

Deposition DVD – Transcription
by Hisham Malek, completed Dec 2010 of:

Khalid Salmaan Rasif [*Nasif*] Yunis

(2 of 4)

DVD – TRANSCRIPTION

DVD – TRANSLATION

Khalid Salmaan Rasif (Nasif) Yunis

DVD -6 (2 of 4)

MV1 ROSS WHAT NUMBER ARE WE ...
HANDING YOU WHAT WILL BE
NUMBERED AS DEPOSITION EXHIBIT
6. MR. AL-ANZI DOES THAT LOOKS
FAMILIAR TO YOU?

MW **It the same living-rom.**

MV1 OF WHO?

MW **This is the living-room of Abdul Hamid
Hassan Ali.**

MV1 AND DOES THAT REFLECT
ACCURATELY WHAT YOU SAW
THAT DAY WHEN YOU WERE
TAKING PHOTOGRAPHS?

MW **Yes.**

MV1 I AM HANDING YOU WHAT IS GOING
TO BE MARKED AS DEPOSITION
EXHIBIT 7. MR. AL-ANZI DOES THAT
LOOK FAMILIAR TO YOU?

MW *[Witness answers before the question is
interpreted for him]*
**This is the room ... I see it ... This is my
maternal cousin, Yunis Salim Nasif's
room. And that is his bed.**

MV1 AND THAT ACCURATELY ... ?

MW **YES.**

MV1 I AM HANDING YOU WHAT WILL BE
MARKED AS DEPOSITION EXHIBIT 8.
..

MW **This picture is not clear enough, but it is
the same Yunis Salim Nasif's room ...**

MV1 MR. AL-ANZI DOES THAT LOOKS
FAMILIAR TO YOU?

MW **Yes.**

MV1 I AM HANDING YOU WHAT WILL BE
MARKED AS DEPOSITION EXHIBIT 9.
MR. AL-ANZI DOES THAT LOOK
FAMILIAR TO YOU?

MW **This is the same picture of the bed-room
of my maternal cousin, Yunis Salim
Nasif.**

1	MV1	AND DOES THAT REFLECT	MW	Yes.
2		ACCURATELY WHAT YOU SAW		
3		THAT DAY WHEN YOU WERE		
4		TAKING PHOTOGRAPHS?		
5	MV1	I AM HANDING YOU WHAT WILL BE	MW	Yes it is the same room.
6		MARKED AS DEPOSITION EXHIBIT		
7		10. MR. AL-ANZI DOES THAT LOOK		
8		FAMILIAR TO YOU?		
9	MV1	AND DOES THAT REFLECT	MW	This picture was not taken in the second
10		ACCURATELY WHAT YOU SAW		day ... But after some time.
11		THAT DAY WHEN YOU WERE		
12		TAKING PHOTOGRAPHS?		
13	MV1	WAS IT A WHILE AFTER THAT?	MW	Around 20 days later.
14	MV1	20 DAYS AFTER THE EVENT?	MW	Yes.
15	MV1	OK. AND DOES THAT ACCURATELY	MW	Yes.
16		REFLECT WHAT YOU SAW 20 DAYS		
17		AFTER THE EVENT?		
18	MV1	WERE YOU THERE WHEN THE	MW	Yes.
19		PHOTO WAS TAKEN?		
20	MV1	OK. ... WHO IS THIS PERSON IN THE	MW	I believe that is my paternal cousin
21		PICTURE?		Muhammad Salim Nasif.
22	MV1	TAKE THAT FROM YOU.	MV1	TAKE THAT FROM YOU.
23	MV2	WHICH NUMBER IS THAT PICTURE?	MV2	WHICH NUMBER IS THAT PICTURE?
24	MV1	THAT WILL BE NUMBER10; IT IS THE	MW	Yes. The blood was like that ... In Yunis
25		ONE I JUST GAVE HIM SIR... I WILL		Salim Nasif's bed-room.
26		HAND YOU DEPOSITION EXHIBIT 11,		
27		AND DOES THAT PICTURE LOOKS		
28		FAMILIAR TO YOU?		

1 MV1 AND DOES THAT ACCURATELY MW **Yes.**
2 REFLECT WHAT YOU SAW THAT
3 DAY AFTER THE EVENT?
4 MV1 AND WAS THAT PHOTO TAKEN THE MW **Yes, as far as I can recall**
5 DAY AFTER THE INCIDENT?
6 MV1 THANK YOU ... JUST ... MV1 THANK YOU ... JUST ...
7 FV COUNSEL FV COUNSEL
8 MV1 YES MAAM MV1 YES MAAM
9 FV CAN I HAVE A 5 MINUTES BREAK? FV CAN I HAVE A 5 MINUTES BREAK?
10 MV1 YES MAAM. MV1 YES MAAM.
11 FV THANK YOU. WE ARE OFF THE FV THANK YOU. WE ARE OFF THE
12 RECORD ... WE ARE BACK ON THE RECORD ... WE ARE BACK ON THE
13 RECORD? RECORD?
14 MV1 YES MAAM. MV1 YES MAAM.
15 FV OK ... WE ARE BACK ON THE FV OK ... WE ARE BACK ON THE
16 RECORD AND MR. AL-ANZI I RECORD AND MR. AL-ANZI I
17 WOULD REMIND YOU THAT YOU WOULD REMIND YOU THAT YOU
18 ARE STILL UNDER OATH. COUNSEL ARE STILL UNDER OATH. COUNSEL
19 YOU MAY PROCEED. YOU MAY PROCEED.
20 MV1 YES MAAM. WHEN WE BROKE OFF I MW *[Nods head affirmatively]*
21 WAS SHOWING SOME PHOTOS. I GOT
22 SOME MORE PHOTOS TO SHOW YOU.
23 BEFORE I DO THAT I WOULD LIKE
24 TO GO BACK TO THE PEOPLE THAT
25 LIVED IN YOUR AUNT'S HOUSE.
26 MV1 OK ... IN YOUR PREVIOUS MW **Yes.**
27 TESTIMONY YOU NAMED OR YOU
28 MENTIONED RASHEED; JAHEED AND

1	WALEED, DO YOU REMEMBER		
2	THAT?		
3	MV1 OK ... JAHEED. WHO WAS JAHEED?	MW	He is my maternal aunt Khamesah's son.
4	MV1 HOW LONG HAVE YOU KNOWN	MW	Since my birth.
5	JAHEED?		
6	MV1 AND HOW OLD WAS HE?	MW	He was born in 1962.
7	MV1 AND HOW ABOUT WALEED?	MW	He is my maternal cousin and my
8			sister's, Asma'a , husband.
9	MV1 AND HOW LONG HAVE YOU KNOWN	MW	Also since my birth.
10	HIM?		
11	MV1 OK ... AND HOW OLD WAS WALEED?	MW	1969.
12	MV1 OK ... HOW ABOUT RASHEED?	MW	He is also my maternal cousin.
13	MV1 AND HOW OLD WAS HE?	MW	I am not sure about his age ...
14			Somewhere between 1978 – 1979.
15	MV1 OK ... AND HOW LONG HAVE YOU	MW	Also since my birth.
16	KNOWN HIM?		
17	MV1 PERMISSION TO COME TO THE	MV1	PERMISSION TO COME TO THE
18	TABLE?		TABLE?
19	FV YOU MAY PROCEED.	FV	YOU MAY PROCEED.
20	MV1 HANDING THE WITNESS WHAT WILL	MV1	Yes. Rasheed Abdul Hamid Hassan.
21	BE MARKED AS DEPOSITION		
22	EXHIBIT 12 ... MR. AL-ANZI DO YOU		
23	KNOW THE PERSON DEPICTED IN		
24	THAT PICTURE?		
25	MV1 OK ... I WILL TAKE THAT. HAVE YOU	MW	Yes. Last year when I was here.
26	SEEN THIS PHOTOGRAPH BEFORE?		
27	MV1 HANDING YOU WHAT WILL BE	MW	He is the same person.
28	MARKED AS DEPOSITION EXHIBIT 13		

1 ... YOU KNOW THE PERSON IN THIS
2 PHOTO?

3 MV1 AND WHO IS THAT? MW **Rasheed Abdul Hamid Hassan.**

4 MV1 MR. AL-ANZI WHEN MR. CRANFIELD MW **Yes.**
5 WAS HERE, YOU GAVE HIM THE
6 PHOTOS THAT I SHOWED YOU
7 BEFORE? DO YOU REMEMBER
8 THAT? BEFORE YOU TESTIFIED
9 THAT YOU GAVE SOME
10 PHOTOGRAPH DISC TO MR.
11 CRANFIELD. DO YOU REMEMBER
12 THAT?

13 MV1 OK ... AND OTHER THAN THE MW **I only gave him the pictures showing the**
14 PHOTOS I GAVE YOU, DID YOU GIVE **damages to the two houses.**
15 MR. CRANFIELD ANY OTHER
16 PHOTOS?

17 MV1 OK ... AND DID YOU GIVE HIM ANY MW **No.**
18 OTHER PHOTOS?

19 MV1 AND DID YOU SUPPLY ANYBODY MW **I only gave those showing the damages to**
20 ELSE WITH ANY OTHER PHOTOS? **the house to Major Hyatt and to Marty**
21 **Brown.**

22 *[Interpreter said: Major Cranfield]*

23 MV1 OK ... AND ANY OTHER THAN THE MW **No. Other than the pictures of the**
24 PICTURES OF DAMAGES TO THE **damage, none.**
25 TWO HOUSES. WERE THERE ANY
26 OTHER PHOTOS THAT YOU MAY
27 HAVE PROVIDED TO MAJOR HYATT
28 AND MR. ...[UN] ? WHAT IS IN THE

1 OTHER PHOTOS THAT YOU WOULD
2 HAVE GIVEN MAJOR HYATT AND
3 MR. CRANFIELD?

4 MV1 OK ... PERMISSION TO APPROACH
5 THE WITNESS MAAM?

6 FV YOU MAY PROCEED.

7 MV2 OH I AM GOING TO OBJECT
8 RIGHT HERE. HE JUST SAID HE
9 PROVIDED ONLY THOSE PICTURES
10 AND WE ARE GOING TO SHOW HIM
11 OTHER PICTURES?

12 MV1 YES SIR.

13 MV2 WITHOUT ANY OTHER
14 FOUNDATION. THE WITNESS [UN]
15 THE PICTURE THAT WE ALREADY
16 ADMITTED INTO THE DEPOSITION
17 EXHIBITS.

18 MV1 GIVE ME A MINUTE.

19 [Long pause]

20 MV1 MR. AL-ANZI I WANT TO TAKE YOU
21 TO WHEN MR. CRANFIELD WAS OUT
22 HERE. DO YOU REMEMBER THAT?

23 MV1 OK ... DID MR. CRANFIELD ASK YOU
24 TO RECOVER THE BODIES OF YOUR
25 FAMILY?

26 MV2 OBJECTION. LEADING.

27
28 MV1 YES.

MV1 OK ... PERMISSION TO APPROACH
THE WITNESS MAAM?

FV YOU MAY PROCEED.

MV2 OH I AM GOING TO OBJECT
RIGHT HERE. HE JUST SAID HE
PROVIDED ONLY THOSE PICTURES
AND WE ARE GOING TO SHOW HIM
OTHER PICTURES?

MV1 YES SIR.

MV2 WITHOUT ANY OTHER
FOUNDATION. THE WITNESS [UN]
THE PICTURE THAT WE ALREADY
ADMITTED INTO THE DEPOSITION
EXHIBITS.

MV1 GIVE ME A MINUTE.

[Long pause]

MW **Yes.**

MV1 OK ... DID MR. CRANFIELD ASK YOU
TO RECOVER THE BODIES OF YOUR
FAMILY?

MV2 OBJECTION. LEADING.

MW **Does he mean to disinter the bodies?**

MW **Yes he did ask.**

1 MV1 AND WHO DID HE ASK? MW **Yes. He asked me and the rest of the**
2 **victims' family members.**
3 MV2 OBJECTION- - HEARSAY. MV2 OBJECTION- - HEARSAY.
4 MV1 AND WHAT DID YOU SAY TO HIM MW **The request was refused**
5 WHEN HE ASKED?
6 MV1 WHY DID YOU REJECT THE MW **Because of the customs of our society.**
7 REQUEST?
8 MV1 WHAT DO YOU MEAN THE WAY OF MW **In accordance to the mores of our**
9 THE SOCIETY? **society. A long time had passed, nearly 5**
10 **months, since the interment of the**
11 **bodies. That would have meant the**
12 **American forces would have disinterred**
13 **bodies of children and women. And for**
14 **that reason the answer was no.**
15 MV1 MR. RASIF WHAT IS YOUR MW **Of course all of them were from my**
16 RELATION NOW TO THE REMAINING **maternal aunt's family and the ones**
17 MEMBERS OF THE FAMILY? **remaining are Eman Abdul Rahman and**
18 **Asia, my sister's children. As for Safaa**
19 **she is the daughter of my paternal**
20 **cousin.**
21 MV1 AND DO YOU HAVE A MW **Yes.**
22 PROFESSIONAL RELATIONSHIP
23 WITH THEM AS WELL? EARLIER
24 YOU SAID YOU WERE A LAWYER?
25 MV1 IS THAT YOUR CURRENT JOB? MW **Yes.**
26 MV1 DO YOU HAVE A RELATIONSHIP MW **Yes. They retained me to pursue this**
27 WITH REGARD TO YOUR JOB WITH **case.**
28 THOSE SURVIVORS?

1 MV1 AND WHAT DOES THAT MEAN? MW **It means that because it would be**
2 **difficult for Safaa or her grandmother or**
3 **any of her uncles to persue this case.**
4 **And I, as a lawyer ... they also retain me**
5 **for their personal affairs ... and for that**
6 **reason they turn to me in every small or**
7 **big matter.**
8 MV1 MR. AL-ANZI ARE YOU WILLING TO MW **At present I need to consult with my**
9 COME TO THE UNITED STATES TO **uncles regarding this.**
10 TESTIFY?
11 MV1 HAVE YOU BEEN ASKED BEFORE TO MW **Yes.**
12 COME TO THE UNITED STATES?
13 MV1 AND WHAT WAS YOUR ANSWER MW **My answer at the time was to refuse. As**
14 BEFORE? **our demand was limited to having the**
15 **court come to Haditha.**
16 MV1 EXCUSE ME A SECOND. [Long Pause] MV1 EXCUSE ME A SECOND. [Long Pause]
17 FV COUNSEL DO YOU HAVE ANY FV COUNSEL DO YOU HAVE ANY
18 QUESTIONS FOR THE WITNESS? QUESTIONS FOR THE WITNESS?
19 MV2 YES MAAM. WE DO. WE WILL TAKE MV2 YES MAAM. WE DO. WE WILL TAKE
20 SOME TIME BUT NOT AS LONG AS SOME TIME BUT NOT AS LONG AS
21 MAJOR ERICKSON. IF THEY CO OP? I MAJOR ERICKSON. IF THEY COOP? I
22 WOULD ASK FOR 5 MINUTES BREAK. WOULD ASK FOR 5 MINUTES BREAK.
23 FV WE ARE OFF THE RECORD ... ARE FV WE ARE OFF THE RECORD ... ARE
24 WE BACK ON THE RECORD? WE BACK ON THE RECORD?
25 MV2 YES MAAM. MV2 YES MAAM.
26 FV OK ... WE ARE BACK ON THE FV OK ... WE ARE BACK ON THE
27 RECORD. IT IS APPROXIMATELY RECORD. IT IS APPROXIMATELY
28 14:34 AND MR. AL-ANZI I WOULD 14:34 AND MR. AL-ANZI I WOULD

1 REMIND YOU, YOU ARE STILL
2 UNDER OATH. COUNSEL DO YOU
3 HAVE ANY QUESTIONS?

4 MV2 YES MAAM.

5 FV THANK YOU.

6 MV2 KHALID MY NAME IS LT.COL.
7 VOLKEY. I AM ALSO AN ATTORNEY
8 AND HOW LONG HAVE YOU BEEN A
9 LAWYER?

10 FV WOULD YOU SPEAK UP FOR THE
11 RECORD. WOULD EVERYONE SPEAK
12 UP FOR THE VIDEO RECORDING AS
13 WELL?

14 MV2 DESCRIBE WHAT DO YOU DO AS A
15 LAWYER?

16
17
18 MV2 AND HOW MANY LAWYERS ARE IN
19 HADITHA?

20 MV2 SO LAWYERS IS A VERY IMPORTANT
21 POSITION?

22 MV2 AND YOU WORK WITH OTHER
23 LAWYERS?

24 MV2 AND YOU SAID YOU DREW UP CIVIL
25 CASES?

26
27 MV2 YOU GO TO COURTS A LOT?

28 MV2 AND DO YOU DEAL WITH THE

REMIND YOU, YOU ARE STILL
UNDER OATH. COUNSEL DO YOU
HAVE ANY QUESTIONS?

MV2 YES MAAM.

FV THANK YOU.

MW **Ten years.**

FV WOULD YOU SPEAK UP FOR THE
RECORD. WOULD EVERYONE SPEAK
UP FOR THE VIDEO RECORDING AS
WELL?

MW **Our main specialty in Haditha is civil
cases. Also personal affairs, such as
marriages and divorces, as well as
criminal cases. I have practiced all these.**

MW **15 lawyers.**

MW **There are very important lawyers.**

MW **I work on my own. By myself.**

MW **Yes. I work in civil cases as well as
personal affairs cases i.e. divorce and
also criminal cases.**

MW **Consistently.**

MW **Yes.**

1	GOVERNMENT?		
2	MV2 UHH ... THE CITY GOVERNMENT?	MW	Yes the city government.
3	MV2 THE CITY COUNCIL?	MW	And I am also member of the
4			municipality council.
5	MV2 YOU WORK WITH THE MAYOR?	MW	We are a body that is independent of the
6	<i>[Interpreter interpreted that as the "The</i>		Administrative District.
7	<i>District Commissioner"]</i> .		<i>[Interpreter interpreted the words as</i>
8			<i>"Mayor"]</i> .
9	MV2 SINCE THE AMERICANS HAVE COME	MW	Yes.
10	TO HADITHA HAVE YOU BEEN PART		
11	OF THE CITY COUNCIL?		
12	MV1 HOW LONG HAVE YOU LIVED IN	MW	Since my birth.
13	HADITHA?		
14	MV2 SO AS A LAWYER IN HADITHA YOU	MW	Yes.
15	ARE PRETTY IMPORTANT PERSON?		
16	MV2 HOW LONG HAVE YOU LIVED IN	MW	34 years ... since my birth.
17	THE HOUSE THAT YOU NOW LIVE		
18	IN?		
19	MV2 SO YOUR NEIGHBORS ALL KNOW	MW	Yes.
20	WHO YOU ARE?		
21	MV2 DO ALL YOUR NEIGHBORS USE AS A	MW	Certainly.
22	LAWYER IF THEY NEED ONE?		
23	MV2 AND YOU KNOW MOST OF YOUR	MW	Of course.
24	NEIGHBORS?		
25	MV2 AND DID YOU KNOW IMAAD	MW	SORRY.
26	JAWAAD HAMZAH?		
27	MV1 DO YOU KNOW IMAAD JAWAAD	MW	Yes.
28	HAMZAH?		

1	MV2	AND WHO IS HE?	MW	Amaad Jawaad Hamzah was the former
2				head of the local council of Haditha.
3				<i>[This interpreter heard what he believed to</i>
4				<i>be the following, but is not sure due to the</i>
5				<i>sound volume and clarity: “The head of the</i>
6				<i>local council of the Federation of Unions</i>
7				<i>in Haditha” ... But this is not certain]</i>
8	MV2	AND WHAT HAPPENED TO IMAAD	MW	He is presently detained by the
9		JAWAAD HAMZAH?		American forces.
10	MV2	DO YOU KNOW HIS BROTHER?	MW	No.
11	MV2	DO YOU KNOW WHERE HIS	MW	No.
12		BROTHER IS?		
13	MV2	AND WHY IS JAWAAD DETAINED BY	MW	Truly I do not know the reason.
14		THE US FORCES?		
15	MV2	IS IT BECAUSE HE IS AN	MW	I have no idea.
16		INSURGENT? IS HE NOT?		
17	MV2	YOU HAVE NO IDEA?	MW	I do not have any idea about this matter.
18				My work/relationship with him was
19				limited to him being head of the council
20				and we were members ... My
21				relationship was limited to the fact that
22				he was head of the local council and I
23				was a member in that council.
24				<i>[Local interpreter interpreted this as:</i>
25				<i>“Mayor of the City Council”]</i>
26	MV2	HAS THERE BEEN A LOT OF	MW	Yes.
27		FIGHTING IN HADITHA?		
28	MV2	LOT OF IEDS?	MW	Yes.

1	MV2	HAVE YOU SEEN A LOT OF THOSE	MW	To have seen with my own eyes? No. But
2		IEDS?		when they go off ... In the majority of
3				cases, the American forces would come
4				and they would detonate them.
5	MV2	AND THERE HAVE BEEN IEDS	MW	Only that IED which was in our
6		DETONATED AND HURT THE		neighborhood. This IED was in 19
7		AMERICANS. RIGHT?		November 2005.
8	MV2	AND YOU KNOW WHO SET THAT IED	MW	I have no idea about this matter.
9		IN 19/11/2005?		
10	MV2	YOU ARE WELL KNOWN IN YOUR	MW	Yes.
11		NEIGHBORHOOD?		
12	MV2	AND YOU KNOW A LOT OF YOUR	MW	Yes.
13		NEIGHBORHS DON'T YOU?		
14	MV2	SO AND WERE THERE INSURGENTS	MW	Yes.
15		IN YOUR NEIGHBORHOOD IN		
16		NOVEMBER 19?		
17	MV2	IN THE HOUSES IN YOUR	MW	No.
18		NEIGHBORHOOD?		
19	MV2	NO?	MW	We used to see them present in the
20				streets.
21	MV2	CAN YOU REPEAT THIS?	MV2	CAN YOU REPEAT THIS?
22	FV	COURT REPORTER COULD YOU	FV	COURT REPORTER COULD YOU
23		REPEAT THAT.		REPEAT THAT.
24	MV3	“WE NOTICED THEIR PRESENCE IN	MV3	“WE NOTICED THEIR PRESENCE IN
25		THE STREETS”..		THE STREETS”..
26	MV2	DID YOU SEE THE INSURGENTS IN	MW	In Haditha we are always seeing
27		THE STREETS?		insurgents ... The American forces
28				would come, and then leave, and after

1
2
3 MV2 AND ARE YOU AWARE THAT
4 INSURGENTS OFTEN STAYED OR
5 HID IN HOUSES?
6
7 MV2 YOU DO NOT KNOW OF ANY
8 INSURGENTS IN THE TOWN OF
9 HADITHA?
10 MV2 BUT THERE HAD TO BE INSURGENTS
11 RIGHT THERE IN YOUR
12 NEIGHBORHOOD ON NOVEMBER
13 19TH ... DIDN'T?
14 MV2 SO SOMEONE IN YOUR
15 NEIGHBORHOOD DETONATED THE
16 IED?
17 MV2 DO YOU KNOW WHO FIRED ON THE
18 MARINES ON NOVEMBER 19, 2005?
19 MV2 HOW DO YOU KNOW NO ONE FIRED
20 AT THE MARINES?
21 MV2 SO THERE WERE NO INSURGENTS IN
22 THE AREA?
23 MV2 SO WHO SET OFF THE IED?
24 MV2 COULD IT BE SOMEONE WHO LIVED
25 IN THE NEIGHBORHOOD?
26
27 MV2 BUT SOMEBODY WANTED TO HURT
28 THE AMERICANS?

they had left, the insurgents would
emerge.
MW Such a thing did not happen in Haditha.
We only heard that they hid in the areas
surrounding Haditha. I did not see them
with my own eyes.
MW They always wore this kind of mask
[gesturing as to cover his whole face] and
we do not know them.
MW Yes. There were insurgents present in
Haditha. Otherwise who would have
detonated the IED?
MW I do not believe that some one from the
neighborhood would bring harm upon
his own neighborhood.
MW No. No one fired on the Marines and I
did not see anyone shooting at them.
MW It was only the Marines who were in the
area.
MW I have no knowledge.
MW I told you I do not know.
MW I told you that no one there would agree
to bring harm upon his own
neighborhood.
MW That is possible.

1	MV2	DO YOU KNOW THOSE MEN KILLED	MV2	DO YOU KNOW THOSE MEN KILLED
2		IN HOUSE 4?		IN HOUSE 4?
3	FV	COULD YOU PLEASE ...	FV	COULD YOU PLEASE ...
4	MV1	I AM OBJECTING. RELEVANCE	MV1	I AM OBJECTING. RELEVANCE
5		MAAM.		MAAM.
6	FV	YOUR OBJECTION IS NOTED ...	FV	YOUR OBJECTION IS NOTED ...
7		COUNSEL COULD YOU PLEASE		COUNSEL COULD YOU PLEASE
8		RESTATE THE QUESTION?		RESTATE THE QUESTION?
9	MV2	DO YOU KNOW THE MEN WHO	MW	You mean the house belonging to
10		LIVED IN HOUSE NO. 4?		Ahmed?
11	MV2	YES.	FM	I only know his brother Marwaan
12				because he was an engineer working in
13				this very building. He was an engineer in
14				Haditha municipality ... The
15				relationship I had with him has been
16				simply that of a lawyer and a
17				municipality engineer.
18	MV2	DID YOU REPRESENT THE FAMILIES	MV2	DID YOU REPRESENT THE FAMILIES
19		FROM HOUSE NO. 4?		FROM HOUSE NO. 4?
20	MV1	I AM GOING TO OBJECT.	MV1	I AM GOING TO OBJECT.
21	FV	COUNSEL YOU HAVE AN	FV	COUNSEL YOU HAVE AN
22		OBJECTION?		OBJECTION?
23	MV1	OBJECTION. RELEVANCE MAAM.	MV1	OBJECTION. RELEVANCE MAAM.
24			MW	Can I answer?
25	FV	YES..	MW	After the incident they asked me to
26				represent them in this case.
27	MV1	AND DID YOU REPRESENT THE	MW	Yes. They came to my house and asked
28		FAMILIES OF THE MEN WHO WERE		me to do that.

1 KILLED IN THE CAR AT THE
2 ROADSIDE?

3 MV1 HOW MUCH MONEY DO YOU MAKE A
4 YEAR?

5 MV1 OBJECTION. RELEVANCE.

6 FV PLEASE ASK HIM.

7 MV2 YES.

8 MV2 YES.

9 FV FOR THE RECORD DID YOU WANT
10 TO CLARIFY IN WHAT CURRENCY?

11 MV1 OBJECTION. RELEVANCE.

12 MV2 ASK HIM 2 MILLIONS IN WHAT KIND
13 OF MONEY?

14 MV2 YES.

15
16
17
18 MV2 JUST AS A LAWYER.

19 MV2 IS THAT US DOLLARS?

20
21 MV2 AND HOW MUCH DO YOU MAKE FOR
22 BEING ON THE CITY COUNCIL?

23 MV1 OBJECTION. RELEVANCE.

24
25 Mv2 Yes.

26
27
28 MV2 ON THE DAY ON NOVEMBER 19 DID

MV2 HOW MUCH MONEY DO YOU MAKE A
YEAR?

MV1 OBJECTION. RELEVANCE.

MW **As my income?**

MW **As a lawyer?**

MW **Around 2 millions.**

FV FOR THE RECORD DID YOU WANT
TO CLARIFY IN WHAT CURRENCY?

MV1 OBJECTION. RELEVANCE.

MW **Two million dinars annually ... Does he
mean my total annual income?**

MW **In addition I have other secondary
sources of income ... Such as from being
a member of the municipal council or is
it only from my law practice?**

MW **An average between 2 to 3 million**

MW **No ... Iraqi Dinars ... If you wish I can
tell you the reason?**

MV2 AND HOW MUCH DO YOU MAKE FOR
BEING ON THE CITY COUNCIL?

MV1 OBJECTION. RELEVANCE..

MW **You mean the amount I receive?**

Mw **900,000 Iraqi Dinars every month. That
900,000 is after it was adjusted. Before it
was 90.000 Iraqi Dinars.**

MW **What is the question?**

1		YOU KNOW OF ANY OTHER		
2		ATTACKS ON THE AMERICANS?		
3	FV	PLEASE TRANSLATE WHAT THE	FV	PLEASE TRANSLATE WHAT THE
4		WITNESS SAID BEFORE I DO THAT.		WITNESS SAID BEFORE I DO THAT.
5	INT	HE SAID "WHAT IS THE QUESTION?"	INT	HE SAID "WHAT IS THE QUESTION?"
6	FV	OK ... THE WITNESS ASKED WHAT	FV	OK ... THE WITNESS ASKED WHAT
7		THE QUESTION IS. HE DOES NOT		THE QUESTION IS. HE DOES NOT
8		UNDERSTAND. COULD YOU PLEASE		UNDERSTAND. COULD YOU PLEASE
9		RESTATE THE QUESTION?		RESTATE THE QUESTION?
10	MV2	DID YOU KNOW OF OTHER ATTACKS	MW	After this incident, a number of attacks
11		ON THE AMERICANS?		took place ... After this incident our
12				neighborhood experienced a period of
13				calm that lasted for about 6 months.
14				Before this incident, it was the IEDs that
15				the Americans detonated.
16	MV2	ON NOVEMBER 19, DID YOU SEE	MV2	ON NOVEMBER 19, DID YOU SEE
17		INSURGENTS RUNNING THROUGH		INSURGENTS RUNNING THROUGH
18		THE PALM GROVES?		THE PALM GROVES?
19	INT	I DO NOT UNDERSTAND WHAT THE	INT	I DO NOT UNDERSTAND WHAT THE
20		LAST WORDS MEAN.		LAST WORDS MEAN.
21	FV	I DO NOT THINK THAT HE ...	FV	I DO NOT THINK THAT HE ...
22	MV2	OK ... LET ME TRY THE QUESTION	MW	Yes.
23		AGAIN. YOUR HOUSE IS LOCATED		
24		NEAR THE PALM TREES?		
25	MV2	AND DID YOU SEE INSURGENTS ...	MW	No.
26		MUJAHIDEEN RUNNING THROUGH		
27		THE PALM TREES?		
28	MV2	DID YOU HEAR ABOUT IT?	MW	No.

1 MV2 DID YOU HAVE ANY IDEA THEY MW **No ... I did not hear of it and if ...**
2 WERE RUNNING NEAR YOUR
3 NEIGHBORHOOD?

4 MV2 DO YOU KNOW THAT OTHER MW **I have no knowledge. Only what Major**
5 MARINES WERE WOUNDED IN THE **Hyatt told me that the IED which had**
6 ATTACK ON NOVEMBER 19? **caused the massacre resulted in the loss**
7 **of one life and the wounding of others.**

8 MV2 AFTER THE IED ON NOVEMBER 19 MV2 AFTER THE IED ON NOVEMBER 19
9 AND AFTER THE TWO HOUSES WERE AND AFTER THE TWO HOUSES WERE
10 CLEARED BY THE MARINES. WHAT CLEARED BY THE MARINES. WHAT
11 DID THE MARINES DO? DID THE MARINES DO?

12 INT YOU HAVE TO BREAK IT DOWN. INT YOU HAVE TO BREAK IT DOWN.

13 MV2 I WILL SHORTEN IT. UMM ... DID MW **You mean the Marines who had gone on**
14 THE MARINES SEARCH OTHER **the roofs of the nearby houses? That is**
15 HOUSES THAT DAY? **what the owners of those houses told me.**

16 MV2 DID THEY SEARCH YOUR HOUSE MW **No ... They did not search it.**
17 THAT DAY?

18 MV2 DID YOU KNOW IF THEY WERE MW **No, I do not know.**
19 SEARCHING ALL THE HOUSES IN
20 THE AREA?

21 MV2 YOU DIDN'T SEE THEM? MW **I only saw them on the roofs of some of**
22 **the houses surrounding the site of the**
23 **incident. ... I saw them on the roofs of**
24 **the houses.**

25 MV2 DID ANY MARINE COME TO THE MW **No. No one came.**
26 HOUSE YOU WERE AT THAT DAY?

27 Mv2 DID THE MARINES GO TO YOUR MW **No. We remained inside the house until**
28 COUSIN'S HOUSE? **the afternoon and we left around 5. We**

1			left the area.
2	MV2	WHERE DID YOU GO?	MW To my paternal uncle's house, which is
3			next to mine. His name is Salim Nasif,
4			and we spent the night with him. We
5			were afraid that the Marines would
6			come and kill us also ... We carried
7			white flags.
8	MV2	YOU WENT AND SAW THE 24 BODIES	MW Yes.
9		AT THE HOSPITAL?	
10	MV2	AND 15 BELONGED TO YOU?	MW Yes.
11	MV2	AND DID YOU KNOW THE OTHER	MW I only knew that those bodies belonged
12		BODIES THAT WERE THERE?	to so & so house ... to so & so house. But
13			I did not know the names.
14	MV2	DID YOU WORK WITH MAJOR	MW Yes.
15		HYATT A LOT?	
16	Mv2	AND WHAT DID YOU DO WITH	MW The day after we buried the corpses, a
17		MAJOR HYATT?	person came from Haditha Hospital and
18			told me that the American forces wanted
19			to speak with someone from the victims'
20			families.
21	MV2	OK ... DID YOU DEAL WITH MAJOR	MW Yes.
22		HYATT BEFORE NOVEMBER 19?	
23	MV2	AND WHAT DID YOU DEAL WITH	MW As you know, I was a member of the
24		MAJOR HYATT BEFORE NOVEMBER	municipality council and we used to meet
25		19?	approximately on a weekly basis. That is
26			how I knew him.
27	MV2	AND YOU WENT TO MAJOR HYATT	MW No. I went to find out the fate of the two
28		TO GET PAYMENTS FOR THE	children: Eman Waleed Abdul Hamid

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FAMILIES?

and Abdul Rahman Waleed Abdul Hamid. We had no idea what their fate was. For that reason I went to Major Hyatt and he informed me that they are with them and they were being treated in “Baled Hospital.”

MV1 OBJECTION. RELEVANCE.
MV2 OK ... AND LATER DID YOU WORK WITH MAJOR HYATT TO GET MONEY TO THE PEOPLE WHO DIED?

MV1 OBJECTION. RELEVANCE.
MW **He was the one that asked for me. Our demand was to have an international investigation carried out concerning this incident and we also asked that the blockade of town be lifted, and a fair compensation be paid to the families of the victims.**

MV2 IS IT TRUE THAT YOU WERE MORE WORRIED ABOUT GETTING THE MONEY THAN THE INVESTIGATION?

MW **No. They were always trying to tempt us with money ...**

MV1 OBJECTION. ARGUMENTATIVE.

MV1 OBJECTION. ARGUMENTATIVE.

INT I AM TRYING TO FIGURE OUT THE WORD ... TO REPHRASE ..

INT I AM TRYING TO FIGURE OUT THE WORD ... TO REPHRASE ..

FV OK SAY THAT TO THE COURT REPORTER.

FC OK SAY THAT TO THE COURT REPORTER.

INT I AM TELLING THE WITNESS TO REPHRASE.

INT I AM TELLING THE WITNESS TO REPHRASE.

MW **... They were saying we will pay compensations for the victims. I kept insisting on the subject of an investigation into the incident. When the**

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**investigation team came. Major Hyatt
said to me: “You have asked for an
investigation. Here are the investigators
and now you have to cooperate with
them”. I told him that I am ready to
cooperate.**

MV2 OK ... ALL RIGHT I AM ... DO WE
WANT A BREAK?

MV2 OK ... ALL RIGHT I AM ... DO WE
WANT A BREAK?

FV OK ... 5 MINUTES BREAK. THAT IS
FINE.

FV OK ... 5 MINUTES BREAK. THAT IS
FINE.

[END OF RECORDING]

[END OF RECORDING]

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Deposition DVD – Transcription
by Hisham Malek, completed Dec 2010 of:

Khalid Salman Rasif (*Nasif*) Yunis

(3 OF 4)

1 DVD – TRANSCRIPTION

DVD – TRANSLATION

2 Khalid Salman Rasif (Nasif) Yunis

DVD # 7 (3 OF 4)

3 MV? HE SAID HE WILL BE BACK.

MV? HE SAID HE WILL BE BACK.

4 [Several male voices overlapping]

[Several male voices overlapping]

5 MV? IS JUST NOW?

MV? IS JUST NOW?

6 MV? YES.

MV? YES.

7 FV ARE WE READY TO BACK ON THE
8 RECORD?

FV ARE WE READY TO BACK ON THE
RECORD?

9 MV1 YES MAAM.

MV1 YES MAAM.

10 FV OK... THANK YOU WE ARE BACK ON
11 THE RECORD AND IT IS NOW
12 APPROXIMATELY 15:24. MR. AL-
13 ANZI I WOULD LIKE TO REMIND
14 YOU THAT YOU ARE STILL UNDER
15 OATH. COUNSEL YOU MAY
16 PROCEED.

FV OK... THANK YOU WE ARE BACK ON
THE RECORD AND IT IS NOW
APPROXIMATELY 15:24. MR. AL-
ANZI I WOULD LIKE TO REMIND
YOU THAT YOU ARE STILL UNDER
OATH. COUNSEL YOU MAY
PROCEED.

17 MV1 KHALID, I WANT TO ASK YOU MORE
18 QUESTIONS ABOUT YOUR DEALING
19 WITH MAJOR HYATT.

MV1 KHALID, I WANT TO ASK YOU MORE
QUESTIONS ABOUT YOUR DEALING
WITH MAJOR HYATT.

20 MV2 GOVERNMENT STILL OBJECT TO
21 THIS LINE OF QUESTIONING.

MV2 GOVERNMENT STILL OBJECT TO
THIS LINE OF QUESTIONING.

22 FV YOUR OBJECTION IS NOTED FOR
23 THE RECORD.

FV YOUR OBJECTION IS NOTED FOR
THE RECORD.

24 MV1 YOU HAD MANY CONVERSATIONS
25 WITH MAJOR HYATT?

MW **Yes.**

26 MV1 I AM TOING TO ASK YOU ABOUT
27 ONE PARTICULAR CONVERSATION.

MW **Yes.**

28 MV1 DO YOU REMEMBER WHEN YOU DID

MW **Yes. However I did several interviews.**

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VIDEO TAPED INTERVIEW FOR THIS
CASE?

MV1 WERE THEY EVER VIDEO TAPED?
MV1 WAS THERE MORE THAN ONE?
MV1 NO ... WITH ANYBODY VIDEO
TAPED?
MV1 ALL RIGHT ... DO YOU REMEMBER
MAJOR HYATT SAYING TO YOU ...
FV INTERPRETER COULD YOU
INTERPRET WHAT HE WAS SAYING?
MV2 I AM GOING TO OBJECT. HEARSAY
MV1 "YOU ALWAYS ASK ME FOR MONEY,
MONEY BUT WHEN IT MATTERS
WHEN IT COMES TO THE
INVESTIGATION STAGE YOU
HESITATE" ... SO I TOLD HIM IT WAS
NOT I WHO HESITATES IN COMING,
BUT THAT IT WAS THE FAMILIES
THAT REFUSED TO COME?

MV1 DO YOU REMEMBER SAYING THAT
TO MAJOR HYATT?

MW **Yes.**
MW **Meaning ... Does he mean with Major
Hyatt?**
MW **Media companies used to come to my
house and do interviews.**
MV1 ALL RIGHT ... DO YOU REMEMBER
MAJOR HYATT SAYING TO YOU ...
FV INTERPRETER COULD YOU
INTERPRET WHAT HE WAS SAYING?
MV2 I AM GOING TO OBJECT. HEARSAY
MW **I did not say such a thing.**
MW **No in such a ... Not in such a way. He
told me, you are always asking for an
investigation and for compensation. I
went ahead and paid you the
compensation money. And here are the
investigators. They have come. I ask you
to ensure that the families of the victims
come to the headquarters of the**

American forces in Haditha.

1
2 MV1 OK ... HOLD ON ... MAY I APPROACH
3 THE WITNESS?

MV1 OK ... HOLD ON ... MAY I APPROACH
THE WITNESS?

4 FV YES. EXECUSE ME CAN WE GO OFF
5 THE RECORD? HAVE THE DOOR
6 SHUT?

FV YES. EXECUSE ME CAN WE GO OFF
THE RECORD? HAVE THE DOOR
SHUT?

7 MV1 *[Addressing the interpreter holding a*
8 *document in his hand]* WHERE DOES
9 THIS START AND I WILL SHOW HIM
10 ... WHERE DOES IT ... NO TO THIS
11 MARK. OK I AM GOING TO HAND IT
12 TO HIM AND ASK HIM TO READ
13 THAT ... FOR THE RECORD I AM
14 GOING TO HAND THE WITNESS
15 PAGE 29 OF THE TRANSCRIPT OF
16 VIDEO TAPED INTERVIEW. IT WAS
17 PROVIDED AS DISCOVERY OF
18 SEPTEMBER 14, 2007

MV1 *[Addressing the interpreter holding a*
document in his hand] WHERE DOES
THIS START AND I WILL SHOW HIM
... WHERE DOES IT ... NO TO THIS
MARK. OK I AM GOING TO HAND IT
TO HIM AND ASK HIM TO READ
THAT ... FOR THE RECORD I AM
GOING TO HAND THE WITNESS
PAGE 29 OF THE TRANSCRIPT OF
VIDEO TAPED INTERVIEW. IT WAS
PROVIDED AS DISCOVERY OF
SEPTEMBER 14, 2007

19 FV SHALL WE MARK IT AS EXHIBIT 14?

FV SHALL WE MARK IT AS EXHIBIT 14?

20 MV1 YES MAAM ... PLEASE TAKE A LOOK
21 AT THE STATEMENT ON THE RIGHT
22 SIDE IN ARABIC AND READ FROM
23 WHERE I MADE A PEN MARK ON
24 THE PAGE AND DOWN TO THE NEXT
25 PEN MARK. PLEASE READ OUT
26 LOUD.

MW **And he said here “You are always
asking MONEY, MONEY, MONEY,
but when matters reach the investigation
stage, you always draw back” So I told
him it is not I who is hesitating in
coming. But it is the families who are
refusing.**

27 MV1 OK...THANK YOU.

MW **Let me clarify the matter concerning the
families ...**

1	MV1	NO ... NO THAT IS OK.	MW	<i>[Turning and addressing the Presiding officer]</i>
2				
3				PLEASE ... THAT IS NOT ...
4				EXCUSE ME ...
5	FV	PLEASE TELL THE WITNESS THAT...	MW	This answer is not complete.
6		UMM... THAT HE JUST ASKED HIM		
7		TO READ THIS AND SO BASICALLY		
8		IN THE DEPOSITON HE IS ONLY TO		
9		ANSWER THE QUESTION AND TO		
10		COMPLETE ANSWERING THE		
11		QUESTION. DID THE WITNESS		
12		COMPLETELY FINISH WHERE HE		
13		WAS ASKED TO READ?		
14	FV	OK ... THE QUESTION IS DID HE	INT	YES.
15		COMPLETE READING THE PORTION		
16		THAT THE COUNSEL HAD MARKED		
17		ON EXHIBIT 14? ... DID HE READ THE		
18		ENTIRE PORTION THAT WAS		
19		MARKED ON THE EXHIBIT? DID HE		
20		FINISH READING IT?		
21	FV	ASK HIM TO ANSWER THAT	MW	Yes I read it and completed it.
22		QUESTION.		
23	FV	COUNSEL.	FV	COUNSEL.
24	MV1	OK... UMM... AND YOU GET PAID	MW	Yes.
25		MONEY TO WORK AS A LAWYER,		
26		CORRECT?		
27	MV1	DO YOU GET PAID MONEY FOR ANY	MW	I have ... I own a bookstore.
28		OTHER...?		<i>[Interpreter said "Library"]</i>

1	MV2	OBJECTION. RELEVANCE.	MV2	OBJECTION. RELEVANCE.
2	MV1	WHERE IS THE LIBRARY?	MW	Close to my house ... I sell books and
3				stationery ... And it is in partnership
4				with my paternal cousin.
5	MV1	WHICH COUSIN?	MW	Jamil Suleiman Nasif.
6	Mv1	DO YOU KNOW HOW MANY	MW	Approximately six.
7		COUSINS YOU HAVE?		
8	MV1	MAAM CAN I GET DEPOSITION	MW	This one, as far as I can tell, is
9		EXHIBIT NO. 10? I AM SHOWING THE		Muhammad ... Because what is in the
10		WITNESS DEPOSITION EXHIBIT 10...		picture is not complete.
11		AND IS THIS YOUR COUSIN IN THE		
12		PICTURE?		
13	MV1	YOU CAN'T TELL IT IS YOUR	MW	The face is not visible... Only ...
14		COUSIN?		<i>[Witness points to his chin]</i>
15	MV1	OK... DID MAJOR HYATT COMPLAIN	MW	No. He did not complain... He did not
16		TO YOU THAT YOU NEVER HELPED		complain.
17		WITH THE INVESTIGATION?		
18	MV2	OBJECTION. IRRELEVANT.	MV2	OBJECTION. IRRELEVANT.
19	MV1	NEVER?	MW	No. He only asked me to bring the
20				families to the American forces'
21				headquarters ... A difficult task ... That
22				is why, later on, it was agreed that the
23				interviews and discussions should be
24				held at Haditha hospital.
25	MV1	DID MAJOR HYATT HAD TO GO	MW	No.
26		THROUGH YOU TO TALK TO THE		
27		PEOPLE? ... THE FAMILIES IN THE		
28		HOUSES?		

1 MV1 WAS THERE A LETTER TO MAJOR
2 HYATT OR THE AMERICANS THAT
3 MADE DEMANDS FOR PAYMENTS?

4 MV2 OBJECTIONS-RELEVANCE.

5 INT REPHRASE THE QUESTION PLEASE.

6 FV THE COURT REPORTER ...

7 INT HE DOES NOT UNDERSTAND THE
8 QUESTION COULD YOU PLEASE
9 REPHRASE IT?

10 MV1 WAS THERE A LETTER DEMANDING
11 PAYMENTS FOR THE FAMILIES IN
12 THE HOUSES?

13 MV1 DO YOU KNOW OF ANY LETTER?

14 MV1 DID YOU WRITE ANY LETTERS TO
15 THE AMERICANS OR MAJOR HYATT?
16

17 MV1 WHEN ALL THE PEOPLE IN THE
18 HOUSES WERE BURIED, YOU SAID
19 THEY WERE MARTYRS. WHY?
20
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25 MV1 OK ... WHAT DOES THE WORD
26 MARTYR MEAN?
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MV1 WAS THERE A LETTER TO MAJOR
HYATT OR THE AMERICANS THAT
MADE DEMANDS FOR PAYMENTS?

MV2 OBJECTIONS-RELEVANCE.

INT REPHRASE THE QUESTION PLEASE.

FV THE COURT REPORTER ...

INT HE DOES NOT UNDERSTAND THE
QUESTION COULD YOU PLEASE
REPHRASE IT?

MW **What letter?**

MW **No.**

MW **I did not write any letters, except for
when I signed acknowledging receipt of
the money.**

Mw **In our religion, as Moslems, when ever
the person who killed him is an occupier
in a battle in which no military rules
were applied . Unarmed old persons,
unarmed women and children... What
would you call such persons? What did
they do to deserve being killed in such a
manner?**

MW **The word martyr indicates the person
who is killed while not protecting his
money/wealth. He is a martyr. That who
is killed ...SORRY ... Who is killed**

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FV SLOW DOWN .

MV1 WHAT DOES THE WORD MARTYR MEANS?

MV1 DON'T THEY CALL SUICIDE BOMBERS MARTYRS AS WELL?

MV2 OBJECTION. RELEVANCE.

MV1 AFTER MAJOR HYATT CAME AND MADE PAYMENTS TO THE FAMILIES, DID YOU MAKE ANY MORE DEMANDS FOR INVESTIGATION?

MV2 OBJECTION. RELEVANCE.

MV1 AND THE OTHER NINE PEOPLE WHO WERE REFUSED WERE THEY THE

while not protecting his money.
[That is to say a person killed not defending or protecting his possessions... Killed without reason ... Roberry etc.]...

FV SLOW DOWN.
MW **... That is to say the person that is killed not protecting his money is a martyr. They were in their homes sleeping. Innocent people sleeping in their homes. What would you call them?**

MW **According to the Quran, a martyr is the person who is killed by a person of another faith without any reason or cause. And what if that person was an occupier?**

MW **No. These people are not martyrs. They are merely persons who commit suicide.**

MV2 OBJECTION. RELEVANCE.

MW **After he had paid for fifteen persons only and these represented the families belonging to me. The nine remaining persons were refused and I was told that those were terrorists. I continued to insist to have an investigation carried out.**

Mv2 OBJECTION. RELEVANCE.

MV1 AND THE OTHER NINE PEOPLE WHO WERE REFUSED WERE THEY THE

1 FOUR PEOPLE IN HOUSE 4 AND THE
2 FIVE IN THE WHITE CAR?

3 FV ACTUALLY THE NOISE IS A
4 PROBLEM.

5 MV1 I WILL TAKE CARE OF THAT. ... OK
6 GUYS KEEP IT DOWN.

7 FV COUNSEL YOU MAY ASK.

8 MV1 THERE WERE NINE PEOPLE WHOM
9 MAJOR HYATT WOULD NOT PAY
10 FOR?

11 MV1 FOUR OF THEM WERE FROM HOUSE
12 4?

13 Mv1 AND THE OTHER FIVE WERE FROM
14 THE WHITE CAR ON THE ROAD?

15 MV1 KHALID DID YOU SIGN AN
16 AFFIDAVIT FOR MAJOR COX?

17 MV1 OK ... LET ME APPROACH THE
18 WITNESS ... MARKED THE
19 AFFIDAVIT AS ...

20 FV IT WILL BE EXHIBIT 15.

21 MV1 I WILL SHOW THE WITNESS AN
22 AFFIDAVIT EXHIBIT 15. I AM GOING
23 TO ... SIGNED BY KAHLID AND
24 WITNESSED BY MAJOR COX AND
25 SERGEANT MOLES [?]. IT IS IN
26 ENGLISH BUT IT HAS KHALID'S
27 SIGNATURE. DO YOU RECOGNIZE
28 THIS?

FOUR PEOPLE IN HOUSE 4 AND THE
FIVE IN THE WHITE CAR?

FV ACTUALLY THE NOISE IS A
PROBLEM.

MV1 I WILL TAKE CARE OF THAT. ... OK
GUYS KEEP IT DOWN.

FV COUNSEL YOU MAY ASK.

MW **Yes.**

MW **Yes.**

MW **Yes.**

INT CAN YOU EXPLAIN WHAT IS AN
AFFIDAVIT?

MV1 OK ... LET ME APPROACH THE
WITNESS ... MARKED THE
AFFIDAVIT AS ...

FV IT WILL BE EXHIBIT 15.

MW **This paper deals with the question of our
traveling to America and we refused to
travel. And we informed them that we
were ready to cooperate with the
American forces but remain in Haditha.**

1 MV1 IS THAT YOUR SIGNATURE ON THE MW **Yes.**
2 LAST PAGE?
3 MV1 OK ... RETREIVING THE DOCUMENT MW **Yes. I went back to them and they**
4 FROM THE WITNESS AND GIVING IT **expressed their desire not to go to**
5 BACK TO THE DEPOSITION ... IN **America.**
6 THAT LETTER YOU SAID THAT
7 NONE OF THE WITNESSES WOULD
8 GO TO THE UNITED STATES!
9 MV2 OBJECTION. VAGUE. MV2 OBJECTION. VAGUE.
10 MV1 DID YOU ASK EVERONE OF THOSE MW **Yes I informed them and they refused.**
11 WITNESSES ON THAT LETTER? **There was only one person, Jamil Hamdi**
12 **Ashoor; he had previously told me that**
13 **he did not wish to go. So that when**
14 **Major Cox asked me, I informed him**
15 **that it would be unnecessary to go back**
16 **to him and broach the subject with him**
17 **again, because he has already given me**
18 **his answer.**
19 MV1 OK ... DID YOU KNOW WE SPOKE MW **Yes.**
20 WITH EMAN, ABDUL RAHMAN AND
21 SAFAA YESTERDAY?
22 MV1 AND YOU KNOW THEY CAME HERE MW **Yes.**
23 AND TESTIFIED YESTERDAY?
24 MV1 AND DID YOU KNOW THAT SAFAA MW **We do not ask Safaa because she is a**
25 SAID THAT NO ONE EVER ASKED **minor. We ask her guardian, the person**
26 HER TO GO THE UNITED STATES? **responsible for her.**
27 MV1 SO YOU NEVER ASKED HER? MW **She is not the one who can decide. The**
28 **decision belongs to her paternal uncles.**

1 MV1 DID YOU EVER ASK SAFAA? MW **No.**

2 MV1 DID YOU KNOW THAT NO ONE EVER MW **They were aware of that.**

3 ASKED SAFAA?

4 MV1 DO YOU UNDERSTAND THE LETTER MW **Yes.**

5 YOU SIGNED?

6 MV1 AND THAT LETTER STATES THAT MW **Yes. But they were willing to cooperate**

7 THE WITNESSES REFUSED TO COME. **in the investigation in Haditha.**

8 FV COUNSEL DO YOU NEED THE FV COUNSEL DO YOU NEED THE

9 EXHIBIT? EXHIBIT?

10 MV1 I'LL RETURN THE EXHIBIT. MV1 I'LL RETURN THE EXHIBIT.

11 FV BECAUSE IF YOU ARE NOT FV BECAUSE IF YOU ARE NOT

12 SHOWING THE EXHIBIT, YOU COULD SHOWING THE EXHIBIT, YOU COULD

13 STAY BEHIND THAT AREA. YOU STAY BEHIND THAT AREA. YOU

14 NEED THAT ONE ... 15? NEED THAT ONE ... 15?

15 MV1 YES MAAM. MV1 YES MAAM.

16 FV OK. FV OK.

17 MV1 AND YOU KNOW WHAT YOU WERE MW **I .am a lawyer and I know the**

18 SIGNING? **significance of a signature.**

19 MV1 YOU SIGNED SAYING THAT SAFAA MW **Under Iraqi law the opinion of a minor is**

20 WILL NOT TRAVEL TO THE UNITED **not taken in consideration. The opinion**

21 STATE? **of the guardian is the one that counts.**

22 **On that basis I signed.**

23 MV1 BUT IN THAT LETTER YOU SAID SHE MW **Yes, and she continues to refuse to**

24 DID NOT WANT TO TRAVEL? **travel.**

25 MV1 HAVE YOU EVER ASKED? MW **I did not ask her personally. I asked her**

26 **uncles. When I discuss this subject, I do**

27 **so with her uncles who are responsible**

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4 MV1 DID YOU EVER ASK EMAN IF SHE
5 WOULD LIKE TO TRAVEL TO THE
6 UNITED STATES?

7 MV1 DID HE EVER TALK TO EMAN?

11 MV1 BUT YOU DID NOT TALK TO EMAN?

15 MV1 DO YOU UNDERSTAND ENGLISH?

17 MV1 DID YOU EVER TALK TO ABDUL
18 RHAMAN?

19 MV1 DID YOU ASK ABDUL RAHMAN IF
20 HE WOULD GO TO THE UNITED
21 STATES?

24 MV1 DID YOU EVER ASK ABDUL
25 RAHMAN IF HE DID WANT TO GO
26 THE UNITED STATES?

27 MV1 YES OR NO. DID YOU ASK?
28

for her. This is our custom and this is
how it is under Iraqi law, because she is
a minor.

MW Eman also spoke with her paternal
uncle.*[Overlap]*

MW Actually when I ever I talk to her about
coming here, she refuses, so imagen if I
talked to her about America she would
naturally have refused.

MW I spoke with her in my capacity as her
maternal uncle.

*[Witness answers before the question is
interpreted]*

MW Yes but not much. I need an interpreter
when the matter is of a legal nature.

MW Yes. I talked with Abdul Rahman. I
talked with Abdul Rahman's uncle

MW Yesterday when I was bringing him
here, he cried and exhausted all his tears
in crying. He told me that the difficulties
he finds himself in is due to my
responsibility/fault..

MW Ask a young child whose age does not
exceed 3 or 4 years?

MW NO. I talked with Abdul Rahman's
paternal uncle.

1 MV1 SO THIS DOCUMENT DEPOSITION MW **Why not?**
2 EXHIBIT 15 IS NOT TRUE? IS IT?
3 MV1 BECAUSE YOU NEVER TALKED MW **No. That is not true. I talked with the**
4 WITH THE WITNESSES? **witnesses...**
5 MV1 AND YOU DO NOT KNOW IF ANYONE MV! AND YOU DO NOT KNOW IF ANYONE
6 ELSE TALKED TO EMAN AND ABDUL ELSE TALKED TO EMAN AND ABDUL
7 RAHMAN? RAHMAN?
8 FV WAIT A SECOND. HE DID NOT FINISH MW **I spoke with their uncles because they**
9 THE LAST QUESTION. COULD YOU **are minors.**
10 FINISH THE INTERRETATION?
11 FV OK... DO YOU HAVE THE NEXT FV OK... DO YOU HAVE THE NEXT
12 QUESTION. COULD YOU RESTATE QUESTION. COULD YOU RESTATE
13 THE QUESTION? THE QUESTION?
14 MV1 YOU DO NOT KNOW IF ANYONE MW **I say and I repeat again we only talk**
15 TALKED TO EMAN, ABDUL RAHMAN **with the person responsible for them**
16 AND SAFAA ABOUT GOING TO THE **legally. And the persons responsible for**
17 UNITED STATES? **them legally are their uncles.**
18 MV2 OBJECTION. MISSTATE HIS MW2 OBJECTION. MISSTATE HIS
19 STATEMENT. STATEMENT.
20 MV1 BUT YOU SAY IN THIS DOCUMENT MW **And they still do not want to travel.**
21 THAT EMAN, ABDUL RAHMAN AND
22 SAFAA WILL NOT TRAVEL TO THE
23 UNITED STATES?
24 MV1 AND ABDUL RAHMAN TESTIFIED MW **Yes.**
25 YESTERDAY ...
26 MV1 AND ABDUL RAHMAN TOLD US MW **He is only a child and what he says is not**
27 THAT ONE ONE EVER ASKED HIM. **given any weight.**
28 DO YOU KNOW WHY?

1 MV1 WERE YOU ACTING AS THE LAWYER
2 FOR SAFAA IN WRITING THAT
3 LETTER?
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MW **I represented their views ... their views
... I consulted their families. Their
uncles. Yes. I do have a power-of-
attorney from them. Yes and I informed
Major Cox that I do not have an official
power-of-attorney for Jamil and Shams
El-Din. He told me that this document
contains only information. And that I am
merely an intermediary between those
witnesses and him. He told me that I am
only an intermediary between these
witnesses and the American forces.**

13 FV COUNSEL THAT LETTER YOU ARE
14 REFERING-TO IS EXHIBIT 15?

FV COUNSEL THAT LETTER YOU ARE
REFERING-TO IS EXHIBIT 15?

15 MV1 I WAS MAAM.

MV1 I WAS MAAM.

16 FV JUST TO CLARIFY FOR THE RECORD
17 HIS IS REFERING TO EXHIBIT 15.

FV JUST TO CLARIFY FOR THE RECORD
HIS IS REFERING TO EXHIBIT 15.

18 MV1 AND YOU REPRESENTED OTHER
19 IRAQI PEOPLE CONCERNING THE
20 AMERICANS?

MV1 AND YOU REPRESENTED OTHER
IRAQI PEOPLE CONCERNING THE
AMERICANS?

21 MV2 OBJECTION. VAGUE. IRRELEVANCE.

MV2 OBJECTION. VAGUE. IRRELEVANCE.

22 MV1 DID YOU REPRESENT ANYONE ELSE
23 TO GET PAYMENTS FROM THE
24 AMERICANS?
25
26
27
28

MW **No. Only in my capacity as a lawyer.
People would come to me because of my
relations with the American forces here.
They would ask to me to present paper
works and other documents and they
authorized me to enquire about their
detainees. And I did not receive any**

1
2 MV1 DO YOU KNOW ANY PEOPLE IN
3 HADITHA WHO HAVE BEEN
4 ARRESTED AS INSURGENTS OR
5 MUJAHIDEEN?

6 MV2 OBJECTION. RLEVANCE.

7 MV1 MOST OF THE PEOPLE THAT THE
8 AMERICANS DETAIN ARE
9 INNOCENT?

10 MV1 HOW ABOUT IMAAD JAWAD
11 HAMZAH? IS HE INNOCENT?

16 MV2 OBJECTION. RELEVANCE.

17 FV PLEASE WOULD YOU TELL THE
18 WITNESS THAT WHEN YOU ARE
19 TRYING TO TRANSLATE FOR HIM TO
20 STOP, BECAUSE IT MAKES IT
21 DIFFICULT FOR THE COURT
22 REPORTER TO HEAR AND TO
23 CONCENTRATE ON THE
24 TRANSLATION.

25 MV1 SO YOU THINK MOST PEOPLE THE
26 AMERICANS DETAIN ARE
27 INNOCENT?

28 MV2 OBJECTION. RELEVANCE.

monetary payment for this.

MW **I do not know. But the majority of the
detainees in Haditha are innocent.**

MV2 OBJECTION. RLEVANCE.

MW **There are many innocents in the prisons
of the occupier.**

MW **I do not have any relationship with him.
The only thing is that he is head of the
council and I am a member in it. I have
no idea if he is innocent. I have not seen
his file. I do not even know what the
charges against him are.**

MV2 OBJECTION. RELEVANCE.

FV PLEASE WOULD YOU TELL THE
WITNESS THAT WHEN YOU ARE
TRYING TO TRANSLATE FOR HIM TO
STOP, BECAUSE IT MAKES IT
DIFFICULT FOR THE COURT
REPORTER TO HEAR AND TO
CONCENTRATE ON THE
TRANSLATION.

MW **I believe that it is in the nature of all
societies to find innocent and guilty
persons.**

MV2 OBJECTION. RELEVANCE.

1 MV1 SOMEBODY IS ATTACKING THE MW **I have no knowledge about them.**
2 AMERICANS IN HADITHA. IT
3 HAPPENED.
4 MV1 YOU KNOW THE AMERICANS HAVE MW **Any person watching television can see**
5 BEEN ATTACKED A LOT IN THE **that.**
6 LAST COUPLE OF YEARS?
7 MV1 DO YOU KNOW WHERE THE IED? ... MW **We do not name streets here. We do not**
8 DO YOU KNOW THE NAME OF THE **have a particular street name. It the**
9 ROAD WHERE THE IED WENT OFF IN **street leading to the “Haye Al-Askari”.**
10 19 NOVEMBER?
11 MV1 I WANT TO ASK YOU ANOTHER MW **Yes.**
12 QUESTION ABOUT ANOTHER PLACE
13 ON THAT STREET...
14 MV1 DO YOU KNOW ABOUT A HOUSE MW **No. I do not know.**
15 THE AMERICANS BULLDOZERD TO
16 THE GROUND?
17 MV2 OBJECTION. RELEVANCE. MV2 OBJECTION. RELEVANCE.
18 MV1 DO YOU KNOW ABOUT A HOUSE MW **Yes. In the area there is such a house.**
19 THAT THE AMERICANS DESTROYED
20 ON THAT STREET IN YOUR
21 NEIGHBORHOOD?
22 MV2 OBJECTION. RELEVANCE. MV2 OBJECTION. RELEVANCE.
23 MV1 AND WHO OWNS THAT HOUSE? MW **I do not know. A person from Baghdad.**
24 **No one lived there. It was abandoned.**
25 MV1 IS THAT HOUSE OWNED BY IQBA MW **I do not know. No.**
26 NAFI’A?
27 MV1 YOU DO NOT KNOW WHO LIVED IN MW **I do not know Iqba... No I do not know**
28 THAT HOUSE? **the name Iqba. There is a house that**

1			belongs to Nafi'a and not Iqba's house.
2	MV1	AND WHO IS NAFI'A?	MW He is an old man and he passed away
3			some months ago. No one lived in that
4			house except for him and his wife.
5	MV1	AND WHY WAS THAT HOUSE	MW I do not know the reason. But they came
6		DESTROYED BY THE AMERICANS?	to our neighborhood and asked us to open
7			the doors and the windows because there
8			will be a large explosion. We asked the
9			reason for blowing up the house and
10			they said because they found weapons
11			inside that abandoned house. Then they
12			blew it up and our houses suffered
13			damages because of this explosion.
14	MV1	AND YOUR HOUSE IS NOT TOO FAR	MW A distance of about 50 meters.
15		FROM THAT PLACE?	
16	MV1	DID YOU KNOW THAT THERE WERE	MW Of course not. I am in the municipality
17		IEDs AND BOMBS MATERIAL IN	council and I am a well known lawyer.
18		THAT HOUSE?	How could I condone such a thing?
19	MV1	DID YOU SEE ANYBODY GOING	MW No I did not see.
20		INTO THAT HOUSE?	
21	MV1	AND THE HOUSE IS ONLY 50	MW Yes. 50 meters.
22		METERS FROM YOUR HOUSE?	
23	MV1	SO HOW DO YOU THINK THE BOMBS	MW I do not know.
24		AND THE OTHER THINGS GOT INTO	
25		THAT HOUSE?	
26	MV2	OBJECTION. SPECULATION.	MV2 OBJECTION. SPECULATION.
27	MV1	NO IDEA?	MW NO IDEA ...I do not have any idea.
28	MV1	BUT IT IS YOUR NEIGHBORHOOD?	MW It was an abandoned house. I did not

1			have any knowledge of it
2	MV1	BUT THAT IS VERY CLOSE TO YOUR	MW
3		HOUSE?	It is not... It is not in straight line of my
4			vision. We are situated in a side street
5	MV1	AND YOU LIVED IN YOUR HOUSE	MW
6		YOUR WHOLE LIFE?	Yes.
7	MV1	AND YOU KNOW ALL YOUR	MW
8		NEIGHBORS?	Yes.
9	MV1	AND YOU DID NOT HEAR ANYTHING	MW
10		ABOUT BOMB MATERIAL IN THAT	No. I did not hear and I am under oath. I
11		HOUSE?	am a person that leaves early in the
12			morning for work and come back at a
13	MV1	HAVE THERE BEEN OTHER IEDs	MW
14		FOUND ON THAT ROAD?	No there were not. From time to time the
15			American forces ... There was one near
16			the iron bridge ... I believe a month or
17			so before the incident they found an IED
18			on the main road and the American
19	MV2	OBJECTION. RELEVANCE.	MV2
20	MV1	ON NOVEMBER 19 DID YOU HEAR	MW
21		OTHER BOMBS AND FIRING OTHER	In my neighborhood what I heard was the
22		THAN IN YOUR NEIGHBORHOOD?	strong explosion and intermittent firing.
23			We also heard sounds of an explosion far
24	MV1	HOW MANY BIG EXPLOSIONS DID	MW
25		YOU HEAR IN HADITHA SINCE THE	How can a person keep count? From
26		AMERICANS CAME?	time to time we would hear the sounds of
27	MV1	ON NOVEMBER 19, THE EXPLOSION	MW
28		WAKED YOU UP DID IT NOT?	Yes.

1	MV1	VERY LOUD?	MW	Yes.
2	MV1	DID YOU ACTUALLY SEE ANY	MW	No.
3		MARINES SHOOT ANY ONE?		
4	MV1	AND YOU WERE SLEEPING IN YOUR	MV1	Yes, I went out into the garden then I
5		HOUSE WHEN THIS HAPPENED?		went back in ...
6	MV1	AND THAT DAY DID YOU GO	MW	In the afternoon I went to my paternal
7		ANYWHERE ESLE?		uncle's house to enquiry about what
8				happened up there. My paternal cousin
9				Yassin told me that the American forces
10				had killed all the persons that were in
11				the two houses. After that, around 5
12				o'clock, we decided to leave the area,
13				fearing the Americans.
14	MV1	DID YOU SEE THE MAN WHO WAS	MW	No.
15		SHOT OUTSIDE HOUSE NO. 1?		
16	MV1	WAS RASIF KILLED THAT DAY?	MW	Who does he mean by Rasif?
17	MV1	I AM SORRY WAS RASHEED... WAS	MW	Yes. My paternal cousin told me that
18		HE KILLED THAT DAY?		Rasheed was lying on the mountain. But
19				I did not see him with my own eyes.
20	MV1	DID YOU HEAR HOW HE WAS	MW	My guess he was killed by a sniper.
21		KILLED?		
22	MV1	DO YOU KNOW WHY HE WAS	MW	He was not esacaping as far as I
23		RUNNING AWAY?		understood from my paternal cousin. He
24				wanted to come to us seeking help. My
25				paternal cousin told me this.
26	MV1	DID YOUR COUSIN SEE THIS?	MW	He said he heard that ... He heard him
27				call out "The Americans have killed my
28				family come to me".

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MV1 WHAT IS THIS COUSIN'S NAME?

MW **Muhammad Salim Nasif.**

[End of Recording]

[End of Recording]

Deposition DVD – Transcription
by Hisham Malek, completed Dec 2010 of:

Khalid Salman Rasif [*Nasif*] Yunis

(4 of 4)

1 **DVD- TRANSCRIPTION**

2 **DVD- TRANSLATION**

3 **Khalid Salman Rasif (Nasif) Yunis**

4 **DVD #8 (4 of 4)**

5 FV WE ARE BACK ON THE RECORD IN
6 CASE US VS LANCE CORPORAL
7 STEVEN B. TAYLOR WILL COME TO
8 ORDER. THE TIME IS 11:07 ON 24
9 FEBRUARY 2008. WE ARE AT ECHO
10 B, HADITHA [UN]. BEFORE WE
11 PROCEED I WOULD LIKE THE
12 RECORD TO REFLECT THAT THE
13 ACCUSED IS NOT HERE AND THE
14 COUNSEL FOR THE ACCUSED IS
15 ALSO NOT PRESENT. THE COUNSEL
16 FOR THE PROSECUTION IS PRESENT
17 AND DOES THE COUNSEL FOR
18 PROSECUTION WAIVE ME GOING
19 TRHOUGH MY QUALIFICATIONS
20 AND OTHER MATTERS IN THE
21 PRELIMANARY STATEMENT?

22 MV1 YES MAAM.

23 FV OK AND DOES
24 COUNSEL.REPRESENTS THAT I AM
25 NOT ACTIVE IN A DISQUALIFYING
26 MANNER?

27 MV1 YES MAAM.

28 FV UMM... I LIKE THE RECORD TO
REFLECT THAT PRESENT WITH

FV WE ARE BACK ON THE RECORD IN
CASE US VS LANCE CORPORAL
STEVEN B. TAYLOR WILL COME TO
ORDER. THE TIME IS 11:07 ON 24
FEBRUARY 2008. WE ARE AT ECHO
B, HADITHA [UN]. BEFORE WE
PROCEED I WOULD LIKE THE
RECORD TO REFLECT THAT THE
ACCUSED IS NOT HERE AND THE
COUNSEL FOR THE ACCUSED IS
ALSO NOT PRESENT. THE COUNSEL
FOR THE PROSECUTION IS PRESENT
AND DOES THE COUNSEL FOR
PROSECUTION WAIVE ME GOING
TRHOUGH MY QUALIFICATIONS
AND OTHER MATTERS IN THE
PRELIMANARY STATEMENT?

MV1 YES MAAM.

FV OK AND DOES COUNSEL
REPRESENTS.THAT I AM NOT
ACTIVE IN A DISQUALIFYING
MANNER?

MV1 YES MAAM.

FV UMM... I LIKE THE RECORD TO
REFLECT THAT PRESENT WITH

1 MYSELF, COLONEL KATHERINE
2 ANDERSON, AND THE PROSECUTOR
3 CAPITAIN ERIN, CAPITAIN
4 MCDONLAD AND THEIR
5 INTERPRETER AMIR. ALSO PRESENT
6 AS PART OF THE DEPOSITION
7 OFFICER TEAM, ARE MYSELF,
8 CORPORAL SHULTZ, WHO IS DOING
9 THE VIDEO TAPE OF THIS
10 PROCEEDINGS, ALSO THE
11 INTERPRETER SAJIID HUSSIEN WHO
12 IS PRESENT AND STAFF SERGEANT
13 JORDAN, THE COURT REPORTER IS
14 PRESENT. SERGEANT JORDAN HAS
15 BEEN PREVIOUSLY SWORN IN AND
16 SAJIID HAS ALSO TAKEN THE OATH
17 AND I WILL CONFIRM THAT HE
18 UNDERSTANDS AND THAT HE IS
19 STILL UNDER OATH.

20 INT YES MAAM.

21 FV OK ... AND ALSO I LIKE TO CONFIRM
22 THAT MAJOR ERICKSON WHO WAS
23 PRESENT DURING THE DEPOSITIONS
24 ON THE 1ST TWO DAYS, 21 AND 22,
25 IS NOT PRESENT DURING THIS
26 DEPOSITION. DO WE HAVE A
27 WITNESS TO CALL?

28 MV1 YES MAAM. HAVE THEM CALL

MYSELF, COLONEL KATHERINE
ANDERSON, AND THE PROSECUTOR
CAPITAIN ERIN, CAPITAIN
MCDONLAD AND THEIR
INTERPRETER AMIR. ALSO PRESENT
AS PART OF THE DEPOSITION
OFFICER TEAM, ARE MYSELF,
CORPORAL SHULTZ, WHO IS DOING
THE VIDEO TAPE OF THIS
PROCEEDINGS, ALSO THE
INTERPRETER SAJIID HUSSIEN WHO
IS PRESENT AND STAFF SERGEANT
JORDAN, THE COURT REPORTER IS
PRESENT. SERGEANT JORDAN HAS
BEEN PREVIOUSLY SWORN IN AND
SAJIID HAS ALOS TAKEN THE OATH
AND I WILL CONFIRM THAT HE
UNDERSTANDS AND THAT HE IS
STILL UNDER OATH.

INT YES MAAM.

FV OK ... AND ALSO I LIKE TO CONFIRM
THAT MAJOR ERICKSON WHO WAS
PRESENT DURING THE DEPOSITIONS
ON THE 1ST TWO DAYS, 21 AND 22,
IS NOT PRESENT DURING THIS
DEPOSITION. DO WE HAVE A
WITNESS TO CALL?

MV1 YES MAAM. HAVE THEM CALL

1 KHALID RASIF.
2 FV OK... CAN YOU GET MR. KHALID
3 RASIF PLEASE? ... CAN WE ALL
4 STAND?
5 MW GOOD MORNING.
6 FV WOULD YOU PLEASE STAND UMM...
7 UMM ... MR. KHALID SALMAN RASIF
8 AL-ANZI. WILL YOU PLEASE STAND
9 WITH YOUR RIGHT HAND ON THE
10 HOLY QURAN AND REPEAT THIS
11 OATH. I KHALID SALMAN RASIF AL-
12 ANZI SWEAR BY ALLMIGHTY
13 ALLAH TO TELL THE TRUTH AND
14 NOTHING BUT THE TRUTH AND
15 ALLAH IS WITNESS TO WHAT I SAY?
16 *[Witness repeats the oath , as read, in*
17 *Arabic]*
18 THANK YOU WOULD YOU PLEASE
19 BE SEATED. COUNSEL YOU MAY
20 PROCEED.
21 MV1 YES MAAM ... GOOD MORNING SIR.
22 MV1 MY NAME IS CAPITAIN ERIN AND I
23 AM THE PROSECUTOR IN THE CASE
24 OF US VS. LANCE COPROL TAYLOR.
25 WHERE DO YOU LIVE SIR?
26 MV1 AND WHAT IS YOUR CURRENT
27 OCCUPATION SIR?
28 MV1 AND HOW LONG HAVE YOU

KHALID RASIF.
FV OK... CAN YOU GET MR. KHALID
RASIF PLEASE? ... CAN WE ALL
STAND?
MW GOOD MORNING.
FV . WOULD YOU PLEASE STAND MM...
UMM ... MR. KHALID SALMAN RASIF
AL-ANZI. WILL YOU PLEASE STAND
WITH YOUR RIGHT HAND ON THE
HOLY QURAN AND REPEAT THIS
OATH. I KHALID SALMAN RASIF AL-
ANZI SWEAR BY ALLMIGHTY
ALLAH TO TELL THE TRUTH AND
NOTHING BUT THE TRUTH AND
ALLAH IS WITNESS TO WHAT I SAY?
[Witness repeats the oath , as read, in
Arabic]
THANK YOU WOULD YOU PLEASE
BE SEATED. COUNSEL YOU MAY
PROCEED.
MW **Good Morning.**
MW **In Haditha ... Alsabahni.**
MW **I am a lawyer and member of the local**
council for the district of Haditha.
MW **For ten years.**

1 PRACTICED LAW, SIR?

2 MV1 I AM GOING TO ASK YOU A SERIES MW **Yes.**

3 OF QUESTIONS AND SOME OF THESE

4 QUESTIONS WILL CALL FOR A YES

5 OR NO ANSWER AND OTHER

6 QUESTIONS MAY CALL FOR AN

7 EXPLANATION. BUT I WOULD LIKE

8 YOU TO LISTEN VERY CAREFULLY

9 TO THE QUESTION ASKED AND

10 ONLY ANSWER THE QUESTION I ASK

11 YOU, IF YOU COULD PLEASE? THE

12 FIRST QUESTION I HAVE IS HAVE

13 YOU BEEN INVITED TO ATTEND

14 TRIAL IN THIS CASE IN THE UNITED

15 STATES?

16 MV1 AND WILL YOU COME TO THE MW **I would need some time.**

17 UNITED STATES FOR TRIAL, SIR?

18 MV1 I UNDERSTAND. AND HOW MUCH MW **This may take 3 days**

19 TIME DO YOU NEED SIR?

20 MV1 DO YOU KNOW WHY YOU ARE MW **It is in connection with trying some**

21 HERE, SIR? **soldiers who are accused in the killing of**

22 **24 Persons in the massacre of Haditha.**

23 MV1 YES SIR. I WANT TO ASK YOU A MW **I am ready.**

24 SERIES OF QUESTIONS ON THE DAY

25 OF THAT ... WHEN IT HAPPENED?

26 MV1 DO YOU REMEMBER THE DATE OF MW **Yes I do remember.**

27 THIS EVENT?

28 MV1 WHAT WAS THE DATE OF THIS MW **19/11/1005. It was a Saturday.**

1	HAPPENING?		
2	MV1 THINKING CAREFULLY WHAT WAS	MW	My first recollection of that day, was
3	YOUR FIRST MEMORY OF THAT		that I was awakened by the sound of a
4	DATE?		large explosion.
5	MV1 WHERE WERE YOU AT WHEN YOU	MW	I was in my house ...in my home.
6	WOKE UP?		
7	MV1 DO YOU KNOW HOW FAR YOUR	MW	Approximately 250 to 300 meters.
8	HOUSE WAS FROM THE EXPLOSION?		
9	MV1 WHAT DID YOU DO RIGHT AFTER	MW	I looked at my watch and the time was
10	YOU HEARD THE SOUND?		7:45 in the morning.
11	MV1 OK... AND WHAT DID YOU DO	MW	I went out to find out the source of the
12	NEXT?		explosion ... what caused it.
13	MV1 AND WHAT DID YOU SEE?	MW	I could not see anything, because I then
14			heard the sound of gun-fire, and I
15			hurried back inside the house.
16	M OK... AND AFTER YOU WENT INSIDE	MW	I warned my family not to go out of the
17	MV1 THE HOUSE, WHAT DID YOU DO?		confines of the house ... I warned my
18			family members ... My mother, my
19			father, my wife and my children.
20	MV1 OK ... DID YOU MOTHER AND	MW	At that time, yes.
21	FATHER LIVE WITH YOU?		
22	MV1 DID ANYBODY ELSE LIVE WITH	MW	My wife and my three kids.
23	YOU?		
24	MV1 OK... YOU KNOW WHAT THE	MW	Frankly I am ignorant of the types of
25	DIFFERENCE BETWEEN AN AK47		weapons.
26	AND A M16?		
27	MV1 MAYBE MY QUESTION WAS NOT	MW	Yes I can.
28	CLEAR ENOUGH. DO YOU KNOW		

1 THE DIFFERENCE BETWEEN THE
2 SOUND OF AN AMERICAN WEAPON
3 MAKES AND VERSUS OF SAY AN
4 INSURGENT'S WEAPON?

5 MW1 HOW DOES HE KNOW THE
6 DIFFERENCE?

MW **We got used to the sound of the Iraqi
Kalashnikov firing, usually it has a lower
sound than that made by the American
weapon, which has always been of a
louder sound.**

10 MV1 WHAT TYPE OF GUNSHOT DID YOU
11 HEAR THAT MORNING, IF YOU
12 KNOW?

MW **What I heard was the sound of
American automatic weapons.**

13 MV1 DID YOU HEAR ANY SOUNDS OF
14 WEAPONS OTHER THAN THE
15 AMERICAN MACHINE GUNS?

MW **No.**

16 MV1 OK... SO AFTER YOU TOLD YOUR
17 MOTHER AND FATHER WHAT
18 HAPPENED? WHAT DID YOU DO?

MW **The sound of automatic firing continued
intermittently and we were in a
condition ...**

19 MV1 WERE YOU KEEPING TRACK OF
20 WHAT TIME YOU WERE HEARING
21 THE GUN FIRE?

MW **We can say approximately from the time
of the explosion until midday there were
intermittent firing by Americans (guns)**

22 MV1 OK...YOU KNOW WHEN YOU
23 STOPPED HEARING GUNSHOTS
24 THAT DAY?

MW **Approximately around midday, they
ceased.**

25 MV1 OK... DID YOU KNOW OF THE
26 PEOPLE THAT LIVED IN THE HOUSES
27 SURROUNDING WHERE THE
28 EXPLOSION HAPPENED?

MW **Nearly all of them.**

1 MV1 DO YOU HAVE ANY KNOWLEDGE MW **Yes I know of one person.**
2 WHETHER ANYBODY WAS HURT
3 THAT DAY FROM THE GUNSHOTS?

4 MV1 OK... YOU KNOW ALL THE PEOPLE MW **The 24 persons victims of the massacre.**
5 THAT WERE KILLED FROM THE GUN
6 FIRE THAT DAY?

7 *[Interpreter "Do you know if there was a*
8 *person that died as a result of the gunfire*
9 *that day?"]*

10 MV1 DID YOU KNOW THESE PERSONS MW **Those in Abdul Hamid Hassan's house.**
11 PERSONALLY?

12 MV1 IF I CAN INTERRUPT AND I MW **Yes.**
13 APOLOGIZE FOR INTERRUPTING. I
14 JUST WANT YOU TO LISTEN TO THE
15 QUESTION.

16 MV1 I JUST WANT TO TALK IN THIS CASE MW **Yes.**
17 ... I JUST WANT TO TALK ABOUT
18 THE PEOPLE YOU KNEW THAT
19 LIVED TO THE SOUTH OF THE ROAD
20 WHERE THE EXPLOSION HAPPENED.

21 MV1 AND BEFORE I ASK THE QUESTION. MW **Yes. The explosion happened in the road**
22 CAN YOU DESCRIBE FOR ME WHERE **leading to "Haye Al-Askari"**
23 THE EXPLOSION HAPPENED AS BEST
24 AS YOU CAN IN YOUR LANGUAGE?

25 MV1 WAS IT NEAR THE INTERSECTION OF MW **The street which we, in our**
26 ANY OTHER STREET? **neighborhood, call the "the street**
27 **leading to Haditha Minaret"**

28 MV1 OK... I UNDERSTAN. DID YOU MW **Yes.**

1 PERSONALLY THAT DAY SEE THE
2 AMERICAN FORCES NEAR THE SITE
3 OF WHERE THE EXPLOSION
4 HAPPENED?

5 MV1 WHERE DID YOU SEE THE
6 AMERICAN FORCES. IN A SPECIFIC
7 WAY AS YOU CAN DESCRIBE?.

MW **They were on top of the roofs of the
houses surrounding the site of the
incident.**

8 MV1 DID YOU SEE THE AMERICAN
9 FORCES ANYWHERE ELSE?

MW **No. I only saw them when they towed the
vehicle, that was damaged in the
explosion, away.**

10
11 MV1 I SEE. BY DAMAGED VEHICLE. DO
12 YOU MEAN AN AMERICAN
13 DAMAGED VEHICLE OR ANY IRAQI
14 DAMAGED VEHICLE?

MW **The American vehicle.**

15 MV1 HOW DID YOU KNOW THAT THESE
16 AMERICAN FORCES, AS YOU
17 DESCRIBED, WERE AMERICANS AND
18 NOT SOME OTHER PEOPLE?

MW **They were wearing American uniforms
and carrying rifles and the language and
the shouting was in American.**

19 MV1 WHAT? CAN YOU DESCRIBE THE
20 UNIFORM THEY WERE WEARING
21 THAT DAY?

MW **They wore the same uniforms that the
Americans wear at the present time.**

22 MV1 OK ... BUT FOR THE RECORD THE
23 WITNESS IS INDICATING THE
24 CURRENT UNIFORM AMERICAN
25 FORCES WEAR AT PRESENT TIME
26 [UN} ... UNIFORM ... ARE YOU
27 SAYING THAT ... DO YOU KNOW
28 WHETHER OR NOT THE AMERICAN

MW **They were nearly similar, But my view
was limited, because I could only see
their helmets and their automatic
weapons showing from the roof tops.**

1 FORCES YOU SAW THAT DAY WERE
2 WEARING UNIFORMS THE SAME AS
3 OURS OR SOMETHING DIFFERENT?

4 MV1 OK... DO YOU KNOW WHAT TYPE OF
5 AMERICAN FORCES THEY WERE?

MW **They were American forces.**

6 MV1 WHAT I MEAN, DO YOU KNOW THE
7 DIFFERENCE BETWEEN A US
8 SOLDIER AND A US MARINE?

MW **I do not have any knowledge. We just
called them Marines forces...**

9 MV1 REFERRING TO THE PEOPLE THAT
10 YOU SAW THAT DAY ...

MW **Yes.**

11 MV1 IF I WOULD MENTION THE PEOPLE
12 THAT WERE KILLED IN THE HOUSES
13 SOUTH OF THE EXPLOSION, WOULD
14 YOU KNOW WHAT I AM TALKING
15 ABOUT?

MW **Yes.**

16 MV1 WOULD YOU PLEASE NAME THOSE
17 PEOPLE FOR ME?

MW **Abdul Hamid Hassan Ali ...**

18 MV1 YES.

MW **Khamisah Touma Ali; Jaheed Abdul
Hamid Hassan; Rasheed Abdul Hamid
Hassan; Waleed Abdul Hamid Hassan;
Asma'a Nasif; Abdullah Waleed Abdul
Hamid; Yunis Salim Nasif; Aida Yassin
Ahmed; Huda Yassin Ahmed; Noor
Nasif Salim; Sabaa Yunis Salim;
Muhammad Yunis Salim; Zainab Yunis
Salim and Aisha Yunis Salim.**

27 MV1 OK IF I SHOW YOU PHOTOGRAPHS
28 OF THESE PEOPLE WOULD YOU BE

MW **Yes, except for ... Except for ...**

1 ABLE TO RECOGNIZE THE
2 PHOTOGRAPH WHEN THEY WERE
3 ALIVE?

4 MV1 WHAT IS THE EXCEPTION?

MW **The small children from Yunis's house. I
would not be able to distinguish between
Zainab and Aisha.**

5
6
7 MV1 BUT THE ADULTS YOU WOULD
8 RECOGNIZE?

MW **Yes.**

9 MV1 MAY I APPROACH THE WITNESS
10 MAAM?

MV1 MAY I APPROACH THE WITNESS
MAAM?

11 FV YES.

FV YES.

12 MV1 I AM GOOING TO SHOW THE
13 WITNESS WHAT WAS PERVIOUSLY
14 INTRODUCED IN THE DEPOSITION
15 OF EMAN WALEED ABDUL HAMID
16 AS EXHIBIT ... WOULD YOU PLEASE
17 LOOK AT

MW **That is Rasheed Abdul Hamid Hassan.**

18 MV1 WOULD YOU SHOW THE CAMERA
19 WHAT YOU ARE POINTING AT?
20 WHICH PERSON IS RASHEED ABDUL
21 HAMID?

MW *[Witness points to a person on the*
photograph] **This is Rasheed Abdul
Hamid, my maternal aunt's son.**

22 FV HE IS POINTING TO THE RIGHT.

FV HE IS POINTING TO THE RIGHT.

23 MV1 YES. THE PERSON WEARING A
24 WHITE COLLARED SHIRT. WHAT DID
25 RASHEED DO FOR LIVING? DO YOU
26 KNOW WHAT RASHEED DID FOR
27 LIVING?

MW **Rasheed was a graduate of the Teachers
Academy.**

28 MV1 IS THIS EXHIBIT 1?

FV IS THIS EXHIBIT 1?

1	MV1	YES MAAM. I AM GOING TO SHOW	MW	Yes.
2		YOU ANOTHER PHOTO THAT WAS		
3		INTRODUCED IN EMAN'S		
4		DEPOSITION AS EXHIBIT 2. WOULD		
5		YOU PLEASE LOOK AT THIS		
6		PHOTOGRAPH?		
7	MV1	DO YOU KNOW WHO THIS PHOTO IS	MW	This is my maternal aunt Khamisah
8		OF?		Touma
9	MV1	DID YOUR AUNT HAVE AN	MW	No. She was a house wife.
10		OCCUPATION OR WAS SHE A STAY-		
11		AT-HOME HOUSEWIFE?		
12	MV1	THIS IS EXHIBIT 2... I AM SHOWING	MV1	THIS IS EXHIBIT 2... I AM SHOWING
13		EXHIBIT 3 OF EMAN'S		EXHIBIT 3 OF EMAN'S
14		DEPOSITION.WOULD YOU PLEASE		DEPOSITION.WOULD YOU PLEASE
15		LOOK AT THIS PHOTO PLEASE?		LOOK AT THIS PHOTO PLEASE?
16		<i>[Witness shows sign of emotional distress</i>		<i>[Witness shows sign of emotional distress</i>
17		<i>with tears in his eyes]</i>		<i>with tears in his eyes]</i>
18	FV	ASK HIM IF HE WANTS TO TAKE A	FV	ASK HIM IF HE WANTS TO TAKE A
19		BREAK?		BREAK?
20	MV1	DO YOU NEED A BREAK?	MW	Yes.
21	MV1	WE WILL HAVE A BREAK SIR	MV1	WE WILL HAVE A BREAK SIR
22	FV	WE ARE OFF THE RECORD ...	FV	WE ARE OFF THE RECORD ...
23	MV1	WE ARE BACK ON THE RECORD?	MV1	WE ARE BACK ON THE RECORD?
24	FV	WE ARE BACK ON THE RECORD.	FV	WE ARE BACK ON THE RECORD.
25	MV1	MAY I APPROACH?	MV1	MAY I APPROACH?
26	FV	YES.	FV	YES.
27	MV1	I BELIEVE I WAS GOING TO SHOW	MW	Yes.
28		YOU EXHIBIT 3 OF EMAN'S		

1 DEPOSITION AND SEEING THESE
2 PICTURES MAKES YOU VERY SAD
3 DOES IT NOT?

4 MV1 I AM VERY SORRY FOR YOU LOSS.
5 DO YOU RECOGNIZE THE PHOTO IN
6 EXHIBIT 3?

MW **Yes I know them.**

7 MV1 WHAT IS IT PHOTO OF?

MW **In the picture is Rowaydah Hamoudi
8 Hassan and that is my paternal uncle
9 Abdul Hamid Ali and this one is my
10 sister Asma'a Salman Nasif and the
11 other one is my other sister.**

12 MV1 IF I COULD I WOULD LIKE TO
13 INTERRUPT ... I WOULD LIKE TO
14 TALK ABOUT THE PEOPLE THAT
15 DIED THAT DAY ... I JUST LIKE YOU
16 TO TALK ABOUT ... IF THERE ARE
17 OTHER PEOPLE ON THE PHOTO
18 THAT DID NOT DIE THAT DAY I DO
19 NOT NEED TO KNOW ABOUT THOSE
20 PEOPLE.

MW **OK ... Abdul Hamid Hassan; my sister
Asma'a Salman Nasif.**

21 MV1 DID THE MAN IN THE PHOTO YOU
22 POINTED TO, WHAT WAS HIS
23 OCCUPATION?

MW **He is retired.**
[Interpreter interpreted: "Disabled"]

24
25
26 MV1 AND THE WOMAN IN THE PHOTO DO
27 YOU KNOW IF SHE HAD AND
28 OCCUPATION OR WAS SHE STAY-

MW *[Interjected in English]* **RETIRED... Can
I say it in English...?**

MW **She was a housewife.**

1 AT-HOME MUM?
2 MV1 OK...THANK YOU SIR. WE WILL
3 MARK THIS AS EXHIBIT 3... I WANT
4 YOU TO LOOK AT THE NEXT PHOTO
5 THAT IS MARKED AS EXHIBIT 4 IN
6 EMAN'S DEPOSITION. DO YOU
7 RECOGNIZE THE INDIVIDUAL IN THE
8 PHOTO?

MW **Yes. That is my maternal aunt's son...
Jaheed Abdul Hamid Hassan.**

9 MV1 AND WHAT WAS HIS OCCUPATION?

MW **He was an employee in the Haditaha
Petroleum Company.... K3.**

*[This interpreter: "K3 is the designation for
the pumping station of the Iaqi Petroleum
Company ... Stands for Kirkuk 3]*

14 MV1 THANK YOU SIR. MARK THIS NEXT
15 ONE AS NO. 4?

MV1 THANK YOU SIR. MARK THIS NEXT
ONE AS NO. 4?

16 FV YES.

FV YES.

17 MV1 THANK YOU MAAM. HOW WERE
18 YOU PERSONALLY MADE AWARE
19 THAT ALL THESE PERSONS DIED?

MW **In the afternoon there came to my
house... There was a knock on my house
door, it was around 3 in the afternoon.
My maternal (uncle) cousin Anwar Hajij
Touma was there. He told me that the
American forces had killed our relatives.
I asked how he knew that. He told me
that Yassin ...**

25 MV1 IF I CAN INERRUPT SIR. I
26 APOLOGIZE. DID YOU PERSONALLY
27 SEE THESE RELATIVES DECEASED?

MW **Yes.**

28 MV1 WHEN DID YOU SEE THEM

MW **At the morgue in Haditha Hospital.**

1 DECEASED?

2 MV1 DID? ...AFTER THE DAY OF 19 MW **Yes.**

3 NOVEMBER? DID YOU HAVE A

4 CHANCE TO GO AND VISIT THE

5 HOUSES WHERE THESE RELATIVES

6 DIED?

7 MV1 AND WHAT DID YOU DO AT THOSE MW **We went in the early morning. We went**

8 HOUSES? **in a hurry as we wanted to know who**

9 **was dead and who was alive.**

10 MV1 AND DID YOU HAVE A CHANCE MW **That same morning? No.**

11 TO... DO YOU KNOW WHETHER YOU

12 TOOK ANY PHOTOS OR SOME ONE

13 ELSE TOOK PHOTOS?

14 MV1 OK ... UMM ... DID YOU EVER TAKE MW **Yes with another person.**

15 PHOTOGRAPHS OF THOSE HOUSES

16 SOMETIME AFTER YOUR RELATIVES

17 DIED INSIDE THE ...

18 MV1 DO YOU KNOW HOW MANY DAYS IT MW **One day later.**

19 WAS APPROXIMATELY AFTER THEY

20 DIED?

21 MV1 OK... WHEN DID YOU TAKE THE MW **Pictures of the destruction that was**

22 PHOTOS OF...?. **wrought on the two houses.**

23 MV1 AND MAYBE MY QUESTION WAS MV1 AND MAYBE MY QUESTION WAS

24 BAD. I MEAN WHAT LOCATION HE BAD. I MEAN WHAT LOCATION HE

25 TOOK PHOTOS OF AND NOT WHY HE TOOK PHOTOS OF AND NOT WHY HE

26 TOOK THE PHOTOGRAPHS. TOOK THE PHOTOGRAPHS.

27 INT HE SAID FOR THE DAMAGE TO THE INT HE SAID FOR THE DAMAGE TO THE

28 TWO HOUSES. TWO HOUSES.

1	MV1	OK ... DID HE TAKE OF ... WHEN DID	MW	I kept with me and I burned them on a
2		HE TAKE THE PHOTOS OF ...		CD
3	MV1	OK... WHO DID YOU GIVE THESE	MW	I gave them to the “Civil
4		PHOTOGRAPHS TO?		Administration” headquarters and also
5				to the investigators.
6	MV1	DO YOU KNOW THE NAME OF THE	MW	As far as I can recall he was a person
7		INVESTIGATOR YOU GAVE IT TO?		called Mark Cranfield.
8	MV1	OK... IF I SHOW YOU PHOTOGRAPHS	MW	Yes.
9		OF INSIDE OF THE HOUSES WHERE		
10		YOUR RELATIVES DIED, CAN YOU		
11		RECOGNIZE THEM?		
12	MV1	BECAUSE YOU TOOK THE	MW	Yes.
13		PHOTOGRAPHS THE DAY AFTER		
14		AND INSIDE THOSE HOUSES?		
15	MV1	MAY I APPROACH THE WITNESS	MV1	MAY I APPROACH THE WITNESS
16		MAAM?		MAAM?
17	FV	YES PLEASE.	FV	YES PLEASE.
18	MV1	AND I FORGOT TO ASK. THIS WHEN I	MW	Yes.
19		WAS ASKING YOU ABOUT THE		
20		PHOTOGRAPHS OF YOUR		
21		RELATIVES... HAVE YOU SEEN		
22		THESE PHOTOS BEFORE TO-DAY?		
23	MV1	WHEN?	MW	It was I who collected them and gave
24				them to the forces
25	MV1	BY FORCES DO YOU MEAN THE	MW	Yes the Americans and to the “Civil
26		AMERICANS		Affairs” headquarters in Haditha.
27	MV1	MAY I APPROACH THE WITNESS	MV1	MAY I APPROACH THE WITNESS
28		MAAM?		MAAM.?

1	FV	YOU MAY APPROACH THE WITNESS.	FV	YOU MAY APPROACH THE WITNESS.
2	MV1	THANK YOU. DO YOU REMEMBER	MW	Yes.
3		HOW WALEED ABDUL HAMID'S		
4		HOUSE LOOKED LIKE?		
5	MV1	I WILL SHOW THE WITNESS WHAT	MW	Yes.
6		PREVIOUSLY HAS BEEN		
7		INTRODUCED AS EMAN'S		
8		DEPOSITION EXHIBIT 5 IN THE [UN]		
9		CASE. WOULD YOU PLEASE LOOK		
10		AT THE PHOTO?		
11	MV1	AND WHAT IS THIS PHOTO OF?	MW	This is the living room of my paternal uncle Abdul Hamid Hassan's house.
12				
13	MV1	AND WHEN WAS THE PHOTO TAKEN	MW	Approximately a day after the incident. And the house looked exactly like this.
14		APPROXIMATELY?		
15	M1	THANK YOU SIR. WLL INTRODUCE	MV1	THANK YOU SIR. WLL INTRODUCE
16		THIS AS DEPOSITION EXHIBIT 5		THIS AS DEPOSITION EXHIBIT 5
17		...MAAM.		...MAAM.
18	FV	YES.	FV	YES.
19	MV1	WOULD YOU PLEASE LOOK AT THIS	MW	This is the same living-room and that is the bed where my paternal uncle Abdul Hamid used to sleep on. There was a big hole underneath the bed... A big hole underneath the bed.
20		NEXT PHOTO WHICH WAS		
21		INTRODUCED AS DEPOSITION		
22		EXHIBIT 3 OF AL-ANZI DEPOSITION.		
23		DO YOU RECOGNIZE WHAT THIS		
24		PHOTO OF?		
25	MV1	OK.... THERE IS A BIG HOLE UNDER	MW	Yes.
26		THE BED.IS THAT WHAT HE SAID?		
27	FV	AND THAT IS EXHIBIT 6?	FV	AND THAT IS EXHIBIT 6?
28	MV1	YES MAAM AND I AM GOING TO	MW	Yes ... Yes.

1 SHOW THE WITNESS WHAT HAS
2 BEEN INTRODUCED AS EXHIBIT 2 OF
3 AL-ANZI DEPOSITION. DO YOU
4 RECOGNIZE THIS PHOTO?

5 MV1 WHAT IS THE PHOTOGRAPH OF?

MW **Of the same bed and the same picture.**

6 MV1 AND WAS THIS TAKEN THE SAME
7 DAY AS THE OTHER PHOTOS THAT I
8 SHOWED YOU?

MW **Yes. The living-room was as is shown..**

9 MV1 OK ... MAY I SHOW YOU ANOTHER
10 PHOTOGRAPH SIR?

MV1 OK... MAY I SHOW YOU ANOTHER
PHOTOGRAPH SIR?

11 FV BEFORE YOU ... I WANT THE
12 RECORD TO REFLECT WHEN YOU
13 ARE TALKING ABOUT PREVIOUS
14 EXHIBITS THOSE EXHIBITS WE SAY
15 FROM THE AL-ANZI DEPOSITION
16 THOSE WERE IN THE MATTER OF US
17 Vs SSGT WUTERCIH.

FV BEFORE YOU THAT I WANT THE
RECORD TO REFLECT WHEN YOU
ARE TALKING ABOUT PREEVIOUS
EXHIBITS THOSE EXHIBITS WE SAY
FROM THE AL-ANZI DEPOSITION
THOSE WERE IN THE MATTER OF US
Vs SSGT WUTERCIH.

18 MV1 OK.

MV1 OK.

19 FV OK.

FV OK.

20 MV1 YES MAAM AND HERE IS THE NEXT
21 DEPOSITION 7 MAAM.

MV1 YES MAAM AND HERE IS THE NEXT
DEPOSITION 7 MAAM.

22 FV OK.

FV OK.

23 MV1 AND THIS WAS ALSO FROM THE AL-
24 ANZI DEPOSITION EXHIBIT 4 FROM
25 SSGT WUTERICH CASE. WOULD
26 YOU PLEASE LOOK AT THIS PHOTO
27 SIR?

MW **Yes.**

28 MV1 DO YOU RECOGNIZE THIS

MW **Yes.**

1 PHOTOGRAPH?

2 MV1 WHAT IS THIS A PHOTO OF? MW **The living-room ... The living room of**
3 **Abdul Hamid Hassan and the blood was**
4 **as it appear here.**

5 MV1 AND WHEN WAS THIS TAKEN? MW **As far as I can recall the second day**
6 **after the incident. There were a number**
7 **of people who took pictures.**

8 MV1 OK ... AND THIS HOW THE SCENE MW **Yes. In this state of disarray and in this**
9 **LOOKED WHEN YOU PERSONALLY**
10 **WERE THERE?** **condition.**

11 MV1 I WILL INTRODUCE THIS AS EXHIBIT MW **Yes they were in this condition, covered**
12 **8 ... AND FOR ALL THE** **with blood.**
13 **PHOTOGRAPHS I HAVE SHOWN OF**
14 **THE SCENE ... HAVE THEY BEEN**
15 **FAIR AND ACCURATE DEPICTION OF**
16 **WHAT YOU REMEMBER THE SCENE**
17 **LOOKED LIKE WHEN YOU WERE IN**
18 **THOSE HOUSES?**

19 MV1 I WANT TO SHOW YOU SOME MW **Yunis Salim house.**
20 **PHOTOGRAPHS OF YUNIS SALIM'S**
21 **HOUSE ...**

22 MV1 DO YOU REMEMBER HOW THIS MW **Yes.**
23 **HOUSE LOOKED FROM THE**
24 **OUTSIDE?**

25 MV1 OK ... I AM HANDING THE WITNESS MW **Yes.**
26 **WHAT WAS MARKED AS**
27 **DEPOSITION EXHIBIT 12 IN THE**
28 **LANCE CORPORAL TATUM**

1	DEPOSITION OF SAFAA. WOULD		
2	YOU PLEASE LOOK AT THIS		
3	PHOTOGRAPH? DO YOU RECOGNIZE		
4	WHAT THIS PHOTOGRAPH OF?		
5	MV1 AND WHAT IS THIS PHOTO OF?	MW	This is the hallway in Yunis Salim'a
6			house.
7	MV1 AND THIS IS AN ACCURATE	MW	Yes and the blood was all over the
8	DEPECTION OF THE SCENE AS YOU		hallways.
9	REMEMBER IT?		
10	MV1 WILL MAKE THIS EXHIBIT 10 MAAM	MV1	WILL MAKE THIS EXHIBIT 10 MAAM
11	... I WILL SHOW YOU PHOTOGRAPH		... I WILL SHOW YOU PHOTOGRAPH
12	MARKED AS EXHIBIT 10 IN THE AL-		MARKED AS EXHIBIT 10 IN THE AL-
13	ANZI DEPOSITION.		ANZI DEPOSITION.
14	FV EXCUSE ME WAS THIS EXHIBIT 9?	FV	EXCUSE ME WAS THT EXHIBIT 9?
15	MV1 THE NEXT ONE YES. LAST ONE IS 9, I	MV1	THE NEXT ONE YES. LAST ONE IS 9, I
16	AM SORRY.		AM SORRY.
17	FV THAT WAS ONE FROM SAFAA	FV	THAT WAS ONE FROM SAFAA
18	DEPOSITION 12 AND 10?		DEPOSITION 12 AND 10?
19	MV1 YES MAAM.	MV1	YES MAAM.
20	FV EXHIBIT 10 THIS ONE.	FV	EXHIBIT 10 THIS ONE.
21	MV1 YES MAAM. THE NEXT ONE I AM	MW	Yes.
22	SHOWING YOU IS EXHIBIT 10 FROM		
23	SSGT WUTERICH DEPOSITION OF		
24	AL-ANZI. WOULD YOU PLEASE		
25	LOOK AT THIS PHOTOGRAPH SIR?		
26	MV1 DO YOU RECOGNIZE THIS PHOTO	MW	This is the bedroom of Yunis Salim
27	SIR?		Nasif.
28	MV1 AND IS IT A FAIR AND ACCURATE	MW	It was in this state of disarray/disorder.

1	DEPICTION OF THE SCENE AS YOU		
2	REMEMBER IT?		
3	MV1 DO YOU KNOW... I KNOW THERE IS	MW	This picture, as I had told you earlier,
4	A MAN TO THE RIGHT OF THE		was taken some time after the incident
5	PHOTO. DO YOU KNOW WHO THAT		and this person, I think, is my paternal
6	IS?		cousin Mohammad.
7	MV1 BUT YOU WERE THERE WHEN THIS	MV1	Yes and Major Hyatt also took pictures.
8	PICTURE WAS TAKEN?		
9	MV1 WAS MAJOR HYATT WITH YOU	MW	Yes, a while after the incident.
10	WHEN THESE PHOTOS WERE		
11	TAKEN?		
12	MV1 OK... THIS WILL BE THE LAST. NEXT	MW	Yes ... Yes.
13	I WILL SHOW THE WITNESS EXHIBIT		
14	4 FROM THE SAFAA DEPOSITION IN		
15	THE TATUM [?] CASE. WOULD YOU		
16	PLEASE LOOK AT THIS PHOTO SIR.		
17	DO YOU RECOGNIZE THIS PICTURE?		
18	MV1 WHAT IS THIS PHOTOGRAPH OF?	MW	This is the bed on which Aida, Yunis
19			Salim Nasif's wife, used to sleep on ...
20	MV1 OK	MV1	OK
21		MW	... because she had undergone a surgical
22			operation.
23	MV1 DO YOU HAVE PERSONAL	MW	Yes.
24	KNOWLEDGE OF WHAT SHE WAS		
25	UNDER SURGERY FOR?		
26	MV1 WHAT WAS SHE UNDER SURGERY	MW	For appendectomy.
27	OF?		
28	MV1 OK... THANK YOU SIR. WE WILL	MV1	OK... THANK YOU SIR. WE WILL

1 MARK THIS EXHIBIT 11 MAAM MARK THIS EXHIBIT 11 MAAM
2 FV THANK YOU FV THANK YOU.
3 MV1 NEXT SHOWING YOU EXHIBIT 1 OF MW **Yes.**
4 THE TATUM CASE. WOULD YOU
5 PLEASE LOOK AT THIS
6 PHOTOGRAPH SIR?
7 MV1 DO YOU KNOW WHAT THE PHOTO IS MW **This is the facade of Yunis Salim Nasif's**
8 OF? **house.**
9 MV1 OK... AND IS THIS HOW YOU MW **Yes.**
10 REMEMBER HOW THE HOUSE WAS
11 LOOKING THAT DAY?
12 MV1 THANK YOU SIR. NEXT SHOWING MW **Yes.**
13 THE WITNESS PHOTOGRAPH 12
14 MAAM THAT WAS INTRODUCED AS
15 EXHIBIT 11 IN THE AL-ANZI
16 DEPOSITION OF SS WUTERICH CASE.
17 WOULD YOU PLEASE LOOK AT THE
18 PHOTOGRAPH SIR?
19 MV1 DO YOU RECOGNIZE THIS MW **Yes.**
20 PHOTOGRAPH?
21 MV1 WHAT IS THIS A PHOTO OF? MW **The bedroom of Yunis Salim Nasif and it**
22 **was in this condition with this amount of**
23 **blood.**
24 MV1 WAS THIS... IS THIS A FAIR AND MW **Yes.**
25 ACCURATE DEPICTION OF WHAT
26 THE SCENE LOOKED LIKE THAT
27 DAY?
28 MV1 THANK YOU SIR. MAKE THIS THE MV1 THANK YOU SIR. MAKE THIS THE

1 NEXT IN LINE.
2 FV 12?
3 MV1 YES MAAM 12... I AM NEXT
4 SHOWING EXHIBIT 9 OF THE AL-
5 ANZI DEPOSITION IN SS WUTERICH
6 CASE. WOULD YOU PLEASE LOOK
7 AT THIS PHOTOGRAPH SIR?
8 MV1 DO YOU RECOGNIZE THIS PHOTO?
9 MV1 AND IS THIS A FAIR AND ACCURATE
10 DEPICTION OF THE SCENE AS YOU
11 REMEMBER IT?
12 MV1 THANK YOU SIR. I JUST HAVE 2
13 MORE PHOTOS.
14 FV EXCUSE ME. I AM NOT SURE I GOT
15 THIS FOR THE RECORD ... THE
16 HOUSE IS EXHIBIT 12?
17 MV1 12.
18 FV EXCUSE ME. I MISSPOKE, THE
19 OTHER PHOTO YOU JUST HANDED
20 ME AND THE BEDROOM WHICH
21 PREVIOUSLY WAS AL-ANZI EXHIBIT
22 11 OF THE WUTERICH CASE?... UMM
23 MV1 WILL BE 13.
24 FV OK IT IS GOING TO BE 13.
25 MV1 YES MAAM.
26 FV JUST A SECOND PLEASE ... OK ... OK
27 ... THE NEXT EXHIBIT WILL BE 14.
28 MV1 YES EXHIBIT 14 WILL BE THE AL-

NEXT IN LINE.
FV 12?
MW **Yes.**
This is Yunis Salim Nasif's bedroom.
MW **Yes as I remember it.**
MV1 THANK YOU SIR. I JUST HAVE 2
MORE PHOTOS.
FV EXCUSE ME. I AM NOT SURE I GOT
THIS FOR THE RECORD ... THE
HOUSE IS EXHIBIT 12?
MV1 12.
FV EXCUSE ME. I MISSPOKE, THE
OTHER PHOTO YOU JUST HANDED
ME AND THE BEDROOM WHICH
PREVIOUSLY WAS AL-ANZI EXHIBIT
11 OF THE WUTERICH CASE ?... UMM
MV1 WILL BE 13.
FV OK ...IT IS GOING TO BE 13.
MV1 YES MAAM.
FV JUST A SECOND PLEASE ... OK ... OK
... THE NEXT EXHIBIT WILL BE 14.
MV1 YES EXHIBIT 14 WILL BE THE AL-

1		ANZI DEPOSITION EXHIBIT 9.		ANZI DEPOSITION EXHIBIT 9..
2	FV	ALSO OF THE BEDROOM?	FV	ALSO OF THE BEDROOM?
3	MV1	YES ... YES MAAM AND I WOULD	MW	It is not clear as far as I am concerned.
4		LIKE YOU TO LOOK AT WHAT		
5		PREVIOUSLY WAS MARKED AS AL-		
6		ANZI DEPOSITION EXHIBIT 8 FROM		
7		THE SSGT WUTERICH DEPOSITION.		
8		WOULD YOU PLEASE LOOK AT THE		
9		PHOTOGRAPH SIR?		
10	MV1	OK... DID YOU TAKE THIS	MW	I am not sure.
11		PHOTOGRAP?		
12	MV1	THAT IS FAIR.	MV1	THAT IS FAIR.
13	FV	OK... THAT PHOTO WILL NOT BE	FV	OK... THAT PHOTO WILL NOT BE
14		INTRODUCED CORRECT?		INTRODUCED CORRECT?
15	MV1	NO MAAM.	MV1	NO MAAM.
16	FV	OK.	FV	OK.
17	MV1	I WOULD LIKE YOU TO LOOK AT	MW	Yes.
18		DEPOSITION EXHIBIT 5 OF THE AL-		
19		ANZI DEPOSITION ...		
20	MV1	WOULD YOU PLEASE STUDY THIS	MW	Yes.
21		PHOTOGRAPH?		
22	MV1	DO YOU RECOGNIZE WHAT THIS	MW	I am not sure here ...
23		PHOTO IS OF?		
24	Mv1	OK.	MW	This also shows Abdul Hamid Hassan's
25				house.
26	MV1	OK ... THIS OTHER HOUSE THEN?	MW	Yes.\
27	MV1	OK... DID YOU TAKE THIS PICTURE	MW	I could answer yes or no. I took half ...
28		SIR?		<i>[Interpreter cuts off the witness]</i>

1 MV1 DO YOU REMEMBER IN THIS ROOM
2 ... WELL LET REPHRASE, IS THIS A
3 FAIR AND ACCURATE DEPICTION OF
4 THE SCENE OF THE ROOM IN ABDUL
5 HAMID HASSAN HOUSE AS YOU
6 REMEMBER IT?

7 MV1 DO YOU KNOW WHICH ROOM THIS
8 WAS WHEN THE PHOTO WAS
9 TAKEN?

10 MV1 OK ... WILL MAKE IT DEPOSITION
11 EXHIBIT 15
12 [Long pause low wispering iin the
13 background]

15 MV1 ALL RIGHT SIR. THANK YOU SO
16 VERY MUCH FOR COMING HERE
17 AND I AM SO SORRY FOR YOUR
18 GREAT LOSS BUT WE DO NOT HAVE
19 ANY MORE QUESTIONS FOR YOU.

20 FV IS THE WITNESS RELEASED FROM
21 FURTHER TESTIMONY?

22 MV1 YES MAAM IN THIS CASE. BUT I
23 UNDERSTAND LIEUTENANT [UN]
24 ASSIGNED IN ANOTHER CASE WANT
25 TO CALL THE WITNESS.

26 FV OK ... I UNDERSTAND YOU WILL BE
27 CALLED IN ANOTHER CASE
28 INVOLVING US Vs LT COL CHESSANI

MW **There was so much blood and this...**
[Interpreter cuts off the witness]

MW **I believe it was in the same living-room.**

MV1 OK ... WILL MAKE IT DEPOSITION
EXHIBIT 15
[Long pause low wispering iin the
background]

MV1 ALL RIGHT SIR. THANK YOU SO
VERY MUCH FOR COMING HERE
AND I AM SO SORRY FOR YOUR
GREAT LOSS BUT WE DO NOT HAVE
ANYMORE QUESTIONS FOR YOU.

FV IS THE WITNESS RELEASED FROM
FURTHER TESTIMONY?

MV1 YES MAAM IN THIS CASE. BUT I
UNDERSTAND LIEUTENANT [UN]
ASSIGNED IN ANOTHER CASE WANT
TO CALL THE WITNESS.

FV OK ... I UNDERSTAND YOU WILL BE
CALLED IN ANOTHER CASE
INVOLVING US Vs LT COL

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AND WHO IS GOING TO BE THE
COUNSEL THAT IS GOING TO BE
RESPONSIBLE FOR COORDINATING
THIS?

MV1 IT IS GOING TO BE MAJOR
ERICKSON MAAM..

FV OK ... MAJOR ERICKSON WILL LET
YOU KNOW WHEN HE WILL NEEDS
TO HVE YOUR TESTIFY. YOU ARE
FREE TO GO AND WE ARE OFF THE
RECORD.

[END OF RECORDING]

CHESSANIAND WHO IS GOING TO BE
THE COUNSEL THAT IS GOING TO BE
RESPONSIBLE FOR COORDINATING
THIS?.

MV1 IT IS GOING TO BE MAJOR ERICKSON
MAAM.

FV OK ... MAJOR ERICKSON WILL LET
YOU KNOW WHEN HE WILL NEEDS
TO HVE YOUR TESTIFY. YOU ARE
FREE TO GO AND WE ARE OFF THE
RECORD.

[END OF RECORDING]

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Deposition DVD – Transcription
by Hisham Malek Completed Dec 2010 of:

Eman Waleed Abdul Hamid

(1 of 2)

DVD - TRANSCRIPTION

Eman Waleed Abdul Hamid

DVD- TRANSLATION

DVD #1 (Eman 1 of 2)

1
2
3 FV WILL YOU CHANGE THE TAPE?
4 MV? WILL DO.
5 FV DOES SHE WANT SOME WATER?
6 MV1 CAN WE TAKE FEW MINUTES?
7 FV WHAT YOU SAY? 5 MINUTES AFTER..
8 MV2 GOOD WITH ME.
9 FV O.K. ... O.K.
10 FV COURT REPORTER ARE YOU
11 READY? WE ARE BACK ON THE
12 RECORD. I WOULD REMIND THE
13 WITNESS ... YOU ARE STILL UNDER
14 OATH AND PLEASE TRY TO SPEAK
15 AS LOUD AS POSSIBLE SO THE
16 CAMERA COULD HEAR YOUR VOICE
17 ... COUNSEL YOU CAN PROCEED.
18 MV1 MAAM ONE THING SAJEED
19 APPROACHED ME OUTSIDE THE
20 PRESENCE OF DEPOSITIONS
21 OFFICERS, DEFENSE COUNSEL
22 INDICATING THE WITNESS IS
23 CONFUSED. I JUST ASK THAT THE
24 DEPOSITION OFFICER BRIAN. He
25 CANNOT COMMUNICATE WITH
26 EITHER COUNSEL WHILE THE
27 DEPOSITION IS GOING.

FV WILL YOU CHANGE THE TAPE?
MV? WILL DO.
FV DOES SHE WANT SOME WATER?
MV? CAN WE TAKE FEW MINUTES?
FV WHAT YOU SAY? 5 MINUTES AFTER..
MV? GOOD WITH ME.
FV O.K. ... O.K.
FV COURT REPORTER ARE YOU READY?
WE ARE BACK ON THE RECORD. I
WOULD REMIND THE WITNESS ...
YOU ARE STILL UNDER OATH AND
PLEASE TRY TO SPEAK AS LOUD AS
POSSIBLE SO THE CAMERA COULD
HEAR YOUR VOICE ... COUNSEL
YOU CAN PROCEED.
MV1 MAAM ONE THING SAJEED
APPROACHED ME OUTSIDE THE
PRESENCE OF DEPOSITIONS
OFFICERS, DEFENSE COUNSEL
INDICATING THE WITNESS IS
CONFUSED. I JUST ASK THAT THE
DEPOSITION OFFICER BRIAN. He
CANNOT COMMUNICATE WITH
EITHER COUNSEL WHILE THE
DEPOSITION IS GOING.

1	FV	INTERPRETER, YOU ARE REMINDED	FV	INTERPRETER, YOU ARE REMINDED
2		THAT YOU CANNOT TALK TO		THAT YOU CANNOT TALK TO
3		EITHER COUNSEL ... YOU CANNOT		EITHER COUNSEL ... YOU CANNOT
4		TALK WITH EITHER COUNSEL		TALK WITH EITHER COUNSEL
5		WHILE THE DEPOSITION IS GOING		WHILE THE DEPOSITION IS GOING
6		ON. IF YOU HAVE ANY QUESTIONS		ON. IF YOU HAVE ANY QUESTIONS
7		ADDRESS THEM TO ME...		ADDRESS THEM TO ME...
8	INT	YES MAAM.	INT	YES MAAM.
9	FV	COUNSEL YOU MAY PROCEED	FV	COUNSEL YOU MAY PROCEED
10	MV1	YES MAAM ... UMM ...EMAN WE	MV1	YES MAAM ... UMM ...EMAN WE
11		LEFT OFF WITH YOU SAYING ONE		LEFT OFF WITH YOU SAYING ONE
12		MARINE ENTERING THE ROOM. IS		MARINE ENTERING THE ROOM. IS
13		THAT RIGHT?		THAT RIGHT?
14	FW		FW	Yes.
15	MV1	CAN YOU TELL US WHAT,IF	Mv1	CAN YOU TELL US WHAT, IF
16		ANYTHING, YOU SAW THAT MARINE		ANYTHING, YOU SAW THAT MARINE
17		DO?		DO?
18	FW		FW	They did not do anything.
19	MV1	O.K. ... HOW LONG IS HE ...? DID HE	MV!	O.K. ... HOW LONG IS HE ...? DID HE
20		GO INSIDE THE ROOM?		GO INSIDE THE ROOM?
21	FW		FW	Yes.
22	MV1	O.K. ...THAT SOUNDED LIKE A YES.	MV!	O.K. ...THAT SOUNDED LIKE A YES.
23		HOW LONG WAS HE IN THE ROOM?		HOW LONG WAS HE IN THE ROOM?
24	FW		FW	Not too long ... About 5 minutes or so.
25	MV1	DID YOU SEE HIM DO ANYTHING?	MV1	DID YOU SEE HIM DO ANYTHING?
26	FW		FW	No.
27	MV1	O.K. ... DID YOU? ... YOU HEAR	MV1	O.K. ... DID YOU? ... YOU HEAR
28		ANYTHING?		ANYTHING?

1 FW
2 MV1 DID YOU SEE HIM LEAVE HE ROOM?
3 FW
4 MVI AND DO YOU REMEMBER FROM
5 WHICH DOOR HE LEFT?
6 FW
7 MV1 O.K. CAN YOU TELL ME WHICH
8 DOOR THAT IS ON THIS DIAGRAM
9 THAT YOU DREW FOR ME ...? JUST
10 TELL ME.
11 FW
12 MVI NO. JUST POINT TO IT ... SHE IS
13 POINTING TO THE DOOR ... WHICH
14 SHE PREVIOUSLY INDICATED WITH
15 2 CIRCLES ... O.K. ... NOW WHEN
16 THAT MARINE LEFT ... WHEN THAT
17 MARINE LEFT DID YOU EVER SEE
18 MARINES AGAIN AFTER THAT?
19 FW
20 MV1 AND THAT WAS THE LAST TIME
21 YOU SAW ANY MARINES THAT
22 DAY?
23 FW
24 MV1 O.K. ... AND WHAT WAS YOUR
25 FAMILY IN THE ROOM DOING?
26 FW
27 MV1 AND DID ANY MEMBERS OF YOUR
28 FAMILY GET UP AND LEAVE?

FW **No.**
MV1 DID YOU SEE HIM LEAVE HE ROOM?
FW **From the kitchen door.**
MV1 AND DO YOU REMEMBER FROM
WHICH DOOR HE LEFT?
FW **Should I make a mark?**
MV1 O.K. CAN YOU TELL ME WHICH
DOOR THAT IS ON THIS DIAGRAM
THAT YOU DREW FOR ME ...? JUST
TELL ME.
FW **No.**
MV1 NO. JUST POINT TO IT ... SHE IS
POINTING TO THE DOOR ... WHICH
SHE PREVIOUSLY INDICATED WITH
2 CIRCLES ... O.K. ... NOW WHEN
THAT MARINE LEFT ... WHEN THAT
MARINE LEFT DID YOU EVER SEE
MARINES AGAIN AFTER THAT?
FW **No.**
MV1 AND THAT WAS THE LAST TIME
YOU SAW ANY MARINES THAT
DAY?
FW **Yes.**
MV1 O.K. ... AND WHAT WAS YOUR
FAMILY IN THE ROOM DOING?
FW **They were not doing anything.**
MV1 AND DID ANY MEMBERS OF YOUR
FAMILY GET UP AND LEAVE?

1	FW		FW	No.
2	MV1	DID YOU LEAVE?	MV1	DID YOU LEAVE?
3	FW		FW	No.
4	MV1	DID YOU EVER LEAVE THAT ROOM	MV1	DID YOU EVER LEAVE THAT ROOM
5		THAT DAY?		THAT DAY?
6	FW		FW	No.
7	MV1	YOU STAYED IN THE ROOM ALL	MV1	YOU STAYED IN THE ROOM ALL
8		DAY?		DAY?
9	FW		FW	Not the entire day ...But when the
10				Marines left, I went out.
11	MV1	YOU GOT UP WHEN THE MARINES	MV1	YOU GOT UP WHEN THE MARINES
12		LEFT?		LEFT?
13	FW		FW	Yes.
14	MV1	WHAT DID YOU DO?	MV!	WHAT DID YOU DO?
15	FW		FW	I did not do anything.
16	MV1	THAT DAY DID YOU EVER LEAVE	MV1	THAT DAY DID YOU EVER LEAVE
17		THE ROOM?		THE ROOM?
18	FW		FW	Yes I left.
19	MV1	WHY DID YOU LEAVE?	MV1	WHY DID YOU LEAVE?
20	FW		FW	Just like that.
21	MV1	DID ANY ONE LEAVE WITH YOU?	MV1	DID ANY ONE LEAVE WITH YOU?
22	FW		FW	No.
23	MV1	YOU LEFT BY YOURSELF?	MV1	YOU LEFT BY YOURSELF?
24	FW		FW	Yes.
25	MV1	DID YOU GO OUTSIDE YOUR HOME?	MV1	DID YOU GO OUTSIDE YOUR HOME?
26	FW		FW	No ... No.
27	MV1	DID YOU EVER LEAVE YOUR HOUSE	MV1	DID YOU EVER LEAVE YOUR HOUSE
28				

1 THAT DAY?
2 FW
3 MV1 YOU REMAINED IN THE HOUSE THE
4 WHOLE DAY?
5 FW
6 MV1 AND YOUR FAMILY WAS THERE
7 WITH YOU?
8 FW
9 MV1 EMAN YOU STATED EARLIER YOU
10 SAID YOU LIVE WITH UNCLE. IS
11 THAT CORRECT?
12 FW
13 MV2 OBJECTION. IRRELVANCE. ASKED
14 AND ANSWERED.
15 FV DID YOU TRANSLATE WHAT SHE
16 SAID?
17 MV1 AND WHAT WAS THE ANSWER?
18 O.K.... WHY DO YOU LIVE WITH
19 YOUR UNCLE?
20 MV2 OBJECTION – IRRELEVANCE –ASKED
21 AND ANSWERED.
22 FW
23
24
25
26
27
28 MV1 YOU SAID TREATED US. WHO ARE

THAT DAY?
FW **No.**
MV1 YOU REMAINED IN THE HOUSE THE
WHOLE DAY?
FW **No.**
MV1 AND YOUR FAMILY WAS THERE
WITH YOU?
FW **Yes.**
MV1 EMAN YOU STATED EARLIER YOU
SAID YOU LIVE WITH UNCLE. IS
THAT CORRECT?
FW **Yes.**
MV1 OBJECTION. IRRELVANCE. ASKED
AND ANSWERED.
FW DID YOU TRANSLATE WHAT SHE
SAID?
MV1 AND WHAT WAS THE ANSWER?
O.K.... WHY DO YOU LIVE WITH
YOUR UNCLE?
MV2 OBJECTION – IRRELEVANCE –ASKED
AND ANSWERED.
FW **When my parents died and when we
came back from Baghdad that is to say
my uncle... when we came back from
Baghdad after being treated. We left and
came back to Haditha, my uncle told us
to come and live with them.**
MV1 YOU SAID TREATED US. WHO ARE

1 US?
2 FW
3 MV1 UMM... YOU SAID YOU WERE
4 TREATED. WAS IT JUST YOU WHO
5 WAS TREATED?
6 FW
7 MV1 WHICH BROTHER? WHAT IS HIS
8 NAME?
9 FW
10 MV1 O.K ... AND WHAT WERE TREATED
11 FOR?
12 FW
13
14
15 MV1 HOW DID YOU GET INJURED?
16 FW
17 MV1 O.K.... UMM... HOW DID YOU GET
18 INJURED BY THE BULLET?
19 FW
20
21 MV1 WHO IS THEY?
22 FW
23 MV1 O.K. ... DID YOU SEE WHO SHOT
24 YOU?
25 FW
26 MV1 O.K. ... HOW DO YOU KNOW THEY
27 WERE MARINES?
28

US?
FW **What? I do not know.**
MV1 UMM... YOU SAID YOU WERE
TREATED. WAS IT JUST YOU WHO
WAS TREATED?
FW **My brother and I.**
MV1 WHICH BROTHER? WHAT IS HIS
NAME?
FW **Abdul Rahman.**
MV1 O.K ... AND WHAT WERE TREATED
FOR?
FW **That is to say, treating the wound. That
is to say, we were wounded and they
treated us.**
MV1 HOW DID YOU GET INJURED?
FW **By a bullet.**
MV1 O.K.... UMM... HOW DID YOU GET
INJURED BY THE BULLET?
FW **They were shooting and a bullet struck
me.**
MV1 WHO IS THEY?
FW **They... The Marines.**
MV1 O.K. ... DID YOU SEE WHO SHOT
YOU?
MV1 **No.**
FW O.K. ... HOW DO YOU KNOW THEY
WERE MARINES?

1	FW		MV1	My maternal aunt ... My paternal
2				uncle... when we came back to Haditha
3				she told us that the Marines killed you.
4	MV1	SO YOU DID NOT SEE ANYBODY?	FW	SO YOU DID NOT SEE ANYBODY?
5		YOU DID NOT SEE YOURSELF ...?		YOU DID NOT SEE YOURSELF ...?
6		YOU DID NOT SEE WHO SHOT YOU?		YOU DID NOT SEE WHO SHOT YOU?
7	FW		MV1	No.
8	Mv1	WHERE DID YOU GET SHOT?	FW	WHERE DID YOU GET SHOT?
9	FV	PLEASE ASK THE WITNESS TO GIVE	MV1	PLEASE ASK THE WITNESS TO GIVE
10		AN AUDIBLE ANSWER.		AN AUDIBLE ANSWER.
11	FW		FW	Here in my leg
12	MV1	O.K. ... NOW WHERE WERE YOU		O.K. ... NOW WHERE WERE YOU
13		WHEN YOU GOT SHOT?		WHEN YOU GOT SHOT?
14	FW		FW	In the living-room with my family.
15	MVI	O.K.... WHEN WAS THAT WHEN YOU	MV1	O.K.... WHEN WAS THAT WHEN YOU
16		GOT SHOT? WAS IT THE SAME DAY		GOT SHOT? WAS IT THE SAME DAY
17		AS THE EXPLOSION?		AS THE EXPLOSION?
18	FW		FW	Yes ... Yes.
19	MV1	AND YOU SAID EARLIER IT	MV1	AND YOU SAID EARLIER IT
20		HAPPENED IN THE ROOM WHICH		HAPPENED IN THE ROOM WHICH
21		YOU DREW IN THE DIAGRAM		YOU DREW IN THE DIAGRAM
22		THERE.		THERE.
23	FW		FW	Yes ... Yes.
24	MV1	DO YOU KNOW WHAT YOUR	MV1	DO YOU KNOW WHAT YOUR
25		BROTHER'S INJURY WAS?		BROTHER'S INJURY WAS?
26	FW		FW	Yes.
27	MV1	AND WHAT WAS THAT?	MV1	AND WHAT WAS THAT?
28	FW		FW	It ... It was here in the back ... A little

1
2
3 MV1 WITNESS INDICATED BACK ...BACK
4 OF NECK ...IS THAT RIGHT?
5 MV1 DO YOU KNOW WHAT HIS INJURIES
6 WAS CAUSED FROM?
7 MV2 OBJECTION – ALREADY SAID SHE
8 DID NOT SEE WHO SHOT HER.
9 FW
10 MV1 DO YOU KNOW?
11 FW ?
12 MV1 AND WHAT KIND OF INJURY WAS
13 IT?
14 FW
15 MV2 GLASS?
16 FV HE *[interpreter]* SAID GLASS
17 MV2 O.K.... THAT IS FINE!
18 MV1 NOW HOW DID YOU GET TO THE
19 HOSPITAL?
20 FW
21
22
23 MV1 WHEN YOU SAID AMERICAN CAME?
24 HOW? ... WHERE DID THEY COME?
25 DID YOU MEET THEM OUTSIDE OR
26 INSIDE?
27 MV2 OBJECTION. COMPOUND QUESTION.
28 FW

**more and it would have reached the
spine.**
MV1 WITNESS INDICATED BACK ...BACK
OF NECK ...IS THAT RIGHT?
MV1 DO YOU KNOW WHAT HIS INJURIES
WAS CAUSED FROM?
MV1 OBJECTION – ALREADY SAID SHE
DID NOT SEE WHO SHOT HER.
FW **Yes. I know.**
MV1 DO YOU KNOW?
FW **Yes.**
MV1 AND WHAT KIND OF INJURY WAS
IT?
FW **A piece of glass ... They removed it.**
MV2 GLASS?
FV HE *[interpreter]* SAID GLASS
MV2 O.K.... THAT IS FINE!
MV1 NOW HOW DID YOU GET TO THE
HOSPITAL?
FW **That is to say...The Americans came
and took us by plane...They took us by
plane to the hospital.**
MV1 WHEN YOU SAID AMERICAN CAME?
HOW? ... WHERE DID THEY COME?
DID YOU MEET THEM OUTSIDE OR
INSIDE?
MV2 OBJECTION. COMPOUND QUESTION.
FW **They came, to our house and saw us.**

1 MV1 WHEN THEY CAME TO THE HOUSE MV1 WHEN THEY CAME TO THE HOUSE
2 HOW MANY CAME? HOW MANY CAME?
3 FW FW **Only two.**
4 MV1 O.K... YOU SAID CAME.... DO YOU MV1 O.K... YOU SAID CAME.... DO YOU
5 KNOW WHAT KIND OF AMERICANS? KNOW WHAT KIND OF AMERICANS?
6 I MEAN CAN YOU DESCRIBE THEM I MEAN CAN YOU DESCRIBE THEM
7 FOR US? WHAT WERE THEY FOR US? WHAT WERE THEY
8 WEARING? WEARING?
9 FW FW **That is to say they wore something in**
10 **green color. They spoke Arabic.**
11 *[Local interpreter has interpreted*
12 *“Arabic” to “Iraqi”]*
13 MV1 AND HOW MANY WERE THEY? MV1 AND HOW MANY WERE THEY?
14 FW FW **Two.**
15 MV1 AND BOTH WEARING GREEN? MV1 AND BOTH WEARING GREEN?
16 FW FW **Yes.**
17 MV1 AND BOTH WERE SPEAKING IRAQI? AND BOTH WERE SPEAKING IRAQI?
18 FW FW **Yes.**
19 MV1 O.K.... NOW WHAT DID THEY DO MV1 O.K.... NOW WHAT DID THEY DO
20 WHEN THEY CAME INTO THE WHEN THEY CAME INTO THE
21 HOUSE? HOUSE?
22 FW FW **They saw us and told us let us go. Get**
23 **up. We said no. We are not coming. We**
24 **did not want to go. They said you have**
25 **to. Get up so that we can treat you in**
26 **Baghdad. They took and treated us. I**
27 **phoned my aunt who lives in Baghdad**
28 **around 8 in the morning and told her:**

1 "Aunt we here in the hospital...The "Ibn
2 Sina Hospital" She came and took us for
3 treatment there in the hospital ... The
4 Doctors Hospital.

5 MV1 O.K.... NOW WHEN THE TWO GUYS
6 IN GREEN CAME AND PICKED YOU
7 AND YOUR BROTHER UP... UMM...
8 DID THEY GO INSIDE THE ROOM
9 WHERE YOU WERE IN?

10 FW

11 MV1 DID THEY TAKE ANYBODY ELSE
12 OUT OF THAT ROOM?

13 FW

14 MV1 O.K.... WERE THERE ANYBODY
15 BESIDE YOU AND YOUR BROTHER
16 IN THAT ROOM?

17 FW

18 MV1 WHEN YOU SAY THEY WERE ALL
19 DEAD... WHO WERE ALL DEAD?

20 FW - - - - -

24 MV1 O.K.... ALL THESE PEOPLE YOU SAID
25 WERE DEAD. THEY WERE ALL IN
26 THAT ROOM?

27 FW

28 MV1 DO YOU KNOW HOW THEY DIED?

MV1 O.K.... NOW WHEN THE TWO GUYS
IN GREEN CAME AND PICKED YOU
AND YOUR BROTHER UP... UMM...
DID THEY GO INSIDE THE ROOM
WHERE YOU WERE IN?

FW

Yes.

MV1 DID THEY TAKE ANYBODY ELSE
OUT OF THAT ROOM?

FW

No. Only my brother and I.

MV1 O.K.... WERE THERE ANYBODY
BESIDE YOU AND YOUR BROTHER
IN THAT ROOM?

FW

No. They were dead.

MV1 WHEN YOU SAY THEY WERE ALL
DEAD... WHO WERE ALL DEAD?

FW

**My Mother – My father – My
grandfather – my grandmother – my
paternal uncle and my other paternal
uncle – and my brother Abdullah.**

MV1 O.K.... ALL THESE PEOPLE YOU SAID
WERE DEAD. THEY WERE ALL IN
THAT ROOM?

FW

Yes.

MV1 DO YOU KNOW HOW THEY DIED?

1	FW		FW	Yes. They were shot/hit. They came,
2				threw a bomb and it landed on my
3				grandfather.
4	MV1	DID YOU SEE THAT?	MV1	DID YOU SEE THAT?
5	FW		FW	Yes.
6	MV1	YOU SAW THEM THROW A BOMB?	MV1	YOU SAW THEM THROW A BOMB?
7	FW		FW	Yes.
8	MV1	WHEN YOU SAY THEY... WHO?	MV1	WHEN YOU SAY THEY... WHO?
9	FW		FW	They. The Marines.
10	MV1	O.K.... AND YOU SAW THE MARINE	MV1	O.K.... AND YOU SAW THE MARINE
11		THROW?		THROW?
12	FW		FW	Yes.
13	MV1	WHERE WERE YOU	MV1	WHERE WERE YOU
14	FW		FW	When they came they shot us. They shot
15				my father first. He was in his room
16				reading the Quran.
17	MV2	LET ME OBJECT. NON RESPONSIVE.	MV2	LET ME OBJECT. NON RESPONSIVE.
18	MV1	I WANT TO KNOW ABOUT THE	MV1	I WANT TO KNOW ABOUT THE
19		BOMB. SO TAKE HER BACK.		BOMB. SO TAKE HER BACK.
20	FW		FW	It is when they threw the bomb... I
21				looked towards my paternal uncles, my
22				grandmother, my mother and they were
23				all dead. I went... I went to our neighbor
24				house. I saw that they were all dead.
25	MV	OBJECTION. NON RESPONSIVE	MV2	OBJECTION. NON RESPONSIVE
26		AGAIN.		AGAIN.
27	MV1	YOU SAID... SHE SAID THEY... THEY	MV1	YOU SAID... SHE SAID THEY... THEY
28		THREW A BOMB. DID SHE SEE		THREW A BOMB. DID SHE SEE

1 SOMEONE THROW A BOMB?
2
3 FW
4 MV1 O.K. HOW MANY?
5 FW
6 MV1 O.K.... AFTER YOU SAW THE ONE...
7 WHAT WAS THE ONE...? WHAT WAS
8 HE WEARING?
9 FW
10 FW O.K.... UMM... WERE THEY
11 WEARING GREEN?
12 MV1 O.K... SO... YOU SAW ONE THROW A
13 BOMB?
14 FW
15 MV1 O.K... AFTER YOU SAW THAT ONE
16 THROW A BOMB, WHAT HAPPENED
17 AFTER THAT?
18 FW
19 MV1 YOU KEEP SAYING THEY AND YOU
20 TELL ME YOU ONLY SAW ONE?
21 *[Local interpreter had interpreted "HE" as*
22 *"THEY"]*
23 FW
24 MV1 AND AFTER THE BOMB DID YOU
25 LOOK AROUND THE ROOM?
26 FW
27 MV1 NO. WHAT I AM ASKING DID YOU
28 SEE WHAT HAPPENED AFTER THE

SOMEONE THROW A BOMB?

FW **Yes.**
MV1 O.K. HOW MANY?
FW **One.**
MV1 O.K.... AFTER YOU SAW THE ONE...
WHAT WAS THE ONE...? WHAT WAS
HE WEARING?
FW **I do not recall.**
FW **I do not recall ... I do not know.**
MV1 O.K... SO... YOU SAW ONE THROW A
BOMB?
FW **Yes.**
MV1 O.K... AFTER YOU SAW THAT ONE
THROW A BOMB, WHAT HAPPENED
AFTER THAT?
FW **That was it. He threw the bomb and left.**
MV1 YOU KEEP SAYING THEY AND YOU
TELL ME YOU ONLY SAW ONE?
[Local interpreter had interpreted "HE" as
"THEY"]
FW **Yes.**
MV1 AND AFTER THE BOMB DID YOU
LOOK AROUND THE ROOM?
FW **Do you mean the Americans? Yes.**
MV1 NO. WHAT I AM ASKING DID YOU
SEE WHAT HAPPENED AFTER THE

1 BOMB WAS THROWN? DID YOU SEE
2 WHAT HAPPEDEND AFTER THE
3 BOMB WAS THROWN? RIGHT AFTER
4 THE BOMB WAS THOWN WHAT
5 HAPPENED?

6 FW

7

8 MV1 YOU SAID THEY SHOT US. DID YOU
9 KNOW WHO SHOT YOU?

10 FW

11

12

13 MV1 O.K. ... HOW MANY DID YOU SEE
14 FROM THE LIVING ROOM DOOR
15 SHOOTING?

16 FW1

17 MV1 DO YOU KNOW WHO THEY WERE?

18 FW

19 MV1 DID YOU SEE THE TWO SHOOTING
20 AFTER THE BOMB EXPLODED OR
21 BEFORE??

22 FW

23 MV1 AFTER YOU SAW THE TWO
24 SHOOTING AT THE DOOR WHAT
25 HAPPENED NEXT?

26 FW

27 MV1 O.K.... AND DID THE BOMB
28 EXPLODE?

BOMB WAS THROWN? DID YOU SEE
WHAT HAPPEDEND AFTER THE
BOMB WAS THROWN? RIGHT AFTER
THE BOMB WAS THOWN WHAT
HAPPENED?

FW **Nothing happened. They shot us. They
shot all of us.**

MV1 YOU SAID THEY SHOT US. DID YOU
KNOW WHO SHOT YOU?

FW **Yes No I did not see that. But they were
shooting at us from the door of the
living-room**

MV1 O.K. ... HOW MANY DID YOU SEE
FROM THE LIVING ROOM DOOR
SHOOTING?

FW **Two.**

MV1 DO YOU KNOW WHO THEY WERE?

FW **No.**

MV1 DID YOU SEE THE TWO SHOOTING
AFTER THE BOMB EXPLODED OR
BEFORE??

FW **No ... After... No, before.**

MV1 AFTER YOU SAW THE TWO
SHOOTING AT THE DOOR WHAT
HAPPENED NEXT?

FW **They threw the bomb and left.**

MV1 O.K.... AND DID THE BOMB
EXPLODE?

1	FW		FW	Yes.
2	MV1	AND YOU SAW IT?	MV1	AND YOU SAW IT?
3	FW		FW	Yes.
4	MV1	AND YOU HEARD IT?		AND YOU HEARD IT?
5	FW		FW	Yes.
6	MV1	AND THE SAME THINGS FOR THE	MV1	AND THE SAME THINGS FOR THE
7		SHOOTING BEFORE THE BOMB		SHOOTING BEFORE THE BOMB
8		WENT OFF. DID YOU SEE IT ... SHE		WENT OFF. DID YOU SEE IT ... SHE
9		SAID BEFORE THE BOMB WENT OFF,		SAID BEFORE THE BOMB WENT OFF,
10		YOU ... THERE WERE TWO GUYS		YOU ... THERE WERE TWO GUYS
11		SHOOTING ?		SHOOTING ?
12	FW		FW	Yes.
13	MV1	DID YOU SEE THEM SHOOTING	MV1	DID YOU SEE THEM SHOOTING
14	FW		FW	Yes.
15	MV1	WHAT WERE THEY POINTING AT?	MV1	WHAT WERE THEY POINTING AT?
16	FW		FW	They had them pointed at my
17				grandfather because he was in front of
18				the door.
19	MV1	O.K. ... THAT IS THE ONLY PLACE	MV1	O.K. ... THAT IS THE ONLY PLACE
20		THEY FIRED?		THEY FIRED?
21	FW		FW	They first fired at my grandfather ...He
22				fell to the floor ... He then raised his
23				head and they shot him with two bullets.
24	MV1	AND THAT WAS THE END OF THE	MV1	AND THAT WAS THE END OF THE
25		SHOOTING?		SHOOTING?
26	FW		FW	Yes.
27	MV1	AND THERE WERE NO MORE	MV1	AND THERE WERE NO MORE
28		SHOOTING?		SHOOTING?

1	FW		FW	Yes.
2	MV1	AND THEN THEY THREW THE	MV1	AND THEN THEY THREW THE
3		BOMB?		BOMB?
4	FW		FW	No.
5	MV1	NO?	MV1	NO?
6	FW		FW	Yes ... No.
7	MV1	SO WHAT HAPPENED AFTER THEY	MV1	SO WHAT HAPPENED AFTER THEY
8		SHOT YOUR GRANDAD?		SHOT YOUR GRANDAD?
9	FW		FW	Nothing happened.
10	MV1	DID YOUR GRANDPA HAVE A	MV1	DID YOUR GRANDPA HAVE A
11		WEAPON IN THAT HOUSE?		WEAPON IN THAT HOUSE?
12	MV2	LEADING ... LEADING ...LEADING	MV1	LEADING ... LEADING ...LEADING
13	FW		FW	No.
14	MV1	DID ANYBODY ELSE SHOOT IN THAT	MV1	DID ANYBODY ELSE SHOOT IN THAT
15		ROOM?		ROOM?
16	FW		FW	What do you mean? They killed people.
17	MV1	DO YOU KNOW IF THERE WERE ANY	MV1	DO YOU KNOW IF THERE WERE ANY
18		WEAPONS IN THAT ROOM?		WEAPONS IN THAT ROOM?
19	FW		FW	No. There were not
20	MV1	DID YOUR UNCLES HAVE ANY	MV1	DID YOUR UNCLES HAVE ANY
21		WEAPONS?		WEAPONS?
22	FW		FW	No.
23	MV1	YOUR DAD?	MV1	YOUR DAD?
24	FW		FW	No.
25	MV1	YOU SAID EARLIER THAT YOU	MV1	YOU SAID EARLIER THAT YOU
26		WERE SHOT. DO YOU KNOW		WERE SHOT. DO YOU KNOW
27		WHEN...WHEN WAS THAT YOU		WHEN...WHEN WAS THAT YOU
28		WERE SHOT?		WERE SHOT?

1 FW
2 MV1 WAS IT BEFORE OR AFTER THE
3 BOMB EXPLODED?
4 FW
5 MV1 O.K....AND DID THAT ... IN THAT
6 ROOM YOU WERE IN?
7 FW
8 MV1 WERE YOU AWAKE WHEN YOU
9 WERE SHOT?
10 FW
11 MV1 DID YOU KNOW YOU WERE SHOT?
12 FW
13 MV1 DID YOU KNOW HOW YOU WERE
14 SHOT?
15 FW
16
17 MV1 DID YOU HEAR ANYTHING BEFORE
18 YOU STARTED BLEEDING?
19 FW
20 MV1 DID YOU SEE ANYTHING BEFORE
21 YOU STARTED BLEEDING?
22 FW
23 MV1 BESIDES YOUR FAMILY THAT DAY
24 WHO ELSE WAS IN THE HOUSE?
25 FW
26 MV1 I AM GOING TO ASK FOR A 5
27 MINUTE BREAK AND EXCUSE THE
28 WITNESS.

FW **Yes.**
MV1 WAS IT BEFORE OR AFTER THE
BOMB EXPLODED?
FW **No. After.**
MV1 O.K....AND DID THAT ... IN THAT
MV1 ROOM YOU WERE IN?
FW **Yes.**
MV1 WERE YOU AWAKE WHEN YOU
WERE SHOT?
FW **Yes. I was awake.**
MV1 DID YOU KNOW YOU WERE SHOT?
FW **Yes.**
MV1 DID YOU KNOW HOW YOU WERE
SHOT?
FW **No. I did not see it. All of a sudden blood
was seeping from my leg.**
MV1 DID YOU HEAR ANYTHING BEFORE
YOU STARTED BLEEDING?
FW **Yes.**
MV1 DID YOU SEE ANYTHING BEFORE
YOU STARTED BLEEDING?
FW **No.**
MV1 BESIDES YOUR FAMILY THAT DAY
WHO ELSE WAS IN THE HOUSE?
FW **There was no one.**
MV1 I AM GOING TO ASK FOR A 5 MINUTE
BREAK AND EXCUSE THE WITNESS.

1 FV ALL RIGHT... WE ARE BACK ON THE
2 RECORD. I WILL REMIND THE
3 WITNESS THAT YOUR ARE STILL
4 UNDER OATH... COUNSEL YOU
5 MAY PROCEED.

6 MV1 YES MAAM... BEFORE WE BROKE,
7 EMAN, YOU SAID YOU GRANDPA
8 WAS SHOT?

9 FW

10 MV1 AND YOU SAID EARLIER THAT YOU
11 BELIEVE YOU WERE SHOT TOO?

12 FW

13 MV1 DO YOU KNOW IF ANYONE ELSE IN
14 THE HOUSE THAT DAY WAS SHOT?

15 FW

17 MV1 O.K. ... WHICH UNCLE WAS SHOT?

18 FW

19 MV1 DO YOU KNOW HOW HE DIED?

20 FW

21

22

23

24

25

26 MV2 OBJECTION. LACK FOUNDATION.
27 HEARSAY.

28 FW

FV ALL RIGHT... WE ARE BACK ON THE
RECORD. I WILL REMIND THE
WITNESS THAT YOUR ARE STILL
UNDER OATH... COUNSEL YOU
MAY PROCEED.

MV1 YES MAAM... BEFORE WE BROKE,
EMAN, YOU SAID YOU GRANDPA
WAS SHOT?

FW **Yes.**

MV1 AND YOU SAID EARLIER THAT YOU
BELIEVE YOU WERE SHOT TOO?

FW **Yes.**

MV1 DO YOU KNOW IF ANYONE ELSE IN
THE HOUSE THAT DAY WAS SHOT?

FW **Only my uncle who was wounded but
died.**

MV1 O.K. ... WHICH UNCLE WAS SHOT?

FW **Rasheed.**

MV1 DO YOU KNOW HOW HE DIED?

FW **That is to say he told me he was going to
have a drink of water, but he did not
drink any water. He went down to my
grandfather's house. He saw Americans
there, that is to say there were snipers
around ...**

MV1 OBJECTION. LACK FOUNDATION.
HEARSAY.

FW **.... A sniper shot and killed him with a**

1
2 MV2 I AM GOING TO OBJECT. WE ARE
3 GOING TO HAVE THE WITNESS
4 TESTIFY TO WHAT THE WITNESS
5 SAW AND INSTEAD OF RELATING
6 SOMETHING ELSE AND THIS IS
7 SOMETHING THE WITNESS CANNOT
8 ANSWER.

9 FV DO YOU WANT TO REPHRASE THE
10 QUESTION?

11 MV1 NO MAAM. ... DID YOU SEE THIS
12 HAPPEN?

13 FW

14 MV1 THEN HOW DID YOU KNOW THAT IT
15 HAPPENED?

16 FW

17
18 MV1 OTHER THAN RASHEED DO YOU
19 KNOW IF ANYONE ELSE DIED THAT
20 DAY IN YOUR HOUSE?

21 FW

22 MV1 OBJECTION THIS STATES FACTS NOT
23 IN EVIDENCE.

24 MV1 AND YOU STATED MUCH MUCH
25 EARLIER IN YOUR TESTIMONY, YOU
26 GAVE ME THE WHOLE LIST OF WHO
27 DIED THAT DAY. AND I AM GOING
28 TO GO DOWN EACH ONE AND ASK

bullet.

MV2 I AM GOING TO OBJECT. WE ARE
GOING TO HAVE THE WITNESS
TESTIFY TO WHAT THE WITNESS
SAW AND INSTEAD OF RELATING
SOMETHING ELSE AND THIS IS
SOMETHING THE WITNESS CANNOT
ANSWER.

FV DO YOU WANT TO REPHRASE THE
QUESTION?

MV1 NO MAAM. ... DID YOU SEE THIS
HAPPEN?

FW **No.**

MV1 THEN HOW DID YOU KNOW THAT IT
HAPPENED?

FW **It was when I came back from Baghdad
my maternal uncle's family told me.**

MV1 OTHER THAN RASHEED DO YOU
KNOW IF ANYONE ELSE DIED THAT
DAY IN YOUR HOUSE?

FW **Yes.**

MV1 OBJECTION THIS STATES FACTS NOT
IN EVIDENCE.

MV3 AND YOU STATED ,MUCH MUCH
EARLIER IN YOUR TESTIMONY, YOU
GAVE ME THE WHOLE LIST OF WHO
DIED THAT DAY. AND I AM GOING
TO GO DOWN EACH ONE AND ASK

1 YOU IF YOU KNOW HOW EACH ONE
2 DIED?

3 FW

4 MV1 WE HAVE ALREADY TALKED ABOUT
5 YOUR GRANDPA.

6 MV2 I AM GOING TO OBJECT. TO THESE
7 QUESTIONS. THE WITNESS HAS
8 ALREADY DEMONSTRATED THAT
9 SHE DOES NOT HAVE THE
10 FOUNDATION TO ANSWER THESE
11 QUESTIONS.

12 FV YOUR OBJECTION IS NOTED IN THE
13 RECORD.

14 MV1 WE HAVE ALREADY GONE ABOUT
15 YOUR GRANDFATHER AND YOUR
16 UNCLE RASHEED. DO YOU HOW
17 YOUR GRANDMOTHER DIED?

18 FW

19
20
21 MV2 OBJECTION. WITNESS LACKS
22 FOUNDATION. SHE HAS NO ABILITY
23 TO SEE WHAT HAPPENED. TO
24 PERCEIVE. HER TESTIMONY SAYS
25 SHE WAS IN A COMPLETELY
26 DIFFERENT ROOM.

27 FW

28

YOU IF YOU KNOW HOW EACH ONE
DIED?

FW **Yes.**

MV1 WE HAVE ALREADY TALKED ABOUT
YOUR GRANDPA.

MV2 I AM GOING TO OBJECT. TO THESE
QUESTIONS. THE WITNESS HAS
ALREADY DEMONSTRATED THAT
SHE DOES NOT HAVE THE
FOUNDATION TO ANSWER THESE
QUESTIONS.

FV YOUR OBJECTION IS NOTED IN THE
RECORD.

MV1 WE HAVE ALREADY GONE ABOUT
YOUR GRANDFATHER AND YOUR
UNCLE RASHEED. DO YOU HOW
YOUR GRANDMOTHER DIED?

FW **My grandmother ... My father was in
his room reading the Quran, when they
shot him.**

MV1 OBJECTION. WITNESS LACKS
FOUNDATION SHE HAS NO ABILITY
TO SEE WHAT HAPPENED. TO
PERCIEVE. HER TESTIMONY SAYS
SHE WAS IN A COMPLETELY
DIFFERENT ROOM.

FW **She went to him and the Americans
came and killed her.**

1	MV1	O.K. ...	MV1	O.K. ...
2	MV2	OBJECTION AGAIN ...	MV2	OBJECTION AGAIN ...
3	MV1	DID YOU SEE GRAND?...	MV1	DID YOU SEE GRAND?...
4	FV	PLEASE LET THE COUNSEL STATE	FV	PLEASE LET THE COUNSEL STATE
5		HIS OBJECTION.		HIS OBJECTION.
6	MV2	SAME GROUND. WITNESS DID NOT	MV2	SAME GROUND. WITNESS DID NOT
7		SEE THIS HAPPENING.		SEE THIS HAPPENING.
8	FV	THANK YOU.	FV	THANK YOU.
9	MV1	DID YOU SEE THIS HAPPEN?	MV1	DID YOU SEE THIS HAPPEN?
10	FW		FW	No.
11	MV1	O.K....HOW ABOUT YOUR MUM?	MV1	O.K....HOW ABOUT YOUR MUM?
12		HOW DID SHE DIE?		HOW DID SHE DIE?
13	FW		FW	My mother was sitting beside me. While
14				we were sitting they shot her.
15	MV1	WHEN YOU SAY THEY... WHO ARE	MV1	WHEN YOU SAY THEY... WHO ARE
16		THEY?		THEY?
17	FW		FW	The Americans.
18	MV1	AND YOU SAW THEM SHOOT YOUR	MV1	AND YOU SAW THEM SHOOT YOUR
19		MUM?		MUM?
20	FW		FW	Yes.
21	MV1	HOW MANY WERE THERE?	MV1	HOW MANY WERE THERE?
22	FW		FW	One.
23	Mv1	O.K.... HOW ABOUT YOUR DAD.	MV1	O.K.... HOW ABOUT YOUR DAD.
24		HOW DID HE DIE?		HOW DID HE DIE?
25	FW		FW	He was reading the Quran they came ...
26	MV2	OBJECTION. LACKS FOUNDATION.	MV2	OBJECTION. LACKS FOUNDATION.
27		WITNESS LAKS ABILITY TO		WITNESS LAKS ABILITY TO
28		PERCIEVE THIS. SHE ALREADY		PERCIEVE THIS. SHE ALREADY

1 STATED SHE DID NOT OBSERVE
2 THIS.

3 FW

4
5

6 MV2 OBJECTION. NOT RESPONSIVE.

7 MV1 WHEN YOU SAY THEY. WHAT DID
8 YOU MEAN BY THEY?

9 FW

10 MV1 DID YOU SEE THAT HAPPEN?

11 FW

12 MV1 YOU SAID YOU BROTHER ABDULLA.
13 HOW DID HE DIE?

14 FW

15
16
17
18

19 MV1 DID YOU SEE THAT HAPPEN?

20 MV2 LOOKS LIKE SHE SAYS NO.

21 INT YES

22 FV CORRECT. MEANING SHE SAID NO.

23 MV2 THANK YOU.

24 MV1 UNCLE JAHEED YOU KNOW HOW HE
25 DIED?

26 FW

27
28

STATED SHE DID NOT OBSERVE
THIS.

FW

**... They came upon him in his room...
They burned the room and shot him and
left.**

MV2 OBJECTION. NOT RESPONSIVE.

MV1 WHEN YOU SAY THEY. WHAT DID
YOU MEAN BY THEY?

FW

The Americans.

MV1 DID YOU SEE THAT HAPPEN?

FW

No.

MV1 YOU SAID YOU BROTHER ABDULLA.
HOW DID HE DIE?

FW

**My brother Abdulla was sitting next to
my mother. He went to his father
because he was dead... because he loved
him so much. And the Americans shot
him.**

MV1 DID YOU SEE THAT HAPPEN?

MV2 LOOKS LIKE SHE SAYS NO.

INT

YES.

FV CORRECT. MEANING SHE SAID NO.

MV2 THANK YOU.

MV1 UNCLE JAHEED YOU KNOW HOW HE
DIED?

FW

**My paternal uncle Jaheed was sitting
besides me near the door. The
Americans came and shot him.**

1 MV1 AND YOU SAW THT HAPPEN?
2 FW
3 MV1 AND HOW MANY WERE THERE?
4 FW
5 MV1 AND DO YOU KNOW WHO THEY
6 WERE?
7 FW
8 MV1 DID YOU SAY 4 OR 5 MARINES
9 KILLED YOUR UNCLE?
10 FW
11 MV2 WAIT ... WAIT WHICH UNCLE WERE
12 ... ARE YOU TALKING ABOUT?
13 FW
14 FV COURT REPORTER DID YOU GET
15 HER ANSWER?
16 MV3 YES MAAM
17 MV1 ARE WE TALKING ABOUT YOUR
18 UNCLE JAHEED?
19 FW
20 MV1 HE WAS SITTING BESIDES YOU?
21 FW
22 MV1 IN THE ROOM THAT YOU DREW ON
23 THE DIAGRAM?
24 MF
25 MV1 AND YOU SEE HIM GET SHOT?
26 FW
27 MV1 AND HOW MANY TIMES WAS HE
28 SHOT?

MV1 AND YOU SAW THT HAPPEN?
FW **Yes.**
MV1 AND HOW MANY WERE THERE?
FW **Four or five came to the living-room.**
MV1 AND DO YOU KNOW WHO THEY
WERE?
FW **It was the Marines who killed us.**
MV1 DID YOU SAY 4 OR 5 MARINES
KILLED YOUR UNCLE?
FW **Yes.**
MV1 WAIT ... WAIT WHICH UNCLE WERE
... ARE YOU TALKING ABOUT?
FW **Yes.**
FV COURT REPORTER DID YOU GET
HER ANSWER?
MV3 YES MAAM
MV1 ARE WE TALKING ABOUT YOUR
UNCLE JAHEED?
FW **Yes.**
MV1 HE WAS SITTING BESIDES YOU?
FW **That is it.**
MV1 IN THE ROOM THAT YOU DREW ON
THE DIAGRAM?
FW **The same.**
AND YOU SEE HIM GET SHOT?
FW **Yes.**
MV1 AND HOW MANY TIMES WAS HE
SHOT?

1 FW
2 MV1 WHEN YOU SAW THOSE 4 OR 5
3 MARINES DID YOU SEE THEM
4 SHOOT ANYONE ELSE WHILE THEY
5 WERE IN THAT ROOM?
6 FW
7 MV1 DID YOU SEE THEM SHOOT
8 ANYBODY ELSE AFTER THEY SHOT
9 HER UNCLE?
10 FW
11 MV1 WHO DID YOU SEE THEM SHOOT?
12 FW
13
14 MV1 NO ONE? YOU ARE SAYING YOU
15 SAW YOUR UNCE RASHEED GET
16 SHOT?
17 FW
18
19 FW WHERE WAS YOUR UNCLE JAHEED
20 SHOT?
21 FW
22 MV1 WHERE?
23 FW
24 MV1 HE WAS SITTING NEXT TO YOU.
25 WHERE WERE YOU SITTING?
26 FW
27 MV1 I WILL REPHRASE THE QUESTION.
28 WERE YOU AND YOUR UNCLE

FW **One time.**
MV1 WHEN YOU SAW THOSE 4 OR 5
MARINES DID YOU SEE THEM
SHOOT ANYONE ELSE WHILE THEY
WERE IN THAT ROOM?
FW **They shot my paternal uncle Rasheed.**
MV1 DID YOU THEM SHOOT ANYBODY
ELSE AFTER THEY SHOT HER
UNCLE?
FW **Yes.**
WHO DID YOU SEE THEM SHOOT?
FW **They shot my paternal uncle Jaheed and
my paternal uncle Rasheed.**
MV1 NO ONE? YOU ARE SAYING YOU
SAW YOUR UNCE RASHEED GET
SHOT?
FW **When they killed my uncle Rasheed,
they killed my uncle Jaheed.**
MV1 WHERE WAS YOUR UNCLE JAHEED
SHOT?
FW **He was sitting besides me.**
MV1 WHERE?
FW **In the corner of the living-room.**
MV1 HE WAS SITTING NEXT TO YOU.
WHERE WERE YOU SITTING?
FW **In the corner of the living-room.**
MV1 I WILL REPHRASE THE QUESTION.
WERE YOU AND YOUR UNCLE

1 SITTING IN THE ROOM YOU DREW?
2 FW
3 MV1 AND DID YOU SEE YOUR UNCLE
4 JAHEED WHEN HE WAS SHOT?
5 FW
6 MV1 AND WHEN YOU SAW HIM GET
7 SHOT. HOW MANY SHOTS WERE
8 THERE
9 AGAIN?
10 FW
11 MV1 AFTER THE ONE SHOT, WAS THERE
12 ANYMORE SHOTS IN THE ROOM?
13 AND BEFORE THAT SHOT?
14 FW
15 MV1 WAS THAT THE LAST SHOT?
16 MW
17 MV1 AND BEFORE THAT SHOT... I AM
18 SORRY ... BESIDES THAT ONE SHOT
19 ON YOUR UNCLE JAHEED, WAS
20 THERE ANY SHOOTING BEFORE
21 THAT SHOT?
22 FW
23 MV1 O.K....AND DO YOU REMEMBER
24 HOW MANY SHOTS YOU HEARD
25 BEFORE THE SHOT THAT... BEFORE
26 JAHEED WAS SHOT?
27 FW
28 MV DID YOU SEE ... DID YOU SEE...?

SITTING IN THE ROOM YOU DREW?
FW **Yes.**
MV1 AND DID YOU SEE YOUR UNCLE
JAHEED WHEN HE WAS SHOT?
FW **Yes.**
MV1 AND WHEN YOU SAW HIM GET
SHOT. HOW MANY SHOTS WERE
THERE AGAIN?
FW **One ...One.**
MV1 AFTER THE ONE SHOT, WAS THERE
ANYMORE SHOTS IN THE ROOM?
AND BEFORE THAT SHOT?
FW **No.**
MV1 WAS THAT THE LAST SHOT?
MW **Yes.**
MV1 AND BEFORE THAT SHOT... I AM
SORRY ... BESIDES THAT ONE SHOT
ON YOUR UNCLE JAHEED, WAS
THERE ANY SHOOTING BEFORE
THAT SHOT?
FW **Yes.**
MV1 O.K. AND DO YOU REMEMBER HOW
MANY SHOTS YOU HEARD BEFORE
THE SHOT THAT... BEFORE JAHEED
WAS SHOT?
FW **No.**
MV1 DID YOU SEE? ... DID YOU SEE?

1 1 UMM I... [UN] JUST ONE ... ONE
2 SECOND. YOU SAID THAT THERE
3 WERE 4 OR 5 MARINES IN THE ROOM
4 WHEN YOUR UNCLE WAS SHOT?

5 FW

6 MV1 AND THEY WERE INSIDE THAT
7 ROOM THAT YOU DREW FOR ME?
8 RIGHT?

9 FW

10 MV1 DID YOU SEE THOSE 4 OR 5
11 MARINES ENTER THE ROOM?

12 FW

13 MV1 WHAT DID THEY DO WHEN THEY
14 FIRST ENTERED THE ROOM?

15 FW

16 **As soon as they entered they went**
17 **straight up to my paternal uncle Jaheed**
18 **and killed him.**

19 MV1 WHEN YOU SAY ... HOW MANY
20 ACTUALLY SHOT YOUR UNCLE? DID
21 YOU SEE?

22 FW

23 MV1 I WILL REPHRASE IT. DID SHE SEE?
24 ... THAT IS RIGHT... AFTER THE
25 MARINES ENTERED THE ROOM AND
26 WALKED UP TO YOUR UNCLE AND
27 SHOT HIM, WHAT DID THEY DO
28 NEXT?

FW

UMM I... [UN] JUST ONE ... ONE
SECOND. YOU SAID THAT THERE
WERE 4 OR 5 MARINES IN THE ROOM
WHEN YOUR UNCLE WAS SHOT?

FW **Yes.**

MV1 AND THEY WERE INSIDE THAT
ROOM THAT YOU DREW FOR ME?
RIGHT?

FW **Yes.**

MV1 DID YOU SEE THOSE 4 OR 5
MARINES ENTER THE ROOM?

FW **Yes.**

MV1 WHAT DID THEY DO WHEN THEY
FIRST ENTERED THE ROOM?

FW **As soon as they entered they went**
straight up to my paternal uncle Jaheed
and killed him.

MV1 WHEN YOU SAY ... HOW MANY
ACTUALLY SHOT YOUR UNCLE? DID
YOU SEE?

FW **No.**

MV1 I WILL REPHRASE IT. DID SHE SEE?
... THAT IS RIGHT... AFTER THE
MARINES ENTERED THE ROOM AND
WALKED UP TO YOUR UNCLE AND
SHOT HIM, WHAT DID THEY DO
NEXT?

FW **They did not do anything.**

1 MV1 DID THEY STAY IN THE ROOM? MV1 DID THEY STAY IN THE ROOM?
2 FW FW **No.**
3 MV1 THAT IS BEFORE OR AFTER THE MV1 THAT IS BEFORE OR AFTER THE
4 BOMB? BOMB?
5 FW FW **No ... After the bomb.**
6 MV1 WAS YOUR MUM AND BROTHER MV1 WAS YOUR MUM AND BROTHER
7 STILL IN THE ROOM WHEN THEY STILL IN THE ROOM WHEN THEY
8 LEFT? LEFT?
9 FW FW **Yes.**
10 MV1 WERE THEY DEAD? MV1 WERE THEY DEAD?
11 FW FW **Yes.**
12 MV1 WAS YOUR GRANDPA DEAD? MV1 WAS YOUR GRANDPA DEAD?
13 FW FW **Yes.**
14 MV1 JUST TALKING ABOUT THE PEOPLE MV1 JUST TALKING ABOUT THE PEOPLE
15 THAT WERE IN THAT ROOM. WHO THAT WERE IN THAT ROOM. WHO
16 WAS THE FIRST PERSON TO DIE? WAS THE FIRST PERSON TO DIE?
17 FW FW **The first one was my grandfather.**
18 MV1 DID YOU KNOW HOW HE DIED? MV1 DID YOU KNOW HOW HE DIED?
19 FW FW **Yes.**
20 MV1 WHO WAS THE NEXT ONE? MV1 WHO WAS THE NEXT ONE?
21 FW FW **My father.**
22 MV1 HE WAS IN THAT ROOM? MV1 HE WAS IN THAT ROOM?
23 FW FW **No in his room.**
24 MV2 WAS HE IN HIS ROOM? I AM GOING MV2 WAS HE IN HIS ROOM? I AM GOING
25 TO OBJECT. WITNESS LACKS TO OBJECT. WITNESS LACKS
26 FOUNDATION. SHE DID NOT FOUNDATION. SHE DID NOT
27 WITNESS THAT. WE HAVE BEEN WITNESS THAT. WE HAVE BEEN
28 THROUGH THIS BEFOR. THROUGH THIS BEFOR.

1 MV1 AFTER YOUR DAD, WHO WAS THE
2 NEXT ONE?
3 FW
4 MV1 O.K. AND WAS SHE IN THAT ROOM?
5 WF
6 MV1 WHO WAS THE NEXT ONE?
7 FW
8 MV1 WHICH ONE?
9 FQ
10 MV1 JAHEED AND AFTER JAHEED, WHO
11 WAS AFTER HIM?
12 FW
13 MV1 O.K.... AND WHO AFTER RASHEED?
14 FW
15 MV1 O.K....AND YOUR MOTHER DID YOU
16 SEE HOW SHE DIED?
17 FW
18 MV1 WHO WAS AFTER YOUR MOTHER?
19 FW
20 MV1 O.K... DID YOU SEE HOW HE DIED?
21 FW
22 MV2 I AM GOING TO OBJECT TO THE LINE
23 OF QUESTIONS. HE IS ASKING HOW
24 SHE DIED, WHO DIED. SHE DID NOT
25 EVEN PERCIEVE THESE.
26 FV YOUE OBJECTION IS NOTED.
27 COUNSEL DID YOU WANT TO
28 REPHRASE OR ...

MV1 AFTER YOUR DAD, WHO WAS THE
NEXT ONE?
FW **My grandmother.**
MV1 O.K. AND WAS SHE IN THAT ROOM?
FW **Yes.**
MV1 WHO WAS THE NEXT ONE?
FW **My paternal uncle.**
MV1 WHICH ONE?
FW **My paternal uncle Jaheed.**
MV1 JAHEED AND AFTER JAHEED, WHO
WAS AFTER HIM?
FW **My paternal uncle Rasheed.**
O.K.... AND WHO AFTER RASHEED?
FW **My mother.**
O.K....AND YOUR MOTHER DID YOU
SEE HOW SHE DIED?
FW **No.**
WHO WAS AFTER YOUR MOTHER?
FW **My brother.**
O.K... DID YOU SEE HOW HE DIED?
FW **No.**
MV2 I AM GOING TO OBJECT TO THE LINE
OF QUESTIONS. HE IS ASKING HOW
SHE DIED, WHO DIED. SHE DID NOT
EVEN PERCIEVE THESE.
FV YOUE OBJECTION IS NOTED.
COUNSEL DID YOU WANT TO
REPHRASE OR ...

1 MV1 NO. THERE IS NO WAY OF
2 REPHRASING

3 FV O.K.... LET US GO ON.

4 MV1 EMAN, AFTER YOU SAID YOU SAW
5 YOUR UNCLE JAHEED ...JAHEED...
6 DID I SAY IT RIGHT? ... GET SHOT.
7 YOU SAW 4 OR 5 MARINES IN YOUR
8 ROOM?

9 FW

10 MV1 AND YOU THEN TESTIFIED THEY
11 LEFT AFTER THEY SHOT YOUR
12 UNCLE JAHEED, RIGHT?

13 FW

14 MV1 DID YOU SEE MARINES COME BACK
15 INTO THE ROOM THAT DAY?

16 FW

17 MV1 OH. I PASS MAAM.

18 FV NO OTHER QUESTION LIEUTENANT
19 [UN]. DOES THE DEFENSE COUNSEL
20 HAVE ANY QUESTIONS THEY LIKE
21 TO POSE?

22 MV2 WE DO MAAM. WE WOULD LIKE TO
23 TAKE JUST ABOUT 10 MINUTES
24 BREAK.

25 FV SURE NO PROBLEM, WE WILL GO
26 OFF THE RECORD. BACK ON THE
27 RECORD AND I WOULD REMIND THE
28 WITNESS THAT YOUR ARE STILL

MV1 NO. THERE IS NO WAY OF
REPHRASING.

FV O.K.... LET US GO ON.

MV1 EMAN, AFTER YOU SAID YOU SAW
YOUR UNCLE JAHEED ...JAHEED...
DID I SAY IT RIGHT? ... GET SHOT.
YOU SAW 4 OR 5 MARINES IN YOUR
ROOM?

FW **Yes.**

MV1 AND YOU THEN TESTIFIED THEY
LEFT AFTER THEY SHOT YOUR
UNCLE JAHEED, RIGHT?

FW **Yes.**

MV1 DID YOU SEE MARINES COME BACK
INTO THE ROOM THAT DAY?

FW **No.**

MV1 OH. I PASS MAAM.

FV NO OTHER QUESTION LIEUTENANT
[UN]. DOES THE DEFENSE COUNSEL
HAVE ANY QUESTIONS THEY LIKE
TO POSE?

MV2 WE DO MAAM. WE WOULD LIKE TO
TAKE JUST ABOUT 10 MINUTES
BREAK.

FV SURE NO PROBLEM, WE WILL GO
OFF THE RECORD. BACK ON THE
RECORD AND I WOULD REMIND THE
WITNESS THAT YOUR ARE STILL

1 UNDER OATH. ALSO I WANT TO ASK
2 A QUESTION BEFORE WE PROCEED
3 FURTHER. I NOTE THAT WE DO
4 HAVE A DIAGRAM... UMM... WAS
5 THERE AN INTENTIONS TO BE PUT
6 INTO EVIDENCE?

7 MV1 YES MAAM ...

8 FV WHAT SHALL IT BE MARKED?

9 MV1 YES MAAM ... DEPOSITION EXHIBIT
10 NO. 1.

11 FV DEPOSITION EXHIBIT 1.

12 MV1 AND THAT WILL BE THE DIAGRAM
13 THAT WAS DRAWN BY THE
14 WITNESS EMAN.

15 FV CORRECT ... COUNSEL FOR THE
16 DEFENSE DO YOU HAVE ANY
17 QUESTIONS YOU LIKE TO PRESENT
18 AT THIS TIME?

19 MV2 YES MAAM.

20 FV O.K...PROCEED.

21 MV2 GOOD MORNING EMAN ... MY NAME
22 IS LIEUTENANT COLONEL VOLKEY.
23 HOW OLD ARE YOU?

24 FW

25 MV2 YOU ARE A VERY BRAVE GIRL TO
26 COME HERE THIS MORNING ... IS IT
27 VERY DIFFICULT?

28 FW

UNDER OATH. ALSO I WANT TO ASK
A QUESTION BEFORE WE PROCEED
FURTHER. I NOTE THAT WE DO
HAVE A DIAGRAM... UMM... WAS
THERE AN INTENTIONS TO BE PUT
INTO EVIDENCE?

MV1 YES MAAM ...

FV WHAT SHALL IT BE MARKED?

MV1 YES MAAM ... DEPOSITION EXHIBIT
NO. 1.

FV DEPOSITION EXHIBIT 1.

MV1 AND THAT WILL BE THE DIAGRAM
THAT WAS DRAWN BY THE
WITNESS EMAN.

FV CORRECT ... COUNSEL FOR THE
DEFENSE DO YOU HAVE ANY
QUESTIONS YOU LIKE TO PRESENT
AT THIS TIME?

MV2 YES MAAM.

FV O.K...PROCEED.

MV2 GOOD MORNING EMAN ... MY NAME
IS LIEUTENANT COLONEL VOLKEY.
HOW OLD ARE YOU?

FW **I am 15 years old.**

MV2 YOU ARE A VERY BRAVE GIRL TO
COME HERE THIS MORNING ... IS IT
VERY DIFFICULT?

FW **No.**

1 MV2 THAT HOUSE IN THE DIAGRAM,
2 HAVE YOU LIVED THERE ALL YOUR
3 LIFE?

4 FW

5 MV2 AND WHO LIVED NEXT DOOR TO
6 YOU?

7 FW

8 MV2 IN THE HOUSE NEXT TO IT?

9 FW

10 MV2 AND IS YUNIS HOUSE ... IS YUNIS
11 HOUSE ... IS YUNIS RELATED TO
12 YOU?

13 FW

14
15 MV2 AND TELL ME ABOUT THE OTHER
16 NEIGHBORS YOU HAVE?

17 FW

18
19 MV2 AND WHAT WERE THEIR NAMES?

20 FW

21
22 MV2 AND ... UUH ... DID YOU KNOW
23 ANYONE WHO LIVED ACROSS THE
24 ROAD?

25 FW

26
27 MV2 No? WHO WERE THE FRIENDS YOU
28 HAD IN THE NEIGHBORHOOD?

MV2 THAT HOUSE IN THE DIAGRAM,
HAVE YOU LIVED THERE ALL YOUR
LIFE?

FW **Yes.**

MV2 AND WHO LIVED NEXT DOOR TO
YOU?

FW **Does he mean the next house?**

IN THE HOUSE NEXT TO IT?

FW **Next to it Yunis's house... Yunis's house.**

MV2 AND IS YUNIS HOUSE ... IS YUNIS
HOUSE ... IS YUNIS RELATED TO
YOU?

FW **He is my paternal cousin ...My paternal
cousin.**

MV2 AND TELL ME ABOUT THE OTHER
NEIGHBORS YOU HAVE?

FW **We have only three neighbors ... Three
neighbors.**

MV2 AND WHAT WERE THEIR NAMES?

FW **Yassin's house; Nasser's house ... Sadi's
house and Yunis's house.**

MV2 AND ... UUH ... DID YOU KNOW
ANYONE WHO LIVED ACROSS THE
ROAD?

FW **Someone living in the street? Across the
street? No.**

MV2 No? WHO WERE THE FRIENDS YOU
HAD IN THE NEIGHBORHOOD?

1	FW		FW	They are Safaa, and Talfah and Usra
2				and Fatima and Naba and Shayma'a.
3	Nv2	AND WHERE DID NABA LIVE?	MV2	AND WHERE DID NABA LIVE?
4	FW		FW	Naba is my maternal cousin.
5	NV2	AND WHERE DID NABA LIVE?	MV2	AND WHERE DID NABA LIVE?
6	FW		FW	In the same neighborhood as us.
7	NV2	DID YOU DO A LOT OF THINGS WITH	MV2	DID YOU DO A LOT OF THINGS WITH
8		YOUR NEIGHBORS?		YOUR NEIGHBORS?
9	FW		FW	Meaning what?
10	MV2	UMM... DID YOU EAT TOGHETHER?	MV2	UMM... DID YOU EAT TOGHETHER?
11	FW		FW	Yes.
12	MV2	DID YOU PLAY TOGETHER?	MV2	DID YOU PLAY TOGETHER?
13	FW		FW	Yes.
14	MV2	DID YOU HAVE BIG FAMILY	MV2	DID YOU HAVE BIG FAMILY
15		GATHERINGS?		GATHERINGS?
16	FW		FW	Yes.
17	MV2	AND A LOT OF PEOPLE WOULD	MV2	AND A LOT OF PEOPLE WOULD
18		COME?		COME?
19	FW		FW	Yes.
20	MV2	YOU KNEW YOUR NEIGHBORS	MV2	YOU KNEW YOUR NEIGHBORS
21		WELL?		WELL?
22	FW		FW	Yes.
23	NV2	THERE WAS LOT FIGHTING IN YOUR	MV2	THERE WAS LOT FIGHTING IN YOUR
24		NEIGHBORHOOD, WAS THERE?		NEIGHBORHOOD, WAS THERE?
25	FW		FW	No.
26	MV2	NO? DID YOU KNOW OF OTHER	MV2	NO? DID YOU KNOW OF OTHER
27		BOMBS IN THE AREA?		BOMBS IN THE AREA?
28	FW		FW	Yes.

1 MV2 DID YOU KNOW ABOUT THE HOUSE
2 THAT GOT BULLDOZED? DOES SHE
3 KNOW ABOUT THE HOUSE THAT
4 GOT DESTROYED BY THE
5 AMERICAN BULLDOZER?

6 FW

7
8
9
10
11 MV2 THE HOUSE WAS OWNED BY AYOUB
12 NAFAH. DOES SHE KNOW THE
13 HOUSE? ... DOES SHE KNOW OF THIS
14 PERSON?

15 FW

16 MV? MAAM ...NEED TO CHANGE TAPES
17 REAL QUICK.

18 FV O.K. WILL GO OFF THE RECORD FOR
19 A SECOND.

20

21 *[Tape recording ended abruptly.*
22 *End of the recording]*

23

24

25

26

27

28

MV2 DID YOU KNOW ABOUT THE HOUSE
THAT GOT BULLDOZED? DOES SHE
KNOW ABOUT THE HOUSE THAT
GOT DESTROYED BY THE
AMERICAN BULLDOZER?

FW

**No ... That is down below that is to say
below. They hit it. Below. That is to say
in the valley ...Yes ... In our area there
is a Muhammad. Did Muhammad do
something?**

MV2 THE HOUSE WAS OWNED BY AYOUB
NAFAH. DOES SHE KNOW THE
HOUSE? ... DOES SHE KNOW OF THIS
PERSON?

FW

No.
MV? MAAM ...NEED TO CHANGE TAPES
REAL QUICK.

FV O.K. WILL GO OFF THE RECORD FOR
A SECOND.

[Tape recording ended abruptly.
End of the recording]

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Deposition DVD – Transcription
by Hisham Malek Completed Dec 2010 of:

Eman Waleed Abdul Hamid

(2 of 2)

DVD- TRANSCRIPTION

DVD- TRANSLATION

EMAN WALEED ABDUL HAMID deposition - DVD 2 (2 of 2)

1				
2				
3				
4	FV	COUNSEL YOU MAY PROCEED.	FV	COUNSEL YOU MAY PROCEED.
5	MV1	WHAT YOUR FRIENDS THINK	FW	I do not know ... I do not know.
6		ABOUT THE AMERICANS?		
7	MV1	HAVE YOU EVER TALKED TO THEM	FW	No.
8		ABOUT THAT?		
9	MV1	WHO IS HIBA?	FW	Hiba? She is my uncle's wife.
10	MV1	WAS SHE MARRIED TO RASHEED?	FW	Yes.
11	MV1	ARE YOU SUNNI OR SHI'ITE?	FW	I am Sunni.
12	MV1	AND WHAT DO YOU THINK ABOUT	FW	I do not think anything.
13		SHI'ITE?		
14	MV1	DO YOU KNOW THE DIFFERENCE	FW	No.
15		BETWEEN AMERICAN ARMY AND		
16		AMERICAN MARINES?		
17	MV1	EMAN. DO YOU KNOW THE LAWYER	FW	Yes.
18		WHOSE NAME IS KHALID?		
19	MV1	AND HOW DO YOU KNOW HIM?	FW	He is my maternal uncle.
20	MV1	WHERE DOES HE LIVE?	FW	In Haditha.
21	MV1	DID HE LIVE NEAR YOUR HOUSE?	FW	Yes.
22	MV1	HOW FAR AWAY?	FW	I do not know.
23	MV1	DID YOU GO TO HIS HOUSE A LOT?	FW	Yes.
24	MV1	DID YOU TALK TO HIM ABOUT	FW	No.
25		WHAT HAPPENED THAT DAY?		
26	MV1	NOT AT ALL?	FW	Yes.
27	MV1	YOU ARE SURE?	FW	Yes.
28	MV1	YOU HAVE HAD TO TALK TO A LOT	FW	No, I did not say.

1	OF PEOPLE ABOUT WHAT		
2	HAPPENED?		
3	MV1 YOU TALKED TO LOT OF	FW	Yes.
4	AMERICANS ABOUT THIS?		
5	MV1 HOW MANY TIMES?	FW	I do not recall..
6	MV1 DID YOU TALK TO THIS MAN?	FW	I remember talking once.
7	MAJOR ERICKSON BEFORE?		
8	MV1 DID YOU TALK TO OTHER MARINES	FW	I do not recall.
9	OR SOLDIERS?		
10	MV1 WHO ELSE FROM YOUR FAMILY	FW	You mean in my grandfather's house.
11	YOU TALKED ABOUT THIS?		
12	MV1 NO. FROM THE NEIGHBORHOOD?	FW	I did not talk to anyone.
13	MV1 DID HIBA TELL YOU THINGS?	FW	Up to now Hiba has not said anything.
14			She has been staying with her parents
15			for a year now.
16	MV1 BUT AFTER THIS HAPPENED, DID	FW	No.
17	HIBA TALK TO YOU ABOUT IT?		
18	MV1 NOT AT ALL.	FW	Yes.
19	MV1 WHAT ARE SOME THINGS YOU LIKE	FW	I do not like anything.
20	TO DO FOR FUN?		
21	MV1 DO YOU LIKE TO WATCH T.V.?	FW	Yes.
22	MV1 WHAT DO YOU LIKE TO SEE?	FW	Serials and cartoons and that is all.
23	MV1 DID YOU SEE YOUSELF ON TV?	FW	One time only.
24	MV1 AND WHO WAS TALKING TO YOU		
25	ON THE TV FOR THE TV.		
26	FV COULD YOU REPEAT THAT FOR THE	FW	I do not know.
27	INTERPRETING?		
28	Mv1 WHO WAS WITH YOU?	FW	My maternal uncle.

1	MV1	KHALID?	FW	Yes.
2	MV1	AND YOUR BROTHER WAS THERE?	FW	Yes.
3	MV1	AND WHO ELSE WAS THERE?	FW	Only my brother, my maternal uncle
4				and my paternal cousin and no one else.
5	MV1	WHICH COUSIN?	FW	Muhammad Majeed.
6	MV1	EMAN, BEFORE ... THAT DAY WHEN	FW	No.
7		YOUR FAMILY WAS KILLED, HAD		
8		YOU LOST ANY MEMBER OF YOUR		
9		FAMILY BEFORE THEN?		
10	MV1	AND DID YOU HAVE ANYBODY IN	FW	No.
11		YOUR FAMILY THAT WAS EVER		
12		DETAINED?		
13				
14	MV1	HOW ABOUT RASHEED? WAS	FW	No.
15		RASHEED EVER DETAINED?		
16	MV1	EMAN WERE YOU VERY SCARED	FW	What do you mean? When they killed
17		THAT DAY?		us?
18	MV1	YES. WHEN THE BOMB WENT OFF	FW	Yes.
19		THE MARINES CAME INTO YOIUR		
20		HOME?		
21	MV1	DID YOU HIDE?	FW	Yes.
22	MV1	DID YOU COVER YOUR FACE?	FW	Yes.
23		<i>[Local interpreter interpreted as “ ..Your</i>		
24		<i>eyes ...:”]</i>		
25	FV	SEE THAT IT IS INTERPRETED	FV	SEE THAT IT IS INTERPRETED
26		CORRECTLY?		CORRECTLY?
27	MV1	THAT ... THAT IS FINE. COVER	FW	No.
28		YOUR EYES WAS ACTUALLY THE		

1	QUESTION I WAS ASKING. ... EMAN		
2	DID ANY ONE IN YOUR HOUSE HAVE		
3	A RIFLE OR A WEAPON?		
4	MV1 ARE YOU SURE?	FW	Yes.
5	MV1 IS THERE ANY REASON WHY HIBA	FW	Is that what she said? A weapon? We do
6	SAID THERE WAS A WEAPON?		not have any weapons.
7	MV1 BUT HIBA SAID THERE WAS WAS	FW	Maybe she was lying. But we do not have
8	SHE WRONG? WAS SHE LYING?		any.
9	MV1 WHO WAS FIRING AT THE MARINES	FW	There was no one.
10	FROM OUTSIDE YOUR HOUSE?		
11	MV1 DID YOU HEAR ANY FIRING?	FW	No.
12	MV1 ARE YOU SURE?	FW	Yes.
13	MV1 YOU DID NOT HEAR FIRING AT ALL	FW	No.
14	AT THE MARINES?		
15	MV1 WAS ANYBODY IN YOUR HOUSE	FW	No.
16	GOING OUTSIDE TO LOOK AT THE		
17	MARINES?		
18	MV1 IS THE DOOR IN THE LIVING ROOM	FW	Yes that is correct.
19	THAT GOES OUTSIDE, YES?		
20	MV1 AND NO ONE IN YOUR HOUSE	FW	No. They broke it down but no one could
21	WALKED OUT OF THAT DOOR TO		get up. I mean my uncle was hit and we
22	LOOK AT THE MARINES?		could not get up.
23	MV1 ARE YOU O.K.? DO YOU NEED A	FW	No. It is better if we continue.
24	BREAK?		
25	MV1 WHAT DO YOU THINK ABOUT	FW	You mean the Marines?
26	AMERICA?		
27	MV1 NO JUST ALL AMERICANS.	FW	I do not know.
28	MV1 DO YOU KNOW WHAT DISNEYLAND	FW	What does he mean?

1		IS?		
2	MV1	DO YOU KNOW WHO MICKY MOUSE	FW	No.
3		IS?		
4	FV	COUNSEL THE INTERPRETER HAS	FV	COUNSEL THE INTERPRETER HAS
5		JUST TOLD ME THERE IS A NAME		JUST TOLD ME THERE IS A NAME
6		FOR MICKY MOUSE IN ARABIC. HE		FOR MICKY MOUSE IN ARABIC. HE
7		DID NOT USE THAT NAME. WOULD		DID NOT USE THAT NAME. WOULD
8		YOU LIKE FOR HIM TO ASK THE		YOU LIKE FOR HIM TO ASK THE
9		QUESTION USING THAT NAME?		QUESTION USING THAT NAME
10	MV1	PLEASE.	MV!	PLEASE
11			FW	Yes ...but I did not watch it that much.
12	MV1	UMM... YOU ARE VERY BRAVE FOR	FW	No.
13		COMING HERE ... ARE YOU SCARED		
14		BEING HERE?		
15	MV1	NO AND DO YOU THINK	FW	I do not know.
16		EVERYBODY IN THIS ROOM WILL		
17		KEEP YOU SAFE?		
18	MV1	YOU DON'T KNOW? UMM ... HAVE	FW	My self? No.
19		YOU EVER BEEN TO THE UNITED		
20		STATES?		
21	MV1	DO YOU WANT TO GO?	FW	No. I have school.
22	MV1	YOU LIKE SCHOOL?	FW	Yes.
23	MV1	AND WHAT IS YOUR FAVOURITE	FW	It is because I have a chance to meet my
24		THING IN SCHOOL?		friends. I do not have friend living near
25				me at the dam. I do not have any nearby
26				... I do not even have a phone to talk
27				with her.
28	MV1	DID ANYBODY ASK IF YOU WANT	FW	I do not know.

1	TO COME TO THE UNITED STATES?		
2	MV1 NOBODY ASKED YOU?	FW	No.
3	MV1 HAVE EVER SEEN THE OCEAN?	FW	Yes.
4	<i>[Local interpreter used the word: "The</i>		
5	<i>Seas"]</i>		
6	MV1 AND WHERE?	FW	You mean where? The one at
7			Houwayja?
8	MV1 AHH ... MAYBE SOME DAY YOU	FW	No. I will not go.
9	WILL COME TO THE UNITED		
10	STATES?		
11	MV1 ARE YOU AFRAID TO COME TO THE	FW	No. I do not want to leave my home.
12	U.S. OR YOU JUST DO NOT WANT TO		
13	LEAVE YOUR HOME?		
14	MV1 DO YOU REMEMBER WHEN YOU	FW	When I appeared on TV?
15	WERE ON TV?		
16	MV1 YES	FW	No.
17	MV1 DO YOU LIKE COMPUTERS?	FW	I like it, but I do not know to use them.
18	MV1 I HAVE ... I HAVE A COMPUTER	FW	Yes. My maternal uncle's house has one
19	HERE AND IT HAS WHEN YOU WERE		and they showed me...
20	ON TV.		
21	MV1 SHOW THE WITNESS SOMETHING?	MV1	SHOW THE WITNESS SOMETHING?
22	FV COUNSEL DO YOU WANT THE	FV	COUNSEL DO YOU WANT THE
23	OFFICIAL VIDEO ALSO TO BE		OFFICIAL VIDEO ALSO TO BE
24	RECORDED [UN] THE TV SHOW?		RECORDED [UN] THE TV SHOW?
25	MV1 I DO NOT THINK IT IS NECESSARY.	MV1	I DO NOT THINK IT IS NECESSARY.
26	WE CAN PUT IN THE RECORD. IT IS A		WE CAN PUT IN THE RECORD. IT IS A
27	PART OF THE DISCOVERY THAT		PART OF THE DISCOVERY THAT
28	WAS OFFERED AND WE CAN ... UHH		WAS OFFERED AND WE CAN ... UHH

1 .. I FORGOT WHERE IT WAS
2 INSERTED IN THE DEPOSITION
3 RECORD.

4 FV O.K. CAN YOU JUST IDENTIFY FOR
5 THE RECORD ... IDENTIFY THE
6 VIDEO. DO YOU KNOW WHEN IT
7 WAS TAKEN OR WHAT CHANNEL?

8 MV1 THIS A BROADCAST OF CNN. I DO
9 NOT HAVE THE TIME. ACTUALLY
10 WHEN IT WAS BROADCASTED. I
11 DON'T KNOW OFF HAND. I CAN GET
12 ALL THAT BACK AT CAMP
13 PENDLETON.

14 MV2 I ONLY ASK THAT WE OFFER THAT
15 AS DEPOSITION EXHIBIT.

16 MV1 I WILL ... I'LL DO THAT AS SOON AS
17 I GET THE ACTUAL WEIGHT [?]

18 FV TENTATIVELY WE WILL IDENTIFY IT
19 AS EXHIBIT NO. 2.

20 MV1 THAT IS FINE.

21 MV2 AND I ASK FOR THE TRANSCRIPT
22 THAT GOES WITH THAT.

23 MV1 THERE IS .. I GUESS I CAN OFFER
24 THE TRANSCRIPT TOO . THAT IS
25 FINE. I CAN DO THAT TO-DAY ... I AM
26 GOING TO SHOW YOU WHAT IS
27 MARKED [UN]

28 FV2 IT IS UP THERE ... 37.

.. I FORGOT WHERE IT WAS
INSERTED IN THE DEPOSITION
RECORD.

FV O.K. CAN YOU JUST IDENTIFY FOR
THE RECORD ... IDENTIFY THE
VIDEO. DO YOU KNOW WHEN IT
WAS TAKEN OR WHAT CHANNEL?

MV1 THIS A BROADCAST OF CNN. I DO
NOT HAVE THE TIME. ACTUALLY
WHEN IT WAS BROADCASTED. I
DON'T KNOW OFF HAND. I CAN GET
ALL THAT BACK AT CAMP
PENDLETON.

MV2 I ONLY ASK THAT WE OFFER THAT
AS DEPOSITION EXHIBIT.

MV1 I WILL ... I'LL DO THAT AS SOON AS
I GET THE ACTUAL WEIGHT [?]

FV TENTATIVELY WE WILL IDENTIFY IT
AS EXHIBIT NO. 2.

MV1 THAT IS FINE

MV2 AND I ASK FOR THE TRANSCRIPT
THAT GOES WITH THAT.

MV1 THERE IS .. I GUESS I CAN OFFER
THE TRANSCRIPT TOO . THAT IS
FINE. I CAN DO THAT TO-DAY ... I AM
GOING TO SHOW YOU WHAT IS
MARKED [UN]

FV2 IT IS UP THERE ... 37.

1 MV1 O.K. WHAT I AM SHOWING YOU THE
2 37 MINUTES AND 30 SECONDS OF
3 THE CNN VIDEO AS WAS APPRISED
4 IN DISCOVERY. I AM GOING TO
5 PLAY PART OF THE TV WHERE YOU
6 WERE ON IT.

7
8 *[The CNN video is played ... the voices, in*
9 *English, in general are intelligible ... There*
10 *is overlapping of woman and male news*
11 *presenters, as well as the voice of a female*
12 *interpreter. No voices of Arabic speakers*
13 *can be heard. The following was made out:*
14 *“... I do not know if it was a Humvee ... He*
15 *said he was looking otherwise. I wish she*
16 *hasn't”... “A voice was asking ... He had*
17 *no weapon. What danger did he pose?”*

18 MV1 AND FOR THE RECORD I WANT TO
19 PLAY PART OF THE VIDEO. AHH ...
20 YOU CANNOT HEAR THE ARABIC
21 VERY WELL BUT YOU HAVE THE
22 ENGLISH TRANSLATION AT THE
23 SAME TIME. SO I WANT TO HAVE
24 THE INTERPRETATION ... BREAK IT
25 UP IN PIECES. READ IT BACK TO THE
26 WITNESS WHAT WAS SAID JUST TO
27 VERIFY THAT WAS ON THERE ...
28 SAFAA WE ARE GOING TO PLAY THE

MV1 O.K. WHAT I AM SHOWING YOU THE
37 MINUTES AND 30 SECONDS OF
THE CNN VIDEO AS WAS APPRISED
IN DISCOVERY. I AM GOING TO
PLAY PART OF THE TV WHERE YOU
WERE ON IT.

FW **Yes.**

[The CNN video is played ... the voices, in
English, in general are intelligible ... There
is overlapping of woman and male news
presenters, as well as the voice of a female
interpreter. No voices of Arabic speakers
can be heard. The following was made out:
“... I do not know if it was a Humvee ... He
said he was looking otherwise. I wish she
hasn't”... “A voice was asking ... He had
no weapon. What danger did he pose?”

MV1 AND FOR THE RECORD I WANT TO
PLAY PART OF THE VIDEO. AHH ...
YOU CANNOT HEAR THE ARABIC
VERY WELL BUT YOU HAVE THE
ENGLISH TRANSLATION AT THE
SAME TIME. SO I WANT TO HAVE
THE INTERPRETATION ... BREAK IT
UP IN PIECES. READ IT BACK TO THE
WITNESS WHAT WAS SAID JUST TO
VERIFY THAT WAS ON THERE ...
SAFAA WE ARE GOING TO PLAY THE

1 VIDEO ... I AM SORRY EMAN. WE
2 ARE GOING OVER THE VIDEO AND
3 THE TRANSLATION BACK TO HER.
4 O.K...

5
6 MV1 YOU PROBABLY HAVE TO BREAK IT
7 UP

8 FV2 JUST TELL ME
9 *[CNN video is played and an American*
10 *female voice states: “ ... and interesting*
11 *variations. Eman the third time she tells it*
12 *... she said she was expecting the bomb”]*

13
14 *[Female voice on CNN video: “ I was*
15 *going to school ... I wanted to get out of*
16 *bed .. I knew the bomb would explode”]*

17
18 *[Female voice on CNN video: “ ... so I*
19 *coverds my ears and the bomb exploded”]*

20
21 MV1 SHE SAID SHE DID NOT SAY THAT?

22 MV1 O.K.
23 *[Female voice on CNN video: “... The*
24 *bomb struck an armored vehicle. I do not*
25 *know if it was a Humvee ...?”]*

26 MV1 O.K.

27
28 MV1 DID SHE THAT ... THAT IS ALL

VIDEO ... I AM SORRY EMAN. WE
ARE GOING OVER THE VIDEO AND
THE TRANSLATION BACK TO HER.
O.K...

FW **What? What?**

MV1 YOU PROBABLY HAVE TO BREAK IT
UP

FV2 JUST TELL ME

[CNN video is played and an American
female voice states: “ ... and interesting
variations. Eman the third time she tells it
... she said she was expecting the bomb”]

FW **Yes.**

[Female voice on CNN video: “ I was
going to school ... I wanted to get out of
bed .. I knew the bomb would explode”]

FW **Yes to go to school.**

[Female voice on CNN video: “ ... so I
covered my ears and the bomb exploded”]

FW **No.**

FW **No ... No.**

MV1 **O.K.**

[Female voice on CNN video: “... The
bomb struck an armored vehicle. I do not
know if it was a Humvee ...?”]

MV1 O.K.

FW **Struck a vehicle? I do not know.**

MV1 DID SHE THAT ... THAT IS ALL

1 [Female voice on CNN video: "... when the
2 armored vehicle ... when the bomb
3 exploded they came straight to our house
4 ...” The question ...]

[Female voice on CNN video: "... when the
armored vehicle ... when the bomb
exploded they came straight to our house
...” The question ...]

5
6 MV1 I AM JUST ASKING IF THAT IS WHAT
7 SHE SAID THEN.

FW **Who are they?**
FW **The bomb exploded in our house ... But
the mine exploded outside.**

8 MV1 O.K. ... THAT IS GOOD ... EMAN DID
9 YOU KNOW THERE WAS A BOMB
10 OUT IN THE STREET/

FW **No.**

11 MV1 ARE YOU SURE?

FW **Yes.**

12 MV1 YOU DIDN'T SEE ANYONE DIGGING
13 UP IN THE ROAD?

FW **No.**

14 MV1 DID ANYONE IN THE FAMILY SEE
15 THEM PUTTING A BOMB IN THE
16 ROAD?

FW **If they did see it, I would not know.**

17 MV1 DID HIBA TELL YOU ANYTHING
18 ABOUT IT?

FW **No.**

19 MV1 NOR UNCLE RASHEED?

FW **No.**

20 MV1 ON THAT DAY WHERE THERE
21 MUJAHIDEEN IN THE
22 NEIGHBORHOOD?

FW **I do not know.**

23 MV1 HAVE YOU EVER SEEN MUJAHIDEEN
24 EVER IN YOUR NEIGHBORHOOD?

FW **I do not know anything about this.**

25 MV1 YOU DO NOT KNOW OF ANY
26 MUJAHIDEEN EVER IN YOUR
27 NEIGHBORHOOD?

FW **I do not know.**

28 MV1 YOU DO NOT KNOW OF ANY?

FW **No.**

1	MV1	EMAN ARE YOU ANGRY WITH THE	FW	Yes.
2		MARINES FOR WHAT HAPPENED TO		
3		YOUR FAMILY?		
4	MV1	YES! AND HAVE YOU AND YOUR	FW	No.
5		FRIENDS TALKED ABOUT THIS?		
6	MV1	THAT IS ALL THE QUESTIONS I	MV1	THAT IS ALL THE QUESTIONS I
7		HAVE?		HAVE?
8	FV	COUNSEL DO YOU HAVE ANY	FV	COUNSEL DO YOU HAVE ANY
9		QUESTIONS YOU WANT TO POSE?		QUESTIONS YOU WANT TO POSE?
10	MV2	YES MAAM. ... EMAN YOU SAID	FQ	You mean the living room?
11		EARLIER TO LIETENANT COLONEL		
12		VOLKEY THAT THEY BROKE DOWN		
13		THE DOOR TO THE OUTSIDE. DO		
14		YOU REMEMBER SAYING THAT?		
15	MV2	YES	FW	They broke the door from which to go to
16				the outside.
17	MV2	AND WHEN YOU SAY THEY BROKE	FW	No.
18		IT ... THE DOOR ... DO YOU KNOW		
19		WHO BROKE IT DOWN?		
20	MV2	DID YOU SEE THE DOOR GET	FW	Yes.
21		BROKEN DOWN?		
22	MV2	WAS THE DOOR BROKEN DOWN	FW	I do not remember.
23		BEFORE OR AFTER YOUR UNCLE		
24		JAHEED WAS SHOT?		
25	MV2	DID IT GET BROKEN DOWN BEFORE	FW	Which? The door? Yes.
26		OR AFTER THE BOMB IN THE ROOM		
27		WENT OFF?		
28	MV2	YES	FW	No, after the bomb.

1	MV2	DID THE LIGHT COME THROUGH	FW	What? ... I do not know.
2		THE DOOR?		
3	MV2	WAS IT DAYLIGHT OUTSIDE?	FFW	Yes.
4	MV2	DID YOU SEE IN THE ROOM THAT	FW	Yes.
5		YOU WERE IN? DID YOU SEE		
6		EVERYTHING IN THE ROOM WELL?		
7	MV2	WAS IT SMOKING?	FW	No.
8	MV2	WHAT WAS THE ANSWER?	FW	No.
9	MV2	PERMISSION TO APPROACH THE	MV2	PERMISSION TO APPROACH THE
10		WITNESS.		WITNESS.
11	FV	YOU MAY PROCEED.	FV	YOU MAY PROCEED.
12	MV2	EMAN I AM GOING TO SHOW YOU A	FW	Yes.
13		PICTURE.		
14	MV2	O.K. ... CAN YOU LOOK AT THIS	FW	I have not seen it before.
15		PICTURE AND TELL ME IF THAT		
16		LOOKS FAMILIAR?		
17	MV2	YOU HAVE NOT SEEN THE PICTURE	FW	This is when the incident happened? No?
18		BEFORE?		
19	Mv2	I AM ASKING YOU?	FW	Yes. I have seen it.
20	MV2	DO YOU KNOW WHO THE MAN IS UP	FW	My paternal uncle Jaheed.
21		AGAINST THE WALL IN THE		
22		PICTURE?		
23	MV2	IS IT UNCLE JAHEED?	FW	Yes.
24	MV2	CAN YOU SEE ALL THE WAY BACK IN	FW	That is my mother and this is my brother.
25		THE PICTURE?		
26	MV2	O.K. ... NOW ... IS THAT	FW	Yes.
27		APPROXIMATELY WHERE THEY		
28		WERE WHEN THE BOMB WENT OFF		

1 IN THAT ROOM?
2 MV2 AND WHERE WERE YOU IN THAT
3 PICTURE, IF AT ALL?
4 MV2 WITNESS IS POINTING BETWEEN
5 THE MAN AND THE BOY AGAINST
6 THE WALL ON THE RIGHT PART OF
7 THE PICTURE ... HOLD IT UP AND
8 POINT FOR ME.
9 *[Witness holds up the picture facing the*
10 *camers with a finger pointing to a spot on*
11 *the picture]*
12 MV2 AND WERE YOU SEATED THERE?
13 MV2 AND WHERE WAS YOUR OTHER
14 BROTHER?
15
16
17 MV2 WAS HE CLOSER TO YOUR UNCLE
18 OR YOU WERE CLOSER TO YOUR
19 UNCLE?
20 MV2 O.K. ... AND YOU SAID EARLIER
21 WHEN YOU FELT SOMETHING ON
22 YOUR LEG AND YOU WERE
23 BLEEDING. IS THAT WHERE YOU
24 WERE BLEEDING?
25 MV2 I WILL TAKE THE PICTURE .
26 ACTUALLY THIS IS DEPOSITION
27 EXHIBIT NO. 3, PHOTO 00078,
28 PREVIOUSLY PROVIDED TO THE

FW **Here.**
MV2 WITNESS IS POINTING BETWEEN
THE MAN AND THE BOY AGAINST
THE WALL ON THE RIGHT PART OF
THE PICTURE ... HOLD IT UP AND
POINT FOR ME.
[Witness holds up the picture facing the
camers with a finger pointing to a spot on
the picture]
FW **Yes.**
FW **My brother Abodi [Her nickname for her**
brother Abdul Rahman] was sitting
besides me... My brother Abodi was
sitting next to me.
FW **No he was closer.**
FW **Yes.**
MV2 I WILL TAKE THE PICTURE .
ACTUALLY THIS IS DEPOSITION
EXHIBIT NO. 3, PHOTO 00078,
PREVIOUSLY PROVIDED TO THE

1 DEFENSE.
2 FV THANK YOU ... [UN]
3 MV2 WHEN YOU SAID THE MARINES CAME
4 BACK IN AND SHOT YOUR UNCLE
5 JAHEED ...
6 MV2 ... WAS YOUR MOTHER AND
7 BROTHER IN THAT LOCATION WHEN
8 THEY CAME IN?
9 MV2 AND WERE THEY STILL ALIVE
10 WHEN THEY CAME IN?
11 MV2 WHEN YOU SAID EARLIER THAT
12 YOU SAW TWO MARINES SHOOTING
13 FROM THE DOOR .. UMM ...WAS
14 YOUR MOTHER AND BROTHER IN
15 THE SAME LOCATION WHEN THEY
16 WERE SHOT FROM THE DOOR?
17 MV1 I AM GOING TO OBJECT TO A
18 LEADING QUESTION. THE WITNESS
19 TESTIFIED THAT THERE WERE 4 OR
20 5.
21 MV2 EARLIER SHE SAID TWO, SIR. WE
22 CAN READ BACK.
23 FV DO YOU WANT TO REPHRASE THE
24 QUESTION OR DO YOU WANT TO
25 ASK IT AGAIN FOR THE
26 INTERPRETER?
27 MV2 I WILL ASK IT AGAIN. ... DO YOU
28 REMEMBER EARLIER IN THE

DEFENSE.
FV THANK YOU ... [UN]
FW **Yes.**
FW **Yes.**
FW **I do not recall.**
MV2 WHEN YOU SAID EARLIER THAT
YOU SAW TWO MARINES SHOOTING
FROM THE DOOR .. UMM ...WAS
YOUR MOTHER AND BROTHER IN
THE SAME LOCATION WHEN THEY
WERE SHOT FROM THE DOOR?
MV1 I AM GOING TO OBJECT TO A
LEADING QUESTION. THE WITNESS
TESTIFIED THAT THERE WERE 4 OR
5.
MV2 EARLIER SHE SAID TWO, SIR. WE
CAN READ BACK.
FV DO YOU WANT TO REPHRASE THE
QUESTION OR DO YOU WANT TO
ASK IT AGAIN FOR THE
INTERPRETER?
FW **Yes.**

1 TESTIMONY YOU SAID 2 MARINES
2 WERE SHOOTING FROM THE DOOR?
3 MV1 O.K. ... WAS YOUR MOTHER AND FW Yes.
4 ... BROTHER IN THE SAME LOCATION
5 WHEN THEY WERE SHOOTING FROM
6 THE DOOR?
7 MV2 AND AFTER THOSE 2 MARINES LEFT FW I do not recall.
8 WERE YOUR MUM AND BROTHER
9 ALIVE?
10 MV2 EMAN ... WHEN YOU SAID THE 2 FW Yes.
11 MARINES WERE SHOOTING FROM
12 THE DOOR, DID YOU SEE THEM GO
13 PAST THE DOOR AND GO INTO THE
14 ROOM?
15 MV2 THEY BOTH CAME INSIDE THE FW Yes.
16 ROOM?
17 MV2 AND YOU WERE ABLE TO SEE FW I do not remember.
18 THEM?
19 MV2 YOU DID NOT SEE THEM COME INTO FW I do not remember.
20 THE ROOM
21 MV2 BESIDES THE PEOPLE YOU NAMED FW I do not know.
22 EARLIER WHO WERE INSIDE YOUR
23 HOUSE WERE THERE ANY OTHER
24 IRAQI OR ARAB PEOPLE IN YOUR
25 HOUSE THAT DAY?
26 MV2 DID ANY OF YOUR UNCLES FIRE AT FW No.
27 THE MARINES WHEN THEY CAME
28 INTO YOUR HOUSE?

1	MV2	DID YOUR FATHER?	FW	No.
2	MV2	I PASS.	MV2	I PASS.
3	MV1	I WILL OBJECT TO THE LAST	MV1	I WILL OBJECT TO THE LAST
4		QUESTION. SHE HAS ALREADY		QUESTION. SHE HAS ALREADY
5		STATED SHE DID NOT SEE HER		STATED SHE DID NOT SEE HER
6		FATHER IN THE OTHER ROOM.		FATHER IN THE OTHER ROOM.
7		WITNESS LACKS FOUNDATION.		WITNESS LACKS FOUNDATION.
8	FV	COUNSEL DO YOU THEN HAVE ANY	FV	COUNSEL DO YOU THEN HAVE ANY
9		QUESTIONS YOU WANT TO ASK?		QUESTIONS YOU WANT TO ASK?
10	MV1	YES MAAM ... O.K. ... EMAN WHAT I	MV1	YES MAAM ... O.K. ... EMAN WHAT I
11		HAVE HERE A TRANSCRIPT FROM		HAVE HERE A TRANSCRIPT FROM
12		WHEN THE TIME THEY		WHEN THE TIME THEY
13		INTERVIEWED YOU. THIS WAS		INTERVIEWED YOU. THIS WAS
14		FROM AUGUST OF LAST YEAR ...		FROM AUGUST OF LAST YEAR ...
15		O.K.		O.K.
16	MV3	SIR, FORGIVE ME IF I INTERRUPT	MV3	SIR, FORGIVE ME IF I INTERRUPT
17		BUT ACTUALLY IT IS A SECOND		BUT ACTUALLY IT IS A SECOND
18		TRANSLATION OF THE INTERVIEW		TRANSLATION OF THE INTERVIEW
19		SHE HAD WITH ME IN JANUARY. IS		SHE HAD WITH ME IN JANUARY. IS
20		THAT FROM MALEK?		THAT FROM MALEK?
21	MV1	YES IT IS.	MV1	YES IT IS.
22	MV3	YEA ... HE WAS THE COURT	MV3	YEA ... HE WAS THE COURT
23		APPOINTED INTERPRETER AND HAD		APPOINTED INTERPRETER AND HAD
24		HIM TRANSLATE EVERYTHING		HIM TRANSLATE EVERYTHING
25		THAT HAD BEEN TRANSCRIBED		THAT HAD BEEN TRANSCRIBED
26		PRIOR.		PRIOR.
27	MV1	O.K. ... THIS FROM JANUARY LAST	FW	Yes.
28		YEAR WHEN YOU TALKED WITH		

1	MAJOR ERICSSON ...		
2	MV1 AND HE ASKED YOU DID ANY	FW	I do not remember.
3	MARINES SHOOT THEIR RIFLE IN		
4	THE ROOM?		
5	MV1 IN YOUR ANSWER YOU SAID THEY	FW	Yes.
6	DID NOT COME ALL THE WAY INTO		
7	THE ROOM . ONLY THE MUZZELS OF		
8	THEIR AUTOMATIC WEAPONS WERE		
9	VISIBLE.		
10	MV1 DID YOU SAY THAT?	FW	I do not recall.
11	MV2 BUT YOU DID TALK TO MAJOR	FW	I recall talking to him once.
12	ERICKSON LAST JANUARY?		
13	MV1 SO THE MARINES DID NOT COME	FW	No.
14	ALL THE WAY INTO THE ROOM DID		
15	THEY?		
16	MV1 SO YOU COULD ONLY SEE THE END	FW	Yes.
17	OF THEIR ... OF THE GUNS?		
18	MV1 I WILL GRAB AND USE THE PEN ...	FW	Yes.
19	YOU SAID HIBA RUN OUT OF THE		
20	HOUSE WITH YOUR LITTLE SISTER.		
21	MV1 DID SHE RUN OUT BEFORE THE	FW	No it exploded.
22	GRENADE WENT OFF IN THE ROOM?		
23	MV1 DID SHE LEAVE AFTER THE	FW	Yes.
24	EXPLOSION?		
25	MV1 O.K. ... I WANT YOU SHOW ME	FW	Here.
26	WHAT DOOR SHE WENT OUT OF?		
27	MV1 LET THE RECORD REFLECT THAT	FW	No. That one does not give to the outside.
28	WHAT SHE INDICATED HAS 2		She left from this one and then left from

1	CIRCLES ... O.K ... IS THAT DOOR		the hallway door and exited outside.
2	THAT GOES OUTSIDE?		
3	MV1 SO SHE RAN TOWARDS THE	FW	No. She went to my paternal uncle's
4	MARINES OUT OF THE ROOM?		house.
5	MV1 AND WHEN DID RASHEED LEAVE	FW	After an hour or so.
6	THE HOUSE?		
7	MV1 AND FROM WHAT DOOR DID	FW	From the hallway door.
8	RASHEED GO OUT?		
9	MV1 SAME DOOR THAT HUDA LEFT	FW	Yes.
10	FROM?		
11	MV1 O.K ... THAT IS ALL I HAVE. THANK	MV1	O.K ... THAT IS ALL I HAVE. THANK
12	YOU EMAN.		YOU EMAN.
13	FV DO YOU HAVE ANY FOLLOW UP	FV	DO YOU HAVE ANY FOLLOW UP
14	QUESTIONS COUNSEL?		QUESTIONS COUNSEL?
15	MV2 YES MAAM. ...WHEN RASHEE LEFT	FW	Yes.
16	THE HOUSE DID YOU SEE HIM		
17	LEAVE OUT OF THAT DOOR?		
18	MV2 COULD YOU TELL WHETHER OR	FW	Yes I knew.
19	NOT HE WAS WOUNDED AT ALL?		
20	MV2 WAS HE?	FW	Yes.
21	MV2 DO YOU KNOW WHERE?	FW	Yes.
22			<i>[Witness drew a finger across her</i>
23			<i>forehead]</i>
24	MV2 DID YOU SEE HOW HE WAS	FW	No.
25	WOUNDED?		
26	MV2 THAT IS ALL I GOT.	Mv2	THAT IS ALL I GOT.
27	FV IS THE WITNESS SUBJECT TO	FV	IS THE WITNESS SUBJECT TO
28			

1 RECALL?
2 MV2 YES IT IS [UN]
3 FV ARE THERE ANY OTHER WITNESSES
4 THAT YOU WANT TO EXAMINE?
5 MV2 YES MAAM
6 FV THIS CONCLUDES THE DEPOSITION
7 OF EMAN WALEED ABDUL HAMID
8 THE TIME NOW IS 14:32 ... THANK
9 YOU VERY MUCH FOR YOUR
10 TESTIMONY. DID YOU TELL HER SHE
11 IS SUBJECT TO RECALL?

12
13 MV1 YES
14 FV YES

15
16
17 MV1 SATURDAY
18 FV SATURDAY

19
20
21
22 MV1 SEE YOU ON SATURDAY
23 FV O.K. ... SATURDAY IT IS ... THANK
24 YOU AGAIN FOR YOUR TESTIMONY
25 ... WE ARE OFF THE RECORD.

26
27 **[END OF RECORDING]**
28

RECALL?
MV2 YES IT IS [UN]
FV ARE THERE ANY OTHER WITNESSES
THAT YOU WANT TO EXAMINE?
MV2 YES MAAM
FV THIS CONCLUDES THE DEPOSITION
OF EMAN WALEED ABDUL HAMID
THE TIME NOW IS 14:32 ... THANK
YOU VERY MUCH FOR YOUR
TESTIMONY. DID YOU TELL HER SHE
IS SUBJECT TO RECALL?

FW **Where? Here a second time?**

MV1 YES
FV YES

FW **You mean another meeting or now after
a while?**

MV1 SATURDAY
FV SATURDAY

FW **Saturday? Every Saturday I go to the
dam. We do not have school on
Saturday. But I can come.**

MV1 SEE YOU ON SATURDAY
MV2 O.K. ... SATURDAY IT IS ... THANK
YOU AGAIN FOR YOUR TESTIMONY
... WE ARE OFF THE RECORD.

[END OF RECORDING]

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