

## STATEMENT

Place : NCISRA Camp Fallujah, IraqDate : December 22, 2007

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 the shooting of Thair Hamid KHALAF by (b)(6),(b)(7)(C) JSMC, 3/21/ Military Transition Team (MTT).

(b)(6),(b)(7)(C) for purposes of identification I am a (b)(6),(b)(7)(C) male approximately (b)(6),(b)(7)(C) tall weighing (b)(6),(b)(7)(C) approximately (b)(6),(b)(7)(C) I was born in (b)(6),(b)(7)(C) on (b)(6),(b)(7)(C) My (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) My residence is in the (b)(6),(b)(7)(C) I am employed by L3 Titan as a CAT linguist supporting 3/2/1 MTT based out of Camp Manion, IZ (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) On 22DEC07, V/KHALAF was turned over from the Iraqi Army (IA) to my MTT following his arrest. Through reports that the MTT uses I knew he was wanted for insurgent activity. At approximately 1230 the MTT took custody of V/KHALAF from the IA at Camp Manion. I saw V/KHALAF's hands were tied with plastic handcuffs and crossed over each other in front of him. V/KHALAF (b)(7)(E) Prior to leaving (b)(6),(b)(7)(C) asked V/KHALAF to sign a form for the MTT saying that he knew that the MTT was going to transport him and two rifles that were seized with him. (b)(6),(b)(7)(C),(b)(7)(E) V/KHALAF could sign it and (b)(7)(E) V/KHALAF was then helped into the vehicle (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) We then left Camp Manion for the ITC in Fallujah. The convoy was made of three vehicles. The MRAP that I was traveling in was the first one in the convoy. In the vehicle (b)(6),(b)(7)(C) was driving (b)(6),(b)(7)(C) was sitting in the front passenger's seat. Behind them in the passenger area (b)(6),(b)(7)(C) was standing in the turret as the gunner. I was seated in the driver's side middle passenger seat. Directly to my right was V/KHALAF with (b)(6),(b)(7)(C) sitting directly across from him. (b)(6),(b)(7)(C) had his M4 rifle placed between his legs with the barrel pointed down. I did not see V/KHALAF in his seatbelt, but he was still blindfolded and had his hands tied with plastic handcuffs (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) While we drove towards the ITC on road Michigan I saw V/KHALAF lean forward in his seat towards (b)(6),(b)(7)(C) and rifle (b)(6),(b)(7)(C) asked me to tell V/KHALAF to sit back into his own chair with his shoulders and head back on the seat. I did as I was asked. V/KHALAF sat back in the chair, but after awhile he would lean forward again. Again (b)(6),(b)(7)(C) asked me to tell V/KHALAF to sit back as he was told. This happened three times (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I am not sure how long we had been driving maybe 30 minutes. I was looking over my left shoulder out the MRAP's window when I heard a bang that sounded like an M4. I turned to my right not knowing what made the sound. I heard (b)(6),(b)(7)(C) say something like, "Fuck" or "Shit" and then saw him take out his pistol and begin shooting at V/KHALAF. I saw (b)(6),(b)(7)(C) holding up his left arm in front of him while he shot with his right. I remember maybe four or five shots being fired. Right after I

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Continuation of voluntary sworn statement of  
(b)(6),(b)(7)(C)  
on December 22, 2007

remember (b)(6), (b)(7)(C) saying, "Clear" and checking V/KHALAF's pulse on his throat and checking me for gunshots. The convoy was stopped and (b)(6),(b)(7)(C) called for (b)(6) who entered the MRAP to check on V/KHALAF. (b)(6), (b)(7)(C) said that he was dead and took a seat to the left of (b)(6). I moved up to the opposite side and up one seat from where I was sitting. The convoy began traveling again. I remember seeing (b)(6), (b)(7)(C) holding V/KHALAF up in his seat, but after some time (b)(6), (b)(7)(C) placed him on his left side laying on two seats. I remember seeing blood coming out of V/KHALAF's mouth, but I did not see any other wounds. After we arrived at the ITC, I exited out of the MRAP through the front passenger door and went to the ITC internet café to rest. When I returned to the parking lot I saw that V/KHALAF had been placed in a black body bag and was laying on the ground behind the MRAP (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)

Signature: \_\_\_\_\_

Sworn to and subscribed before me this 22 day of Dec in the year 2007 at

NCIRA Fallujah

Witnessed: \_\_\_\_\_

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

Investigative Service

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

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## STATEMENT

Place : NCISRA IRAQ. CAMP FALLUJAHDate : December 22, 2007

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 United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the event that occurred in the MRAP vehicle on 22Dec07.

(b)(6),(b)(7)(C) (b)(6),(b)(7)(C) I am assigned to 2D ANGLICO attached to the MiTT team (3/2/1 Division) at COP Manion, Iraq. My social security number (b)(6),(b)(7)(C) and I reside at (b)(6),(b)(7)(C) I have been in my current assignment since Sep07.

(b)(6),(b)(7)(C) On 22Dec07, the MiTT team that I am assigned (3/2/1) went on a scheduled convoy at approximately 1130 to travel to Camp Fallujah. The convoy was transporting a detainee to turn over to the Fallujah Detention Facility. I had heard that the detainee had burned three Iraqi Police while they were alive. This was just rumors going around the MiTT team. Before we left, I saw the detainee sitting on the ground (b)(7)(E) and zip tied in the front. He was shaken for no reason that I saw as it was not cold outside. I heard the S-2 chief (b)(6),(b)(7) tell the interpreter (that was traveling with us) to warn the detainee that if he tried anything stupid that force would be used against him. I cannot recall if (b)(6),(b)(7)(C) used lethal or deadly force but I know the meaning was given to the detainee not to do anything stupid. I continued walking and went into the COC for the convoy brief.

(b)(6),(b)(7)(C) During the brief, we went over safety issues for the route being used and we then loaded up the vehicles after the brief. My assignment was "gunner" (gun turret) and we had three vehicles on the convoy, one MRAP and two HMMWVs. I loaded up the MRAP with the M240 and ammunition. I put on my gear and waited for the convoy to "roll". I did not see the detainee get loaded in the MRAP but I knew he was going inside the MRAP. Once all the vehicles were loaded, we departed. I was up in the gun turret and could not see the detainee.

(b)(6),(b)(7)(C) We left COP Manion and began traveling to Camp Fallujah (it is about 20 miles). We were traveling south on ASR Chicago and when we came up to the intersection of ASR Michigan we turned right to get onto Michigan. Once we got on Michigan, I heard one shot from below get fired. My first impression was that it was possibly a negligent discharge but then less than a second later, I heard a series of five shots go off from below. I then hear (b)(6),(b)(7)(C) call out "clear, clear, clear". After I heard the five shots and (b)(6),(b)(7)(C) call out, I assumed the detainee got out of hand and was shot.

(b)(6),(b)(7)(C) I hear (b)(6),(b)(7)(C) ask if everyone was alright and told (b)(6),(b)(7)(C) to call up (b)(6),(b)(7)(C) (corpsman) (b)(6),(b)(7)(C) was riding in one of the HMMWV's and we stopped in the middle of ASR Michigan and (b)(6),(b)(7)(C) came to the MRAP. I maintained security and did not take my eyes off the area. We were stopped for about five minutes and then we continued to travel to Camp Fallujah to the Iraqi Training Center. The only thing I could hear was bits of pieces of (b)(6),(b)(7)(C) explaining what had

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

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

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happened. He was saying that the detainee had grabbed his rifle and fired a round and he (b)(6), (b)(7)(C) pulled out his M9 and shot him.

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

We arrived in Fallujah and went to the Iraqi Training Center and they told everyone in the other vehicles to stay away from the MRAP. We were told to stay where we were and someone took pictures of the inside of the MRAP. They were taking pictures to show where the detainee was and where the bullet holes were. After the pictures were taken, I was told to dismount from the gun turret. I got out and left the MRAP. I did not see the detainee get moved from the MRAP but once I dismounted I saw him laying on a black body bag on the ground. I did not look at the detainee closely and I stood by for further instructions. We were told to go ahead and take off our gear and those that were in the MRAP were told to stay and stand by for NCIS to show up. I waited and we drove over to the NCIS office at Camp Fallujah.

(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)

Signature

Sworn to and subscribed before me this 22nd

at

NCISRA Camp FALLUJAH

Witnessed:

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

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ice

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

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## STATEMENT

(b)(6),  
(b)(7)(C) place : NCISRA Iraq, Camp Fallujah  
date : December 22, 2007 (b)(6), (b)(7)(C)

(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 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) of a detainee being transported from COP Manning to the RDF aboard Camp Fallujah, Iraq (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) purposes of identification, I am a (b)(6), (b)(7)(C) male, (b)(6), (b)(7)(C) tall, weighing approximately (b)(6), (b)(7)(C) pounds. (b)(6), (b)(7)(C) have (b)(6), (b)(7)(C) hair and (b)(6), (b)(7)(C) eyes. I was born on (b)(6), (b)(7)(C) I am currently assigned to the Military Transition Team (MTT) 3-2-1, which is a training team for the Iraqi Army at Company Outpost (COP) Manning. My current contact information is my father, (b)(6), (b)(7)(C) who resides at (b)(6), (b)(7)(C) and his phone number is (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (the MTT Team) picked up the detainee at approximately 1030 on 22Dec07 from the Iraqi Army to take him to the Regional Detention Facility aboard Camp Fallujah, Iraq from COP Manning. Before the detainee was placed in the vehicle (b)(6), (b)(7)(C) gave instructions to the detainee with the aid of our interpreter (b)(6), (b)(7)(C) told the detainee, "We're taking you, you're going to Camp Fallujah, don't talk unless you have a health problem or something is bothering you, and don't move around (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) the detainee was loaded up in the MRAP, and was seated on the driver's side all the way in the back. (b)(6), (b)(7)(C) believe (b)(6), (b)(7)(C) was sitting directly across from the detainee and that (b)(6), (b)(7)(C) was sitting besides the detainee on his left side. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) When left COP Manning for Camp Fallujah at approximately 1130 on 22Dec07. The convoy was uneventful up until we got to the Karmah area and the 1<sup>st</sup> thing I heard was (b)(6), (b)(7)(C) yelling up at (b)(6), (b)(7)(C) that the detainee keeps leaning forward and sitting towards the edge of the seat. I recall hearing (b)(6), (b)(7)(C) telling the detainee, "Quit leaning forward, sit back." (b)(6), (b)(7)(C) said this to the detainee approximately five times during the trip. (b)(6), (b)(7)(C) also asked (b)(6), (b)(7)(C) if he could reposition the detainee somehow so he couldn't lean forwards. When (b)(6), (b)(7)(C) yelled up to (b)(6), (b)(7)(C) about the detainee (b)(6), (b)(7)(C) ing around, I (b)(6), (b)(7)(C) tell (b)(6), (b)(7)(C) approximately five times, tell him to sit back. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) When we arrived at the intersection of Chicago and Michigan, turning onto Michigan, I heard one clear gunshot, which sounded to me like an M-4. Immediately following I heard several more shots, but could not recognize what type of weapon was firing. I thought the firing which sounded like the M-4 came from the turret and didn't know if the other shots were from outside contact. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) When heard (b)(6), (b)(7)(C) yell three times, "It's clear." I started stopping the vehicle. (b)(6), (b)(7)(C) then called all personnel's names individually and asked if they were OK. I had then completely stopped the vehicle. Security was being set up. I called on the radio, "Shots fired, unknown at this time." I heard someone in the back yell, "He's hit, he's hit." I then radioed again, "Be advised, we have (b)(6), (b)(7)(C)

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on December 22, 2007

(b)(6),(b)(7)(C) added at this time." I noticed (b)(6),(b)(7)(C) was sitting between me and (b)(6),(b)(7)(C) I think he was upset over the detainee being shot). (b)(6),(b)(7)(C) called for (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) overheard (b)(6),(b)(7)(C) say, "He went for my weapon." (b)(6),(b)(7)(C) came running up. I don't know who said it, but sometime later I heard, "He's dead." I called on the radio, "Detainee is (b)(6),(b)(7)(C) deceased, stand by." I think we were sitting at the intersection for approximately five minutes (C)

(b)(6),(b)(7)(C) drive from COP Manning to the intersection of Chicago and Michigan is approximately 40 minutes, as we drive at 25 mph approximately. From the intersection to Water Tower Road is (b)(6),(b)(7)(C) approximately 5 minutes, and then another 5-10 minutes to get to the Iraqi Training Center (IT (C)

(b)(6),(b)(7)(C) was sitting in the driver's seat the entire time and did not witness the shooting. (b)(6),(b)(7)(C) heard the firing of the weapons and people yelling commands and relaying traffic on the radio (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) did not know anything about the detainee, other than (b)(6),(b)(7)(C) brought back three rifles that belonged to him and that he was known for insurgent activities (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) 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 22<sup>nd</sup> day of December in the year 2007 at

NCISRA IRAC, CAMP FALLUJAH

Witnessed:

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

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

24DEC07

CONTROL: 22DEC07-241Z-0236-7HMA

V/AL ALWANI, THAIR HAMID KHALAF HASSAN/CIV  
M/W/FNIZ/N//01JAN79/IRAQ

PHOTOGRAPHS OBTAINED BY (b)(6),(b)(7)(C) USMC  
(b)(6),(b)(7)(C)

1. On 22Dec07, photographs were obtained from USMC, during an interview regarding the death of V/AL ALWANI, enclosures (A) through (I) pertain.

(b)(6),(b)(7)(C) stated the photographs were taken by (b)(6),(b)(7)(C) USMC, upon their arrival at the Iraqi Training Center (ITC), Camp Fallujah, Iraq on 22Dec07.

**ENCLOSURE(S)**

- (A) Photograph depicting V/AL ALWANI laying on side in MRAP
- (B) Photograph of (b)(6),(b)(7)(C) in middle seat across from V/AL ALWANI (C)
- (C) Photograph of V/AL ALWANI's bonds
- (D) Photograph of interior of MRAP (b)(6),(b)(7)(C) and V/AL ALWANI (C)
- (E) Photograph of projectile inside MRAP interior window
- (F) Photograph of M-4 and impact hole underneath seat
- (G) Photograph of impact hole underneath seat/22Dec07
- (H) Photograph of M-4, impact hole underneath seat, and 5.56 shell casing
- (I) Photograph of V/AL ALWANI on body bag

REPORTED BY: (b)(6),(b)(7)(C) Special Agent  
OFFICE: NCISRA Iraq, Camp Fallujah

**FOR OFFICIAL USE ONLY**

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LIST

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

V2 LNY

**WARNING****EXHIBIT (10)**

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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