

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	<i>[Nods head affirmatively]</i>
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
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?

MW **Yes.**

13 MV1 OK ... AND OTHER THAN THE
14 PHOTOS I GAVE YOU, DID YOU GIVE
15 MR. CRANFIELD ANY OTHER
16 PHOTOS?

MW **I only gave him the pictures showing the
damages to the two houses.**

17 MV1 OK ... AND DID YOU GIVE HIM ANY
18 OTHER PHOTOS?

MW **No.**

19 MV1 AND DID YOU SUPPLY ANYBODY
20 ELSE WITH ANY OTHER PHOTOS?

MW **I only gave those showing the damages to
the house to Major Hyatt and to Marty
Brown.**

22
23 MV1 OK ... AND ANY OTHER THAN THE
24 PICTURES OF DAMAGES TO THE
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

[Interpreter said: Major Cranfield]

MW **No. Other than the pictures of the
damage, none.**

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.

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. <i>[Long Pause]</i>	MV1	EXCUSE ME A SECOND. <i>[Long Pause]</i>
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.
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.
They always wore this kind of mask
[gesturing as to cover his whole face] and
we do not know them.
Yes. There were insurgents present in
Haditha. Otherwise who would have
detonated the IED?
I do not believe that some one from the
neighborhood would bring harm upon
his own neighborhood.
No. No one fired on the Marines and I
did not see anyone shooting at them.
It was only the Marines who were in the
area.
I have no knowledge.
I told you I do not know.
I told you that no one there would agree
to bring harm upon his own
neighborhood.
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
4 WITNESS SAID BEFORE I DO THAT.
5 INT HE SAID "WHAT IS THE QUESTION?"
6 FV OK ... THE WITNESS ASKED WHAT
7 THE QUESTION IS. HE DOES NOT
8 UNDERSTAND. COULD YOU PLEASE
9 RESTATE THE QUESTION?
10 MV2 DID YOU KNOW OF OTHER ATTACKS
11 ON THE AMERICANS?
12
13
14
15
16 MV2 ON NOVEMBER 19, DID YOU SEE
17 INSURGENTS RUNNING THROUGH
18 THE PALM GROVES?
19 INT I DO NOT UNDERSTAND WHAT THE
20 LAST WORDS MEAN.
21 FV I DO NOT THINK THAT HE ...
22 MV2 OK ... LET ME TRY THE QUESTION
23 AGAIN. YOUR HOUSE IS LOCATED
24 NEAR THE PALM TREES?
25 MV2 AND DID YOU SEE INSURGENTS ...
26 MUJAHIDEEN RUNNING THROUGH
27 THE PALM TREES?
28 MV2 DID YOU HEAR ABOUT IT?

FV PLEASE TRANSLATE WHAT THE
WITNESS SAID BEFORE I DO THAT.
INT HE SAID "WHAT IS THE QUESTION?"
FV OK ... THE WITNESS ASKED WHAT
THE QUESTION IS. HE DOES NOT
UNDERSTAND. COULD YOU PLEASE
RESTATE THE QUESTION?
MW **After this incident, a number of attacks
took place ... After this incident our
neighborhood experienced a period of
calm that lasted for about 6 months.
Before this incident, it was the IEDs that
the Americans detonated.**
MV2 ON NOVEMBER 19, DID YOU SEE
INSURGENTS RUNNING THROUGH
THE PALM GROVES?
INT I DO NOT UNDERSTAND WHAT THE
LAST WORDS MEAN.
FV I DO NOT THINK THAT HE ...
MW **Yes.**
MW **No.**
MW **No.**

1	<u>MV2</u>	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

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.

MV1 OBJECTION. RELEVANCE.

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

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

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

DVD – TRANSCRIPTION

DVD – TRANSLATION

Khalid Salman Rasif (Nasif) Yunis

DVD # 7 (3 OF 4)

MV? HE SAID HE WILL BE BACK.

MV? HE SAID HE WILL BE BACK.

[Several male voices overlapping]

[Several male voices overlapping]

MV? IS JUST NOW?

MV? IS JUST NOW?

MV? YES.

MV? YES.

FV ARE WE READY TO BACK ON THE
RECORD?

FV ARE WE READY TO BACK ON THE
RECORD?

MV1 YES MAAM.

MV1 YES MAAM.

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.

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.

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

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

MV2 GOVERNMENT STILL OBJECT TO
THIS LINE OF QUESTIONING.

MV2 GOVERNMENT STILL OBJECT TO
THIS LINE OF QUESTIONING.

FV YOUR OBJECTION IS NOTED FOR
THE RECORD.

FV YOUR OBJECTION IS NOTED FOR
THE RECORD.

MV1 YOU HAD MANY CONVERSATIONS
WITH MAJOR HYATT?

MW **Yes.**

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

MW **Yes.**

MV1 DO YOU REMEMBER WHEN YOU DID

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

1 VIDEO TAPED INTERVIEW FOR THIS
2 CASE?

3 MV1 WERE THEY EVER VIDEO TAPED?

MW **Yes.**

4 MV1 WAS THERE MORE THAN ONE?

MW **Meaning ... Does he mean with Major
Hyatt?**

5
6 MV1 NO ... WITH ANYBODY VIDEO
7 TAPED?

MW **Media companies used to come to my
house and do interviews.**

8 MV1 ALL RIGHT ... DO YOU REMEMBER
9 MAJOR HYATT SAYING TO YOU ...

MV1 ALL RIGHT ... DO YOU REMEMBER
MAJOR HYATT SAYING TO YOU ...

10 FV INTERPRETER COULD YOU
11 INTERPRET WHAT HE WAS SAYING?

FV INTERPRETER COULD YOU
INTERPRET WHAT HE WAS SAYING?

12 MV2 I AM GOING TO OBJECT. HEARSAY

MV2 I AM GOING TO OBJECT. HEARSAY

13 MV1 "YOU ALWAYS ASK ME FOR MONEY,
14 MONEY BUT WHEN IT MATTERS
15 WHEN IT COMES TO THE
16 INVESTIGATION STAGE YOU
17 HESITATE" ... SO I TOLD HIM IT WAS
18 NOT I WHO HESITATES IN COMING,
19 BUT THAT IT WAS THE FAMILIES
20 THAT REFUSED TO COME?

MW **I did not say such a thing.**

21 MV1 DO YOU REMEMBER SAYING THAT
22 TO MAJOR HYATT?

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**

1
2 MV1 OK ... HOLD ON ... MAY I APPROACH
3 THE WITNESS?
4 FV YES. EXECUSE ME CAN WE GO OFF
5 THE RECORD? HAVE THE DOOR
6 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
19 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.
27 MV1 OK...THANK YOU.
28

American forces in Haditha.
MV1 OK ... HOLD ON ... MAY I APPROACH
THE WITNESS?
FV YES. EXECUSE ME CAN WE GO OFF
THE RECORD? HAVE THE DOOR
SHUT?
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
FV SHALL WE MARK IT AS EXHIBIT 14?
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.
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	MV1	WAS THERE A LETTER TO MAJOR
2		HYATT OR THE AMERICANS THAT		HYATT OR THE AMERICANS THAT
3		MADE DEMANDS FOR PAYMENTS?		MADE DEMANDS FOR PAYMENTS?
4	MV2	OBJECTIONS-RELEVANCE.	MV2	OBJECTIONS-RELEVANCE.
5	INT	REPHRASE THE QUESTION PLEASE.	INT	REPHRASE THE QUESTION PLEASE.
6	FV	THE COURT REPORTER ...	FV	THE COURT REPORTER ...
7	INT	HE DOES NOT UNDERSTAND THE	INT	HE DOES NOT UNDERSTAND THE
8		QUESTION COULD YOU PLEASE		QUESTION COULD YOU PLEASE
9		REPHRASE IT?		REPHRASE IT?
10	MV1	WAS THERE A LETTER DEMANDING	MW	What letter?
11		PAYMENTS FOR THE FAMILIES IN		
12		THE HOUSES?		
13	MV1	DO YOU KNOW OF ANY LETTER?	MW	No.
14	MV1	DID YOU WRITE ANY LETTERS TO	MW	I did not write any letters, except for
15		THE AMERICANS OR MAJOR HYATT?		when I signed acknowledging receipt of
16				the money.
17	MV1	WHEN ALL THE PEOPLE IN THE	Mw	In our religion, as Moslems, when ever
18		HOUSES WERE BURIED, YOU SAID		the person who killed him is an occupier
19		THEY WERE MARTYRS. WHY?		in a battle in which no military rules
20				were applied . Unarmed old persons,
21				unarmed women and children... What
22				would you call such persons? What did
23				they do to deserve being killed in such a
24				manner?
25	MV1	OK ... WHAT DOES THE WORD	MW	The word martyr indicates the person
26		MARTYR MEAN?		who is killed while not protecting his
27				money/wealth. He is a martyr. That who
28				is killed ...SORRY ... Who is killed

while not protecting his money.

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

FV SLOW DOWN .

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?

MV1 WHAT DOES THE WORD MARTYR
MEANS?

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?

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

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

MV2 OBJECTION. RELEVANCE.

MV2 OBJECTION. RELEVANCE.

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

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.

Mv2 OBJECTION. RELEVANCE.

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

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
28				

1			for her. This is our custom and this is
2			how it is under Iraqi law, because she is
3			a minor.
4	MV1	DID YOU EVER ASK EMAN IF SHE	MW Eman also spoke with her paternal
5		WOULD LIKE TO TRAVEL TO THE	uncle.[Overlap]
6		UNITED STATES?	
7	MV1	DID HE EVER TALK TO EMAN?	MW Actually when I ever I talk to her about
8			coming here, she refuses, so imagen if I
9			talked to her about America she would
10			naturally have refused.
11	MV1	BUT YOU DID NOT TALK TO EMAN?	MW I spoke with her in my capacity as her
12			maternal uncle.
13			<i>[Witness answers before the question is</i>
14			<i>interpreted]</i>
15	MV1	DO YOU UNDERSTAND ENGLISH?	MW Yes but not much. I need an interpreter
16			when the matter is of a legal nature.
17	MV1	DID YOU EVER TALK TO ABDUL	MW Yes. I talked with Abdul Rahman. I
18		RHAMAN?	talked with Abdul Rahman's uncle
19	MV1	DID YOU ASK ABDUL RAHMAN IF	MW Yesterday when I was bringing him
20		HE WOULD GO TO THE UNITED	here, he cried and exhausted all his tears
21		STATES?	in crying. He told me that the difficulties
22			he finds himself in is due to my
23			responsibility/fault..
24	MV1	DID YOU EVER ASK ABDUL	MW Ask a young child whose age does not
25		RAHMAN IF HE DID WANT TO GO	exceed 3 or 4 years?
26		THE UNITED STATES?	
27	MV1	YES OR NO. DID YOU ASK?	MW NO. I talked with Abdul Rahman's
28			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	MV2	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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13 FV COUNSEL THAT LETTER YOU ARE
14 REFERING-TO IS EXHIBIT 15?

15 MV1 I WAS MAAM.

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

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

21 MV2 OBJECTION. VAGUE. IRRELEVANCE.

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

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.

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

MV1 I WAS MAAM.

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

MV1 AND YOU REPRESENTED OTHER
IRAQI PEOPLE CONCERNING THE
AMERICANS?

MV2 OBJECTION. VAGUE. IRRELEVANCE.

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. RELEVANCE.

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?
12
13
14
15

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. RELEVANCE.

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

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)

DVD- TRANSCRIPTION

DVD- TRANSLATION

Khalid Salman Rasif (*Nasif*) Yunis

DVD #8 (4 of 4)

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
THROUGH MY QUALIFICATIONS
AND OTHER MATTERS IN THE
PRELIMINARY 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

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
THROUGH MY QUALIFICATIONS
AND OTHER MATTERS IN THE
PRELIMINARY 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 CAPTAIN ERIN, CAPTAIN
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
CAPTAIN ERIN, CAPTAIN
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		<i>[Interpreter "Do you know if there was a</i>		
8		<i>person that died as a result of the gunfire</i>		
9		<i>that day/"]</i>		
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.**

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 YOUKNOW WHAT TYPE OF	MW	They were American forces.
5		AMERICAN FORCES THEY WERE?		
6	MV1	WHAT I MEAN, DO YOU KNOW THE	MW	I do not have any knowledge. We just
7		DIFFERENCE BETWEEN A US		called them Marines forces...
8		SOLDIER AND A US MARINE?		
9	MV1	REFERRING TO THE PEOPLE THAT	MW	Yes.
10		YOU SAW THAT DAY ...		
11	MV1	IF I WOULD MENTION THE PEOPLE	MW	Yes.
12		THAT WERE KILLED IN THE HOUSES		
13		SOUTH OF THE EXPLOSION, WOULD		
14		YOU KNOW WHAT I AM TALKING		
15		ABOUT?		
16	MV1	WOULD YOU PLEASE NAME THOSE	MW	Abdul Hamid Hassan Ali ...
17		PEOPLE FOR ME?		
18	MV1	YES.	MW	Khamisah Touma Ali; Jaheed Abdul
19				Hamid Hassan; Rasheed Abdul Hamid
20				Hassan; Waleed Abdul Hamid Hassan;
21				Asma'a Nasif; Abdullah Waleed Abdul
22				Hamid; Yunis Salim Nasif; Aida Yassin
23				Ahmed; Huda Yassin Ahmed; Noor
24				Nasif Salim; Sabaa Yunis Salim;
25				Muhammad Yunis Salim; Zainab Yunis
26				Salim and Aisha Yunis Salim.
27	MV1	OK IF I SHOW YOU PHOTOGRAPHS	MW	Yes, except for ... Except for ...
28		OF THESE PEOPLE WOULD YOU BE		

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
5				would not be able to distinguish between
6				Zainab and Aisha.
7	MV1	BUT THE ADULTS YOU WOULD	MW	Yes.
8		RECOGNIZE?		
9	MV1	MAY I APPROACH THE WITNESS	MV1	MAY I APPROACH THE WITNESS
10		MAAM?		MAAM?
11	FV	YES.	FV	YES.
12	MV1	I AM GOOING TO SHOW THE	MW	That is Rasheed Abdul Hamid Hassan.
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		
18	MV1	WOULD YOU SHOW THE CAMERA	MW	<i>[Witness points to a person on the</i>
19		WHAT YOU ARE POINTING AT?		<i>photograph]</i> This is Rasheed Abdul
20		WHICH PERSON IS RASHEED ABDUL		Hamid, my maternal aunt's son.
21		HAMID?		
22	FV	HE IS POINTING TO THE RIGHT.	FV	HE IS POINTING TO THE RIGHT.
23	MV1	YES. THE PERSON WEARING A	MW	Rasheed was a graduate of the Teachers
24		WHITE COLLARED SHIRT. WHAT DID		Academy.
25		RASHEED DO FOR LIVING? DO YOU		
26		KNOW WHAT RASHEED DID FOR		
27		LIVING?		
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 YOUR 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
Hassan and that is my paternal uncle
Abdul Hamid Ali and this one is my
sister Asma'a Salman Nasif and the
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"]

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

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

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?

9 MV1 AND WHAT WAS HIS OCCUPATION?

10
11
12
13
14 MV1 THANK YOU SIR. MARK THIS NEXT
15 ONE AS NO. 4?

16 FV YES.

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

20
21
22
23
24
25 MV1 IF I CAN INERRUPT SIR. I
26 APOLOGIZE. DID YOU PERSONALLY
27 SEE THESE RELATIVES DECEASED?

28 MV1 WHEN DID YOU SEE THEM

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

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]*

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

FV YES.

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 ...**

MW **Yes.**

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
12				uncle Abdul Hamid Hassan's house.
13	MV1	AND WHEN WAS THE PHOTO TAKEN	MW	Approximately a day after the incident.
14		APPROXIMATELY?		And the house looked exactly like this.
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
20		NEXT PHOTO WHICH WAS		the bed where my paternal uncle Abdul
21		INTRODUCED AS DEPOSITION		Hamid used to sleep on. There was a big
22		EXHIBIT 3 OF AL-ANZI DEPOSITION.		hole underneath the bed... A big hole
23		DO YOU RECOGNIZE WHAT THIS		underneath the bed.
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		condition.
10		WERE THERE?		
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 house.**

7 MV1 AND THIS IS AN ACCURATE
8 DEPECTION OF THE SCENE AS YOU
9 REMEMBER IT?

MW **Yes and the blood was all over the hallways.**

10 MV1 WILL MAKE THIS EXHIBIT 10 MAAM
11 ... I WILL SHOW YOU PHOTOGRAPH
12 MARKED AS EXHIBIT 10 IN THE AL-
13 ANZI DEPOSITION.

MV1 WILL MAKE THIS EXHIBIT 10 MAAM
... I WILL SHOW YOU PHOTOGRAPH
MARKED AS EXHIBIT 10 IN THE AL-
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
16 AM SORRY.

MV1 THE NEXT ONE YES. LAST ONE IS 9, I
AM SORRY.

17 FV THAT WAS ONE FROM SAFAA
18 DEPOSITION 12 AND 10?

FV THAT WAS ONE FROM SAFAA
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
22 SHOWING YOU IS EXHIBIT 10 FROM
23 SSGT WUTERICH DEPOSITION OF
24 AL-ANZI. WOULD YOU PLEASE
25 LOOK AT THIS PHOTOGRAPH SIR?

MW **Yes.**

26 MV1 DO YOU RECOGNIZE THIS PHOTO
27 SIR?

MW **This is the bedroom of Yunis Salim 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.

12?

Yes.

This is Yunis Salim Nasif's bedroom.

Yes as I remember it.

THANK YOU SIR. I JUST HAVE 2
MORE PHOTOS.

EXCUSE ME. I AM NOT SURE I GOT
THIS FOR THE RECORD ... THE
HOUSE IS EXHIBIT 12?

12.

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

WILL BE 13.

OK ...IT IS GOING TO BE 13.

YES MAAM.

JUST A SECOND PLEASE ... OK ... OK
... THE NEXT EXHIBIT WILL BE 14.

YES EXHIBIT 14 WILL BE THE AL-

1 ANZI DEPOSITION EXHIBIT 9.

2 FV ALSO OF THE BEDROOM?

3 MV1 YES ... YES MAAM AND I WOULD

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

11 PHOTOGRAP?

12 MV1 THAT IS FAIR.

13 FV OK... THAT PHOTO WILL NOT BE

14 INTRODUCED CORRECT?

15 MV1 NO MAAM.

16 FV OK.

17 MV1 I WOULD LIKE YOU TO LOOK AT

18 DEPOSITION EXHIBIT 5 OF THE AL-

19 ANZI DEPOSITION ...

20 MV1 WOULD YOU PLEASE STUDY THIS

21 PHOTOGRAPH?

22 MV1 DO YOU RECOGNIZE WHAT THIS

23 PHOTO IS OF?

24 Mv1 OK.

25

26 MV1 OK ... THIS OTHER HOUSE THEN?

27 MV1 OK... DID YOU TAKE THIS PICTURE

28 SIR?

ANZI DEPOSITION EXHIBIT 9..

FV ALSO OF THE BEDROOM?

MW **It is not clear as far as I am concerned.**

MW **I am not sure.**

MV1 THAT IS FAIR.

FV OK... THAT PHOTO WILL NOT BE

INTRODUCED CORRECT?

MV1 NO MAAM.

FV OK.

MW **Yes.**

MW **Yes.**

MW **I am not sure here ...**

MW **This also shows Abdul Hamid Hassan's house.**

MW **Yes.**

MW **I could answer yes or no. I took half ...**
[Interpreter cuts off the witness]

1	MV1	DO YOU REMEMBER IN THIS ROOM	MW	There was so much blood and this...
2		... WELL LET REPHRASE, IS THIS A		<i>[Interpreter cuts off the witness]</i>
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	MW	I believe it was in the same living-room.
8		WAS WHEN THE PHOTO WAS		
9		TAKEN?		
10	MV1	OK ... WILL MAKE IT DEPOSITION	MV1	OK ... WILL MAKE IT DEPOSITION
11		EXHIBIT 15		EXHIBIT 15
12		[Long pause low wispering iin the		[Long pause low wispering iin the
13		background]		background]
14				
15	MV1	ALL RIGHT SIR. THANK YOU SO	MV1	ALL RIGHT SIR. THANK YOU SO
16		VERY MUCH FOR COMING HERE		VERY MUCH FOR COMING HERE
17		AND I AM SO SORRY FOR YOUR		AND I AM SO SORRY FOR YOUR
18		GREAT LOSS BUT WE DO NOT HAVE		GREAT LOSS BUT WE DO NOT HAVE
19		ANY MORE QUESTIONS FOR YOU.		ANYMORE QUESTIONS FOR YOU.
20	FV	IS THE WITNESS RELEASED FROM	FV	IS THE WITNESS RELEASED FROM
21		FURTHER TESTIMONY?		FURTHER TESTIMONY?
22	MV1	YES MAAM IN THIS CASE. BUT I	MV1	YES MAAM IN THIS CASE. BUT I
23		UNDERSTAND LIEUTENANT [UN]		UNDERSTAND LIEUTENANT [UN]
24		ASSIGNED IN ANOTHER CASE WANT		ASSIGNED IN ANOTHER CASE WANT
25		TO CALL THE WITNESS.		TO CALL THE WITNESS.
26	FV	OK ... I UNDERSTAND YOU WILL BE	FV	OK ... I UNDERSTAND YOU WILL BE
27		CALLED IN ANOTHER CASE		CALLED IN ANOTHER CASE
28		INVOLVING US Vs LT COL CHESSANI		INVOLVING US Vs LT COL

1 AND WHO IS GOING TO BE THE
2 COUNSEL THAT IS GOING TO BE
3 RESPONSIBLE FOR COORDINATING
4 THIS?

5 MV1 IT IS GOING TO BE MAJOR
6 ERICKSON MAAM..

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

12
13 **[END OF RECORDING]**
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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)

FV WILL YOU CHANGE THE TAPE?

MV? WILL DO.

FV DOES SHE WANT SOME WATER?

MV1 CAN WE TAKE FEW MINUTES?

FV WHAT YOU SAY? 5 MINUTES AFTER..

MV2 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.

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
2 THAT YOU CANNOT TALK TO
3 EITHER COUNSEL ... YOU CANNOT
4 TALK WITH EITHER COUNSEL
5 WHILE THE DEPOSITION IS GOING
6 ON. IF YOU HAVE ANY QUESTIONS
7 ADDRESS THEM TO ME...
8 INT YES MAAM.
9 FV COUNSEL YOU MAY PROCEED
10 MV1 YES MAAM ... UMM ...EMAN WE
11 LEFT OFF WITH YOU SAYING ONE
12 MARINE ENTERING THE ROOM. IS
13 THAT RIGHT?
14 FW
15 MV1 CAN YOU TELL US WHAT,IF
16 ANYTHING, YOU SAW THAT MARINE
17 DO?
18 FW
19 MV1 O.K. ... HOW LONG IS HE ...? DID HE
20 GO INSIDE THE ROOM?
21 FW
22 MV1 O.K. ...THAT SOUNDED LIKE A YES.
23 HOW LONG WAS HE IN THE ROOM?
24 FW
25 MV1 DID YOU SEE HIM DO ANYTHING?
26 FW
27 MV1 O.K. ... DID YOU? ... YOU HEAR
28 ANYTHING?

FV INTERPRETER, YOU ARE REMINDED
THAT YOU CANNOT TALK TO
EITHER COUNSEL ... YOU CANNOT
TALK WITH EITHER COUNSEL
WHILE THE DEPOSITION IS GOING
ON. IF YOU HAVE ANY QUESTIONS
ADDRESS THEM TO ME...
INT YES MAAM.
FV COUNSEL YOU MAY PROCEED
MV1 YES MAAM ... UMM ...EMAN WE
LEFT OFF WITH YOU SAYING ONE
MARINE ENTERING THE ROOM. IS
THAT RIGHT?
FW **Yes.**
Mv1 CAN YOU TELL US WHAT, IF
ANYTHING, YOU SAW THAT MARINE
DO?
FW **They did not do anything.**
MV! O.K. ... HOW LONG IS HE ...? DID HE
GO INSIDE THE ROOM?
FW **Yes.**
MV! O.K. ...THAT SOUNDED LIKE A YES.
HOW LONG WAS HE IN THE ROOM?
FW **Not too long ... About 5 minutes or so.**
MV1 DID YOU SEE HIM DO ANYTHING?
FW **No.**
MV1 O.K. ... DID YOU? ... YOU HEAR
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				<i>[Local interpreter has interpreted</i>
12				<i>"Arabic" to "Iraqi"]</i>
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:

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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
MV1 DID THEY TAKE ANYBODY ELSE
OUT OF THAT ROOM?
FW
MV1 O.K.... WERE THERE ANYBODY
BESIDE YOU AND YOUR BROTHER
IN THAT ROOM?
FW
MV1 WHEN YOU SAY THEY WERE ALL
DEAD... WHO WERE ALL DEAD?
FW – – – – –
MV1 O.K.... ALL THESE PEOPLE YOU SAID
WERE DEAD. THEY WERE ALL IN
THAT ROOM?
FW
MV1 DO YOU KNOW HOW THEY DIED?

**“Aunt we here in the hospital...The “Ibn
Sina Hospital" She came and took us for
treatment there in the hospital ... The
Doctors Hospital.**
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?		SOMEONE THROW A BOMB?
2				
3	FW		FW	Yes.
4	MV1	O.K. HOW MANY?	MV1	O.K. HOW MANY?
5	FW		FW	One.
6	MV1	O.K.... AFTER YOU SAW THE ONE...	MV1	O.K.... AFTER YOU SAW THE ONE...
7		WHAT WAS THE ONE...? WHAT WAS		WHAT WAS THE ONE...? WHAT WAS
8		HE WEARING?		HE WEARING?
9	FW		FW	I do not recall.
10	FW	O.K.... UMM... WERE THEY	FW	I do not recall ... I do not know.
11		WEARING GREEN?		
12	MV1	O.K... SO... YOU SAW ONE THROW A	MV1	O.K... SO... YOU SAW ONE THROW A
13		BOMB?		BOMB?
14	FW		FW	Yes.
15	MV1	O.K... AFTER YOU SAW THAT ONE	MV1	O.K... AFTER YOU SAW THAT ONE
16		THROW A BOMB, WHAT HAPPENED		THROW A BOMB, WHAT HAPPENED
17		AFTER THAT?		AFTER THAT?
18	FW		FW	That was it. He threw the bomb and left.
19	MV1	YOU KEEP SAYING THEY AND YOU	MV1	YOU KEEP SAYING THEY AND YOU
20		TELL ME YOU ONLY SAW ONE?		TELL ME YOU ONLY SAW ONE?
21		<i>[Local interpreter had interpreted "HE" as</i>		<i>[Local interpreter had interpreted "HE" as</i>
22		<i>"THEY"]</i>		<i>"THEY"]</i>
23	FW		FW	Yes.
24	MV1	AND AFTER THE BOMB DID YOU	MV1	AND AFTER THE BOMB DID YOU
25		LOOK AROUND THE ROOM?		LOOK AROUND THE ROOM?
26	FW		FW	Do you mean the Americans? Yes.
27	MV1	NO. WHAT I AM ASKING DID YOU	MV1	NO. WHAT I AM ASKING DID YOU
28		SEE WHAT HAPPENED AFTER THE		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**

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

MV1 THEN HOW DID YOU KNOW THAT IT HAPPENED?

FW

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

FW

MV1 OBJECTION THIS STATES FACTS NOT IN EVIDENCE.

MV1 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

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?		SITTING IN THE ROOM YOU DREW?
2	FW		FW	Yes.
3	MV1	AND DID YOU SEE YOUR UNCLE	MV1	AND DID YOU SEE YOUR UNCLE
4		JAHEED WHEN HE WAS SHOT?		JAHEED WHEN HE WAS SHOT?
5	FW		FW	Yes.
6	MV1	AND WHEN YOU SAW HIM GET	MV1	AND WHEN YOU SAW HIM GET
7		SHOT. HOW MANY SHOTS WERE		SHOT. HOW MANY SHOTS WERE
8		THERE		THERE AGAIN?
9		AGAIN?		
10	FW		FW	One ...One.
11	MV1	AFTER THE ONE SHOT, WAS THERE	MV1	AFTER THE ONE SHOT, WAS THERE
12		ANYMORE SHOTS IN THE ROOM?		ANYMORE SHOTS IN THE ROOM?
13		AND BEFORE THAT SHOT?		AND BEFORE THAT SHOT?
14	FW		FW	No.
15	MV1	WAS THAT THE LAST SHOT?	MV1	WAS THAT THE LAST SHOT?
16	MW		MW	Yes.
17	MV1	AND BEFORE THAT SHOT... I AM	MV1	AND BEFORE THAT SHOT... I AM
18		SORRY ... BESIDES THAT ONE SHOT		SORRY ... BESIDES THAT ONE SHOT
19		ON YOUR UNCLE JAHEED, WAS		ON YOUR UNCLE JAHEED, WAS
20		THERE ANY SHOOTING BEFORE		THERE ANY SHOOTING BEFORE
21		THAT SHOT?		THAT SHOT?
22	FW		FW	Yes.
23	MV1	O.K....AND DO YOU REMEMBER	MV1	O.K. AND DO YOU REMEMBER HOW
24		HOW MANY SHOTS YOU HEARD		MANY SHOTS YOU HEARD BEFORE
25		BEFORE THE SHOT THAT... BEFORE		THE SHOT THAT... BEFORE JAHEED
26		JAHEED WAS SHOT?		WAS SHOT?
27	FW		FW	No.
28	MV	DID YOU SEE ... DID YOU SEE...?	MV1	DID YOU SEE? ... DID YOU SEE?

1	1	UMM I... [UN] JUST ONE ... ONE		UMM I... [UN] JUST ONE ... ONE
2		SECOND. YOU SAID THAT THERE		SECOND. YOU SAID THAT THERE
3		WERE 4 OR 5 MARINES IN THE ROOM		WERE 4 OR 5 MARINES IN THE ROOM
4		WHEN YOUR UNCLE WAS SHOT?		WHEN YOUR UNCLE WAS SHOT?
5	FW		FW	Yes.
6	MV1	AND THEY WERE INSIDE THAT	MV1	AND THEY WERE INSIDE THAT
7		ROOM THAT YOU DREW FOR ME?		ROOM THAT YOU DREW FOR ME?
8		RIGHT?		RIGHT?
9	FW		FW	Yes.
10	MV1	DID YOU SEE THOSE 4 OR 5	MV1	DID YOU SEE THOSE 4 OR 5
11		MARINES ENTER THE ROOM?		MARINES ENTER THE ROOM?
12	FW		FW	Yes.
13	MV1	WHAT DID THEY DO WHEN THEY	MV1	WHAT DID THEY DO WHEN THEY
14		FIRST ENTERED THE ROOM?		FIRST ENTERED THE ROOM?
15	FW		FW	As soon as they entered they went
16				straight up to my paternal uncle Jaheed
17				and killed him.
18	MV1	WHEN YOU SAY ... HOW MANY	MV1	WHEN YOU SAY ... HOW MANY
19		ACTUALLY SHOT YOUR UNCLE? DID		ACTUALLY SHOT YOUR UNCLE? DID
20		YOU SEE?		YOU SEE?
21	FW		FW	No.
22	MV1	I WILL REPHRASE IT. DID SHE SEE?	MV1	I WILL REPHRASE IT. DID SHE SEE?
23		... THAT IS RIGHT... AFTER THE		... THAT IS RIGHT... AFTER THE
24		MARINES ENTERED THE ROOM AND		MARINES ENTERED THE ROOM AND
25		WALKED UP TO YOUR UNCLE AND		WALKED UP TO YOUR UNCLE AND
26		SHOT HIM, WHAT DID THEY DO		SHOT HIM, WHAT DID THEY DO
27		NEXT?		NEXT?
28	FW		FW	They did not do anything.

1 MV1 DID THEY STAY IN THE ROOM?
2 FW
3 MV1 THAT IS BEFORE OR AFTER THE
4 BOMB?
5 FW
6 MV1 WAS YOUR MUM AND BROTHER
7 STILL IN THE ROOM WHEN THEY
8 LEFT?
9 FW
10 MV1 WERE THEY DEAD?
11 FW
12 MV1 WAS YOUR GRANDPA DEAD?
13 FW
14 MV1 JUST TALKING ABOUT THE PEOPLE
15 THAT WERE IN THAT ROOM. WHO
16 WAS THE FIRST PERSON TO DIE?
17 FW
18 MV1 DID YOU KNOW HOW HE DIED?
19 FW
20 MV1 WHO WAS THE NEXT ONE?
21 FW
22 MV1 HE WAS IN THAT ROOM?
23 FW
24 MV2 WAS HE IN HIS ROOM? I AM GOING
25 TO OBJECT. WITNESS LACKS
26 FOUNDATION. SHE DID NOT
27 WITNESS THAT. WE HAVE BEEN
28 THROUGH THIS BEFOR.

MV1 DID THEY STAY IN THE ROOM?
FW **No.**
MV1 THAT IS BEFORE OR AFTER THE
BOMB?
FW **No ... After the bomb.**
MV1 WAS YOUR MUM AND BROTHER
STILL IN THE ROOM WHEN THEY
LEFT?
FW **Yes.**
MV1 WERE THEY DEAD?
FW **Yes.**
MV1 WAS YOUR GRANDPA DEAD?
FW **Yes.**
MV1 JUST TALKING ABOUT THE PEOPLE
THAT WERE IN THAT ROOM. WHO
WAS THE FIRST PERSON TO DIE?
FW **The first one was my grandfather.**
MV1 DID YOU KNOW HOW HE DIED?
FW **Yes.**
MV1 WHO WAS THE NEXT ONE?
FW **My father.**
MV1 HE WAS IN THAT ROOM?
FW **No in his room.**
MV2 WAS HE IN HIS ROOM? I AM GOING
TO OBJECT. WITNESS LACKS
FOUNDATION. SHE DID NOT
WITNESS THAT. WE HAVE BEEN
THROUGH THIS BEFOR.

1	MV1	AFTER YOUR DAD, WHO WAS THE	MV1	AFTER YOUR DAD, WHO WAS THE
2		NEXT ONE?		NEXT ONE?
3	FW		FW	My grandmother.
4	MV1	O.K. AND WAS SHE IN THAT ROOM?	MV1	O.K. AND WAS SHE IN THAT ROOM?
5	WF		FW	Yes.
6	MV1	WHO WAS THE NEXT ONE?	MV1	WHO WAS THE NEXT ONE?
7	FW		FW	My paternal uncle.
8	MV1	WHICH ONE?	MV1	WHICH ONE?
9	FQ		FW	My paternal uncle Jaheed.
10	MV1	JAHEED AND AFTER JAHEED, WHO	MV1	JAHEED AND AFTER JAHEED, WHO
11		WAS AFTER HIM?		WAS AFTER HIM?
12	FW		FW	My paternal uncle Rasheed.
13	MV1	O.K.... AND WHO AFTER RASHEED?		O.K.... AND WHO AFTER RASHEED?
14	FW		FW	My mother.
15	MV1	O.K....AND YOUR MOTHER DID YOU		O.K....AND YOUR MOTHER DID YOU
16		SEE HOW SHE DIED?		SEE HOW SHE DIED?
17	FW		FW	No.
18	MV1	WHO WAS AFTER YOUR MOTHER?		WHO WAS AFTER YOUR MOTHER?
19	FW		FW	My brother.
20	MV1	O.K... DID YOU SEE HOW HE DIED?		O.K... DID YOU SEE HOW HE DIED?
21	FW		FW	No.
22	MV2	I AM GOING TO OBJECT TO THE LINE	MV2	I AM GOING TO OBJECT TO THE LINE
23		OF QUESTIONS. HE IS ASKING HOW		OF QUESTIONS. HE IS ASKING HOW
24		SHE DIED, WHO DIED. SHE DID NOT		SHE DIED, WHO DIED. SHE DID NOT
25		EVEN PERCIEVE THESE.		EVEN PERCIEVE THESE.
26	FV	YOUE OBJECTION IS NOTED.	FV	YOUE OBJECTION IS NOTED.
27		COUNSEL DID YOU WANT TO		COUNSEL DID YOU WANT TO
28		REPHRASE OR ...		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)**

FV	COUNSEL YOU MAY PROCEED.	FV	COUNSEL YOU MAY PROCEED.
MV1	WHAT YOUR FRIENDS THINK	FW	I do not know ... I do not know.
	ABOUT THE AMERICANS?		
MV1	HAVE YOU EVER TALKED TO THEM	FW	No.
	ABOUT THAT?		
MV1	WHO IS HIBA?	FW	Hiba? She is my uncle's wife.
MV1	WAS SHE MARRIED TO RASHEED?	FW	Yes.
MV1	ARE YOU SUNNI OR SHI'ITE?	FW	I am Sunni.
MV1	AND WHAT DO YOU THINK ABOUT	FW	I do not think anything.
	SHI'ITE?		
MV1	DO YOU KNOW THE DIFFERENCE	FW	No.
	BETWEEN AMERICAN ARMY AND		
	AMERICAN MARINES?		
MV1	EMAN. DO YOU KNOW THE LAWYER	FW	Yes.
	WHOSE NAME IS KHALID?		
MV1	AND HOW DO YOU KNOW HIM?	FW	He is my maternal uncle.
MV1	WHERE DOES HE LIVE?	FW	In Haditha.
MV1	DID HE LIVE NEAR YOUR HOUSE?	FW	Yes.
MV1	HOW FAR AWAY?	FW	I do not know.
MV1	DID YOU GO TO HIS HOUSE A LOT?	FW	Yes.
MV1	DID YOU TALK TO HIM ABOUT	FW	No.
	WHAT HAPPENED THAT DAY?		
MV1	NOT AT ALL?	FW	Yes.
MV1	YOU ARE SURE?	FW	Yes.
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 ...]

FW **Who are they?**

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

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	FW	Here.
3		PICTURE, IF AT ALL?		
4	MV2	WITNESS IS POINTING BETWEEN	MV2	WITNESS IS POINTING BETWEEN
5		THE MAN AND THE BOY AGAINST		THE MAN AND THE BOY AGAINST
6		THE WALL ON THE RIGHT PART OF		THE WALL ON THE RIGHT PART OF
7		THE PICTURE ... HOLD IT UP AND		THE PICTURE ... HOLD IT UP AND
8		POINT FOR ME.		POINT FOR ME.
9		<i>[Witness holds up the picture facing the</i>		<i>[Witness holds up the picture facing the</i>
10		<i>camers with a finger pointing to a spot on</i>		<i>camers with a finger pointing to a spot on</i>
11		<i>the picture]</i>		<i>the picture]</i>
12	MV2	AND WERE YOU SEATED THERE?	FW	Yes.
13	MV2	AND WHERE WAS YOUR OTHER	FW	My brother Abodi <i>[Her nickname for her</i>
14		BROTHER?		<i>brother Abdul Rahman]</i> was sitting
15				besides me... My brother Abodi was
16				sitting next to me.
17	MV2	WAS HE CLOSER TO YOUR UNCLE	FW	No he was closer.
18		OR YOU WERE CLOSER TO YOUR		
19		UNCLE?		
20	MV2	O.K. ... AND YOU SAID EARLIER	FW	Yes.
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 .	MV2	I WILL TAKE THE PICTURE .
26		ACTUALLY THIS IS DEPOSITION		ACTUALLY THIS IS DEPOSITION
27		EXHIBIT NO. 3, PHOTO 00078,		EXHIBIT NO. 3, PHOTO 00078,
28		PREVIOUSLY PROVIDED TO THE		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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