

853274 07:28 20050110 IN:SSDEMAIL #39140 OUT:23EXLIFE #3001

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

05OCT04

CONTROL: 02OCT04-MEBJ-0437-7HMA

V/NAHAR, MUHAMMAD NUMAN/CIV
M/W/FNZZ/N//01JAN33/MUSEL-BAAJ, IRAQ

RESULTS OF: DEATH SCENE EXAMINATION

1. On 20Oct04 at approximately 1830, Reporting Agent (RA) conducted a death scene examination within cell # "N" of the detention facility at Camp Al Qaim, Iraq. The scene was documented with photographs and a sketch, enclosures (A) through (H) pertain. The temperature was approximately 90 degrees Fahrenheit. On 20Oct04, 1318, (b)(6),(b)(7)(C) declared V/NAHAR dead and his body was taken to the mortuary holding refrigerator. The cell was then secured and nothing was disturbed in RA arrived.

2. Description of holding cell "N":
The cell is approximately three feet by eight feet in dimension and there is a letter "N" stenciled on the wood portion of the chain link door. The walls were made of wood and the top was open with concertina wire across the opening. There was a blue colored mat (which took up most of the floor space) with three multi-colored blankets on it lying on the floor. Next to the mat was a pair of "flip-flop" sandals. Across from the mat, next to the West wall were two bottles of water; one bottle was full and the other half empty. There was a package of meal ready to eat crackers and packages of peanut butter and jelly, next to the water. Lying on the ground next to the food, closest to the door, was one Zantac pill (pink in color). The pill was identified by (b)(6),(b)(7)(C), as the Zantac pill he was going to give V/NAHAR, just before he was found deceased.

3. Observations of death scene:
There was not any evidence of a struggle or any blood located in the holding cell. RA utilized the Microblue alternate light source, with negative results. The food packets had not been opened and the food containers from the morning meal had been thrown in the garbage with the rest of the detainee's discards. The bottled water, bottled by Al Janoub Water Factory had been obtained from the same boxes of water issued to the Marines at Camp Al Qaim. There were no complaints of sickness or death from the Marines about the bottled water; therefore a sample was not taken.

4. Observations of V/NAHAR:
On 20Oct04, at 1910, RA was shown the location of V/NAHAR's body, which was locked in the mortuary affairs refrigerator, next to the Battalion Aid Station. V/NAHAR was the only corpse in the container, and he had been placed in a black body bag. Photographs were taken of the body bag and V/NAHAR after the bag had been opened. V/NAHAR appeared to be an elderly male and was still wearing his orange detainee jumpsuit. Rigor mortis had set in and there were no obvious

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ACLU-RDI 5724.p.1

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02OCT04-MEBJ-0437-7HMA

SUBJ: V/NAHAR, MUHAMMAD NUMAN/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

signs of struggle or injury. There were no detectable ligature marks on his neck, nor any marks on his hands/wrists. V/NAHAR's eyes were still open and he appeared to have a smile on his face. At 1930, RA replaced the body bag on V/NAHAR and locked the refrigerator door.

V/NAHAR's body was later transported with escorts (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Military Police, to Baghdad International Airport for autopsy by Armed Forces Institute of Pathology.

ENCLOSURE(S)

- (A) Photograph of detainee cell door labeled "N"/02Oct04
- (B) Photograph of detainee cell door close-up of "N"/02Oct04
- (C) Photograph of detainee cell overall/02Oct04
- (D) Photograph of food and medicine present in cell/02Oct04
- (E) Photograph of medicine (Zantac) close-up/02Oct04
- (F) Photograph of body bag in Mortuary Affairs refrigerator/02Oct04
- (G) Photograph of V/NAHAR in body bag/02Oct04
- (H) Sketch of death scene/06Oct04

REPORTED BY: (b)(6),(b)(7)(C) Special Agent
OFFICE: NCISFO Bahrain, Al Asad, Iraq

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LAS

(b)(6),(b)(7)(C) V2 LNY

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ACLU-RDI 5724 p.2

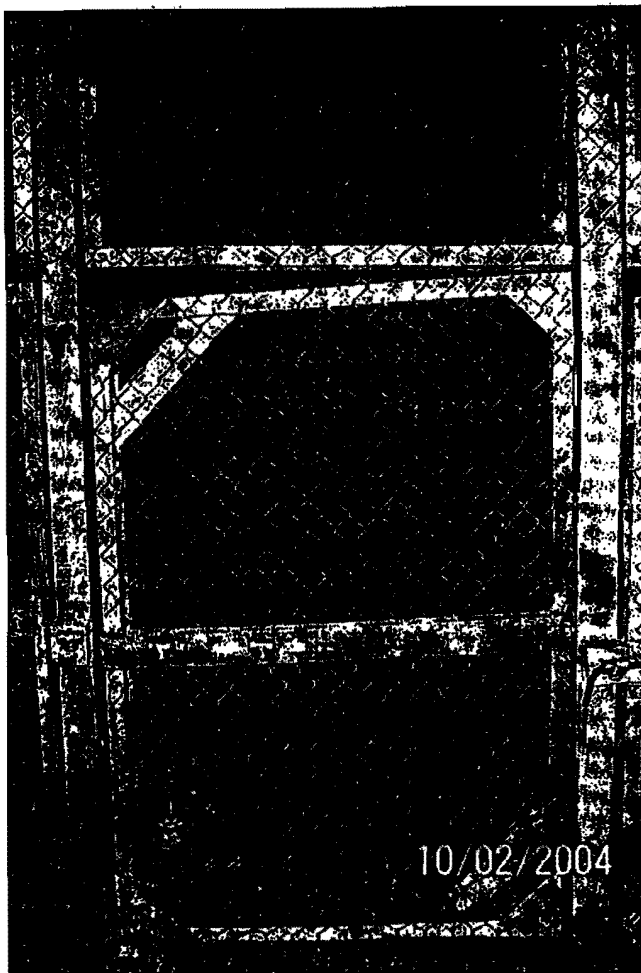
B32

Results of the checklist identified black and white death scene photographs on 8.5" x 11" standard paper instead of color photographs on glossy photographic paper. RA contacted the originating case agent, who reported that the original death scene photos were saved on a computer used in Iraq, which cannot be located. Efforts to locate the original death scene photographs have been unsuccessful and the black and white photographs on the paper are the best copy available. – SA (b)(6),(b)(7)(C) 1May05

NAVAL CRIMINAL INVESTIGATIVE SERVICE

V/NAHAR, MUHAMMAD NUMAN/CIV (DECEASED)

CCN: 02OCT04-MEBJ-0437-7HMA



ENCLOSURE (A)

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NAVAL CRIMINAL INVESTIGATIVE SERVICE

V/NAHAR, MUHAMMAD NUMAN/CIV (DECEASED)
CCN: 02OCT04-MEBJ-0437-7HMA



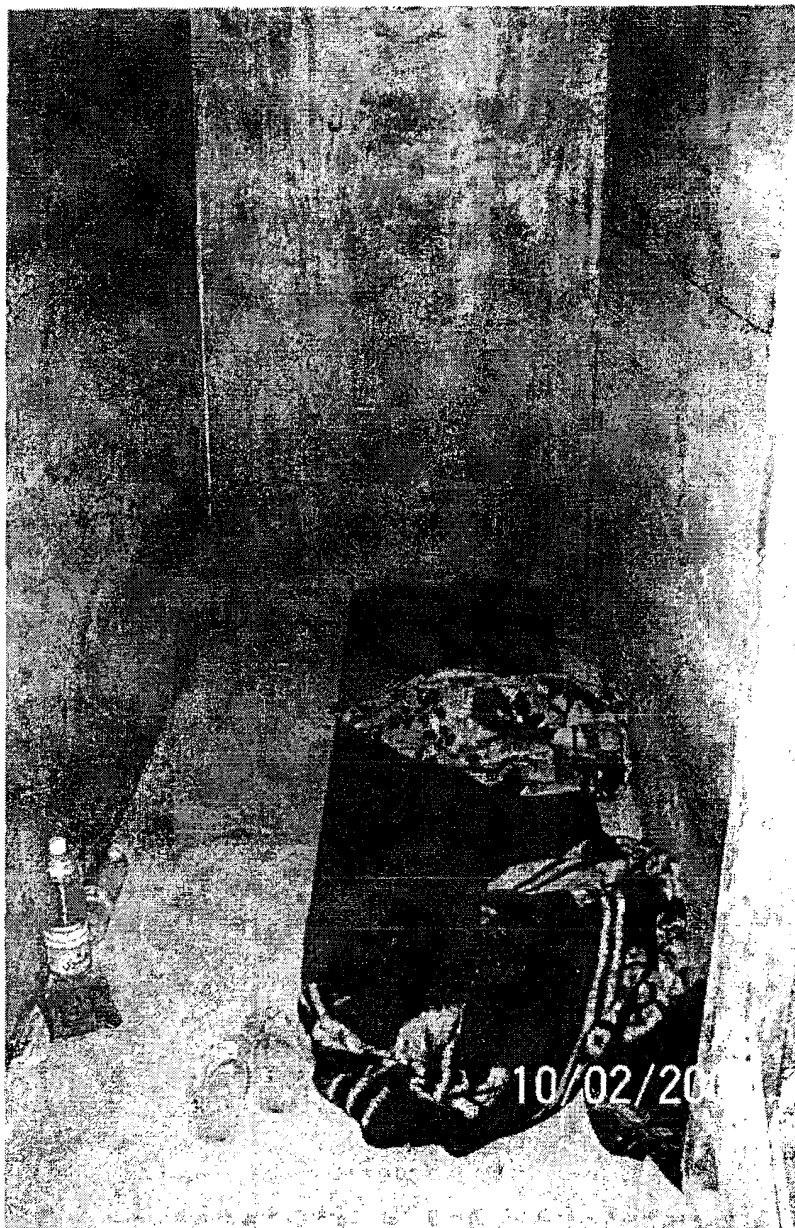
ENCLOSURE (B)

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NAVAL CRIMINAL INVESTIGATIVE SERVICE

V/NAHAR, MUHAMMAD NUMAN/CIV (DECEASED)
CCN: 02OCT04-MEBJ-0437-7HMA



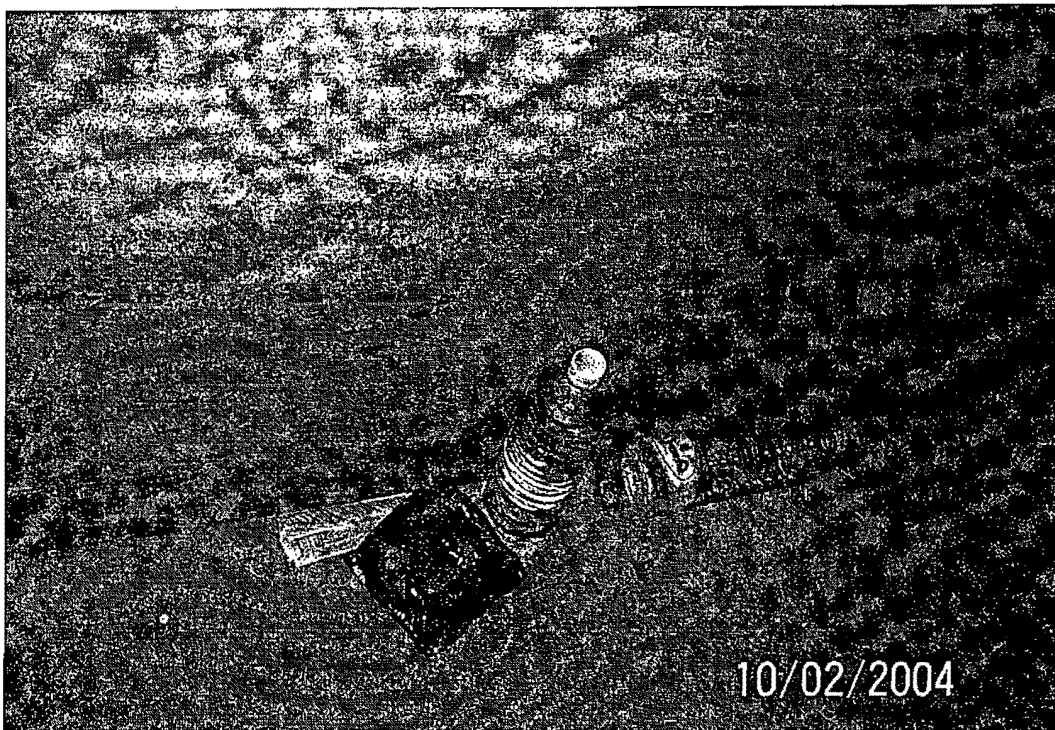
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NAVAL CRIMINAL INVESTIGATIVE SERVICE

V/NAHAR, MUHAMMAD NUMAN/CIV (DECEASED)
CCN: 02OCT04-MEBJ-0437-7HMA



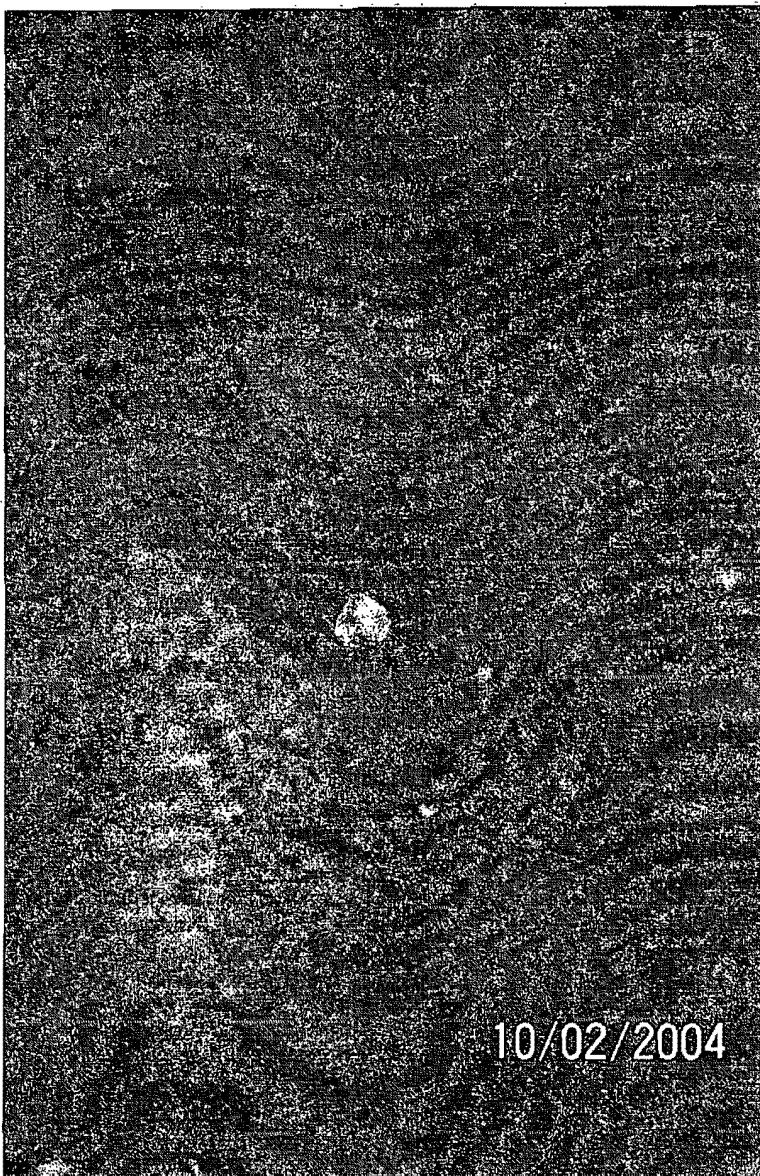
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NAVAL CRIMINAL INVESTIGATIVE SERVICE

V/NAHAR, MUHAMMAD NUMAN/CIV (DECEASED)
CCN: 02OCT04-MEBJ-0437-7HMA



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Page(s) b39-40, Encl. (F) - (G)

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☒ Deleted under exemption(s) b6, b7c

☐ Documents originated with other government agency(ies).
Referred to them for review and direct response to you.

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Comments: _____

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(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

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CCN: 02OCT04-MEBJ-0437-7HMA

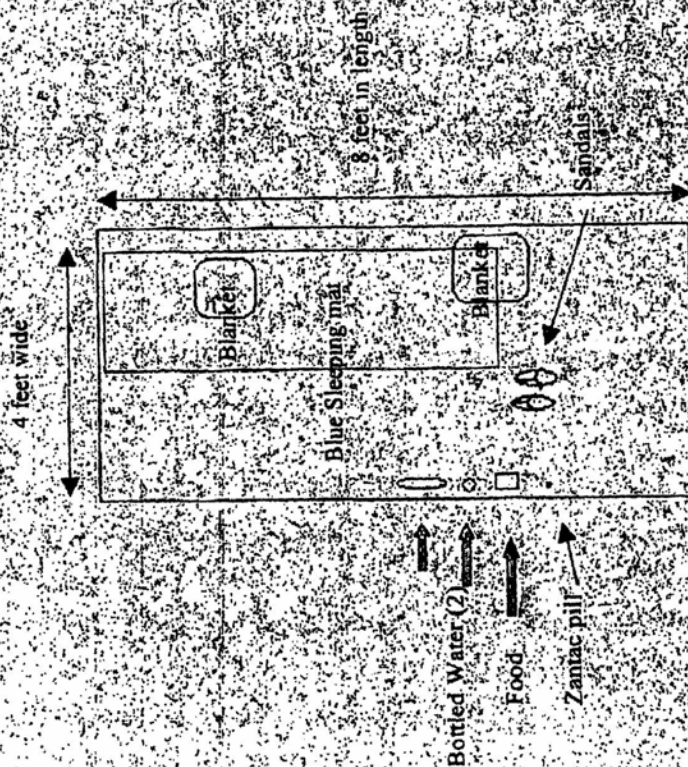
NI Title: V/NAHAR, MUHAMMAD NUMAN/CIV

Death scene examination conducted on 02Oct04 at the Detention Facility, Camp Al Qaim, Iraq, Cell "N"

CCN: 02OCT04-MEBJ-0437-7HMA

Sketch drawn by SA

Date: 06Oct04



ENCLOSURE (H)

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STATEMENT

Place : MCB Al' Qaim, Iraq

Date : October 2, 2004

(b)(6), (b)(7)(C) make the following free and voluntary statement to SA (b)(6), (b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of detainee (b)(2)

(b)(6), (b)(7)(C) I am a medical doctor acting as Battalion Surgeon for First Battallion, Seventh Marines, currently stationed in Al' Qaim, Iraq. I attended medical school at Baylor College of Medicine, and I have been practicing medicine for three years in the US Navy. For identification purposes, I am a (b)(6), male, DOB: (b)(6), (b)(7)(C) SSN: (b)(6), (b)(7)(C) POB: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) On 1OCT04 at approximately 1930, I received a phone call from (b)(6), (b)(7)(C) who was the duty corpsman. He was conducting intake physicals on new detainees. He informed me that during his intake physical, detainee (b)(2) had complained of abdominal pain, and requested that I come to examine him. I went to the detention facility at that time, and contacted (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) led me to detainee (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was sitting on the floor of the detainee facility office, leaning with his back against the wall. Also present was a younger Iraqi male (possibly (b)(2) nephew), an interpreter, and various other detention facility Marines. With the help of the interpreter, I interviewed (b)(2) regarding his medical condition. I learned he was a 71 year old male who had a medical history significant for stomach pain, which he attributed to ulcer disease, for the past five years. He apparently either took medicine for his condition currently, or did so in the past, but he did not know the name or type. Additionally, he could not describe the last time he saw a doctor regarding his condition. The majority of this information was provided via the "nephew", and not detainee (b)(2). He was also not able to provide any further descriptive information, despite repeated attempts to clarify. It was unclear if this was due to his discomfort at the time, or a lack of understanding of the exact nature of the questions by him or the interpreter. At this time, I learned from (b)(6), (b)(7)(C) that (b)(2) had been observed to induce vomiting by gagging himself with his finger on more than one occasion after drinking water. (b)(6), (b)(7)(C) also told me that there was no blood or the appearance of coagulated blood in the vomitus. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) I physically examined (b)(2) after the screening interview and found him to be a thin, elderly male, who appeared to be in moderate discomfort. His hand was held over his stomach. His vital signs were within normal limits, except for his temperature, which was approximately 96 degrees F. At the time, I attributed this to his recent ingestion of cool water. His focused exam found his heart to be regular in rate and rhythm, his lungs clear bilaterally, and his abdomen flat. He was voluntarily guarding his abdomen, but did not seem to be in more pain with palpation, and his abdomen was not felt to be rigid. A pulsatile abdominal mass was not felt. His skin turgor (skin tension as a sign of hydration) was normal, and he did not appear to be anemic. He did not appear to be in shock, or to demonstrate signs of peritonitis. At that time I questioned what he and his "nephew" had been doing at the time of their apprehension, and was told that they had been near the border, looking for his sheep (not at home or in the hospital). (b)(6), (b)(7)(C)

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(b)(6). At that time, due to the description of the detainee's activity several hours prior, the history of similar symptoms for the past five years, the lack of any further specific medical or medication history, and most importantly, the exam and appearance of the patient at that time, I felt that it was reasonable to detain him in our facility overnight. Due to his reported self-induced vomiting, I thought that it was possible he was exaggerating his symptoms for our benefit. I asked that he be moved to a cell close to the guard tower for better observation, and planned to reassess him the following day (b)(6).

(b)(6). On 2 Oct 04, at approximately 1300, I received a message that (b)(6), (b)(7)(C) needed my assistance for a "man down" at the detainee facility. He called back shortly thereafter, and informed me that detainee (b)(2) had been found dead in his cell. At that time, I went to the detainee facility, was directed to (b)(2) cell, and found him deceased. He was recumbent, and some rigor mortis was present. I then declared him dead at 131 (b)(6), (b)(7)(C).

(b)(6). Afterwards, I learned from (b)(6), (b)(7)(C) that the detainee had had an uneventful night, and was observed to have slept. He was visited for routine sick-call at approximately 0815, and complained of similar stomach pain as the night before. It is the routine at our detainee facility for Corpsman to offer sick-call in the morning, and then discuss patients with me at approximately 1300, when I visit the facility. I had planned that morning to reassess detainee (b)(2) ensure he was able to tolerate fluids, and then start him on Zantac for symptomatic relief of his ulcer pain. (b)(6), (b)(7)(C) and I discussed that plan at approximately 1000 that morning, while I was conducting sick-call for our Marines (b)(6).

(b)(6). This statement consisting of this, and 1 other page(s) was typed by SA (b)(6), (b)(7)(C) we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is true and correct to the best of my belief and knowledge. (b)(6)

(b)(6), (b)(7)(C)
Signature: _____

Sworn to and subscribed before me this the 3rd day of October, 2004

(b)(6), (b)(7)(C)

Witness (b)(6), (b)(7)(C)

Special Agent U.S. Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136 UCMJ (10 USC 36) AND 5 USC 303

853276 07:31 20050110 IN:SSDEMAIL #39142 OUT:23EXLIFE #003

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

05OCT04

CONTROL: 02OCT04-MEBJ-0437-7HMA

V/NAHAR, MUHAMMAD NUMAN/CIV
M/W/FNZZ/N//01JAN33/MUSEL-BAAJ, IRAQ

RESULTS OF INTERVIEW: (b)(6),(b)(7)(C)

1. On 20Oct04, (b)(6),(b)(7)(C) CIV was interviewed regarding the death of V/NAHAR. A statement was not taken from (b)(6),(b)(7)(C) because he is an Arabic only speaker. The interview was conducted via an interpreter: (b)(6),(b)(7)(C) CIV, employed by Titan, assigned to the 1/7 Marines at Camp Al Qaim, Iraq.

2. (b)(6),(b)(7)(C) is an elder in the Shamany tribe, which V/NAHAR is also a member. (b)(6),(b)(7)(C) is known V/NAHAR for most of his life and they very close. (b)(6),(b)(7)(C) said he had been near the Syrian border looking for his sheep when the Marines captured him and his tribesman. V/NAHAR has had stomach ulcers for approximately five years. During that time, he has not eaten very much. He usually only drinks milk with a little rice sometimes. V/NAHAR smokes one pack of cigarettes in one or two days. (b)(6),(b)(7)(C) saw V/NAHAR cough up blood on some occasions and he was taken to a doctor for treatment. (b)(6),(b)(7)(C) was sure V/NAHAR was going to die in the past and it was no surprise to him when V/NAHAR died at the detention facility. "Everyone in the tribe knows about his health problems." (b)(6),(b)(7)(C) was asked V/NAHAR's sons and nephews would say if asked about V/NAHAR's death. (b)(6),(b)(7)(C) said they believed he was going to die on the way to Camp Al Qaim and would not be surprised, however they would still be upset that he died.

3. (b)(6),(b)(7)(C) also requested NCIS not interview the young relatives regarding V/NAHAR's death. He did not know how they would react to discovering the news of their father's death while being detained and may cause problems for the Marines.

BIOGRAPHICAL DATA

EMPLOYMENT: SHEPPARD
SSN: 000-00-0000
DOB: (b)(6),(b)(7)(C)
POB:
RESIDENCE: SHAMANY TRIBE, BAAJ, IRAQ
OTHER: TRIBE ELDER

REPORTED BY: (b)(6),(b)(7)(C) Special Agent
OFFICE: NCISFO Bahrain, Al Asad, Iraq

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Page 1

LAST

(b)(6), V2 LNY

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B 44

853278 07:32 20050110 IN:SSDEMAIL #39144 OUT:23EXLIFE #0005

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

05OCT04

CONTROL: 02OCT04-MEJB-0437-7HMA

V/NAHAR, MUHAMMAD NUMAN/CIV
M/W/FNZZ/N//01JAN33/MUSEL-BAAJ, IRAQ

RESULTS OF INTERVIEW: (b)(6),(b)(7)(C)

1. On 20Oct04, (b)(6),(b)(7)(C), CIV was interviewed regarding the death of V/NAHAR. A statement was not taken from (b)(6),(b)(7)(C) because he is an Arabic only speaker. The interview was conducted via an interpreter: (b)(6),(b)(7)(C) CIV, employed by Titan, assigned to the 1/7 Marines at Camp Al Qaim, Iraq.

2. (b)(6),(b)(7)(C) is an elder in the Shamany tribe, which V/NAHAR is also a member. (b)(6),(b)(7)(C) has known V/NAHAR for most of his life and they very close. (b)(6),(b)(7)(C) said he had been near the Syrian border looking for his sheep when the Marines captured him and his tribesman. (b)(6),(b)(7)(C) said the trip from the position where they were captured to Camp Al Qaim was very dusty and V/NAHAR was having difficulty breathing.

3. (b)(6),(b)(7)(C) described V/NAHAR's medical condition as very poor. V/NAHAR has had stomach ulcers for the past five years. During the past two years, V/NAHAR did not eat very much and usually only drank thick milk. V/NAHAR would sometimes drink tea and he smoked too many cigarettes. V/NAHAR was a Sheppard and as part of his duties he would treat camels that were sick.

4. (b)(6),(b)(7)(C) said he is not surprised V/NAHAR died, but is only sorry that he died while being detained at Camp Al Qaim and not with his family. (b)(6),(b)(7)(C) does not hold any ill feeling toward the American Marines and understands they were only doing their job when he and his tribesman were detained. (b)(6),(b)(7)(C) said the two sons and nephews who were also detained with him, said they thought V/NAHAR was going to pass away during the trip to Camp Al Qaim. (b)(6),(b)(7)(C) described V/NAHAR's living condition, as "he is so sick that he is not living."

5. (b)(6),(b)(7)(C) requested NCIS not interview V/NAHAR's two sons and two nephews who were being detained also, because he felt they may cause a riot, since they are so young and do not understand.

BIOGRAPHICAL DATA

EMPLOYMENT: SHEPPARD
SSN: 000-00-0000
DOB: (b)(6),(b)(7)(C)
POB: (b)(6),(b)(7)(C)
RESIDENCE: SHAMANY TRIBE, BAAJ, IRAQ
OTHER: TRIBE ELDER

REPORTED BY: (b)(6),(b)(7)(C), Special Agent
OFFICE: NCISFO Bahrain, Al Asad, Iraq

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Page 1 (b)(6),(b)(7)(C) V2 LNY

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B 45

STATEMENT

Place : MCB Al' Qaim, IraqDate : October 3, 2004

(b)(6),(b)(7)(C)

I make the following free and voluntary statement to SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) From I know to be a Representative of the United States Naval Criminal Investigative Service.

I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of V/Muhammad

Numan NAHAR, CIV (b)(6),

(b)(6),(b)

(7)(C)

was a hospital corpsman assigned to the First Marine Division, Seventh Marine Regiment, Battalion Aid Station, stationed at Al' Qaim, Iraq. I have been a corpsman for 2 1/2 years, I attended HM "A" school, and field medical service school. For identification purposes, I am a (b)(6) male,

DOB (b)(6),(b) SSN (b)(6),(b)(7)(C) POB (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

On 1OCT04 at approximately 1915 I conducted a medical examination of V/NAHAR as he was being processed as a detainee into the detention facility. V/NAHAR was complaining of abdominal pain, curled up in a ball on the floor and was clutching his abdomen. I gave V/NAHAR a bottle of water to drink. He drank half the bottle and proceeded to stick his finger down his throat and forced himself to vomit. I examined the vomit it was clear/whitish and there was no blood or bile in it. V/NAHAR was not responding to my questions via the interpreter, however his nephew was present and told me that V/NAHAR had stomach ulcers and that was the reason he was in pain. I could not determine the cause of the ailment, so I called for (b)(6),(b)(7)(C) respond and examine V/NAHAR. I was present during the medical examination with (b)(6),(b)(7)(C) and V/NAHAR (b)(6), (b)(7)(C)

(b)(6),(b)

After the medical examination conducted by (b)(6),(b)(7)(C) was finished, I was instructed by him to monitor V/NAHAR throughout the night and have the Marine guards keep an eye on him looking for difficult breathing or any other signs of distress. I checked V/NAHAR periodically between 2030 and 0330. Between 2030 and 0030 he mostly sat on the floor in the cell moaning and holding his abdomen. He refused to eat and only drank water during this time. At 0030 I checked him and he had fallen asleep. At 0330 I left the detention facility and he was still sleeping. I instructed the Marine guards to monitor V/NAHAR for any distress or unusual behavior and to notify me immediately if they notice any of these behaviors. At approximately 0745 on 2OCT04 I was relieved by (b)(6),(b)(7)(C) and informed him of the current status of all the detainees and specifically the information regarding V/NAHAR. I then went (b)(6) to the Medical Officer to have all the paperwork signed. I wasn't present when V/NAHAR passed away, and I had been informed later that day that he died. (b)(6), (b)(7)(C)

(b)(6),
(b)(7)(C)

(b)(6),(b)(7)(C)

This statement consisting of this, and 1 other page(s) was typed by SA (b)(6),(b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is true and correct to the best of my belief and knowledge. (b)(6), (b)(7)(C)

(b)(6),(b)(7)(C)

Signature

Sworn to and subscribed before me this the 3rd day of October, 2004

(b)(6),(b)(7)(C)

Witness

Special

Investigative Service

AUTH: DERIVED FROM ARTICLE 136 UCMJ (10 USC 36) AND 5 USC 303

STATEMENT

Place : MCB Al' Qaim, IraqDate : October 3, 2004

(b)(6),(b)(7)(C)

make the following free and voluntary statement to SA (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of V/Muhammad Numan NAHAR, CIV. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) am a Hospital Corpsman assigned to First Marine Division, Seventh Marine Regiment, Battalion Aide Station, stationed in Al' Qaim, Iraq. I have been a Corpsman for approximately 5 1/2 years and I have attended HM "A" school, field medical school and I have 3 years experience in the emergency room at Camp Pendleton, CA. For identification purposes, I am a (b)(6),(b)(7)(C) male, DOB (b)(6),(b)(7)(C) SSN (b)(6),(b)(7)(C) POB (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On 20 OCT04 at 0700 I came on duty as a Corpsman at the Al' Qaim Detention Facility. At 0730 I read the passdown log notes regarding the medical status of the detainees. At 0800 I contacted (b)(6),(b)(7)(C) and inquired about V/NAHAR's medical condition. (b)(6),(b)(7)(C) said V/NAHAR has a five year history of stomach ulcers and wanted to start him on some medication for the ulcers. (b)(6),(b)(7)(C) told me he would return to the detention facility at 1300 to re-evaluate V/NAHAR. At 0810 I utilized an interpreter speak with V/NAHAR about his medical condition. V/NAHAR was still complaining about stomach pain and I asked him if he had any other ailments not related to his stomach. V/NAHAR denied having any other ailments and said he had stomach ulcers. I continued on my morning rounds to contact all the detainees and ensure that they didn't need any medical attention. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) At 1000, I went to the Battalion Aide Station, and began treating a Marine who had a laceration to his head. At approximately 1100 (b)(6),(b)(7)(C) issued me some Zantac (anti-acid) for V/NAHAR. After receiving the medicine for V/NAHAR I went to my room and ate lunch. At approximately 1230 I went back to the detention facility. At approximately 1250 (b)(6),(b)(7)(C), one of the Marine guards, contacted me and told me V/NAHAR wasn't eating lunch. I asked (b)(6),(b)(7)(C) V/NAHAR had eaten breakfast and he said that he did eat breakfast. I told (b)(6),(b)(7)(C) that he was probably feeling pain in his stomach from the ulcers and gave him the Zantac pill for V/NAHAR. At approximately 1300 the Marine guards were yelling for me saying "hey doc, I think this guy is dead". At this time, I responded to cell "N" and examined V/NAHAR. I walked in the cell and he was sitting on the floor with his head tilted forward. I first yelled at him to see if he would respond, then I pinched his left breast again looking for a response. V/NAHAR didn't respond so I checked him for a pulse and respiration. He didn't have either, so I laid him down was going to begin CPR, but I noticed his eyes were open slightly and when I laid him down, he was in the beginning state of rigor mortis. At this time I called (b)(6),(b)(7)(C) and asked him to respond telling him V/NAHAR was dead. At approximately 1310, (b)(6),(b)(7)(C) pronounced V/NAHAR dead. (b)(6),(b)(7)(C)

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This statement consisting of this, and 1 other page(s) was typed by SA (b)(6),(b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is true and correct to the best of my belief and knowledge.

(b)(6),(b)(7)(C)

Signature: _____

Sworn to and subscribed before me this the 3rd day of October, 2004

(b)(6),(b)(7)(C)

Witness (b)(6),(b)(7)(C) _____

Special Agent, U.S. Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136 UCMJ (10 USC 36) AND 5 USC 303

STATEMENT

Place : MCB Al' Qaim, IraqDate : October 3, 2004

(b)(6),(b)(7)(C) , make the following free and voluntary statement to SA (b)(6),(b)(7)(C) whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of V/Muhammad Numan NAHAR, CIV. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) am Lance Corporal assigned to the First Marine Division, Seventh Marine Regiment, Charlie Company, 3rd Platoon, stationed in Al' Qaim, Iraq. For identification purposes I am (b)(6),(b)(7)(C) male, DOB (b)(6),(b)(7)(C) SSN (b)(6),(b)(7)(C) POB (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On 20OCT04 I was working the day shift as a Marine guard at the detention facility at Al' Qaim, Iraq from 0800 to 1600. At 0800 I looked at the detainee board and saw that V/NAHAR was listed as a medical segregated detainee and I asked one of the other Marine guards if he had been eating. I learned that he had been seen by the doctor and I didn't know what was wrong with him but I was supposed to watch him to see if he was acting unusual or if he needed to use the bathroom or if he needed to see the doctor. From 0800 to 0930 I was working in the conex box helping (b)(6),(b)(7)(C) sort through detainee's personal effects (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 0930 I relieved (b)(6),(b)(7)(C) as a rover on the side where V/NAHAR's cell was. At approximately 1030 V/NAHAR said in Arabic "water", so I gave him a bottle of water and I watched him take 2 big swallows of water, set the bottle on the floor and sat back down on the mat in the same position I found him in later when he had died. Between 1030 and 1250 I roved around the detention area on the single cell side and I observed V/NAHAR just sitting with his back against the side of the cell. It appeared to me that he had fallen asleep while sitting there. At 1230 I placed his lunch, which consisted of peanut butter, jelly and bread on the cell door ledge. At 1250 I walked by cell "N" and noticed V/NAHAR hadn't eaten his food, so I walked into the detention facility office and reported this to (b)(6),(b)(7)(C). He logged the information in the log book and (b)(6),(b)(7)(C) who was also present said to me "oh by the way, he's supposed to have Zantac with every meal" (b)(6),(b)(7)(C) then handed me a pill to take to V/NAHAR. I took the Zantac and set the pill on the ledge and noticed that V/NAHAR had not moved at all since I last saw him, so I tried to wake him up by saying "hey" and yelled it when he didn't respond. He still didn't respond, so I rattled the cage in an attempt to wake him up. I told (b)(6),(b)(7)(C) that V/NAHAR wasn't waking up, so he opened the cage and checked to see if V/NAHAR had a pulse. He looked up at me and said "I think he's dead". We both yelled to the corpsman to assist us. (b)(6),(b)(7)(C) yelled for me to get his medical bag and I brought it too him. I saw that (b)(6),(b)(7)(C) laid V/NAHAR down and I could see that his arms were stiff as if he had been dead for awhile. At this point I started writing a statement of the incident (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

is statement consisting of this, and 1 other page(s) was typed by SA (b)(6),(b)(7)(C) as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is true and correct to the best of my belief and knowledge (b)(6),(b)(7)(C)

Signature

(b)(6),(b)(7)(C)

Sworn to and subscribed before me this the 3rd day of October, 2004

(b)(6),(b)(7)(C)

Witness

Special Agent, U.S. Naval Criminal Investigative Service

AUTH: DERIVED FROM ARTICLE 136 UCMJ (10 USC 36) AND 5 USC 303

853279 07:33 20050110 IN:SSDEMAIL #39145 OUT:23EXLIFE #8006

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24DEC04

CONTROL: 02OCT04-MEBJ-0437-7HMA

V/NAHAR, MUHAMMAD NUMAN/CIV
M/W/FNZZ/N//01JAN33/MUSEL-BAAJ, IRAQ

RECEIPT OF DOCUMENTATION

1. On 24Dec04, the Final Autopsy Examination Report, Consultation report on contributed material (Toxicological Exam) and the Certificate of Death (Overseas) was received. A review of the Autopsy report revealed the cause of death was Acute Peritonitis due to Perforating Gastric Ulcer and the manner of death as Natural, enclosure (A) pertains. A review of the Toxicology report revealed the urine and liver was tested however both were unremarkable; enclosure (B) pertains. A review of the Death Certificate revealed the date of death was 02Oct04, in Marine Detention Facility, Al Qa'im, Iraq, enclosure (C) pertains. Participant (b)(6),(b)(7)(C) attended the autopsy on 04Oct04 and documented his efforts in a CID report, enclosure (D) pertains. (b)(6),(b)(7)(C) (NFI) documented the autopsy with photographs, enclosure (E) pertains.

PARTICIPANT(S)

(b)(6),(b)(7)(C) Special Agent, US Army CID, Baghdad, Iraq

ENCLOSURE

- (A) Final Autopsy Examination Report/24Nov04
- (B) Consultation Report on Contributed Material/18Oct04
- (C) Certificate of Death (Overseas)/28Oct04
- (D) USACID Agent's Investigative Report/05Oct04
- (E) Photo log and Photographs from V/NAHAR's Autopsy/undated

REPORTED BY: (b)(6),(b)(7)(C) Special Agent
OFFICE: NCISFO Bahrain, Al Asad, Iraq

~~FOR OFFICIAL USE ONLY~~

Page 1

LAST

(b)(6),

V2 LNY

WARNING

EXHIBIT (9)

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE
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