

EXHIBIT 4

| CRIMINAL INVESTIGATION TASK FORCE (CITF) REPORT OF INVESTIGATIVE ACTIVITY | | |
|---|-----------------------------|---|
| 1. DATE OF INVESTIGATIVE ACTIVITY 17 Mar 04 | 2. PLACE Withheld | 3. ACTIVITY NUMBER 12000040860902 |
| 4. REMARKS Witness Interview of: ██████████ Date/Place: 17 Mar 04/Withheld On 17 March 2004, ██████████ was interviewed by ██████████, Department of Defense Criminal Investigation Task Force. ██████████ agency reported to ██████████ that ██████████ was present at the capture of OMAR KHADR ██████████ KHADR was captured by US forces on 27 July 2002 near the village of Abu Ykhieel, Afghanistan. On 27 July 2002, ██████████ responded to a radioed request for assistance from US and Afghan Militia forces that were engaged in a firefight with suspected Al Qaida fighters at a compound near Abu Ykhieel, Afghanistan. The US forces included members of the 82nd Airborne Division and the 19th Special Forces Group (19 SFG), accompanied by Afghan Militia Forces (AMF). In response to the request for assistance, ██████████ traveled in a vehicle convoy with other US forces to the village. ██████████ later learned from personnel who were present during the initial operation that forces originally went to a different compound approximately 300 meters away from the site of the firefight. US forces went to the first compound in search of an Al Qaida explosives maker. A public address system was used to order the occupants of that compound to surrender. The occupants surrendered without resistance. A small group of US personnel then went to the second compound based on information that additional Al Qaida personnel may be present (see Attachment 1). They observed armed men in the compound and formed a perimeter around the compound until more personnel arrived from the first location. An AMF member then approached and yelled for the occupants to surrender. They did not respond except to fire rifle rounds at the AMF member. The AMF member retreated to safety. Later, two other AMF members approached the compound in attempt to convince the occupants to surrender. They entered through the compound gate. They were shot and killed in the entryway by rifle fire coming through a portal in a wall from occupants of the compound. Immediately following these shots, rifle fire was directed at the forces surrounding the compound and grenades were thrown over the compound walls. The US and AMF forces then retreated to positions indicated in Attachment 2. US and AMF forces returned fire and called for ground reinforcements and combat air support (CAS). The CAS arrived first and multiple bombing raids were made by US combat aircraft. ██████████ arrived with the ground reinforcements in a five vehicle convoy approaching from the south of the compound. ██████████ arrived approximately 10 minutes before the last bombing run made by the CAS. Also in the convoy was SFC CHRISTOPHER SPEER. Upon their arrival, the responding personnel met with the deputy commander of the 19 SFG detachment on scene. ██████████ believed the deputy commander's name was ██████████ ██████████ observed the compound from approximately 125 meters away. The compound was approximately 100 to 120 feet square with mud walls that were ten to twelve feet tall. There was only one entry point to the compound which was a green, steel gate at the southeast corner. After a few minutes of silence following the airstrikes, a decision was made to enter the compound. The assault element approaching the compound consisted of ██████████ SPEER, ██████████ three other personnel who arrived with ██████████ a platoon leader from the 82nd Airborne ██████████ identified him as ██████████ now assigned to a Ranger battalion), and a rifle squad from the 82nd Airborne (see Attachment 3). The assault element ran down the road to the compound and entered through a breach in the south wall | | |
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FOUO/LES

Attachment B
00766-000966

4. REMARKS (Continued)

created by the airstrikes. The plan was for [REDACTED] to be the third person to enter the compound and SPEER to be the sixth. [REDACTED] and the rifle squad would then follow. As the assault element entered the compound, weapons fire was directed at them from an alleyway on the north side of the compound between the living area and a barn (Attachment 4). [REDACTED] did not recall hearing the rifle fire, but he saw dust being blown in the alley. He recognized from past experience that this was muzzle blast and he realized he was being shot at. He believed it was from a rifle because of the volume of dust blown, though he could not rule out that it was a pistol. He characterized the shooting as "directed fire" that was aimed and was not wild or random. He believed the shooting originated from one rifle, but could not be certain there was not more. As the fire continued, he saw a hand grenade "lobbed" over the corner wall that lead into the alley. He estimated the wall was about eight feet tall. The grenade went over his head in an arching pattern. The grenade traveled approximately 30 to 80 feet with the distance depending on how deep from in the alley the grenade was thrown. The grenade landed and estimated 30 to 50 feet from the opening of the alley. [REDACTED] ran toward the gunfire to avoid the grenade (Attachment 5). He decided to run across the opening of the alley to get further away from the grenade. As he ran past the opening of the alley he fired 12 rounds from his M-4 rifle into the alley. At that time the alley was filled with dust from the gunfire and he could not see who was there (see Attachment 6). [REDACTED] never heard the grenade explode but later learned that SPEER was wounded in the head by the grenade. SPEER was behind him when the grenade was in the air and he did not see SPEER when he was hit.

[REDACTED] took a low position at the southeast corner of the alley. This was the first time [REDACTED] stopped moving since the initiating the approach to the compound. He saw a man lying underneath some rubble and debris (he presumed resulting from the air strikes) that he believed was clearly dead. He heard moaning coming from the back of the compound. The dust rose up from the ground and began to clear, he then saw a man facing him lying on his right side. [REDACTED] identified this man as the man photographed in Attachment 7). The man had an AK 47 on the ground beside him and the man was moving. [REDACTED] fired one round striking the man in the head and the movement ceased. Dust was again stirred by this rifle shot. When the dust rose, he saw a second man sitting up facing away from him leaning against brush. This man, later identified as KHADR, was moving. [REDACTED] identified this man as the man photographed in Attachment 8). [REDACTED] fired two rounds both of which struck KHADR in the back. [REDACTED] estimated that from the initiation of the approach to the compound to shooting KHADR took no more than 90 seconds, with all of the events inside the compound happening in less than a minute.

[REDACTED] moved into the alley and noticed that the man under the rubble was in fact dead and there was a second man dead under the rubble next to him (see Attachment 9 for details of the alley. Attachments 10 and 11 are photos identified as the two bodies under the rubble). A damaged AK 47 (appeared to be damaged by air strikes) was on the ground next to them. [REDACTED] said that the nature of the injuries, which included burns, the dust and debris on top of the bodies, and the general state of these two bodies caused him to believe they were dead prior to his entry into the compound. [REDACTED] moved to the back of the compound and checked the first man he shot. The man was deceased and in addition to the wound to his head, he had two gunshot wounds two his chest. [REDACTED] believed that these chest wounds were inflicted by the 12 rounds he fired down the alley when he crossed the alley's entranceway. [REDACTED] noted this man was armed with a pistol in a holster in addition to the AK 47 by his side. [REDACTED] observed a small weapon (a pistol or grenade, [REDACTED] could not recall which) on the ground near KHADR. [REDACTED] then tapped KHADR's eye to see if he was alive. KHADR reacted and was placed on his back. [REDACTED] then turned him over to be secured by other personnel who had now entered the alley. [REDACTED] noted an additional AK 47 in the alley and several grenades. (The location of the grenades are marked "G", the pistol is marked "P" and AK 47s are marked "AK" by [REDACTED] on Attachment 9). [REDACTED] then heard other US personnel yelling for a medic. [REDACTED] went to find SPEER who was a medic. [REDACTED] then discovered that SPEER was wounded in the head by the grenade. SPEER was treated by a physician's assistant and a medic from the SFG, and a platoon medic from the 82nd Airborne. SPEER was transported to Bagram Airfield by a UH-60 medevac helicopter. KHADR was pulled out of the alley into the center are of the compound and was treated by the same 19 SFG physician's assistant and medic and was later transported by a CH-47 to Bagram. [REDACTED] observed that KHADR was able to move his arms and was repeating "kill me" in English. In addition to the two bullet wounds from [REDACTED] rounds, KHADR also had shrapnel wounds to his chest. [REDACTED] also recalled KHADR had an eye injury of some type and he later learn an ophthalmologist was brought to Bagram to treat KHADR.

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4. REMARKS (Continued)

During the assault within the compound [redacted] believes he was the only member of the US forces or AMF (who were not inside the compound during the assault) who fired his weapon. He determined that he fired 15 rounds, the three rounds specifically identified while at the end of the alley, and by counting rounds he determined that he had fired 12 rounds as he ran past the alley. All of the rounds were fired from his issued M-4 rifle and he used no other weapons. [redacted] recalled that other US forces threw one hand grenade, from which no one was wounded, into the living quarters of the compound as they cleared it. The only other weapons fire he witnesses during the assault was the enemy rifle fire from the alley and the one hand grenade thrown at US forces from the alley.

Based on his extensive combat experience, [redacted] believed that KHADR and the man at the back of the alley with the AK rifle were the only two alive at the time of the assault. He felt that due to the grenade being thrown simultaneously to the directed rifle fire that the grenade was thrown by someone other than the man who was firing the rifle. Due to the positioning of the rifle, the fact his shots at the man located in the back of the alley hit that man in the chest, the location of the AK rifles, and the speed of his advance on the alley, [redacted] believes that the man in the back of the alley (not KHADR) was the man who fired the rifle as he entered the compound. Though the dust and angle of the walls prevented him from seeing who threw the grenade, [redacted] believes that KHADR threw the grenade. [redacted] conclusion that KHADR threw the grenade was drawn after excluding two of the men because of their earlier death (which was not consistent with any of his actions as they were buried under rubble without gunshot wounds); after excluding the third man his position was consistent with shooting simultaneously to the grenade being thrown; after concluding that the nature of the grenade lob was such that it was inconsistent with being thrown by someone who was shooting in a controlled manner at the same time; and after concluding that the condition and position of KHADR was consistent with having been able to throw a grenade over his head, but not fire a rifle at the US forces.

After the entire compound was searched, it was discovered that the four men in the alley were the only occupants of the compound. The perimeter of the compound had been surrounded by US forces since the initial firefight. One woman and one child escaped the compound prior to [redacted] arrival and were escorted away by US personnel. No other individuals were observed escaping the compound which was also observed from overhead by US aircraft. [redacted] observed no blood trails, marks, ladders, or any other signs that anyone had escaped the compound. [redacted] participated in a search of the compound on 28 July 02, the day after this incident. During the search a videotape was discovered inside the living quarters of the compound. [redacted] later reviewed the video. He observed the indoor segments of the videotape were recorded in the same living quarters. He noted the half blue wall (see Attachment 12) which corresponded with many of the still photos from the video shown to [redacted] (see Attachments 13). He also stated he recognized the rug on the floor of the living quarters as the same in the video and he identified the trees and scenery in the window depicted in the video as being trees he saw within the compound. Explosive detonators disguised as Sega video cartridges were also found in the living quarters. [redacted] believed that a bulldozer had returned to the site to dig to find if there was an underground hiding place. The man with the rifle at the end of the alley was found lying on wood boards that may have concealed an entrance. [redacted] said no hiding place was found.

[redacted] also provided a document (Attachment 14) that recorded the recovery and disposal of IEDs placed in a roadway between Gardez and Khowst, Afghanistan. [redacted] was not present during the disposal. [redacted] stated that EOD personnel from the 19th SFG were present at the disposal and may hold additional information. [redacted] was later briefed on the details of the IED by personnel who conducted the disposal. He believes the IEDs discovered are the same that KHADR is shown burying and building in the video tape recovered from the living quarters of the compound.

While [redacted] was the sole witness to the close-in portions of the firefight in the alley, [redacted] was able to identify the following individuals as potential witnesses to this event: [redacted] was the platoon leader from the 82nd Airborne and is now assigned to a Ranger Battalion at Fort Lewis, Washington. [redacted] observed SPEER being wounded by the grenade and was present at the initial firefight at the compound. [redacted]

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4. REMARKS (Continued)

██████████ was the deputy commander of the SFG detachment and was just outside the breach point during the assault. ██████████ was the on-scene commander and was at the north side of the compound during the assault.

During this interview, ██████████ drew several sketches to depict the landscape, surroundings, and events. ██████████ also provided copies of pictures taken on 27 July 02 at the compound. He believed these photographs were taken by members of the 19th SFG and were given to him in the immediate days following this event. ██████████ made written comments on many of the printed copies of the photos. ██████████ drew one sketch of the overall area and one of the interior of the compound that were then photocopied. ██████████ then drew details of different phases of the event on the copies of his original sketches. Each sketch and photograph was dated and initialed by ██████████ and numbered for accountability. All notes on the front of documents are made by ██████████ all markings on the back were written by ██████████. The attachment numbers listed may not correspond to these item numbers. Attachment numbers were assigned sequentially as items were referenced in this report. Below is a listing of the 62 items taken during this interview, the descriptions were provided by ██████████.

- Attachment 1 ██████████ sketch of the overall area with positions and movement of the original US personnel on-scene and their original positions in pencil (Item #1)
- Attachment 2 ██████████ sketch of the overall area with positions and movement of the original US personnel on-scene and their movement away from the compound in pencil (Item # 2)
- Attachment 3 ██████████ sketch of the overall area with the assault team's location and movement toward the compound in pencil (Item # 3)
- Attachment 4 ██████████ sketch of the compound with interior movements of the assault team marked in pencil showing the assault teams positions as they entered the compound and identifying who each number represents (Item # 5)
- Attachment 5 ██████████ sketch of the compound with interior movements of the assault team marked in pencil showing the trajectory of the grenade (Item # 6)
- Attachment 6 ██████████ sketch of the compound with interior movements of the assault team marked in pencil showing assaulter # 3 ██████████ at the southeast corner of the alley (Item # 8)
- Attachment 7 Photo of individual at the back of the alley shot twice in the chest and once in the head by ██████████ (Item # 62)
- Attachment 8 Photo of individual who was sitting with his back to the brush (photo of KHADR) (Item # 61)
- Attachment 9 ██████████'s sketch of details in the alley (Item # 7)
- Attachment 10 Photo identified by ██████████ as one of the men dead under rubble in the alley. ██████████ unable to distinguish the relation to each other but the men were found together (Item # 11 & 14 (duplicate))
- Attachment 11 Photo identified by ██████████ as one of the men dead under rubble in the alley. ██████████ unable to distinguish the relation to each other but the men

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4. REMARKS (Continued)

were found together (Item # 12 & 13 (duplicate))

- Attachment 12 Photo of living quarters within the compound, same as shown in video recovered at the scene (Item #60)
- Attachment 13 34 Still photos from video recovered within the house (AFGP-2002-010492, Item #s 26-59)
- Attachment 14 Memorandum dated 29 Jul 02 describing the disposal of a command detonated mine (Item # 15)
- Attachment 15 [REDACTED] original sketch of the overall area around the compound (Item # 9)
- Attachment 16 [REDACTED] original sketch of the compound (Item # 10)
- Attachment 17 [REDACTED] original sketch of the compound with plan movements in pencil (Item # 4)
- Attachment 18 Photo of KHADR (foreground) and the man at the end of the alley (Item # 25)
- Attachment 19 Photo of west side of the compound looking out (Item # 24)
- Attachment 20 Photo of front gate of the compound and a soldier (face obscured by [REDACTED] before providing (Item # 23)
- Attachment 21 Photo of southeast corner of the compound looking northwest also depicts two US trucks disabled in the initial firefight (Item # 22)
- Attachment 22 Photo of the interior of the compound looking toward the gate, area where SPEER killed in center of photo (Item # 21)
- Attachment 23 Photo of the compound with grenade impact area and gate marked (Item # 20)
- Attachment 24 Photo of KHADR being taken to a helicopter for evacuation (Item # 19)
- Attachment 25 Photo of north side of the compound looking north (Item # 18)
- Attachment 26 Photo of interior of the compound looking west (Item # 17)
- Attachment 27 Photo of west side of the compound looking north (Item # 16)

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