. When I am again advised of my rights, I have the right to stop answering questions at any time, for any reason, until I am again advised of my rights. I do not desire to remain silent, and I make this decision freely and voluntarily. No threats or promises have been made to me.

1 3

1 2

Signature: [Signature]
Date & Time: 24 March 1957

Witnessed: _____

At this time, I make the following voluntary statement. This statement is made with no threats or promises having been made to me.

PTE ZEBRA

RE HEAVY