

From: Pool Capt Jeffrey S (GCE PAO)
Sent: Sunday, November 20, 2005 10:15 AM
Subject: Haditha attack

2d Marine Division Camp Blue Diamond, Ar Ramadi, Iraq

Point of Contact:
Capt. Jeffrey S. Pool
Public Affairs Officer

November 20, 2005
wiraq.usmc.mil

PoolJS@gcemnf-

PRESS RELEASE # 05-141 FOR IMMEDIATE RELEASE

CAMP BLUE DIAMOND, AR RAMADI, Iraq – A U.S. Marine and 15 Iraqi civilians were killed yesterday from the blast of a roadside bomb in Haditha.

Immediately following the bombing, gunmen attacked the convoy with small arms fire. Iraqi Army soldiers and Marines returned fire killing eight insurgents and wounding another.

In early October, Iraqi Army soldiers and Marines conducted *Operation Rivergate* in Haditha, Barwana and Haqlaniyah to establish bases to maintain a long term security presence.

-USMC-

Exhibit 1

Language: English | عربي

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II MEF Marine killed by IED



Sunday, 20 November 2005

November 20, 2005

Release A051120c

II MEF Marine killed by IED

CAMP FALLUJAH, Iraq – A Marine assigned to Regimental Combat Team 2, 2nd Marine Division, II Marine Expeditionary Force (Forward), was killed in action when his vehicle was attacked with an improvised explosive device attack while conducting combat operations against the enemy in the vicinity of Hadithah, Nov. 19.

The name of the deceased is being withheld pending notification of next of kin and release by the Department of Defense.

-30-

FOR MORE INFORMATION, CONTACT THE MULTI-NATIONAL FORCE-WEST PUBLIC AFFAIRS OFFICE AT CEPAOWO@CEMNF-WIRAQ.USMC.MIL <mailto: CEPAOWO@CEMNF-WIRAQ.USMC.MIL > .

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Approved for Release



IRAQ INVESTIGATIONS



Haditha, Iraq Investigation

Press Statement

The following is the statement made by Col. Stewart Navarre during a press conference held at Camp Pendleton, Calif. at 1:00 p.m., Dec. 21, 2006. Navarre is the Chief of Staff, Marine Corps Installations West, headquartered at Camp Pendleton.

The following statement may be attributed to Col. Navarre.

Lieutenant General James Mallis, Commanding General of Marine Corps Forces, Central Command has conducted a thorough review of the investigations into the circumstances of the deaths of Iraqi civilians that took place on 19 November 2005, near Haditha, Iraq, as well as the investigations into the response by the chain of command.

I will describe the events and actions taken so far.

On the morning of 19 November 2005, a four vehicle convoy of Marines from Kilo Company, 3rd Battalion, 1st Marine Regiment, 1st Marine Division was moving through Haditha when it was ambushed by insurgents employing an improvised explosive device and small arms fire.

One Marine was killed and two were wounded by the explosion. Over the next several hours, 24 Iraqi men, women and children died in the vicinity of the IED explosion.

On 20 November 2005, 2nd Marine Division issued a press release stating that 15 Iraqi civilians were killed in an IED explosion, and Marines and Iraqi Army soldiers killed eight insurgents in a follow-on fire-fight.

We now know with certainty the press release was incorrect, and that none of the civilians were killed by the IED explosion.

As the result of a query by a Time magazine reporter in January 2006, there were several distinct but related investigations into the circumstances of the deaths of the 24 Iraqi civilians, and into how the chain of command reported and investigated those deaths.

On 14 February 2006, Lieutenant General Peter Chiarelli, Commander of Multi-National Corps-Iraq, initiated an Army Regulation 15-6 investigation concerning the incident. This investigation focused on the circumstances of the attack and whether the Marines involved followed the Rules of Engagement and Law of Armed Conflict. Colonel Watt was the investigating officer and this investigation closed on 9 March 2006. Colonel Watt recommended further criminal investigation by the Criminal Investigative Division or the Naval Criminal Investigative Service.

On 12 March 2006, in response to the recommendation of the Watt investigation, Major General Richard Zilmer, Commander of coalition forces in Al Anbar, initiated a Naval Criminal Investigative Service investigation, to determine if there was any criminal responsibility for the deaths of the Iraqi civilians.

On 17 March 2006, Lieutenant General Chiarelli, Commander of Multi-National Corps-Iraq, initiated a second Army Regulation 15-6 investigation, appointing Major General Eldon Bargewell as the investigating officer. Major General Bargewell was appointed in order to provide an officer with sufficient seniority to interview the most senior officers in the chain of command in Al Anbar province.

The Bargewell investigation focused on three aspects of the incident: official reporting of the events and follow-on actions by the chain of command, training of Marines in the Rules of Engagement and the Law of Armed Conflict, and whether the command climate in 3rd Battalion, 1st Marine Regiment encouraged the disciplined application of the Rules of Engagement and the Law of Armed Conflict. Major General Zilmer initiated a Judge Advocate General investigation that was ultimately combined with the Bargewell investigation. In May 2006, the Naval Criminal Investigative Service also began a criminal investigation into the follow-on actions of the chain of command.

The Bargewell investigation concluded on 15 June 2006. The Bargewell investigation found that the Marines were adequately trained on the Rules of Engagement and Law of Armed Conflict but that reporting of the incident up the chain of command was inaccurate and untimely. After endorsement by LTG Chiarelli, on 7 July 2006, it was forwarded to General Casey, Commander, Multi-National Forces - Iraq and then to U.S. Marine Corps Forces, Central Command for appropriate action.

U.S. Marine Corps Forces, Central Command provided a copy of the Bargewell investigation to the Naval Criminal Investigative Service on 17 July 2006. NCIS will continue its investigation until all legal proceedings are concluded.

Based on the findings of the investigations, various charges have been preferred against four Marines relating to the deaths of the Iraqi civilians on 19 November 2005. Also, charges have been preferred against four Marines for failure to properly report and/or investigate the deaths of the Iraqi civilians. These charges include murder, dereliction of duty, false official statement and obstruction of justice. A synopsis of the charges and specifications alleged against each Marine are in your press kits.

It is important to note that the accused are presumed innocent. The charges and specifications are only accusations against the individuals.

In order to preserve the integrity of that investigation, and to ensure fair and impartial legal proceedings, we will not discuss evidence or specific findings of the investigations.

We will endeavor to be as open as possible while preserving the rights of the accused and the integrity and fairness of the military justice process.

All Marines are trained in, and are expected to fully comply with the Law of Armed Conflict.

The Marine Corps takes allegations of wrong-doing by Marines very seriously and is committed to thoroughly investigating such allegations. The Marine Corps also prides itself on holding its members accountable for their actions.

We are absolutely committed to holding fair and impartial proceedings in full compliance with the Uniform Code of Military Justice.

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Approved for Release

VIA EMAIL

January 30, 2020

United States Marine Corps
Attn: Sally Hughes
FOIA/PA Section (ARSF)
3000 Marine Corps Pentagon
Washington, DC 20350-3000
hqmcfoia@usmc.mil

Dear Ms. Hughes:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., APM Reports makes the following request for records.

Background

On November 19, 2005, eight Marines in Kilo Company, 3rd Battalion, 1st Marine Regiment participated in the killing of 24 unarmed civilians in Haditha, Iraq. The following Marines were investigated in connection with the incident: LtCol Jeffrey R. Chessani, Capt. Randy W. Stone, Capt. Lucas M. McConnell, 1st Lt. Andrew A. Grayson, Staff Sgt. Frank D. Wuterich, Sgt. Sanick P. Dela Cruz, LCpl. Justin L. Sharratt and LCpl. Stephen B. Tatum. All were later convicted of UCMJ violations.

APM Reports is interested in obtaining information about the Haditha massacre, the soldiers involved, and any associated investigations and prosecutions.

Requested Records

APM Reports requests that the U.S. Marine Corps produce the following records within 20 business days:

1. The complete results of Marine Corps Total Force System searches on LtCol Jeffrey R. Chessani, Capt. Randy W. Stone, Capt. Lucas M. McConnell, 1st Lt. Andrew A. Grayson, Staff Sgt. Frank D. Wuterich, Sgt. Sanick P. Dela Cruz, LCpl. Justin L. Sharratt and LCpl. Stephen B. Tatum.
2. Any/all records related to any alleged criminal activities involving any of the above-named military personnel.
3. Any/all records related to the investigation into the Haditha massacre and any related crimes.
4. Any/all records related to any prosecutions into the Haditha massacre and any related crimes.
5. Any/all records related to clemency sought by those prosecuted for the Haditha massacre and any related crimes.

Exhibit 2

If the U.S. Marine Corps withholds any records responsive to this request on the grounds that they are not subject to disclosure under FOIA, please inform us that you have withheld the records and on what basis. If the U.S. Marine Corps redacts the names of any individuals, please assign a number/alias to each individual.

APM Reports seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document” and “information” in the broadest sense, to include any written, typed, recorded, graphic, printed or audio material of any kind. We seek all records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, email, facsimiles, telephone messages, voice mail messages, and transcripts, notes from meetings, meeting minutes, notes from interviews, telephone conversations or discussions. The request should include any attachments to these records. All materials should be included.

When possible, please provide responsive materials in electronic format. Please send any responsive material that must be delivered by mail to Parker Yesko, APM Reports, American Public Media, 480 Cedar St., St. Paul, MN 55101. If it will accelerate release of responsive records, please provide the responsive materials on a rolling basis.

Request for Fee Waiver and Expedited Processing

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), APM Reports requests a waiver of fees associated with processing this request. This request is primarily and fundamentally not for commercial purposes. APM Reports’ parent company, American Public Media, is a non-profit 501(c)(3) and is the largest station-based public radio organization in the United States. American Public Media aims to inform the public on matters involving the operations of government. Its programming is carried on approximately 1,000 radio stations nationwide, reaching an audience of 20 million listeners every week. APM Reports’ podcasts have been downloaded over 50 million times, have won the George Polk Award and the George Foster Peabody Award and have been cited in briefs at the U.S. Supreme Court. Disclosure of the requested information is in the public interest because it is “likely to contribute significantly to public understanding of the operations or activities of the government.”

Moreover, there is a compelling need for expedited processing of this request as it is part of a newsgathering process on a timely matter of great public concern: reports of American troops participating in violent crimes overseas are gravely concerning. They undermine global confidence in American institutions and thus, the safety of Americans.

Accordingly, APM Reports qualifies for a fee waiver and expedited processing.

If you wish to discuss any aspect of this request, please don’t hesitate to contact me.

Sincerely,



Parker Yesko
Reporter, APM Reports
pyesko@apmreports.org
(651) 290-1537

Subject: NOTICE OF TRANSFER FOR PART 3 OF FOIA REQUEST DON-USMC-2020-004153

Date: Friday, March 20, 2020 at 8:43:54 AM Central Daylight Time

From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>

To: Yesko, Parker <pyesko@apmreports.org>

CC: mariely.riveragarcia.ctr@usmc.mil <mariely.riveragarcia.ctr@usmc.mil>, robert.m.altman@usmc.mil <robert.m.altman@usmc.mil>

Dear Ms. Yesko,

Per our phone conversation on 17 March 2020, we have transferred part 3 of this request to U.S. Central Command (CENTCOM). They can be contacted at (813) 529-6285 or at centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil. We are still working the other portions of your request but you should expect a response in about two weeks. Please contact us if you have questions or concerns.

Sincerely,

Mrs. Mariely Rivera Garcia

(813) 827-4308



UNITED STATES CENTRAL COMMAND
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

1 April 2020

Ms. Parker Yesko
APM Reports
480 Cedar Street
Saint Paul, MN 55101

Dear Ms. Yesko,

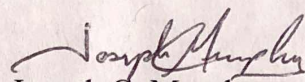
The U.S. Marine Corps Forces, Central Command (USMARCENT) referred Item #3 of your Freedom of Information Act (FOIA) request to U.S. Central Command (USCENTCOM), received on 19 March 2020, to process and provide a direct reply to you. Item #3 of your request sought any and all records related to the investigation into the Haditha massacre of 19 November 2005 in Haditha, Iraq and any related crimes (USMARCENT # 20202-004153). Your request is being processed in accordance with Title 5 U.S.C. § 552 Freedom of Information Act and Privacy Act, and Executive Order 13526. The actual processing time will depend upon consultation with other DoD components, both stateside and overseas, or other agencies.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Office of the Chief Management Officer, Directorate for Oversight and Compliance, Defense Privacy, Civil Liberties, and Transparency Division, FOIA Public Liaison (Ms. Melissa Walker) at OSD.FOIALiaison@mail.mil; telephone (571) 372-0462. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

The USCENTCOM FOIA Requester Service Center receives numerous FOIA requests and has a substantial number of pending FOIA cases. Therefore, we process requests in a multi-track processing system based on the date of receipt and complexity of the request. The FOIA does not require agencies to respond to questions, to do research, compile or analyze data, summarize, or conduct surveys for members of the public. You should be aware that the FOIA only provides the means by which the public can request specific documents from USCENTCOM. The requested documents should be described to the extent that they may be located with a reasonable amount of effort. Your FOIA is currently #1,812 in our queue. You can view your status on our website at www.centcom.mil/Home/FOIA.

If you have any questions regarding your inquiry, please contact the FOIA Requester Service Center at (813) 529-6285, centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil, and refer to USCENTCOM case #20-0298.

Sincerely,



Joseph C. Murphy
Major, U.S. Air Force
Chief, Command Records Branch

UNITED STATES CENTRAL COMMAND
ATTN: CCJ6-RDF (FOIA)
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101
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Ms. Parker Yesko
APM Reports
480 Cedar Street
Saint Paul, MN 55101

55101\$2217 0012



Subject: RE: [Non-DoD Source] Re: FOIAs # 20-0287 & 20-0298
Date: Wednesday, December 23, 2020 at 4:21:24 AM Pacific Standard Time
From: CENTCOM Macdill AFB CENTCOM HQ Mailbox Freedom of Information Act
To: pyesko@apmreports.org
CC: Hearne, Evlyn A CIV CENTCOM CCJ6 (USA)
Attachments: image001.png

Good Morning Parker Yesko,

FOIA requests 20-0287 is 1675 in our queue and 20-0298 is 1676 in our queue.

US CENTRAL COMMAND (USCENTCOM)
FOIA Requester Service Center
(813) 529-6285

From: Parker Yesko <pyesko@apmreports.org>
Sent: Tuesday, December 22, 2020 7:32 PM
To: Hearne, Evlyn A CIV CENTCOM CCJ6 (USA) <evlyn.a.hearne.civ@mail.mil>
Cc: CENTCOM Macdill AFB CENTCOM HQ Mailbox Freedom of Information Act <centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil>
Subject: [Non-DoD Source] Re: FOIAs # 20-0287 & 20-0298

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hi Ms. Hearne,

Could you please email me estimated completion dates for FOIA requests 20-0287 and 20-0298?

Many thanks,
Parker

--
Parker Yesko
Reporter | American Public Media
pyesko@apmreports.org < Caution-mailto:pyesko@apmreports.org >
646-621-6611 (c)

APMreports.

Subject: RE: [Non-DoD Source] Re: FOIAs # 20-0287 & 20-0298
Date: Wednesday, December 23, 2020 at 11:11:05 AM Pacific Standard Time
From: CENTCOM Macdill AFB CENTCOM HQ Mailbox Freedom of Information Act
To: pyesko@apmreports.org
CC: Hearne, Evlyn A CIV CENTCOM C CJ6 (USA)
Attachments: image001.png, image002.png

Mr. Yesko,

Unfortunately, we are unable provide a time frame for completion. You may track the status of your requests on the queue report on our website at:

https://www3.centcom.mil/foialibrary/statusreport/foia_status_report.pdf

US CENTRAL COMMAND (USCENTCOM)
FOIA Requester Service Center
(813) 529-6285

From: Parker Yesko <pyesko@apmreports.org>
Sent: Wednesday, December 23, 2020 2:03 PM
To: CENTCOM Macdill AFB CENTCOM HQ Mailbox Freedom of Information Act <centcom.macdill.centcom-hq.mbx.freedom-of-information-act@mail.mil>
Cc: Hearne, Evlyn A CIV CENTCOM C CJ6 (USA) <evlyn.a.hearne.civ@mail.mil>
Subject: Re: [Non-DoD Source] Re: FOIAs # 20-0287 & 20-0298

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Thanks. Do you have a sense for how long it will take you to reach 1675 and 1676 in your queue?

--

Parker Yesko
Reporter | American Public Media
pyesko@apmreports.org < Caution-mailto:pyesko@apmreports.org >
646-621-6611 (c)

APMreports.

VIA EMAIL

January 29, 2020

Office of the Judge Advocate General
Criminal Law Division (Code 20)
1254 Charles Morris Street SE, Suite B-01
Washington Navy Yard, DC 20374-5124
foiamiljus@navy.mil

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 et seq., APM Reports makes the following request for records.

Background

On November 19, 2005, eight Marines in Kilo Company, 3rd Battalion, 1st Marine Regiment participated in the killing of 24 unarmed civilians in Haditha, Iraq. The following Marines were investigated in connection with the incident: LtCol Jeffrey R. Chessani, Capt. Randy W. Stone, Capt. Lucas M. McConnell, 1st Lt. Andrew A. Grayson, Staff Sgt. Frank D. Wuterich, Sgt. Sanick P. Dela Cruz, LCpl. Justin L. Sharratt and LCpl. Stephen B. Tatum. All were later convicted of UCMJ violations.

APM Reports is interested in obtaining information about the Haditha massacre, the soldiers involved in the incident, and any associated investigations and prosecutions.

Requested Records

APM Reports requests that the Office of the Judge Advocate General produce the following records within 20 business days:

1. The complete record of any/all prosecutions of LtCol Jeffrey R. Chessani, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.
2. The complete record of any/all prosecutions of Capt. Randy W. Stone, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.
3. The complete record of any/all prosecutions of Capt. Lucas M. McConnell, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.
4. The complete record of any/all prosecutions of 1st Lt. Andrew A. Grayson, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.

Exhibit 7

5. The complete record of any/all prosecutions of Staff Sgt. Frank D. Wuterich, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.
6. The complete record of any/all prosecutions of Sgt. Sanick P. Dela Cruz, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.
7. The complete record of any/all prosecutions of LCpl. Justin L. Sharratt, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.
8. The complete record of any/all prosecutions of LCpl. Stephen B. Tatum, including but not limited to charging documents, court filings, discovery materials and transcripts/recordings of court proceedings.

If the Office of the Judge Advocate General withholds any records responsive to this request on the grounds that they are not subject to disclosure under FOIA, please inform us that you have withheld the records and on what basis. If the Office of the Judge Advocate General redacts the names of any individuals, please assign a number/alias to each individual.

APM Reports seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document” and “information” in the broadest sense, to include any written, typed, recorded, graphic, printed or audio material of any kind. We seek all records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, email, facsimiles, telephone messages, voice mail messages, and transcripts, notes from meetings, meeting minutes, notes from interviews, telephone conversations or discussions. The request should include any attachments to these records. All materials should be included.

When possible, please provide responsive materials in electronic format. Please send any responsive material that must be delivered by mail to Parker Yesko, APM Reports, American Public Media, 480 Cedar St., St. Paul, MN 55101. If it will accelerate release of responsive records, please provide the responsive materials on a rolling basis.

Request for Fee Waiver and Expedited Processing

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), APM Reports requests a waiver of fees associated with processing this request. This request is primarily and fundamentally not for commercial purposes. APM Reports’ parent company, American Public Media, is a non-profit 501(c)(3) and is the largest station-based public radio organization in the United States. American Public Media aims to inform the public on matters involving the operations of government. Its programming is carried on approximately 1,000 radio stations nationwide, reaching an audience of 20 million listeners every week. APM Reports’ podcasts have been downloaded over 50 million times, have won the George Polk Award and the George Foster Peabody Award and have been cited in briefs at the U.S. Supreme Court. Disclosure of the requested information is in the public interest because it is “likely to contribute significantly to public understanding of the operations or activities of the government.”

Moreover, there is a compelling need for expedited processing of this request as it is part of a newsgathering process on a timely matter of great public concern: reports of American troops

participating in violent crimes overseas are gravely concerning. They undermine global confidence in American institutions and thus, the safety of Americans.

Accordingly, APM Reports qualifies for a fee waiver and expedited processing.

If you wish to discuss any aspect of this request, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Yesko". The signature is stylized and fluid.

Parker Yesko
Reporter, APM Reports
pyesko@apmreports.org
(651) 290-1537

From: "Einhorn, Allison K CIV USN NAVY JAG WASH DC (USA)" <allison.k.einhorn@navy.mil>
Date: Thursday, April 2, 2020 at 3:29 PM
To: "Yesko, Parker" <pyesko@apmreports.org>
Subject: RE: Navy JAG FOIA Requests from APM

Hi Parker,

Hope you are well!

At this time the Federal Records Center is closed until further noticed, which means that any records I have to order I will not be able to receive.

Additionally, our office has been instructed to work from home. Although I am essential, there is no reason for me to go into the office when records are not being received.

Please let me know if you have any questions.

V/R,

Allison

From: Yesko, Parker <pyesko@apmreports.org>
Sent: Thursday, April 02, 2020 4:25 PM
To: Einhorn, Allison K CIV USN NAVY JAG WASH DC (USA) <allison.k.einhorn@navy.mil>
Subject: [Non-DoD Source] Re: Navy JAG FOIA Requests from APM

Hi Allison,

Sorry it's taken me so long to get back to you. Busy week.

In terms of prioritizing, I think it would be most helpful for us to get a look at one or two full files first, so we can get a sense for all that's in them. Let's avoid the huge files for now. Would it be possible to start with Jeffrey Chessani and Andrew Grayson?

Thanks much,
Parker
