

STATEMENT

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PLACE: NCIS DET (TRAILER 36), CAMP FALLUJAH, IRAQ
DATE: 21SEP05

(B)(6)(7C) [redacted] (B)(6)(7C) [redacted] make the following free and voluntary statement to Special Agent (B)(6)(7C) [redacted] whom I know to a representative of the 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 the shooting of an Iraqi detainee by myself on 20SEP05 at ECP 5 in Fallujah, Iraq. (B)(6)(7C) [redacted]

(B)(6)(7C) [redacted] For purposes of identification I am (B)(6)(7C) [redacted] male, born on (B)(6)(7C) [redacted] in (B)(6)(7C) [redacted] and my SSN is (B)(6)(7C) [redacted]. I am (B)(6)(7C) [redacted] inches tall and weigh (B)(6)(7C) [redacted] lbs. I have (B)(6)(7C) [redacted] hair and (B)(6)(7C) [redacted] eyes. I am enlisted in the USMC as a SGT and I am currently assigned to 1st Intelligence BN, 1st CI/HUMINT Company. I have a top secret/SCI security clearance. I am stationed at Camp Pendleton, CA. (B)(6)(7C) [redacted]

(B)(6)(7C) [redacted] the morning of 20SEP05, I awoke at approximately 0730 hours. That day I had a lot to do as I was training my replacement, (B)(6)(7C) [redacted] handing off one of my sources and then an area familiarization patrol, and I had to coordinate a meeting with the advisory support team. I started working on a source contact report and about 0846 I realized we were going to be late for our source meet with (B)(6)(7C) [redacted] at ECP 5. Myself (B)(6)(7C) [redacted] and (B)(6)(7C) [redacted] (my interpreter) all geared up and loaded up into our vehicle and (B)(6)(7C) [redacted] drove. We were delayed for various reasons and arrived at around 0930 at ECP 5. Our source meet was set for 0900 but the sources usually run late also. Myself, (B)(6)(7C) [redacted] and (B)(6)(7C) [redacted] walked directly over to the "Het shed" which is the plywood building that is immediately adjacent to the south of the BATS building and parallel to it. As we passed the space between the two buildings I saw a White male medic whose last name starts with a "V" (b)(7)(E) [redacted] guarding a detainee who was sitting on the ground (B)(6)(7C) [redacted] and wearing a brown shirt. We entered the "Het Shed" and I was surprised to find another detainee sitting in a room. I was also surprised how close the detainee was to the door. The detainee was sitting on a cot facing south (b)(7)(E) [redacted]. He was sitting leaning forward with his elbows on his thighs and his hands were in front of him in his lap close together. I don't recall seeing anything on his hands. He was very alert and listening to everything that was said. (B)(6)(7C) [redacted] and I went over to the wall and hung up our gear. I left my M16 there in condition 3 and (B)(6)(7C) [redacted] left his AK-47 there too. (B)(6)(7C) [redacted]

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(B)(6)(7C) [redacted] was guarding the detainee and he showed me an old apprehension list from 74 Marines that was from back in APR05 and it was very old as they put a new one out every few weeks. (B)(6)(7C) [redacted] told me that the guy popped hot for support of anti coalition forces in the BATS. (B)(6)(7C) [redacted] showed me a scrap of white paper too that the interpreter either (B)(6)(7C) [redacted] or (B)(6)(7C) [redacted] had written the translation of this guy's name on. I compared the scrap of paper to the apprehension list and noted that the spellings were different but the names were phonetically the same. I asked where (B)(6)(7C) [redacted] was (B)(6)(7C) [redacted]

Continuation of statement of (B)(6)(7C) USMC (B)(6)(7C)
 on 21 September 2005

(B)(6)(7C) and was told that he had been notified about 15 minutes ago and was on his way. I was believed that he was in route because I did not have time to do a spur of the moment interrogation today. I saw the words "Abu Hatem" written next to the guys' name on the apprehension list and couldn't remember if it was a tribe or district in the city. So I tapped him on the shoulder and asked the detainee in Arabic (I only speak a few common phrases) what tribe he was and he replied "Abu Issa" paused and said "Al Issawi" (B)(6)(7C)

(B)(6)(7C) wanted to get the detainee out of there so I could use the space for my source meet but I didn't say anything. The (B)(6)(7C) and (B)(6)(7C) left, I assume to go next store to say high to the Marines that run the BATS. I can't remember if (B)(6)(7C) said anything about the detainees flex cuffs. (B)(6)(7C) asked me to watch the detainee and stepped out of the door very quickly. I decided I needed to be in condition one with my pistol as I was now effectively guarding this detainee. (B)(6)(7C)

(B)(6)(7C) was facing west towards the door that was nailed shut and the detainee was on my right. I was only about a foot away from the detainee and easily within arms reach. I drew my M9 and chambered a round before I got to ensure the weapon was on safe the detainee was up and lunging at me. I don't even remember seeing the detainee get up and move from the cot. He knocked me to my left and I had to step with my left foot to keep my balance and then I pivoted to my right and squared up to him. The detainee grabbed my left wrist with one of his hands and I couldn't get free from his grasp. I pointed my M9 pistol at him, as I had not returned it to my holster, and I pushed it towards him. I put the pistol to his chest and pushed against him. The detainee did not back down and pushed back against the pistol. I pulled the trigger and shot the detainee because I felt him still coming at me. I had no doubt he was trying to get my weapon. I was scared for my own personal safety. I felt that if the detainee had gotten my gun I would have been killed. (B)(6)(7C)

(B)(6)(7C) After I shot the detainee he sort of sat back down on the cot as he had never really fully stood up (b)(7)(E) He rocked back moaning and at sometime he had let go of my left wrist. I looked at my weapon and saw the hammer was forward and knew that something was wrong. (B)(6)(7C) came through the door then. I don't think he had been out of the room for just a couple of seconds. I don't remember saying anything and I don't know why (B)(6)(7C) called for help. I don't remember hearing the detainee say anything during the struggle. I told (B)(6)(7C) that my weapon had jammed and he asked me what happened and I told him that the detainee had come at me. Then I said get a Doc and (B)(6)(7C) yelled for a medic. The white male medic that had been guarding the other prisoner came in and he and (B)(6)(7C) moved the detainee so that he was laying length wise on the cot with his head towards the door that was nailed shut. The medics began treating the detainee and the SOG told everyone that wasn't helping to get out. (b)(7)(F) were taken off by the medics. I think they actually belong to (B)(6)(7C) Just after shooting the detainee while the medics were first starting to treat the detainee I put my pistol back into (B)(6)(7C)

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Continuation of statement of (B)(6)(7C) USMC (B)(6)(7C)
on 21 September 2005

(B)(6)(7C) Condition three and cleared the spent shell casing from my weapon. It did not eject and did not stove pipe. It seems like the slide did not come back either. (B)(6)(7C)

(B)(6)(7C) Once outside I talked to (B)(6)(7C) and (B)(6)(7C) and talked to them about what had happened. I saw (B)(6)(7C) guarding the other detainee. Then the SOG locked down the site. My source called (B)(6)(7C) on his cell phone and told us he was going to be late and then we advised him the meet was off as something had happened. I was then told to go to the COC. While in the COC I heard the radio call for help to help subdue the detainee as he was resisting and tried to grab a medic's pistol. I talked with (B)(6)(7C) who is a big guy and has lots of tats. The Battalion Commander came out and asked me why I only shot the detainee once. I told him that after I shot him he went down and I wasn't scared any more. I remember hearing over the radio that the detainee had died and that just sucked. After the shooting the Line SOG (N (B)(6)(7C) told me he had removed the flex cuffs because they were too tight. (B)(6)(7C)

(B)(6)(7C) I think the detainee heard me charging my M9 and thought he had a chance to get out. (B)(6)(7C)

After the shooting (B)(6)(7C) told me that the detainee (b)(7)(E) (b)(7)(E) think the detainee heard (B)(6)(7C) leave and thought he could take me when I was alone. I don't know (B)(6)(7C) had left the room or if someone had come in as he acted so quickly. (B)(6)(7C)

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(B)(6)(7C) I was not trying to interrogate the detainee and I was not violating the Regimental Policy on Interrogations. My co-workers from here in Iraq will support that I have never violated our regimental policy on interrogations. I did not shot the detainee by having and accidental discharge while chambering the round in my pistol. If I had, the weapon would not have been touching him, it would have been away from him. (B)(6)(7C)

(B)(6)(7C) I normally leave my pistol in conduction three, mag in the well and no round in the chamber with the weapon on safe. I do this for several reasons. I am always protected by an infantry squad, my M16 is my primary weapon and I would probably have plenty of time to make my pistol condition 1, plus I ride in an armored vehicle.. It is just too big of a hassle to have to unload it every time I come into a fire base or camp. When I wind up pulling security on detainee's, which is not my normal role or function but I sometimes have to cover down on it briefly, I do chamber a round in my pistol as I don't take my M16 to interrogations. Many times, depending on the location I rely on external security for my protection during interviews. (B)(6)(7C)

(B)(6)(7C) When I shot the detainee the barrel of my pistol was touching him and it looked as if the bullet hole smoked after I shot him. People commented to me that the gunshot was quiet. The 15 rounds of ammunition that I had loaded the magazine that I had in my weapon when I shot the detainee was some old foreign ammunition that (B)(6)(7C) scrounged from the armory where it was loose in an ammo can. The 15 rounds in the magazine that (B)(6)(7C)

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on 21 September 2005

(B)(6)(7C) was in the pouch on my Black Hawk Holster was US ammo. After the incident I placed my M9, the magazine and the spent shell casing that I had cleared from my weapon into an MRE box at the request of (B)(6)(7C). When I did that the magazine that came from my weapon had 14 rounds in it. (B)(6)(7C)

(B)(6)(7C) This statement consisting of this page and 3 others was typed for my by Special Agent (B)(6)(7C) as we discussed it. I have read this statement and have made any changes and or corrections I so desire. This statement is true and correct to the best of my knowledge and belief. (B)(6)(7C)

(B)(6)(7C)

21 SEP 05 1624 D
Date and Time

Sworn/affirmed to and subscribed before me this the 21th day of September in the year 2005 Camp Fallujah Iraq

(B)(6)(7C)

(B)(6)(7C)

Witnessed by

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10USC 936) and 5 USC 303

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STATEMENT

PLACE: NCIS DET (TRAILER 36), CAMP FALLUJAH, IRAQ
DATE: 23SEP05

(B)(6)(7C) (B)(6)(7C) USMC, make the following free and voluntary statement to Special Agent (B)(6)(7C) whom I know to a representative of the 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 events that transpired between (B)(6)(7C) and the Iraqi detainee that was sho (B)(6)(7C)

(B)(6)(7C) For purposes of identification I am (B)(6)(7C) male, born on (B)(6)(7C) in (B)(6)(7C) and my SSN is (B)(6)(7C) I am (B)(6)(7C) inches tall and weigh (B)(6)(7C) lbs. I have (B)(6)(7C) hair and (B)(6)(7C) eyes. I am enlisted in the USMC as a (B)(6)(7C) Series and I am currently assigned to 2nd Battalion, 7th Marine Regiment, F Company, 2nd Platoon. I do not have a security clearance. My stateside residence is (B)(6)(7C)

(B)(6)(7C) This statement is intended to elaborate upon information provide in my 20SEP05, statement given by myself to my Command regarding the shooting at the BATs area near ECP 5, Fallujah, Iraq. (B)(6)(7C)

(B)(6)(7C) was Sergeant of the Guard (SOG) between 0630 and 1800 on 20SEP05 (B)(6)(7C) around 0830 I was at the CoC at ECP 5. This around the time that we have a shift change between personnel conducting searches through the ECP (B)(6)(7C)

(B)(6)(7C) Around 0850 (B)(6)(7C) came up to the CoC and told me that there was a person being detained who the BATs system hit on. Since everyone was pretty busy with the change I walked out and grabbed (B)(6)(7C) and walked across the street to the BATs area. (B)(6)(7C)

Around 0852 we arrived over at the entrance way (near the Constantine wire) to the BATs area and found (B)(6)(7C) (he left after we picked up the detainee) standing next to the Iraqi detainee who the BATs system hit on. The Iraqi was sitting on the cement barricade and (B)(6)(7C) and I escorted the Iraqi to the second shack, located next to the shack which holds the BATs system. After all three of us stopped there,

(B)(6)(7C) had entered into the shack and had brought with him a zip tie and (B)(7)(E) (B)(6)(7C)

(B)(6)(7C) Around 0855 or 0900 (B)(6)(7C) zip tied the detainee behind the back and (B)(6)(7C) (B)(6)(7C) The detainee was sitting on the cot. At this time there was the detainee, (B)(6)(7C) myself and (B)(6)(7C)

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Continuation of statement of (B)(6)(7C), USMC (B)(6)(7C) on
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(B)(6)(7C) Around 0905 myself along with (B)(6)(7C) left the shack, leaving (B)(6)(7C) with the detainee. We had gone over to the BATs shack and I relieved (B)(6)(7C) who ran across the street to the ECP to grab something (B)(6)(7C)

(B)(6)(7C) Between 0905 and 0920 (B)(6)(7C) and I would periodically go back over to the second shack to check on (B)(6)(7C). During one of this checks, I noticed the detainee was complaining of his zip tie being too tight (calling out mista, mista, and it appeared to me that he was in pain). So I cut off his zip tie and gave him water (I routinely give detainees water). It was at this time the detainee started rubbing his chest like he was in pain (the best way I can describe it is when you have heart burn). I then left the shack leaving the detainee with (B)(6)(7C) and went back to the BATs shack (B)(6)(7C)

(B)(6)(7C) (B) Around 0920 a second detainee popped on the BATs system. We detained the second guy and our interpreter (B)(6)(7C) felt the guy was staring at him, like he was trying to remember or figure out his face. So myself (B)(6)(7C) moved the second guy out of the BATs shack and placed him in between the two shacks near the HESCOs. I then went back into the BATs shack (B)(6)(7C)

(B)(6)(7C) Around 0930, while in the BATs shack I heard a soft pop, sort of like a gunshot in the distance, really muffled. At that time (B)(6)(7C) comes inside the BATs area and tells me they need a corpsman with the other medical kit. I ask him why and he tells me the detainee was shot. I immediately kicked everyone out of the BATs area and started to call for the corpsman and went to check on the detainee (B)(6)(7C)

(B)(6)(7C) At this time things start to get crazy, I started assessing the situation calling up relaying the information on his wound to the CoC and passing up the information. I assisted helping the Doc with a pressure bandage (chest area). I noticed the detainee's mouth was dry and so I put some water into his mouth. (B)(6)(7C) came in and switched with me and he started helping the Doc. I went outside and started coordinating the other detainee and the medi-vac team (B)(6)(7C)

(B)(6)(7C) (B) During my coordination (B)(6)(7C) came down and assessed the situation and called the CoC and then left the area. I kept calling in on the status of the medi-vac and even asked if we could throw the detainee into a civilian vehicle to get him to a hospital, but they kept telling me to stand by for the QRF (B)(6)(7C)

(B)(6)(7C) Just for clarification after I cut off the detainee's zip tie, I didn't use another zip tie because the detainee had already been searched and he had no weapons. Besides that Marines are taught to keep their distance from detainees. My opinion was the detainee at that time didn't appear to be dangerous. Plus the whole BATs system Alerts are not always correct. For example we had an alert on one guy and when we checked on the alert it was because the individual had a poor iris scan in the system. Also sometimes they've been rescanned before or just not taken off the alert list. Besides everyone w (B)(6)(7C)

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Continuation of statement of (B)(6)(7C) USMC (B)(6)(7C) on
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(B)(6)(7C) JET interviews aren't always on detainee status and we don't use zip ties on all the individuals that are brought down there. After hearing about how the detainee went for (B)(6)(7C) gun and how the detainee had a hold of his blouse or hand, I would have shot the detainee repeatedly. That's what I teach my Marines, if deadly force is justified they're to ensure the threat is stopped by all means. In my mind I would have at least shot the detainee twice (B)(6)(7C)

(B)(6)(7C) Overall I would characterize (B)(6)(7C) as being a real mellow person, not high strung, he was happy he was going home and he was happy he was turning over his source. (B)(6)(7C) would always try and be nice to the Iraqis he meets at the BATs by trying to talk to them in Arabic (B)(6)(7C)

(B)(6)(7C) Immediately after the incident he really looked shook up, sweating really badly, over all he looked like I said shook up that he shot the gun (B)(6)(7C)

(B)(6)(7C) This statement consisting of this page and (B) (B) was typed for my by Special Agent (B)(6)(7C) as we discussed it. I have read this statement and have made any changes and or corrections I so desire. This statement is true and correct to the best of my knowledge and belief (B)(6)(7C)

(B)(6)(7C)

2104 050923
Date and Time

Sworn/affirmed to and subscribed before me this the 23rd day of September in the year 2005, Camp Fallujah, Iraq.

(B)(6)(7C)

Witnessed by

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10USC 936) and 5 USC 303

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STATEMENT

PLACE: NCIS DET (TRAILER 36), CAMP FALLUJAH, IRAQ

DATE: 23SEP05

(B)(6)(7C) USMC, make the following free and voluntary statement to Special Agent (B)(6)(7C) whom I know to a representative of the 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 events that transpire the morning of 20SEP05 at ECP 5 when (B)(6)(7C) shot and a killed a detainee (B)(6)(7C)

(B)(6)(7C) purposes of identification I am (B)(6)(7C) male, born on (B)(6)(7C) in (B)(6)(7C) and my SSN is (B)(6)(7C) I am (B)(6)(7C) inches tall and weigh (B)(6)(7C) lbs. I have (B)(6)(7C) hair and (B)(6)(7C) eyes. I am enlisted in the USMC as a CPL and I am currently assigned to Fox Company, 2/7 Marines. I do not have a security clearance. I currently reside at ECP 5 in the city of Fallujah, Iraq. My home of record is (B)(6)(7C)

(B)(6)(7C) statement is intended to elaborate upon information provide in my 20SEP05, hand written stateme (B)(6)(7C)

(B)(6)(7C) detainee that was shot came in to the BAT Cave where I was working as a BATs operator. I scanned his retina and then I saw that there was an alert on him and I checked the black list. The detainee was calm until I got up and started looking through papers to find the black list. I told my translator (B)(6)(7C) to tell the detainee to be calm and not to do anything stupid because if he runs we will take him down. After I did that I walked him up to personnel where we could put a guard on him. I can't remember who I left him with. I then went to go to the COC and get the HET guy code named (B)(6)(7C). I told (B)(6)(7C) what was going on and he said to put the guy in the HET room (same room as where he was shot) and let him "marinate" for a while and he would be down there.

Then I went to the COC and informed (B)(6)(7C) and (B)(6)(7C) the current SOG. While I was up there (B)(6)(7C) called for (B)(6)(7C) and went to grab the detainee and transport him to the HET room. I grabbed the flex cuffs and caught up to (B)(6)(7C) and (B)(6)(7C) I went down to the BAT cave and the (b)(7)(E)

(b)(7)(E) If he could see anything it would have been strait down. I made sure the flex cuffs were on. The flex cuffs were white. The flex cuff was just a single large loop placed over his wrists that crossed over each other. After I applied the flex cuffs I did a two finger test to ensure they were not too tight. After that (B)(6)(7C) was on guard for him. The detainee was already in the HET room when I (b)(7)(E) and cuffed him. I then went back to the BAT Cave. I don't know what time that was (B)(6)(7C)

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(B)(6)(7C) (B)(6)(7C) got the second detainee that was suspected of motor attacks. As I (B)(6)(7C) understand it at that time (B)(6)(7C) took some water to the first detainee who had be (B)(6)(7C)

a force of habit I ask people if they were ever in jail. I would have remembered if he had said anything different than "The Marines came out of 4 and got no no no no" (B)(6)(7C)

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(B)(6)(7C)

complaining about the flex cuffs and said he needed some water. (B)(6)(7C) took off the flex cuffs, I just don't know when he did it. Then I brought out the second detainee and sat him down on the ground between the BAT Cave and the Het room. I stayed on him there as the guard. Then I knocked on the door to the HET room to tell (B)(6)(7C) that we had a second detainee for suspected motor attacks. DOC was in with the first detainee by himself. I told DOC that we should switch guys so that I could talk to the first detainee so I could practice my Arabic by asking some basic questions. I went to two months of classes to learn to speak Arabic, I learned some from my wife who is a USN Arabic linguist and I learned some from (B)(6)(7C). So we switched. I can't remember what DOC said to me but he related that the first detainee was shady or nerve (B)(6)(7C)

(B)(6)(7C)

When I went into the Het Room I saw the detainee was unflex cuffed and I asked DOC why and DOC told me it was because (B)(6)(7C) had given him water. I then alone with first detainee. In Arabic I asked him if he was mujadeen and I told him not to lie to me. He understood me so I knew that I had my phases down. The guy was nervous and kept rubbing his hands together and kept putting his hand to his upper chest and was scratching his chest. Every sound that I made his head would snap towards it. He never said anything to me besides answering my questions with "No". While I was walking around the room he kept moving his feet and pointing his toes towards me. I kept telling him to stop and relax in Arabic. Once I got behind him and he could no longer turn towards me sat up taller where he had been slouched before (B)(6)(7C)

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I think I was still behind him when (B)(6)(7C) walked in. (B)(6)(7C) came with (B)(6)(7C) and the new HET guy. After they came in I told them the situation with the first detainee and the second outside. I showed (B)(6)(7C) the black list and a scrap of paper that the translator had written the detainee's name on so he could check the name because he is always getting on me to make sure the names are spelled correctly. The new Het guy and (B)(6)(7C) walked out to look at the other guy. I told (B)(6)(7C) it was good to see him so that he could interrogate the detainee. (B)(6)(7C) told me he was there for an appointment and that (B)(6)(7C) was coming down. I think (B)(6)(7C) asked him what tribe he was from but I don't remember what he said. Then I told (B)(6)(7C) I was going to check and see where they moved the other detainee to and I stepped out side. I think I said he's all yours. I can't remember where his rifle was but I know he had his 9mm on his leg. I walked out and took about four steps and the door had just shut and a (B)(6)(7C) or two later the "pop" went (B)(6)(7C)

(B)(6)(7C)

I knew immediately that the pop was a gun shot and I realized it came from inside the building. I immediately turned around and ran back inside. (B)(6)(7C) had his pistol in his hand and he said the detainee had lunged at him and grabbed him. When I came through door I was holding my weapon at the ready on fire in Condition one because I was expecting (B)(6)(7C) to be down. The detainee was laying on his back like half off the cot. He was not in the middle of the cot where he had been sitting he was now closer to the door. I heard the detainee moan when he got shot but now he wasn't saying. I did (B)(6)(7C)

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(B)(6)(7C) not here (B)(6)(7C) chamber a round but I was already yeling at DOC, the generator was running and the door rattles when it shuts so it may have masked the sound of the pistol being charged (B)(6)(7C) when the new HET guy came in and yelled for DOC. I was looking at (B)(6)(7C) to see if he was OK. (B)(6)(7C) didn't look angry he just looked shocked. (B)(6)(7C) said he couldn't believe the guy had bumped at him and I said so he lunged at you and (B)(6)(7C) said yeah. The (B)(6)(7C) came in and I started to help perform first aide. I think (B)(6)(7C) walked out of the room or he was standing behind me because I was concentrating on the detainee. I don't remember seeing (B)(6)(7C) the brass from the bullet that (B)(6)(7C) fired and remember even smelling any smol (B)(6)(7C)

(B)(6)(7C) in less than a minute DOC had the guy patched up with Asherman chest seal and some gauze. We also rolled the guy to check for and exit wound and there wasn't one. The detainee's eyes were rolled into the back of his head. I poked my head out the door and told (B)(6)(7C) that we had a guy shot and (B)(6)(7C) got on the horn and called for help. Then I continued to help (B)(6)(7C) We put a blanket on the detainee because he was getting cold. During that time he DOC told me to slap the guy in the face and keep him awake. I was smacking the guy on both sides of his face and asking him his name in Arabic. I was not hitting him hard. The guy was barely breathing and his eyes were rolled back into his head. While I was doing that DOC started to apply the green field dressing. The detainee started to come around and was whispering and I couldn't understand what he was saying. The detainee started moving his hand coming up towards my face. 2 or 3 times I put his hand back under the blanket on his stomach. I was putting a lot of pressure on the dressing and kept him from moving around and squirming while DOC was tying off the pressure dressing. Then other people arrived and then someone told me to go do something so I left. And I think that's when the detainee started coming to and really knew what was going on. That is the last time I saw the detainee while he was alive (B)(6)(7C)

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(B)(6)(7C) as I was leaving the room I grabbed all my gear and I picked up (b)(7)(E) I remember the detainee (b)(7)(E) until I got up to the COC but I then noticed the when DOC and I (b)(7)(E) we must have let them land in a pool of blood as there was blood on the (b)(7)(E) I am pretty sure I have (b)(7)(E) ill but we did a field day cleaning and they could have been thrown out but I don't think (b)(7)(E) remember if (b)(7)(E) before or after we moved the detainee (B)(6)(7C)

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(B)(6)(7C) have worked with (B)(6)(7C) for the last three weeks. He is a very honest guy and and friendly. He was very friendly with the Iraqi's that came in and he treated people fairly. He would help us organize stuff and learn to spell Iraqi names while he would wait on his sources to me him. He encouraged us to hand out candy to the kids. He always told us to let people see us give candy to the kids because it will help him get more people inside his door as source (B)(6)(7C) never told any war stories. He just talked about (B)(6)(7C)

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Continuation of statement of on (B)(6)(7C) 23 September 2005

(B)(6)(7C) wife and kids back home. I have never heard any rumors that (B)(6)(7C) had abused prisoners or used unlawful methods to extract information. (B)(6)(7C) never did interrogations or screenings for he just met sources there (B)(6)(7C) is the one who did interrogate (B)(6)(7C) don't believe (B)(6)(7C) could identify the exact set of flex cuffs I used to secure the detainee once they had been cut off. I did not hear (B)(6)(7C) call for help while I was outside. The pistol shot did seem kind of muffled but I thought it might have been because it was inside but the walls of the HET room are just a single piece of plywood (B)(6)(7C)

(B)(6)(7C) This statement consisting of this page and 5 other was typed for my by Special Agent (B)(6)(7C) as we discussed it. I have read this statement and have made any changes and or corrections I see in it. This statement is true and correct to the best of my knowledge and belief (B)(6)(7C)

(B)(6)(7C)

23 Sep 2005 2/26
Date and Time

Sworn/affirmed to and subscribed before me this the 23rd day of September in the year 2005, Camp Fallujah, Iraq.

(B)(6)(7C)

Witnessed by _____

Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10USC 936) and 5 USC 303

b6 b7c

A190

STATEMENT

PLACE: NCIS Det Fallujah, Iraq

DATE: 23SEP05

(b)(6), (b)(7)(C) [redacted]
 (b)(6) (b)(7) (C) [redacted] USN, (b)(6)(7C) [redacted] make the following free and voluntary statement to Special Agent (b)(6)(7C) [redacted] whom I know to be a representative of the Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended to me. I full understand this statement is given concerning my knowledge of the shooting of detainee later identified as Haskem Shefi ABDULLAH inside the Human Explotation Team (HET) room on 20SEP05 (b)(6)(7C) [redacted]

(b)(6)(7C) [redacted] purposes of identification, I'm a (b)(6)(7C) [redacted] male with (b)(6)(7C) [redacted] hair and (b)(6)(7C) [redacted] eyes. I'm (b)(6)(7C) [redacted] tall, (b)(6)(7C) [redacted] pounds and I was born on (b)(6)(7C) [redacted] in (b)(6)(7C) [redacted] GA. I'm a Hospital Corpsman in the USN and am currently assigned to 27 Fox Company, 2nd Platoon, USMC aboard Camp Fallujah, Iraq (b)(6)(7C) [redacted]

(b)(6)(7C) [redacted] On 20SEP05, I reported to duty at 0700 and was assigned duties as the corpsman which entailed roving the line and making sure everyone was OK. When not actually roving, I station myself in the female search area due to it's location in the middle of the line. As a rover, I'm considered an extra body and am used as needed (b)(6)(7C) [redacted]

(b)(6)(7C) [redacted] I'm not exactly sure what time it was, but sometime during the mid-morning (b)(6)(7C) [redacted] called me in order to assist with moving a detainee who I will refer to as ABDULLAH. ABDULLAH was located behind the female search area and we had to move him down to an area which is known as the BAT cave, this is the area where badges are issued out. Once there, ABDULLAH's retina was scanned and we received a notice that he was considered a high value individual and was to be further detained. As a result of that, I escorted ABDULLAH to the HET room and was guarding him while we were waiting for HET personnel to arrive and interview him. At that time ABDULLAH (b)(6)(7C) [redacted]

(b)(6)(7C) [redacted] (b)(6)(7C) [redacted]

PAGE 1 of 3

b6 b7c

SWORN STATEMENT OF (B)(6)(7C) (CONT)

b7E

(B)(6)(7C)

was flex-cuffed by (B)(6)(7C) and (b)(7)(E)

(b)(7)(E) Up until the point ABDULLAH was cuffed he was very compliant but he appeared to become nervous. I was pretty much left alone with ABDULLAH while another detainee was being processed and I estimate I guarded ABDULLAH for approximately fifteen minutes until I switched detainees with (B)(6)(7C)

(B)(6)(7C) During the time I was guarding ABDULLAH, he would move his feet in the direction of any noise that he heard and it made me pretty uncomfortable because I did not know what he was doing.

(B)(6)(7C)

b6 b7C

(B)(6)(7C)

(B)(6)(7C) Shortly after I changed detainees with (B)(6)(7C) the HET personnel arrived. Since I had changed detainees with (B)(6)(7C) I was located outside the HET room but could still hear what was being said inside the HET room. As a security precaution, I moved the detainee I was now guarding to an area away from the HET room where he would not be able to overhear what was being said. I would say approximately 10-15 minutes after I moved the detainee I was guarding, I heard a noise that reminded me of a cap gun being fired and a couple of seconds after that (B)(6)(7C) came running out and shouted "shots fired, corpsman up". Once (B)(6)(7C) had the detainee I was guarding secured I ran into the

HET room and observed (B)(6)(7C) standing to my left and ABDULLAH lying perpendicular on a cot. I didn't noticed whether (B)(6)(7C) had anything in his hands or not because I was focused on ABDULLAH. I asked where ABDULLAH was shot and (B)(6)(7C) replied he was shot in the chest. I placed ABDULLAH horizontal on the cot on his back, got my scissors from my pack and started cutting his shirt off. Once his shirt was off, I noticed a gunshot wound to the upper left portion of his right breast. I immediately placed a Asherman chest seal over the wound along with a compression handage in order to soak up the blood that was coming from the wound. I told (B)(6)(7C) to check for an exit wound as I turned ABDULLAH towards me and (B)(6)(7C) advised there was no exit wound visible. At that point, myself and (B)(6)(7C) took turns applying pressure to the wound and checking his vital signs.

Shortly after that, ABDULLAH seemed to come around and started fighting trying to get off the cot. On two different occasions, ABDULLAH seemed to try and grab my pistol but I think (B)(6)(7C) is a result of him going into shock and being confused. At some point, Corpsman (B)(6)(7C) came into the room and assisted me with ABDULLAH. It seemed like we treated ABDULLAH for (B)(6)(7C) before the medvac person (B)(6)(7C)

A 192

(B)(6)(7C)

arrived, however, shortly before they arrived ABDUL H's pulse stopped. We attempted to resuscitate him but were unsuccessful.

(B)(6)(7C)

(B)(6)(7C)

This statement consisting of this page and two others was typed for me by Special Agent (b)(6),(b)(7)(C) after we discussed it. I have read this statement and have made any changes and or corrections I desire. This statement is true and correct to the best of my knowledge and belief.

(B)(6)(7C)

(B)(6)(7C)

23 SEP 05 2104

Date and Time

Sworn/affirmed to and subscribed before me this 23rd day of SEPTEMBER in the year 2005, Camp Fallujah, Iraq

(B)(6)(7C)

Witnessed by

Investigative Service
AUTH: DERIVED FROM ARTICLE
136 UCMJ (10USC 936) and 5 USC 303

STATEMENT

By (b)(6),(b)(7)(C) USMC

Date: 23Sep05

Place: NCIS Det Camp Fallujah, IZ

(b)(6) I, (b)(6),(b)(7)(C) USMC (b)(6),(b)(7)(C) make the following free and voluntary statement to (b)(6),(b)(7)(C) whom I know to be a Special Agent of the U.S. Naval Criminal Investigative Service. I make this statement of my own free will, without any threats and or promises extended. This statement is provided regarding my knowledge surrounding the fatal shooting at Entry Control Point (ECP) 5, Fallujah, Iraq, on 20Sep05 and my role after the shooting (b)(6), (b)(7)(C)

(b)(6) For purposes of identification, I am a (b)(6),(b)(7)(C) male, enlisted Marine, assigned to 2nd Bn, 7th Marines, RCT-8, II MEF. I was born on (b)(6),(b)(7)(C) in (b)(6),(b)(7)(C). I weigh approximately (b)(6) lbs and my height is approximately (b)(6). My home of record is (b)(6),(b)(7)(C). I am due to rotate back to Twenty-nine Palms, CA in Jan06 (b)(6), (b)(7)(C)

(b)(6) On Tuesday, 20Sep05, I was at my post in the COC at Entry Control Point 5, on route Michigan in Fallujah, IZ. Early in the morning two male Iraqi nationals had been processed by the Biometric Automated Tool Set (BATS) and positive hits came up on each. This meant that both had been processed in the past and were noted to be affiliated with anti-coalition activities. Based on this, each local national were detained and separated. The BATS processing center, commonly referred to as the "BAT CAVE" is located across the street from ECP 5, as is the Humint Exploitation Team building. One detainee, known as Haskem Shafi ABDULLA was taken into the HET bldg, while the other was staged outside the BAT CAVE. This same morning (b)(6),(b)(7)(C) a HET member assigned to G Co, was to meet a source at the HET bldg. Another HET member was summoned to assist in the interviews of the detained LN: (b)(6)

(b)(6), (b)(7)(C) At approximately 0935 or 40, I received radio traffic in the COC that a HET G Co member shot a detainee in the HET bldg across the street. Corpsman (b)(6),(b)(7)(C) was directed to the scene to render any medical assistance. In a short time, radio traffic regarding the shooting was being directed to the COC. I was fielding calls from BN and other locations. At approx. 0947 or 50, a call went out to F Co, for a Quick Reaction Force to assist in a MEDVAC of the detainee. At approximately 1005/10, two vehicles arrived at my location, which I thought was the MEDVAC; however, I learned that they were there for another reason and were not capable of doing a MEDVAC, because more than two vehicles are required for such a movement. At the same time, I received radio traffic in the COC that the detainee (Abdulla) was resisting aid to those at the scene attempting to aid him, being combative, even though he had been shot. I also learned that (b)(6)

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

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

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Continuation of STATEMENT

By (b)(6),(b)(7)(C), USMC

(b)(6) within approximately 10 minutes after being shot, Corpsman (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were able to stop the bleeding from the gunshot wound on Abdulla (b)(6),(b)(7)(C).

(b)(6),(b)(7) At approximately 1010/15, I did a turnover with (b)(6),(b)(7)(C), who subsequently made a second call for a QRF/MEDVAC. I subsequently departed ECP 5/COC and crossed the street to the HET bldg. Upon entering the HET bldg, I observed (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) alongside the detainee Abdulla who was on the cot. Almost simultaneously, the MEDVAC/QRF arrived. At the same time, both Corpsmen noticed that detainee Abdulla had stopped breathing; however, he had a slight pulse. (b)(6),(b)(7)(C) performed breath resuscitation for approximately 2-3 minutes at which time both Corpsmen noted that the detainee had no pulse. Full CPR was given by both for another 3 minutes. At approximately 1050, they ceased life saving efforts (b)(6).

(b)(6) ensured the scene was secured and the COC at ECP 5 was notified of the death. Within approx. 40 minutes or 1120, (b)(6),(b)(7)(C) (phonetic), BN CO, arrived at the scene. He instructed (b)(6),(b)(7)(C) to take photographs of any tattoos on Abdulla, while I assisted. I cut the trouser off of Abdulla to look for other tattoos. I recall three were found on his arms. A photo of the entry wound was also taken. The photos or camera were passed to the BN SJA, to the best of my knowledge. The XO also took photos (b)(6).

(b)(6) At approx. 1200, I returned to the ECP/COC and provided a written statement concerning the events as directed by the BN SJA. I also received, at about the same time, a call from NCIS. The agent directed me to seize the weapon used by (b)(6),(b)(7)(C) the HET G Co Marine, who shot detainee Abdulla as well as any shell casings. I took the M9, 15 round magazine and the spent cartridge and placed them into a MRE box. I took the box across the street and placed it on the floor of the HET bldg, which is where the shooting took place. I recall seeing the spent cartridge being in poor condition. The rim was fine. According to (b)(6),(b)(7)(C), the casing was lying in the chamber, as if there was not enough powder to eject the shell from the chamber. I suspect it was a "Haji" round, meaning that it was local or Iraqi ammo. (b)(6),(b)(7)(C) mentioned that he had been issued this ammo (b)(6).

(b)(6) After the incident and while waiting for NCIS to arrive on scene, I had a brief conversation with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). I learned from this conversation that prior to the shooting, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were in the HET building with the detainee. The detainee had restrained with FLEX CUFFS and (b)(7)(E).

(b)(7)(E) The detainee complained that the cuffs were too tight, he was thirsty and he had chest pains. I was told that (b)(6),(b)(7)(C) left the room, leaving (b)(6),(b)(7)(C) alone with the detainee. Soon, almost immediately, after (b)(6),(b)(7)(C) left the room/bldg, the detainee lunged at (b)(6),(b)(7)(C) who was within a matter of feet from him. The detainee was still (b)(7)(E) at the time. The detainee grasped the right shoulder of (b)(6),(b)(7)(C) and was going for his pistol. (b)(6),(b)(7)(C) said he had his pistol (M9) out just prior to (b)(6),(b)(7)(C).

Continuation of STATEMENT

By (b)(6),(b)(7)(C) USMC

(b)(6), (b)(7) he incident. He was taking the pistol out of Condition 3 and into Condition 1, when the detainee lunged at him. In the mist of the confrontation, (b)(6),(said he twisted and aimed his weapon across the front of himself, towards the detainee, and shot the detainee once in the chest. The detainee (Abdulla) fell back onto the nearby cot, which was used earlier to position or seat the detainee. (b)(6)

(b) I have met (b)(6),(b)(7) on approximately two prior occasions. I have had no working relationship with him in the past. He has his own business, unrelated to my duties. I have not noticed how or in what condition (b)(6),(b) carries his weapon. When he relinquished his weapon to me, he did so in the correct manner. (b)(6),(b) was somewhat shaken by the incident, but later he was "pumped, but under control." (b)

(b)(6),(b)(7)(C) was in the middle of a RIP (relief in place) with another HET member. His role in the events of that day was nil, but he and (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) replacement, were to interview the detainees. Both of these Marines are HET members. (b)(

(b)(6) have been given the opportunity to read this statement, consisting of 3 pages, which was prepared by SA (b)(6),(in my presence. I have made all necessary corrections and placed my initials adjacent to any corrections. This statement is true and correct to the best of my knowledge and belief. (b)(6),

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

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

2111 Sept 26 2005
Date and Time

Sworn/affirmed to and subscribed before me this the 23rd day of September in the year 2005, Camp Fallujah, Iraq.

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

Witnessed by _____

(b)(6), (b)(7)(C)
(b)(6),(b)(7)(C) Naval Criminal
(b)(6),(b)(7) Investigative Service
(C) AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10USC 936) and 5 USC 303

me

STATEMENT

Place : Al Asad, Iraq
 Date : 23 Sep 05

(b)(6), (b)(7)(C) _____, make the following free and voluntary statement to (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 (b)(6), (b)(7)(C) *shooting a detainee* (b)(6),

(b)(6), (b)(7)(C) For the purposes of investigation I am a (b)(6), male, approximately (b)(6) and weigh approximately (b)(6) pounds. I was born on (b)(6), (b)(7)(C) in (b)(6), (b)(7)(C). I currently am assigned 1st Intel Battalion, Camp Pendleton, CA. I was stationed out of the Fallujah Peninsula in Iraq (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) have known (b)(6), (b)(7)(C) since his assignment to Humint Exploitation Team Eight (HET08) approximately ten months ago. During the time I have known (b)(6), (b)(7)(C) he has never appeared to have the capacity or made any comments indicating that he would kill or cause bodily injury to any individual without justification (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) in 20050920, while at Entry Control Point Five (ECP5) conducting business pertinent to HET08's turnover with the oncoming team, I was present in the billeting space where (b)(6), (b)(7)(C) FNU, MNU entered the room and stated that a detainee had just been shot over in the interview room adjacent to the Biometric Analytical Tool Set (BATS) facility. At this point I put on my body armor and helmet and proceeded from where I initially heard about the shooting to the interviewing facility and BATS facility which was on the east side of the compound of ECP5 (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) entered the BATS facility and immediately approached (b)(6), (b)(7)(C), who on the far side of the room. He appeared slightly distraught but in-control of himself and was not talking to anyone at the time. I approached (b)(6), (b)(7)(C) and asked him how he was doing to which he replied that he was fine. We discussed briefly what had happened, at which time (b)(6), (b)(7)(C) stated that he had shot the detainee. He then volunteered that the detainee had grabbed his arm shortly after (b)(6), (b)(7)(C) had placed his M9 service pistol at condition one (per ECP5 policy while outside the main compound). My initial concern was how (b)(6), (b)(7)(C) was doing at the time so I did not question him in detail regarding the incident (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) The officer-in-charge (OIC) of ECP5 arrived on the scene several minutes later and entered the interviewing room where the detainee who was shot was still alive and being attended to by several individuals including a Navy Corpsman. While the OIC addressed the situation with the wounded detainee in the interviewing facility I along with (b)(6), (b)(7)(C) waited with (b)(6), (b)(7)(C) until he was summoned to the ECP5 combat operation center (COC). During this time (b)(6), (b)(7)(C) made a comment to the effect of "I almost made it through this entire deployment without have fired a shot." (b)(6), (b)(7)(C) and I wished him well and encouraged him while we waited with him and did not discuss what had happened in any detail (b)(6), (b)(7)(C)

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Continuation of voluntary sworn statement of

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

on

This statement, consisting of this page and 1 other page(s) was typed for me by (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 the truth to the best of my knowledge and belief.

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

Signature:

Sworn to and subscribed before me this 23RD day of SEPTEMBER in the year 2005 at

AL ASAD AIR BASE IRAQ

Witness

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

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

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

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

Active Service

(b)(6),(b)(7) EXEMPTED FROM ARTICLE 136, UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

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STATEMENT

Place : Al Asad, Iraq
 Date : 23 Sep 05

I (b)(6),(b)(7)(C), make the following free and voluntary statement to (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 (b)(6),(b)(7)(C) *shooting of a detainee*

(b)(6), (b)(7) For the purposes of investigation I am of other decent. I was born on (b)(6),(b)(7)(C) in (b)(6),(b)(7)(C) I am currently assigned to 1st Intell Battalion, Camp Pendleton, CA. I currently have a Top Secret Clearance. I do not have a home address because I have been TAD and deployed. (b)(6), (b)(7)(C)

(b)(6), (b)(7) I (b)(6),(b)(7)(C) first met (b)(6),(b)(7) on February of 2005. The pre-deployment training took a total of three weeks in which I saw (b)(6),(b)(7) for a duration of five to six hours five days a week. On October 28, (b)(6),(b)(7)(C) and the rest of the team drove to march air force base destined for Fallujah Iraq. Once in Iraq, I saw (b)(6),(b)(7)(C) about once or twice a week. (b)(6),(b)(7)(C) would make multiple trips to ECP5 for source meetings due to the cover for action it provided. On total, I would estimate that I had between 15 and 20 actual sit-downs with (b)(6),(b)(7)(C) never showed any indication nor did he ever express that he intended to eventually kill any one. I profiled (b)(6),(b)(7)(C) as a calm Marine who would use lethal force as a last resort. I never had any personal talks with (b)(6)

(b)(6),(b)(7) The extent of my knowledge pertaining to his relationship is as follows: He is married to a female in the navy, He is upset that they will not let her get stationed in the west coast, and that he just had a baby. I am currently unsure if it's a boy or a girl. (b)(6), (b)(7)(C)

(b)(6), (b)(7) On 20 September, 2005 I was contacted by the BAT cave "computer room in which all Iraqis are registered and issued Iraqi identification cards" Marines at the BAT cave informed me that an Iraqi male came up on Alert status and was currently on the 3 battalion 4th marines automatic apprehension list. I was coaching (b)(6),(b)(7)(C) who was taking over my duties at ECP5 "Entry Control Point Five in Fallujah" I advised (b)(6),(b)(7)(C) to contact his chief warrant officer and request reports which led to detainee status on the AAL. A few minutes later, the BAT Cave got on the radio and stated that the Golf HET guy (b)(6),(b)(7)(C) had shot the detainee who was now been worked on by corpsman (b)(6), (b)(7)(C) I made my way to the BAT cave and saw (b)(6),(b)(7)(C) I asked what happened and (b)(6),(b)(7) stated that the detainee had made an attempt to use his pistol and there for he shot him. I went back to my room which is across the street from the BAT cave inside a fallujah house which was turned into a combat outpost for Marines operating the Entry Control Point. (b)(6), (b)(7)(C)

Continuation of voluntary sworn statement of

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

10211

on

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

ECP5 is split into two different Areas. Majority of ECP5 is considered outside the wire and therefore, All marines must operate in condition one. Once inside the compound where the living quarters exist, All marines must go to condition 4. BAT cave is outside the wire. Upon exiting the living quarters, a Marine would have to cross a military traffic lane, then a Fallujah outgoing lane, then a fallujah incoming lane. Past the incoming lane is the personnel lane which is used for pedestrian traffic. A hill attached to this lane extended for about 75 meters and leads to the BAT cave and HET Hooch. An Hour or two after the event took place, (b)(6),(b)(7) came into my room and sat beside me on the couch. I was playing video clips on my computer and occasionally advising (b)(6),(b)(7)(C) who was prepping to interrogate/interview the second detainee. Minutes later, (b)(6),(b)(7) came to the room and requested that (b)(6),(b)(7) turn over his Pistol and Magazine. (b)(6),(b)(7) did then came back in the room. About 20 minutes later, NCIS came into the room and aske (b)(6),(b)(7) some questions. NCIS then left the room with the pistol, magazine, Blouse and holster. (b)(6),(b)(7) left my room about 30 minutes later with (b)(6),(b)(7)(C) who is in charge of Combined Armor Team Alpha one. (b)(6), (b)(7)(

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

This statement, consisting of this page and 1 other page(s) was typed for me by (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 the truth to the best of my knowledge and belief. (b)(6),(b)(7)(C)

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

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

Sworn to and subscribed before me this 23 day of sep in the year 2005 at

Al-Asad Iran

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

Witnessed

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

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

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

al Investigative Service

DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

b6/b7c

x JW

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND CLEANSING WAIVER OF RIGHTS

Place: NCIS DET Camp Fallujah (Bldg 36), Iraq
Date: 24 SEP 05

I, (b)(6),(b)(7)(C), have been advised by Special Agent (b)(6),(b)(7)(C) that I am suspected of violating the law of armed conflict Article 92 of the UCMJ (Failure to obey an order or regulation) specifically II MEF Detainee Handling & Detention Facility SOP; II MEF Policy 05-02 (Interrogation Policy) and MNF-I Rules of Engagement and Article 134 of the UCMJ (Homicide, negligent (b)(6),(b)(7)(C)

I have also been advised that:

- (b)(6),(b)(7)(C) (1) Any prior illegal admissions or other improperly obtained evidence which incriminated me cannot be used against me in a trial by court-martial;
- (b)(6),(b)(7)(C) (2) I have the right to remain silent and make no statement at all;
- (b)(6),(b)(7)(C) (3) Any statement I do make can be used against me in a trial by court-martial or other judicial administrative proceeding;
- (b)(6),(b)(7)(C) (4) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (b)(6),(b)(7)(C) (5) I have the right to have my retained civilian lawyer and/or appointed military lawyer present during this interview; and
- (b)(6),(b)(7)(C) (6) I may terminate this interview at any time, for any reason.

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me.

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

Date & Time: 24 SEP 05 1410 (b)(6),(b)(7)(C)

Witnessed: (b)(6),(b)(7)(C)

At this time, I, _____, desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

STATEMENT

PLACE: NCIS DET (TRAILER 36), CAMP FALLUJAH, IRAQ

DATE: 24SEP05

(b)(6),(b)(7)(C) I, (b)(6),(b)(7)(C), make the following free and voluntary statement to Special Agent (b)(6),(b)(7)(C) whom I know to be a representative of the 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 the shooting of an Iraqi detainee by myself on 20SEP05 at ECP 5 in Fallujah, Iraq. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) For purposes of identification I am (b)(6),(b)(7)(C) male, born on (b)(6),(b)(7)(C) in (b)(6),(b)(7)(C) and my SSN (b)(6),(b)(7)(C) I am (b)(6) inches tall and weigh (b)(6) lbs. I have (b)(6) hair and (b)(6) eyes. I am enlisted in the USMC as a SGT and I am currently assigned to 1st Intelligence BN, 1st CI/HUMINT Company. I have a top secret/SCI security clearance. I am stationed at Camp Pendleton, CA. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) This statement is intended to elaborate on the statement I gave to Agent (b)(6),(b)(7)(C) on 21SEP05. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I arrived in Iraq on 3 or 4 March 2005. This is my first deployment to Iraq and I have never deployed before as a HET team member. I have never been in any serious fights my whole life. I have received two beatings from groups of assailants. Once while in the 10th grade and once when I was 18 or 19. I wrestled for 3 years in high school. I participate in the MCMAP in Bahrain in 2002 where I earned a green belt, but the green belt course I went through was very short. It was only 4 days for about 4 hours a day where as the real one is 8 hours a day for two weeks. I have had some basic knife fighting and fighting with the rifle and bayonet but I have never learned how to fight with a pistol in my hand. I have received training on retaining my rifle if some one tries to take it but I have never been taught how to retain my pistol if someone tries to take it. I have probably done about 20-30 interrogations while I have been in Iraq and most were street level tactical interrogations. 90% of my work in Iraq has been source handling and the associated meets that go with them. I have never had an interrogation go bad on me where I was attacked weather I was on the street or in ~~and POW~~. One time I was interviewing a guy that was definitely a bad guy and I got another guard to come into the room because I felt uneasy with only one guard. (b)(6),(b)(7)(C)

the POW Facility (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Once or twice I have been asked to help pull security on people being detained. 2/7 does not have as many people ¾ did. I help 2/7 run the BATS and issue ID cards to Iraqis while I am waiting on sources to show up. 2/7 seems pretty security conscious. They always put flex cuffs on detainees but I don't remember seeing flex cuffs on the detainee when I walked into the room that day. I don't carry flex cuffs on me as I don't normally detain people and because my security team does the detainee handling for me when I am (b)(6),(b)(7)(C)

Continuation of statement of (b)(6),(b)(7)(C) on 24 September 2005

(b)(6), (b)(7) out in the field. I think I have only detained one guy my entire tour and that guy was really easy. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) A lot of the alerts in the BATS system are for no reason at all. Often time people appear on alert for a poor iris scan or for old intelligence that is never taken out of the system or they are released from a RDF and no one updates their info in the system. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I have never taken direct small arms fire while in Iraq. I had some rounds impact near me but they weren't intended for me. I have been IED'd twice while in Iraq. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) That day when I went into the HET room I had (b)(6) and (b)(6),(b)(7) with me. (b)(6),(b)(7)(C) was inside the room guarding the detainee. (b)(6),(b)(7)(C) was excited and told me about how this guy had popped on BATS on alert for suspected terrorist activity. He showed me an apprehension list and a scrap of paper that had the guys name written on it. I saw a name written next to the detainees name on the paper and I thought it may have been his tribe. I asked the detainee in Arabic what his tribe was. Then I tapped him on the shoulder and (b)(6), my interpreter, ask him and he told us his tribe and sub-tribe which was not the name on the paper. (b)(6),(b)(7)(C) told me that (b)(6),(b)(7)(C) had been notified and was on his way down to talk to the detainee which was good because I did not have time to do a spur of the moment screening and I needed to get the detainee out of there so I could have the space for my source meet. I was only in the HET room for 1 and 1/2 to 2 minutes and at sometime (b)(6) and (b)(6),(b)(7)(C) left. During that time I also down loaded my gear by hanging it up on the rack on the north wall and I leaned my M16, which in condition 3, up against the wall. I keep my weapon at condition three in the ECP area because we are in close contact with the Iraqi public and you can't effectively do your job with it in your possession. Then (b)(6),(b)(7)(C) asked me to watch the detainee for a minute while he checked on (b)(6),(b)(7)(C) who had a second detainee right out side in between the BAT Cave and the HET building. I moved closer to the detainee so that (b)(6),(b)(7)(C) could get around me and exit via the eastern door of the HET room. I don't recall (b)(6),(b)(7)(C) telling me anything about the detainee's behavior. Before he left he said he'd be right back. I had only looked at the detainee for about 15 seconds before I found myself guarding him. I did not really notice his hands. (b)(6),(b)(7)(C)

(b)(6), (b)(7)(C) I was standing about a foot in front of the detainee and I realized I needed to make my pistol condition one as it was only in condition three. My right side was towards the detainee and I am right handed. I carry my pistol in a Black Hawk thigh holster on my right side. I bought the holster my self because my unit did not issue me a holster at all. People in my unit use the same holster and some even had it issued to them by the unit. I drew my pistol with my right hand. When I drew the safety switched off like it usually does and I pulled the slide back with my left hand and chambered a round. As a result the hammer was back and I was in single action. I brought the weapon in closer to my body preparing to put the safety on/decock the hammer by using my left hand as my hands are too small to reach the safety with my right thumb and that is when the detainee (b)(6),(b)(7)(C)

Handwritten mark resembling 'X 203'

Continuation of statement of (b)(6),(b)(7)(C)
 on 24 September 2005

(b)(6),
(b)(7)(C) attacked me. He grabbed my left wrist with his right hand. I tried to escape from his grasp twice but I could not free my left hand. The detainee lunging at me made me lose my balance and I had to catch myself with my left leg. Then I lowered my center of gravity. I turned to face the detainee and he was still coming at me. I shoved the pistol into the detainee's chest to get him to back down. At this time I think the detainee's left hand and arm were around me like he was trying to grapple with me but I am not sure. He paused for just a split second and then pushed towards me again and I took my finger down from its position high and strait on the frame and pulled the trigger and shot the detainee. This whole event took less than three seconds. (b)(6),
(b)(7)(C)

(b)(6),(b)(7)(C) was surprised by the detainee's strength. I could not get away from the detainee. I thought he was going for my weapon and I thought the detainee was going to kill me with my own weapon. I just wanted the guy to stop. I believed that the detainee was trying to knock me down take my pistol and kill me. Everything happened so fast I had no time to yell and I was so surprised. It has been several years since I had my basic martial arts training in 2002. I had no sustainment or refresher training until JAN05 when I had an abbreviated three day course to take me to the green belt level. I never had any of the training to take me to the grey belt level which is in between the level. My 2002 training was the last time I had to use verbal commands while fighting an opponent. I did not consider reholstering because I thought the detainee would stop when I pointed the pistol at him. To my knowledge the detainee never successfully grabbed my pistol but I think that was his intent. I thought the detainee was going to win the fight and once he did that he was going to kill me with my pistol. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I don't think this event was my fault. I had a half second assess the situation and the (b)(6),
(b)(7)(C) make a decision on what to do. (b)(6),
(b)(7)(C)

(b)(6),(b)(7)(C) Things that could have prevented this incident were having him flex cuffed, more guards, having a two guard to one detainee ratio. But I am just a guest in the ECP, I don't dictate policy. It would have also helped if I had been farther away from the detainee. I think the detainee was going attack me no matter what precautions I took. (b)(6),
(b)(7)(C)

(b)(6),(b)(7)(C) It was absolutely necessary to shoot the detainee because it was him or me. There is no real policy on source meet security, you just use your best judgment and do what is appropriate for the situation. The BATS area is outside the wire and the area it uncontrolled. I have had Iraqi's walk into the HET room during source meets trying to get a badge. (b)(6),
(b)(7)(C)

(b)(6),
(b)(7)(C) The ROE in theater requires a hostile intent or act. There is an escalation of force and the level of force must be proportional to the situation but none of this takes away my right to defend myself. I don't know if the ROE for detainees is different than our general ROE as I am not a detainee guard and don't work at the RDF. I have never had anyone explain what the ROE is for close combat hand to hand. (b)(6),
(b)(7)(C)

Handwritten: 204

Continuation of statement of (b)(6),(b)(7)(C) on 24 September 2005

(b)(6), (b)(7)(C) In this instance my graduated response that when attacked I maintained my balance and when I pushed my weapon forward into the detainee I was displaying my weapon and my intent to use it. When the detainee paused and pushed back into my weapon, in my mind I felt that the detainee was intent on getting my pistol and using it on me so I shot him. (b)(6), (b)(7)(C)

(b)(6), (b)(7) When the detainee sat back down onto the cot after I shot him I noticed that (b)(7)(E) I could tell this by the fact that the (b)(7)(E) (b)(6), (b)(7)

(b)(6), (b)(7) My actions were reasonable as I believe that the intention of the detainee was not to escape but to kill me and then kill anyone else. (b)(6), (b)(7)(C)

(b)(6), (b)(7) I think it is possible that the detainee was in fear for his life when he heard my pistol being charged. I have never seen anyone react to pistols out in town in that way. I don't think it was probable that the detainee thought he was going to be executed but I do know that under Saddam executions were carried out with pistols. Also, many Iraqi's know the ROE just as well as we do and they know that unless they are doing something specific that we won't shoot. I just learned from Agent (b)(6), (b)(7)(C) that the detainee had been detained previously in FEB05 and was just released in JUL05 after being held in Abu Ghurayb so that could certainly explain why he reacted the way he did. (b)(6), (b)(7)(C)

(b)(6), (b)(7) This statement consisting of this page and 3 others was typed for my by Special Agent (b)(6), (b)(7)(C) as we discussed it. I have read this statement and have made any changes and or corrections I so desire. This statement is true and correct to the best of my knowledge and belief. (b)(6), (b)(7)(C)

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

24 SEP 05 1806 (b)(6), (b)(7)(C)
Date and Time

Sworn/affirmed to and subscribed before me this the 24th day of September in the year 2005, Camp Fallujah, Iraq.

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

Witnessed by

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10USC 936) and 5 USC 303

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

A 205

//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25SEP05

DEATH(II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
 M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

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

1. On 21SEP05, Reporting Agent (RA) and (b)(6),(b)(7)(C) USMC, together, diagramed the room he shot V/ABDULLAH in, as it would have appeared at the moment of the reported attack. The diagram is based on (b)(6),(b)(7)(C) recollection of the events and RA's knowledge of the scene. Enclosure (A) pertains.

ENCLSOURE(S)

(A) Diagram/21SEP05

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT
 OFFICE: MIDDLE EAST FIELD OFFICE, BAHRAIN

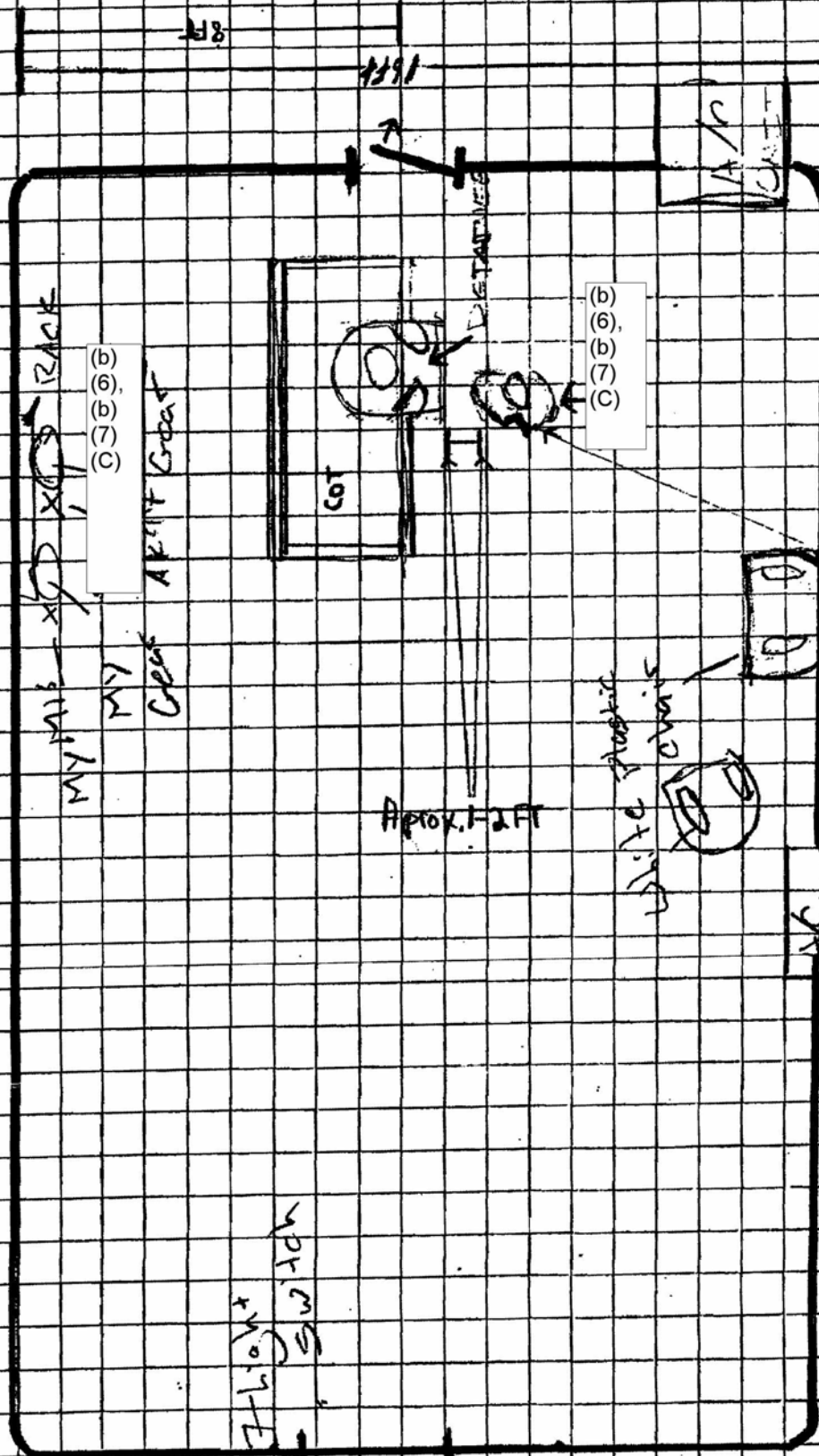
b6/b7c

~~FOR OFFICIAL USE ONLY~~
 PAGE 1 LAST (b)

EXHIBIT (18)

A 2006

CASE # 75-1587-105-0651-7HMA
DATE: 7/15/85
TYPE OF CASE: DEATH
LOCATION: ECP #5 Interview
Room A05
SKETCHER: [redacted]
ASSISTANT: [redacted]
NOT TO SCALE



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

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

75-1587-105

X 207

//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25SEP05

DEATH(II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
 M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

RESULTS OF INDICES CHECKS ON (b)(6),(b)(7)(C)

1. On 23SEP05, Reporting Agent conducted appropriate indices checks on (b)(6),(b)(7)(C).
 The NCIC was negative for wants/warrants/ and criminal history as was the DCI. DEIDS
 returned additional information on (b)(6),(b)(7)(C) dependants. Enclosure (A) pertains.

ENCLSOURE(S)

(A) Indices Checks on (b)(6),(b)(7)(C) /23SEP05

REPORTED BY (b)(6),(b)(7)(C) SPECIAL AGENT
 OFFICE: MIDDLE EAST FIELD OFFICE, BAHRAIN

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 PAGE 1 LAST (b)(6)

NAVAL CRIMINAL INVESTIGATIVE SERVICE

DELETED PAGE INFORMATION SHEET

Page(s) A 209 - 212, Encl. (A)

withheld entirely at this location. One or more of the following explain this decision:

Deleted under exemption(s) b6, b7c

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

Pages contain information furnished by other government agency(ies). We will advise you of releasability of information following consultation with agency(ies).

Comments: _____

Deleted pages(s)
No duplication fee for this page

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

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

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

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

STATEMENT

PLACE: NCIS DET (TRAILER 36), CAMP FALLUJAH, IRAQ
 DATE: 27SEP05

(b)(6), (b)(7) (b)(6),(b)(7)(C) make the following free and voluntary statement to Special Agent (b)(6),(b)(7)(C) whom I know to a representative of the 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 the shooting of an Iraqi detainee by (b)(6), (b)(7)(C) on 20SEP05 at ECP 5 in Fallujah, Iraq (b)(6), (b)(7)(C)

(b)(6), (b)(7) (C) for purposes of identification I am a male of other decent, born on (b)(6),(b) in (b)(6),(b) (b)(6) and my SSN is (b)(6),(b)(7)(C) I am (b)(6) inches tall and weigh (b)(6) lbs. I have (b)(6) hair and (b)(6) eyes. I am enlisted in the USMC as a SGT and I am currently assigned to 2nd Intelligence BN, CI/HUMINT Company. I have an interim top secret security clearance. I am stationed at Camp Lejeune, NC (b)(6), (b)(7)(C)

(b)(6), (b)(7) (C) have known (b)(6),(b)(7)(C) since we went to CI school in MAY04 through AUG04. We are associates but not close friends. For approximately 3 days prior to the shooting I worked with (b)(6),(b)(7) I was replacing him as his unit was RIPPING out. (b)(6), (b)(6),(b) was showing me how to operate in the Fallujah area. (b)(6),(b)(7)(C) never advised me to use interrogation techniques that were forbidden by Battalion policy or otherwise illegal. (b)(6),(b)(7) never advised me to threaten people I am interrogating with a weapon or physical violence (b)(6), (b)(7)(C)

(b)(6), (b)(7) (C) on the morning of 20SEP05, myself (b)(6),(b)(7)(C) and (b)(6), our interpreter, ^{WENT TO ECP 5} for a source meet at 1000. We arrived about 0930 because of the convoy situation. As we walked over to the HET room a DOC outside guarding another prisoner told us there was another

detainee in the HET Room. We went inside and I hung my helmet up and was told the detainee had popped up on the black list. I noticed that the detainee had on (b)(7)(E) and was not flex cuffed. The guard told us they had taken them off because they had been on too tight. I believe that (b)(6),(b)(7)(C) was also in the room when this information was conveyed by the guard (b)(6),(b)(7)(C) asked the detainee what his name was and what tribe he was from. (b)(6),(b)(7) did not want to, nor did he try to interrogate the detainee. We have other people to do that and the source meet we were there for took priority. I then walked out of the room and noticed that (b)(6), and the SOG had come out with me also (b)(6),(b)(7)(C)

(b)(6), (b)(7) (C) Not more than 30 seconds later I heard a gunshot but the gunshot was not as loud as a normal gunshot. As soon as I heard it I walked back in to the HET room to see what the sound was. I was the first person to go in to the room after the gunshot. When I came back into the room I saw the detainee laying back on the cot perpendicular to it. The detainee (b)(7)(E) and I did not see where (b)(7)(E) were at and I am positive that (b)(7)(E) I saw (b)(6),(b)(7)(C) holstering his pistol and asked what (b)(6), (b)(7)(C)

Continuation of statement of (b)(6),(b)(7)(C)
on 27 September 2005

(b)(6),(b)(7)(C) happened and he said words to the effect of the detainee had tried to grab his pistol. As soon as I saw the blood I ran out and got the medic. (b)(6),(b)(7)(C) appeared to be in a state of disbelief and shock. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Later I was talking with (b)(6),(b)(7)(C) and he again stated that the detainee had tried to grab his pistol and that it had not been in condition 3 and he was in the process of making in it condition 1. (b)(6),(b)(7)(C) said that the shell casing did not eject from his weapon and that he had to clear it manually. After the incident while I was in the HET room I did not see (b)(7)(E) or the spent shell casing (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) also want to add that after I had been guarding the other detainee for 30 to 45 minutes I went back into the HET room and observed the detainee trying to get up off the cot and the Corpsman having to hold him down and then I saw the detainee trying to grab the Corpsman's pistol and the Corpsman told me that was actually the second time he tried to do that. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) This statement consisting of this page and 1 other was typed for my by Special Agent (b)(6),(b)(7)(C) as we discussed it. I have read this statement and have made any changes and or corrections I so desire. This statement is true and correct to the best of my knowledge and belief. (b)(6),(b)(7)(C)

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

27 SEP 2005 1247
Date and Time

Sworn/affirmed to and subscribed before me this the 27th day of September in the year 2005, Camp Fallujah, Iraq.

Witnessed by _____

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

Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ (10USC 936) and 5 USC 303

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//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27SEP05

DEATH(II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

RESULTS OF TRANSLATION

1. On 27SEP05, Reporting Agent (RA) utilized (b)(6),(b)(7)(C), CIV, a linguist with TITAN, to translate a tattoo on V/ABDULLAH's arm and his Iraqi ID card.

2. (b)(6),(b)(7)(C) provided that the tattoo read "For the happiness of Yihifye and Gassem" and was possibly a form of memorial to dead loved ones. A second smaller tattoo was unreadable.

3. (b)(6),(b)(7)(C) provided that pertinent information on the Iraqi ID card read "Hashem Tanniyh Abd-Alan, DOB (b)(6),(b)(7)(C)

REPORTED BY (b)(6),(b)(7)(C) SPECIAL AGENT
OFFICE: MIDDLE EAST FIELD OFFICE, BAHRAIN

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PAGE 1 LAST (b)(6),(b)(7)(C)

//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27SEP05

DEATH(II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

RESULTS OF INTERVIEW WITH (b)(6),(b)(7)

1. On 27SEP05, Reporting Agent (RA) interviewed (b)(6),(b)(7)(C) (AKA (b)(6),(b)(7)(C), CIV, who was the translator assigned to (b)(6),(b)(7)(C) USMC. (b)(6),(b)(7) is a CAT II (US citizen with a Secret Clearance) interpreter employed by Titan.

2. (b)(6),(b)(7) related that (b)(6),(b)(7)(C) purpose for going to ECP 5 on 20SEP05 was for a source meeting. (b)(6),(b)(7) stated that while he and (b)(6),(b)(7)(C) were in the room with V/ABDULLAH that the only thing (b)(6),(b)(7)(C) asked V/ABDULLAH what tribe he was with and he replied "Eissawi". (b)(6),(b)(7) related he then left the room to conduct personal relief and then he heard the gunshot (b)(6),(b)(7)(C) stated he went back into the room and saw V/ABDULLAH laying back on the cot (b)(7)(E)

3. (b)(6),(b)(7) explained that later (b)(6),(b)(7)(C) stated that V/ABDULLAH had tried to take his gun. (b)(6),(b)(7) stated that the source they were meeting called on his cell phone and said he would be late to the meet and (b)(6),(b)(7) advised him not to come but did not tell him why. (b)(6),(b)(7) related that he never, at any time, told the source (b)(6),(b)(7)(C) had shot V/ABDULLAH.

4. (b)(6),(b)(7) commented that V/ABDULLAH did not look familiar but that he looked nervous as if he was hiding something.

BIOGRAPHICAL

SSN: (b)(6),(b)(7)(C)

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: (b)(6),(b)(7)(C)

PH: (b)(6),(b)(7)(C) (Iraqi)

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT

OFFICE: MIDDLE EAST FIELD OFFICE, BAHRAIN

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PAGE 1 LAST (b)(6),

A 216

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27SEP05

DEATH(II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

RESULTS OF REVIEW OF RECORDS ON V/ABDULLAH

1. On 27SEP05, Reporting Agent (RA) effected coordination with (b)(6),(b)(7)(C) CIV, Multi National Force Iraq- =West Biometric Automated Tool Set (BATS) Program Manager and reviewed V/ABDULLAH's dossier in BATS, a database of local nationals and detainees. V/ABDULLAH had his retina scanned at Entry Control Point 5 which yielded an alert for V/ABDULLAH's detention based on his affiliation with and insurgent/terrorist cell. V/ABDULLAH's photograph was appended to the file. Additionally, V/ABDULLAH was identified as detainee number (b)(2) and his name was listed as Hashem Shafi Abdullah of the Doulaimee tribe. V/ABDULLAH was detained on 23JAN05, held and interrogated at the Regional Detention Facility at Bucca and Abu Ghurayb, until his release on 02JUL05.

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT
OFFICE: MIDDLE EAST FIELD OFFICE, BAHRAIN

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PAGE 1 LAST (b)(6)

//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27SEP05

DEATH(II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

RESULTS OF PHOTOGRAPHIC COVERAGE

1. On 20SEP05, photographic coverage of V/ABDULLAH's death scene at Entry Control Point 5 was conducted by (b)(6),(b)(7)(C) USMC, Combat Cameraman, under the direction of Participating Agent (b)(6),(b)(7)(C), so as to visually document the condition of the scene at the time. Photographs were taken utilizing a Digital Camera. Aperture, shutter speed, and flash settings were set to automatic. The photographic images were saved by the camera's mechanism, to an internal memory card and were saved to a secure computer hard drive. The images were then saved to a non-re-write able compact disk and provided to Reporting Agent on 27SEP05. The compact disk all the photographic images were saved on is contained within the case notes of this investigation. Pertinent photographs are appended as Enclosures (A) through (AS).

ENCLOSURES

- (A) View of eastern exterior of building containing death scene/undated
- (B) View of northern exterior of building containing death scene/undated
- (C) View of southern side of building containing death scene/undated
- (D) View of western side of building containing death scene/undated
- (E) View of death scene from eastern entrance of building/undated
- (F) View of southern portion of death scene/undated
- (G) Overall view of death scene/undated
- (H) View of northern portion of death scene/undated
- (I) View of southeastern corner of death scene/undated
- (J) Intermediate view of pre-positioned body bag/undated
- (K) Intermediate view of V/ABDULLAH/undated
- (L) Overall view of flex cuff/undated
- (M) Intermediate view of flex cuff/undated
- (N) Intermediate view of flex cuff/undated
- (O) Close view of flex cuff/undated
- (P) Overall view of flex cuff/undated
- (Q) Intermediate view of flex cuff/undated
- (R) Close view of flex cuff/undated
- (S) View of pistol and magazine in box/undated
- (T) Intermediate view of V/ABDULLAH/undated

- (U) Intermediate view of V/ABDULLAH/undated
- (V) Intermediate view of medical artifacts and blood on floor/undated
- (W) Intermediate view of medical artifacts and blood on floor/undated
- (X) Intermediate view of medical artifacts and blood on floor/undated
- (Y) Overall view of V/ABDULLAH/undated
- (Z) Close view of V/ABDULLAH's face and (b)(6),(b)(7)
- (AA) Close view of V/ABDULLAH's left profile (b)(6),(b)(7)
- (AB) Close view of V/ABDULLAH's right profile/undated
- (AC) Close view of V/ABDULLAH's face and apparent entrance wound/undated
- (AD) Close view of apparent entrance wound/undated
- (AE) Close view of apparent entrance wound with scale/undated
- (AF) Intermediate view of left side of V/ABDULLAH's body/undated
- (AG) Intermediate view of right side of V/ABDULLAH's body/undated
- (AH) Close view of V/ABDULLAH's right hand/undated
- (AI) Close view of V/ABDULLAH's left hand/undated
- (AJ) Close view of V/ABDULLAH's top of left wrist/undated
- (AK) Close view of V/ABDULLAH's side of left wrist/undated
- (AL) Close view of V/ABDULLAH's bottom of left wrist/undated
- (AM) Close view of V/ABDULLAH's top of right wrist/undated
- (AN) Close view of V/ABDULLAH's side of right wrist/undated
- (AO) Close view of V/ABDULLAH's bottom of right wrist/undated
- (AP) Intermediate view of V/ABDULLAH's shirt with apparent bullet hole/undated
- (AQ) Close view of apparent bullet hole in shirt with scale/undated
- (AR) Close view of apparent bullet hole in shirt with scale/undated
- (AS) Intermediate view of V/ABDULLAH's back/undated

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT
 OFFICE: MIDDLE EAST FIELD OFFICE, BAHRAIN

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 PAGE 1 LAST (b)(6)

219

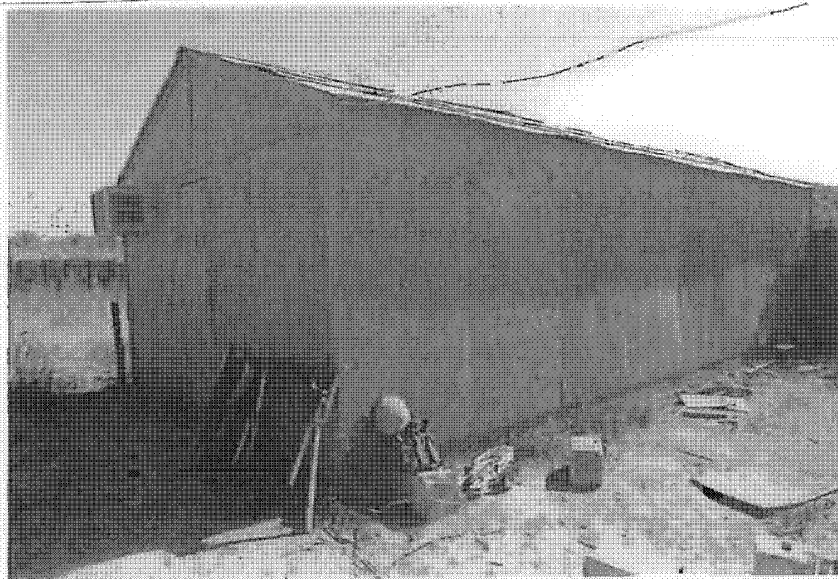


CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (A)

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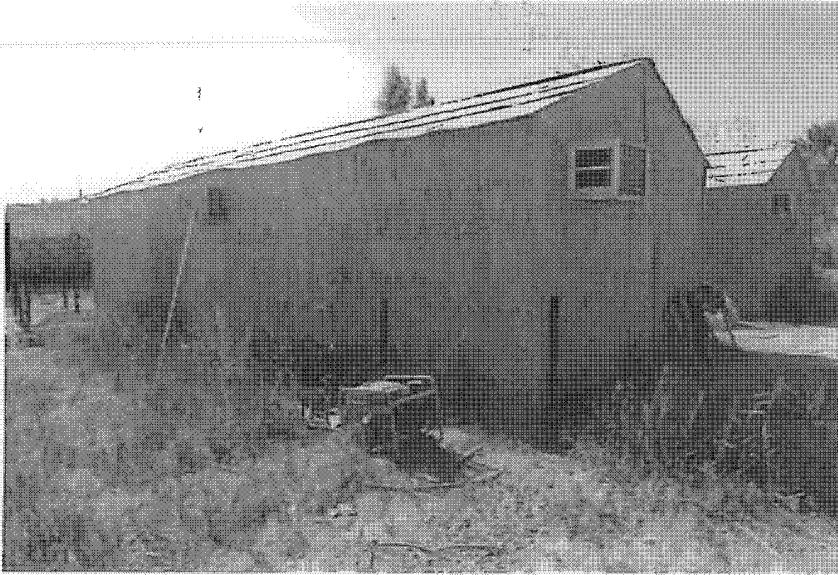


CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (B)

4221

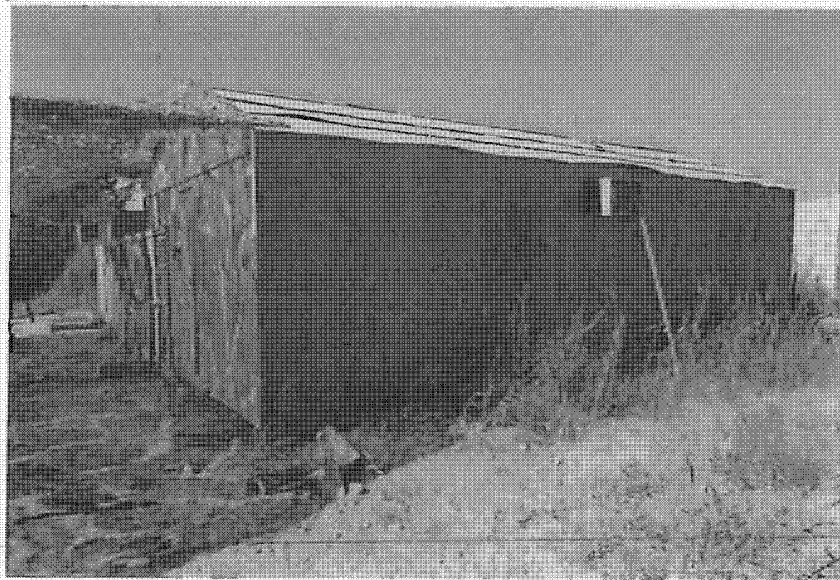


CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (C)

4 232



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (D)

A 223

NAVAL CRIMINAL INVESTIGATIVE SERVICE

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Page(s) ^A 224, Encl. (E)

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



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (F)

4225

NAVAL CRIMINAL INVESTIGATIVE SERVICE

DELETED PAGE INFORMATION SHEET

Page(s) ^A 226, End (G)

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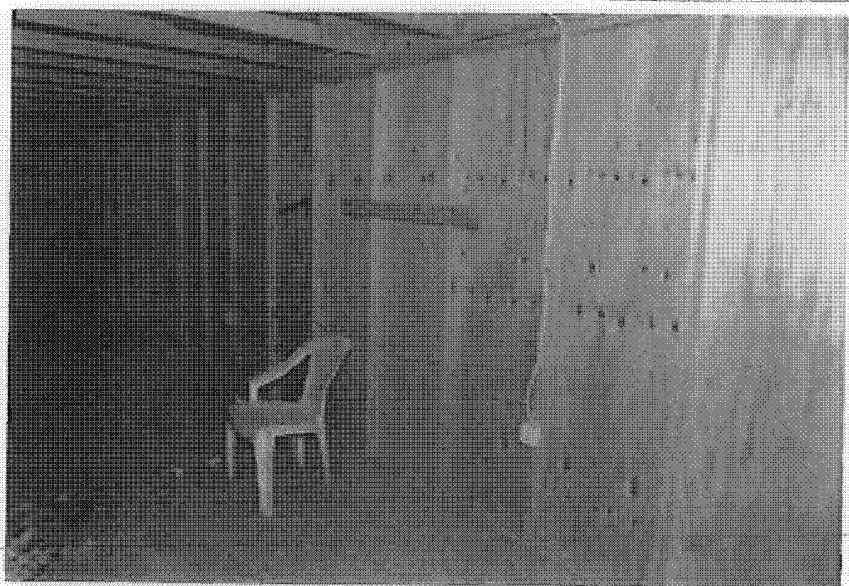
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(b)(6),(b)(7)(C)



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (H)

227



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (I)

A 228

NAVAL CRIMINAL INVESTIGATIVE SERVICE

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Page(s) A 229 - 230, Encl. (J)-(K)

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

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



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (L)

A231

NAVAL CRIMINAL INVESTIGATIVE SERVICE

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Page(s) A 232, Encl (m)

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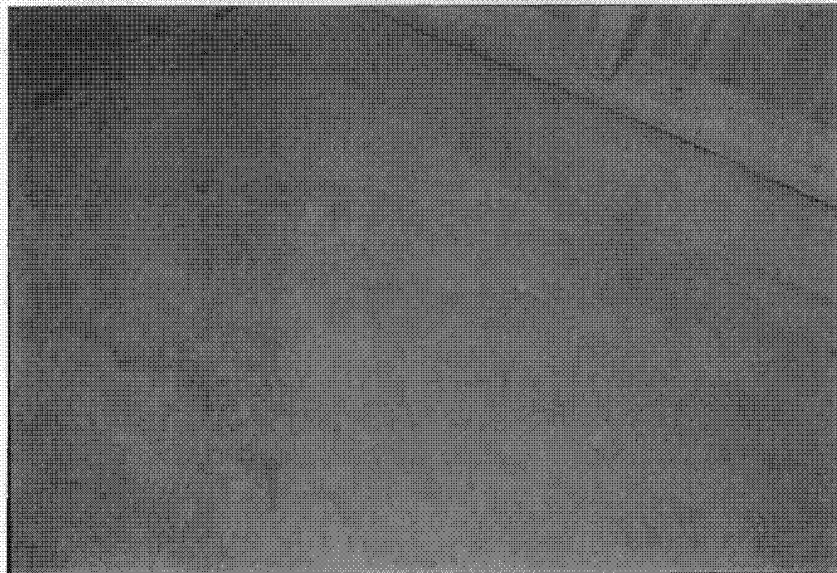
Documents originated with other government agency(ies). Referred to them for review and direct response to you.

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

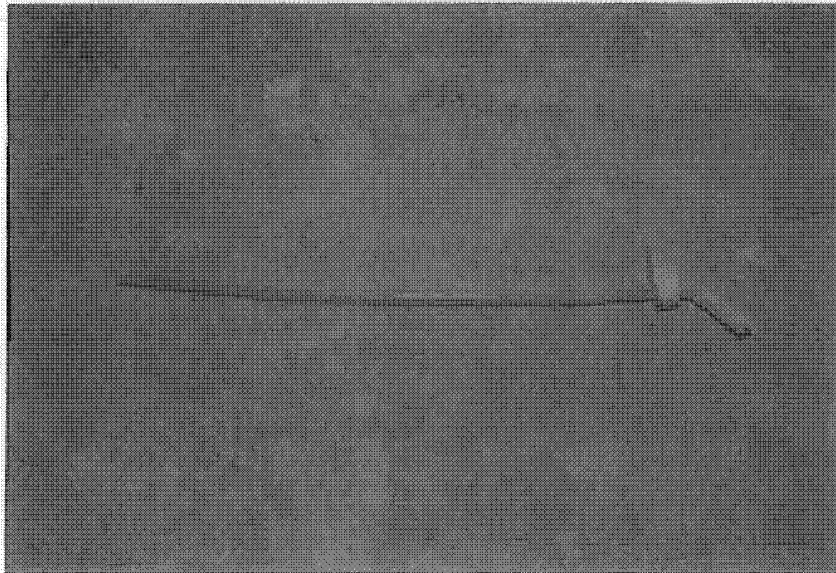


CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (N)

★ 233

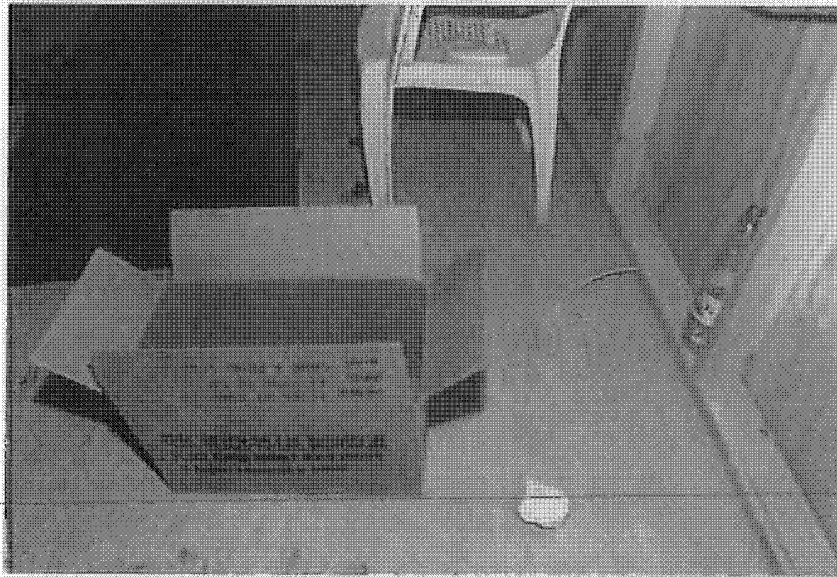


CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (0)

A 234

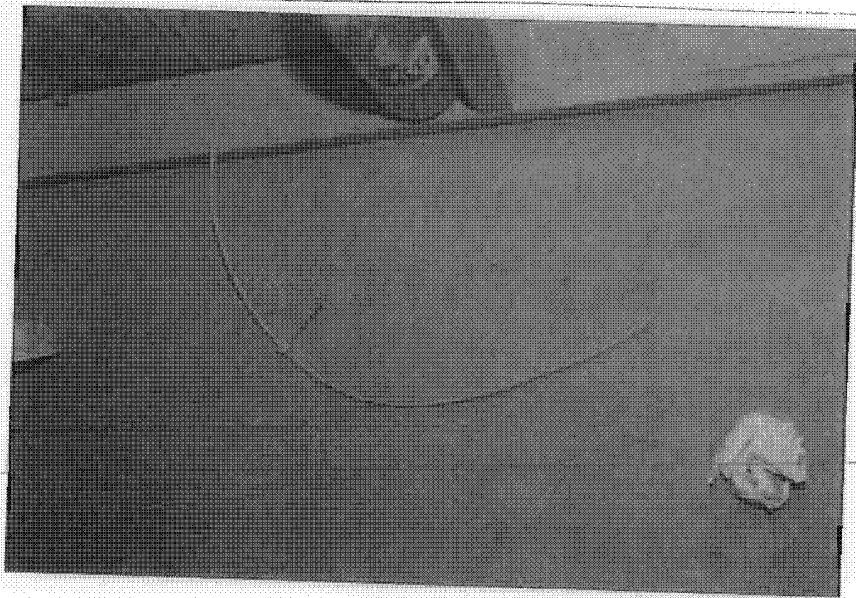


CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (9)

A 235

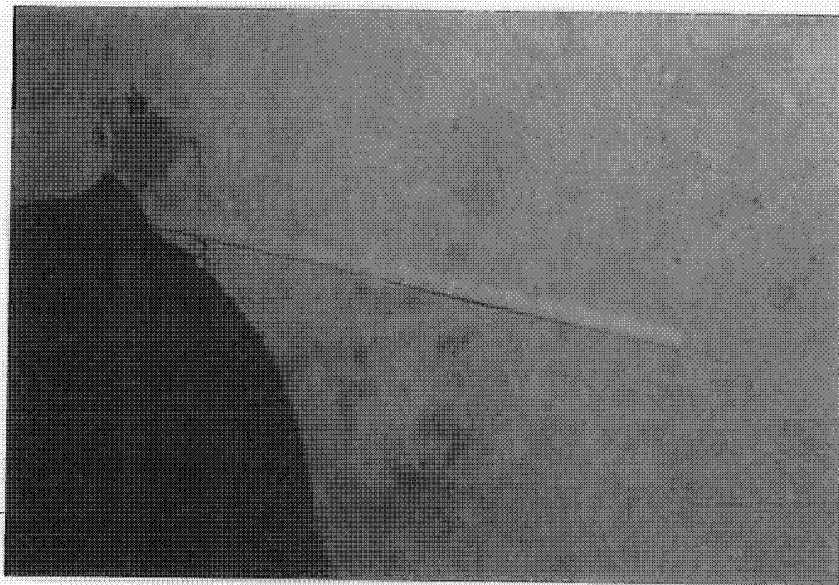


CONTROL: 20SEP05-MEJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (Q)

A 236



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (R)

A-237



CONTROL: 20SEP05-MEBJ-0651-7HMA

**V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ**

ENCLOSURE (5)

A 238

NAVAL CRIMINAL INVESTIGATIVE SERVICE

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Page(s) A 239 - 264, Encl (T) (AS)

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98298 10:50 20050926 I SDEMAIL #40337 OUT:23EXLIFE 3892

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

26SEP05

DEATH (II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

COMMAND/SECOND MARINE DIVISION/12000

MADE AT/0023/WASHINGTON DC (b)(6),(b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISFO Middle East Bahrain ROI (OPEN)/21Sep05
- (B) NCIS 1, Chapter 25-10, Special Interest "SI" Investigations

NARRATIVE

1. Subsequent to the submission of Reference (A), this case has been given the designation of "Special Interest" (SI) by NCISHQ.

ACTION

MEBJ: As per guidance provided in Reference (B), reporting requirements are to be conducted on a 30-day reporting cycle with all exhibits attached. Annotate distribution section of all SSD documents as "SI" or Special Interest. Ensure NCISHQ Desk Officer, SA (b)(6),(b)(7)(C) is notified of all significant developments, to include press interest and lead completion, via e-mail and/or telephone contact on a weekly basis for status updates.

DISTRIBUTION

NCISHQ (SI): 0023
ACTION: MEBJ
INFO: MEBJ/DCWA

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Page 1

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

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265

98089 07:34 20050926 J SDEMAIL #40273 OUT:23EXLIF 3854

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

21SEP05

DEATH (II)

CONTROL: 20SEP05-MEBJ-0651-7HMA

V/ABDULLAH, HASKEM SHEFI/CIV
M/W/FNIZ/N//01JAN76/FALLUJAH, IRAQ

COMMAND/SECOND MARINE DIVISION/12000

MADE AT/MEBJ/CAMP FALLUJAH IRAQ/(b)(6),(b)(7)(C) SPECIAL AGENT

NARRATIVE

1. This case was initiated to determine the full circumstances surrounding the death of V/ABDULLAH. No criminal statutes apply at this time.

2. On 21SEP05, this office was notified that V/ABDULLAH was shot and killed in Fallujah, Iraq in the vicinity of (b)(2). V/ABDULLAH had just been detained at Entry Control Point 5 by members of Regimental Combat Team 8 for being a suspected member of anti-coalition forces. (b)(6),(b)(7)(C) USMC, SSN:(b)(6),(b)(7)(C), DOB:(b)(6),(b)(7) 1st Intelligence Battalion, Counter Intelligence/HUMINT Company, was left alone in a room with V/ABDULLAH whose restraints had been removed. Reportedly, V/ABDULLAH attacked (b)(6),() who subsequently shot and killed V/ABDULLAH.

3. NCIS agents responded, processed the death scene, effected photographic coverage, obtained statements taken by the command, interviewed and obtained a sworn statement from (b)(6),().

4. This investigation is pending additional witness interviews, the autopsy of V/ABDULLAH and the forensic examination of potential evidence.

ACTION

R.DCWA: Attend autopsy of Victim at AFIP, Rockville, MD. Follow autopsy investigative protocol, forward results/reports accordingly. Case agent can be contacted at: (b)(6),(b)()@cemnf-wiraq.usmc.mil

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ACTION: DCWA
INFO: MEBJ

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(b)(6),()

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A 246

NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE FILE (B)

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RECORDS MANAGEMENT DIVISION
LAW ENFORCEMENT RECORDS

NAME: NAHAR MUHAMMAD NUMAD			
AKA:			
IDENTIFICATION:			Context: V
Date of Birth:	19330101 (YYYYMMDD)	State of Birth:	Country of Birth: IZ
FILE IDENTIFICATION #: 02OCT04MEBJ0437			
DCII INDEX CODE			DATE CLOSED
K	C = 5 YEARS	F = 15 YEARS	G = 25 YEARS K = 50 YEARS
20050610 (YYYYMMDD)			
RECORDS SERIES			
5580/4a(1)(b)	C	F	G
	5580/4b(1)(a) 5580/4d(1)(b) 5580/4b(2)(c)2 5580/4d(2)	5580/4d(1)(a)	5580/4a(1)(a) 5580/4b(1)(b) 5580/4c(1)(b) 5580/4d(5)
			K
			5580/4a(1)(b) 5580/4a(2)(c)2 5580/4c(1)(a)
DOD DISSEMINATION:			
		Other:	
DOD - IG	NAVY - IG	NSGHQ	DCIS
NAVSUPSYSCOM - IG	NAVY - JAG	PERS - 81	CNQ - N29
NAVSEAYSCOM - IG	NAV COMPT	PERS - 82	NAFCWASH
NAVAIRSYSCOM - IG	NAVSPAWAR - IG	PERS - 83	NCIS - 21
NAVFACENCOM - IG	NAVMEDCOM - IG	PERS - 655	DONCAF
			ONI
			AFIP
			DEF LOGISTICS AGY
			MIL POSTALSVCS AGY
			CMC - POS
			CMC - JAM
			CMC - INTO
			NAVRESSO
COMMENTS			
CIS			
CIS (Date/Initials)	(b)(6),(b)(7)(C)		
Closed Status	X	DUP Titles	X
		DUP CCN	X
		DISP	
		DATA	
(b)(6),(b)(7)(C)			
_____ certify that this document is timely, relevant, accurate and complete and is being returned in strict accordance with SECNAV 5210.1 (Current Edition).			
03NOV06			
DATE			

NCIS 5000/3 (6-06)

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ACLU PDI 5723 p.05

bl

5672 08:26 20050612 IN:SSDEMAIL #15001 OUT:23EXLIFE #45561

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

10JUN05

DEATH (II)

CONTROL: 02OCT04-MEBJ-0437-7HMA/C

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

COMMAND/DOD INTEREST/00000

MADE AT/MEBJ/MANAMA BAHRAIN/ (b)(6),(b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISFO Middle East ROI (INTERIM)/08Jan05 (Contains Exhibits 1-9)
- (B) NCISFO Middle East ROI (INTERIM)/28Mar05
- (C) NCISFO Middle East ROI (INTERIM)/01May05

EXECUTIVE SUMMARY

1. On 01Oct04 V/NAHAR was apprehended and placed inside a detention facility at Camp Al Qaim, Iraq. During his brief stay at Camp Al Qaim, he was diagnosed with stomach ulcers and later found unresponsive inside his cell. V/NAHAR was pronounced dead on 02Oct04 and an autopsy indicated he died of natural causes. The death scene examination and interview of witnesses revealed no signs of criminal activity. The active NCIS investigation has been completed. On 25May05 a Death Review Panel was conducted at the NCIS Middle East Field Office and the authority to close the investigation was granted.

NARRATIVE

1. 01Oct04 V/NAHAR, a 71 year old Iraqi male, was apprehended for suspicious activities near a Syrian border check point and was subsequently placed in a detention facility at Camp Al Qaim, Iraq. During his stay at Camp Al Qaim he was diagnosed with stomach ulcers and later found unresponsive inside his detainee cell. V/NAHAR was pronounced dead on 02Oct04 and personnel from the Armed Forces Medical Examiner's Office performed the autopsy. The final autopsy indicated V/NAHAR died of natural causes from acute peritonitis due to a perforating gastric ulcer. The death scene examination and interview of witnesses revealed no signs of criminal activity. References (A) through (D) are previous reporting

2. On 25May05 a Death Review Panel was conducted at the NCIS Middle East Field Office. It was determined by ASAC (b)(6),(b)(7)(C) (Chairman), and SSA's (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) that all logical investigative actions had been completed. The authority to close the case was granted. The active NCIS investigation is complete.

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Page 1

LIST

(b)

V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

27MAY05

DEATH (II)

CONTROL: 02OCT04-MEBJ-0437-7HMA

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

COMMAND/DOD INTEREST/00000

MADE AT/MEBJ/MANAMA BAHRAIN (b)(6),(b)(7)(C) SUPERVISORY SPECIAL AGENT

REFERENCE(S)

(A) NCISFO Middle East Bahrain ROI (INTERIM)/01May05

bb/b7c

NARRATIVE

1. IAW lead tasking set forth in Reference (A), on 25May05 a Death Review Panel (DRP), was held at the NCIS Middle East Field Office, Manama, Bahrain. Upon presentation of investigative findings by case agent (b)(6),(b)(7)(C) and review of the case file by panel members, ASAC (b)(6),(b)(7)(C) (Chairman) and SSA's (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) it was the determination of the DRP that all logical investigative action had been completed concerning the natural death of V/NAHAR and in keeping with instructions set forth in NCIS-3, Chapter 30, captioned investigation can be closed.

ACTION

R.MEBJ: Authority to close investigation by DRP is hereby granted.

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INFO: MEFO

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Page 1 LAST (b)(6), V2 LNY

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03

969137 02:08 20050502 IN:SSDEMAIL #3816 OUT:23EXLIFE #34773

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

01MAY05

DEATH (II)

CONTROL: 02OCT04-MEBJ-0437-7HMA

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

COMMAND/DOD INTEREST/00000

MADE AT/MEBJ/MANAMA BAHRAIN, (b)(6),(b)(7)(C) SPECIAL AGENT

b6/b7c

REFERENCES

- (A) NCISFO Middle East ROI (INTERIM)/08Jan05 (Contains Exhibits 1-9)
 (B) NCISFO Middle East ROI (INTERIM)/28Mar05

EXECUTIVE SUMMARY

1. On 01Oct04 V/NAHAR was apprehended and placed inside a detention facility at Camp Al Qaim, Iraq. During his brief stay at Camp Al Qaim, he was diagnosed with stomach ulcers and later found unresponsive inside his cell. V/NAHAR was pronounced dead on 02Oct04 and an autopsy indicated he died of natural causes. The crime scene examination and interview of witnesses revealed no signs of criminal activity. Active investigation has been completed. Closure is pending review by a Death Review Panel at NCIS Middle East Field Office.

NARRATIVE

1. 01Oct04 V/NAHAR, a 71 year old Iraqi male, was apprehended for suspicious activities near a Syrian border check point and was subsequently placed in a detention facility at Camp Al Qaim, Iraq. During his stay at Camp Al Qaim he was diagnosed with stomach ulcers and later found unresponsive inside his detainee cell. V/NAHAR was pronounced dead on 02Oct04 and personnel from the Armed Forces Medical Examiner's Office performed the autopsy. The final autopsy indicated V/NAHAR died of natural causes from acute peritonitis due to a perforating gastric ulcer. The crime scene examination and interview of witnesses revealed no signs of criminal activity.
2. Subsequent to Refs (A) and (B), in preparation for a Death Review Panel, RA conducted a preliminary death review checklist on 25Mar05. 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.
3. Active investigation is complete, closure is pending review by Death Review Panel at NCIS Middle East Field Office.

ACTION

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ACLU-RDI 5723 p.98

B4

02OCT04-MEBJ-0437-7HMA

SUBJ: V/NAHAR, MUHAMMAD NUMAD/CIV
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

✓ R.MEBJ: Utilizing case file of V/NAHAR conduct a Death Review Panel.

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 ACTION: MEBJ

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Page 2

10/1

(b) (6) (b)

V2 LNY

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940633 01:06 20050330 IN:SSDEMAIL #60595 OUT:23EXLIFE #28149

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

28MAR05

DEATH (II)

CONTROL: 02OCT04-MEJ-0437-7HMA

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

COMMAND/DOD INTEREST/00000

MADE AT/MEJ/MANAMA BAHRAIN, (b)(6),(b)(7)(C) SPECIAL AGENT

REFERENCE

(1) NCISFO Middle East ROI (INTERIM)/08Jan05 (Contains Exhibits 1-9)

EXECUTIVE SUMMARY

1. On 01Oct04 V/NAHAR was apprehended and placed inside a detention facility at Camp Al Qaim, Iraq. During his brief stay at Camp Al Qaim, he was diagnosed with stomach ulcers and later found unresponsive inside his cell. V/NAHAR was pronounced dead on 02Oct04 and an autopsy indicated he died of natural causes. The crime scene examination and interview of witnesses revealed no signs of criminal activity. During a case review in preparation for a Death Review Panel, a sealed package containing evidence, which was seized by Army CID during the autopsy, was discovered inside the case file. The evidence was documented and entered into the NCIS evidence custody system on 28Mar05.

NARRATIVE

1. 01Oct04 V/NAHAR was apprehended for suspicious activities near a Syrian border check point and was subsequently placed in a detention facility at Camp Al Qaim, Iraq. During his stay at Camp Al Qaim he was diagnosed with stomach ulcers and later found unresponsive inside his detainee cell. V/NAHAR was pronounced dead on 02Oct04 and personnel from the Armed Forces Medical Examiner's Office performed the autopsy. The final autopsy indicated V/NAHAR died of natural causes from acute peritonitis due to a perforating gastric ulcer. The crime scene examination and interview of witnesses revealed no signs of criminal activity.

2. On 25Mar05, a case review was conducted in preparation for a Death Review Panel by Reporting Agent. During this review, a small white envelope entitled "Evidence Property Tag" was discovered inside the case file. The US Army Criminal Investigative Division (CID) control number on the Evidence/Property Custody Document and Evidence Property Tag was listed as 0057-05-CID/0149. Additionally, the Document Number for both was listed as 789-04. Upon further examination, the evidence was a piece of small cardboard with (b)(2) written on the light brown side. The evidence was found in the body bag of V/NAHAR during the autopsy performed on 04Oct04 by (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) United States Army (USA), Deputy Medical Examiner, at the Baghdad Mortuary, Baghdad Airport, Iraq. The agent who attended the autopsy and seized the evidence was (b)(6),(b)(7)(C) Special Agent, 22nd Military Police Battalion Criminal Investigative Division (CID),

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Camp Victory, Iraq, on 04Oct04 at 1000. Subsequently, the evidence was sent to (b)(6),(b)(7)(C) Special Agent, Evidence Custodian (NFI), and then was sent via registered mail (number R2025211782US) on 13Oct04 to NCISFO Middle East, Bahrain. It is unknown when, where, or who received the evidence at NCIS. The evidence package is unopened and intact and the item appears to have no relevance to this investigation. On 28Mar05, the evidence was documented and entered into the NCIS evidence custody system.

3. Investigation is pending completion of the review of the file in preparation for a Death Review Panel.

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INFO: MEBJ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

08JAN05

DEATH (II)

CONTROL: 02OCT04-MEBJ-0437-7HMA

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

COMMAND/DOD INTEREST/00000

MADE AT/MEBJ/AL ASAD IRAQ (b)(6),(b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Receipt of documentation/05Oct04=85(Copy all)
- (2) IA: Results of death scene examination/05Oct04=85(Copy all)
- (3) Statement of (b)(6),(b)(7)(C) 02Oct04=85(Copy all)
- (4) IA: Results of interview: (b)(6),(b)(7)(C) /05Oct04=85(Copy all)
- (5) IA: Results of interview: (b)(6),(b)(7)(C) /05Oct04=85(Copy all)
- (6) Statement of (b)(6),(b)(7)(C) 03Oct04=85(Copy all)
- (7) Statement of (b)(6),(b)(7)(C) 03Oct04=85(Copy all)
- (8) Statement of (b)(6),(b)(7)(C) 03Oct04=85(Copy all)
- (9) IA: Receipt of documentation/24Dec04=85(Copy all)

EXECUTIVE SUMMARY

1. V/NAHAR was apprehended on 01Oct04, for suspicious activities near a Syrian border check point. During in-processing into the detention facility at Camp Al Qaim, IZ, he was diagnosed with stomach ulcers by medical staff. At 1250, 02Oct04 V/NAHAR was found unresponsive on the floor of his detainee cell by a guard. V/NAHAR was subsequently pronounced dead by medical personnel at 1308, 02Oct04.

2. On 02Oct04, Reporting Agent (RA) responded to Camp Al Qaim in order to conduct a scene examination and interview witnesses. The scene showed no signs of foul play, nor did it yield any evidence of value. Interviews of the witnesses indicated V/NAHAR was an elderly man who was in poor health. Tribe members interviewed stated V/NAHAR was very ill and his death was expected.

3. Due to V/NAHAR being an Iraqi citizen, the autopsy was performed in the Baghdad area by personnel from the Armed Forces Medical Examiner's Office on 04Oct04. The final autopsy report indicated V/NAHAR died of natural causes. Case pending field office Death Review Panel.

NARRATIVE

1. This reactive investigation was initiated to determine the circumstances and cause of V/NAHAR's death in accordance with SECNAVINST 5520.3B. No determination of a specific statute can be made at this time.

2. On 02Oct04, RA responded via combat air support to Camp Al Qaim, Iraq to conduct a death scene examination and interview witnesses:

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Upon arrival, RA was provided with documentation from the command investigation by (b)(6),(b)(7)(C) Staff Judge Advocate 1/7 Marines, stationed at Camp Al Qaim. The documentation consisted of statements of Marines involved, detention records and medical records of V/NAHAR, exhibit (1) pertains. RA re-interviewed the Marines who provided statements during the command investigation and they could not provide any further relevant information.

3. On 02Oct04, RA conducted an examination of cell "N", which housed V/NAHAR. The scene was documented with photographs and a sketch. However, there were no signs of foul play and no evidence was collected, exhibit (2) pertains.

4. On 02Oct04, (b)(6),(b)(7)(C) as interviewed regarding his knowledge of the death of V/NAHAR. (b)(6),(b)(7)(C) was the attending physician who examined V/NAHAR upon his initial entry into the detention facility. During the initial examination V/NAHAR was causing himself to vomit and complaining of pain (b)(6),(b)(7)(C) stated he placed V/NAHAR on observation over night and provided medication for stomach ulcers in the morning. (b)(6),(b)(7)(C) pronounced V/NAHAR deceased at 1308, 02Oct04, exhibit (3) pertains.

5. On 03Oct04, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were interviewed regarding the circumstances surrounding the death of V/NAHAR. All three indicated when V/NAHAR arrived on 01Oct04, he appeared to have stomach pain. However, V/NAHAR did not have any medication with him, so they did not initially provide V/NAHAR any medication. However, after the proper over night observation period, (b)(6),(b)(7)(C) provided V/NAHAR with one Zantac pill for his stomach. On 02Oct04, at approximately 1250, during the course of his normal guard duty, (b)(6),(b)(7)(C) found V/NAHAR in his cell unresponsive. (b)(6),(b)(7)(C) responded and conducted a medical examination. (b)(6),(b)(7)(C) could not find a pulse or respiration and noted his eyes were slightly open and rigor mortis was starting to set in. (b)(6),(b)(7)(C) stated he did not attempt CPR based on the obvious signs of death, exhibits (4) through (6) pertain.

6. On 02Oct04 (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) who are elder tribesmen, were interviewed regarding the circumstances surrounding the death of V/NAHAR. Both (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) pleaded with RA not to interview or discuss the death of V/NAHAR with his family, who were also in detention. Their reason was his sons are young and may cause problems for the Marines by having an emotional response of anger towards the Marines, since their father died in detention, alone and not with his family. Based on the gravity of the situation, the decision was made to not interview the children, and rely solely on the information provided by (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C). Both men stated they have known V/NAHAR their entire lives and he had become increasingly ill over the past five years. They expected V/NAHAR to pass away any day and were not surprised to hear he died in his cell. Further, some of the family members stated they thought V/NAHAR was going to die during the transport from the place they were detained to Camp Al Qaim, exhibits (7) and (8) pertain:

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7. On 24Dec04, documentation consisting of the final autopsy report, toxicology report, death certificate, autopsy investigative report and photographs were received. Manner of death per the final autopsy report was ruled as natural causes, exhibit (9) pertains.

8. This investigation is pending a Death Review Panel conducted by the Bahrain Field Office (MEBJ) and subsequently transferred to MEBJ final disposition.

PARTICIPANT(S)

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

ACTION

MEBJ: Please conduct Death Review Panel for this investigation.

DISTRIBUTION

NCISHQ: 0023B12(M)

ACTION: MEBJ

INFO: MEBJ(M), Command(M)

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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

RECEIPT OF DOCUMENTATION

1. On 02Oct04, Reporting Agent (RA) contacted (b)(6),(b)(7)(C) USMC, SJA 1/7 Marines regarding the circumstances surrounding the death of V/NAHAR. (b)(6),(b)(7)(C) provided documentation from the command investigation consisting of detainee records, medical records pertaining to V/NAHAR and statements from the following personnel:

(b)(6),(b)(7)(C) Third Platoon, D Company, Third LAR Battalion; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Third Platoon, D Company, Third LAR Battalion; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Combat Engineers Battalion, 1/7 Marines; (b)(6),(b)(7)(C) H&S Company, Communications Platoon, 1/7 Marines; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Weapons Platoon, Charlie Company, 1/7 Marines; (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Third Platoon, Charlie Company, 1/7 Marines; enclosure (A) pertains.

2. On 03Oct04, RA re-interviewed the above listed personnel. However, they could not provide any further pertinent information regarding the circumstances surrounding the death of V/NAHAR.

ENCLOSURE(S)

(A) Documentation from the Command Investigation/various

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

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