

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24DEC07

CONTROL: 22DEC07-24 IZ-0236-7HMA

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

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

1. On 22DEC07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) USMC, 3rd Brigade, 2nd Battalion, 1st Iraqi Army Division (3/2/1), Military Transition Team (MiTT), regarding the shooting death of an Iraqi detainee (V/AL ALWANI) while being transported via convoy to the Regional Detention Facility (RDF) at Camp Fallujah, Iraq.
2. (b)(6),(b)(7)(C) reported he was the vehicle (b)(6),(b)(7)(C) of a 6X6 Mine Resistant Ambush Protected (MRAP) vehicle, acting as the lead vehicle in a four vehicle convoy transporting V/AL ALWANI to the RDF in Camp Fallujah. As background (b)(6),(b)(7)(C) has been acting in an intelligence capacity for 3/2/1 MiTT and interviewed V/AL ALWANI the night before (21Dec07) for biographical information. (b)(6),(b)(7)(C) reported V/AL ALWANI was taken into custody by the Iraqi Army (IA) on 21DEC07 at 1430 on suspicion of murder/intimidation, improvised explosive device (IED) placement, and possession of a weapons cache. (b)(6),(b)(7)(C) further reported the IA turned custody of V/AL ALWANI over to 3/2/1 MiTT for transport to the RDF at Camp Fallujah at 1200 22DEC07.
3. (b)(6),(b)(7)(C) reported during his questioning of V/AL ALWANI the night before he appeared very scared (b)(6),(b)(7)(C) stated at 1200 on 22DEC07, when V/AL ALWANI was turned over to 3/2/1 MiTT, he appeared more confident and almost excited. (b)(6),(b)(7)(C) stated he noted V/AL ALWANI answered his questions with more confidence than the night before.
4. (b)(6),(b)(7)(C) advised the convoy departed Combat Outpost (COP) Manion at approximately 1210 (22Dec07). (b)(6),(b)(7)(C) stated everything was normal until approximately 1230 when (b)(6),(b)(7)(C) assigned to guard V/AL ALWANI in the rear passenger compartment of the MRAP, yelled up to (b)(6),(b)(7)(C) that V/AL ALWANI kept leaning forward. (b)(6),(b)(7)(C) reported no action was taken on his part and added that V/AL ALWANI'S hands were flex cuffed in front of his body, (b)(7)(E) per Standard Operating Procedure (SOP) and was strapped into the seat with a lap belt.
5. (b)(6),(b)(7)(C) stated at approximately 1240, as the convoy was making the turn from Alternate Supply Route (ASR) Chicago on to ASR Michigan, (b)(6),(b)(7)(C) heard what sounded like a pen flare being fired. (b)(6),(b)(7)(C) described the sound as that made by a .22 caliber bullet being fired. (b)(6),(b)(7)(C) stated that immediately following the sound, he heard a rapid succession of what he believed to be a five round burst from the M240G machine gun mounted on the MRAP. (b)(6),(b)(7)(C) thought the firing was related to an escalation of force incident, and he noticed the dust and smoke inside the MRAP. (b)(6),(b)(7)(C) stated he turned to look in the passenger compartment of the MRAP and found the interpreter (b)(6),(b)(7)(C)

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ACLU-RDI-5780-04

E/161

22DEC07-24IZ-0236-7HMA

SUBJ: V/AL ALWANI, THAIR HAMID KHALAF HASSAN/CIV  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

(NFI), in his face. (b)(6),(b)(7)(C) stated he notified (b)(6),(b)(7)(C) convoy commander, he had an EOF incident and they needed to stop.

6. (b)(6),(b)(7) reported upon rolling to a stop, he looked into the passenger compartment again and (b)(6),(b)(7) stated "I shot him". (b)(6),(b)(7) stated he handed his radio headset to (b)(6),(b)(7) and dismounted the vehicle. (b)(6),(b)(7) advised as he was dismounting, (b)(6),(b)(7) was moving forward to the MRAP at which time he advised (b)(6),(b)(7) that the detainee (V/AL ALWANI) had been shot. (b)(6),(b)(7) stated he walked to the rear of the MRAP, opened the rear hatch and saw (b)(6), checking V/AL ALWANI'S vitals which (b)(6), reported were negative for signs of life. (b)(6),(b)(7) reported (b)(6),(b)(7) then stated "He went for my gun and I shot him". (C)

7. (b)(6),(b)(7)(C) recalled calling for their corpsman, (b)(6),(b)(7)(C) to come and render aid. Upon (b)(6),(b)(7)(C) arrival, (b)(6),(b)(7)(C) stated V/AL ALWANI was dead. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) rendered no aid to V/AL ALWANI and the body was not placed into a body bag until arrival at Camp Fallujah. (b)(6),(b)(7) stated upon arrival, the body was bagged and (b)(6),(b)(7) took photos of the passenger compartment of the MRAP and V/AL ALWANI'S body.

**BIOGRAPHICAL DATA**

EMPLOYMENT: USMC 3/2/1 MITT

SSN: (b)(6),(b)(7)(C)  
 DOB:  
 POB:  
 RESIDENCE:  
 OTHER:

REPORTED BY: (b)(6),(b)(7)(C) SPECIAL AGENT  
 OFFICE: NCISRA IRAQ, CAMP FALLUJAH

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

INVESTIGATIVE ACTION

24DEC07

CONTROL: 22DEC07-24IZ-0236-7HMA

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

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

1. On 22DEC07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7) USN, 3rd Brigade, 2nd Battalion, 1st Iraqi Army Division (3/2/1), Military Transition Team (MiTT), regarding the shooting death of an Iraqi detainee (V/AL ALWANI) while being transported via convoy to the Regional Detention Facility (RDF) at Camp Fallujah, Iraq.
2. (b)(6),(b)(7)(C) reported he was riding in the third vehicle of a four vehicle convoy which was transporting V/AL ALWANI to the RDF in Camp Fallujah, Iraq. (b)(6),(b)(7)(C) advised as the convoy turned on to ASR MICHIGAN, they came to a rolling halt. (b)(6),(b)(7)(C) stated he saw (b)(6),(b)(7)(C) convoy commander, exit his vehicle. (b)(6),(b)(7)(C) then saw (b)(6),(b)(7)(C) signal for (b)(6),(b)(7)(C) to come forward. (b)(6),(b)(7)(C) stated he ran to the rear of his vehicle retrieved his medical bag and proceeded forward. (b)(6),(b)(7)(C) reported as he moved towards the lead vehicle he heard (b)(6),(b)(7)(C) yell for a body bag. (b)(6),(b)(7)(C) advised he then ran back to the vehicle he was riding in, replaced his medical bag, retrieved a body bag and again proceeded towards the lead vehicle.
3. Upon arrival at the lead vehicle, a 6X6 Mine Resistant Ambush Protected (MRAP) vehicle, (b)(6),(b)(7)(C) stated he climbed in and was advised by (b)(6),(b)(7)(C) at the detainee (V/AL ALWANI) was dead. (b)(6),(b)(7)(C) stated he took a seat opposite V/AL ALWANI who was slumped over. (b)(6),(b)(7)(C) reported he could see blood on V/AL ALWANI'S face and chest. (b)(6),(b)(7)(C) stated he checked V/AL ALWANI for a pulse with negative results. (b)(6),(b)(7)(C) further stated there was no movement or signs of life displayed by V/AL ALWANI and he was obviously dead.
4. (b)(6),(b)(7)(C) recalled V/AL ALWANI still being (b)(7)(E) and flex cuffed, but was not sure if V/AL ALWANI was belted in.

**BIOGRAPHICAL DATA**

EMPLOYMENT: USN CORPSMAN

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

DOB:

POB:

RESIDENCE:

OTHER:

01

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

OFFICE: NCISRA IRAQ, CAMP FALLUJAH

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(b)(6),(b)(7)(C) W2 LNY

**WARNING**

EXHIBIT (1a)

ACLU-RD-5780-3

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24DEC07

CONTROL: 22DEC07-24IZ-0236-7HMA

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

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

1. On 22DEC07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) 3rd Brigade, 2nd Battalion, 1st Iraqi Army Division (3/2/1), Military Transition Team (MiTT), regarding the shooting death of an Iraqi detainee (V/AL ALWANI) while being transported via convoy to the Regional Detention Facility (RDF) at Camp Fallujah, Iraq.
2. (b)(6),(b)(7) reported he was the (b)(6),(b)(7)(C) of a convoy transporting V/AL ALWANI to the RDF after custody of V/AL ALWANI had been turned over to the MiTT by the Iraqi Army (IA) at noon on 22DEC07. (b)(6),(b)(7) advised V/AL ALWANI had been detained by the IA on 21DEC07 on suspicions of being an Improvised Explosive Device (IED) cell leader north of Karmah, Iraq. (b)(6),(b)(7) stated V/AL ALWANI had been cooperative the previous 24 hours, and the IA reported no issues.
3. (b)(6),(b)(7) stated the convoy transporting V/AL ALWANI left Combat Outpost (COP) Manion at approximately 1200 on 22DEC07. (b)(6),(b)(7) advised all was normal until approximately 1240 when the convoy was turning west from Alternate Supply Route (ASR) Chicago onto ASR Michigan. (b)(6),(b)(7) stated the lead vehicle containing V/AL ALWANI, a 6X6 Mine Resistant Ambush Protected (MRAP) vehicle, commanded by (b)(6),(b)(7)(C) radioed a possible Escalation of Force (EOF) and came to a halt.
4. Upon rolling to a halt, (b)(6),(b)(7) stated he exited his vehicle, which was following the lead MRAP containing V/AL ALWANI, and was approached by (b)(6),(b)(7)(C) announced the detainee had been shot and he had mistaken the shots in the MRAP for fire from the M240G machine gun mounted on the MRAP.
5. (b)(6),(b)(7) stated he and (b)(6),(b)(7) proceeded to the rear of the MRAP where the rear doors had been opened. (b)(6),(b)(7) recalled seeing (b)(6),(b)(7)(C) assigned as V/AL ALWANI'S guard, checking V/AL ALWANI for a pulse. (b)(6),(b)(7) announced the check for a pulse was negative. (b)(6),(b)(7) stated someone, he did not recall who, called the corpsman (b)(6),(b)(7)(C) forward. The life saving measures taken by (b)(6),(b)(7) was unknown by (b)(6),(b)(7)(C).
6. (b)(6),(b)(7)(C) reported checking on the crew of the MRAP to ensure all were uninjured and safe. (b)(6),(b)(7) reported he spoke with (b)(6),(b)(7) who informed him V/AL ALWANI had gone for his weapon and (b)(6),(b)(7) shot him. (b)(6),(b)(7) stated V/AL ALWANI was kept in his seat vice being placed in a body bag until arrival at Camp Fallujah. (b)(6),(b)(7) could not remember if V/AL ALWANI was still belted into the seat or not.
7. (b)(6),(b)(7) stated upon arrival at Camp Fallujah and seeing the

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ACLU-RD-5780-04

E 1164

22DEC07-24IZ-0236-7HMA

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

interior of the MRAP where V/AL ALWANI was shot, he noticed the round in the deck of the MRAP where (b)(6) had been seated and the two rounds lodged in the window of the MRAP above where V/AL ALWANI had been seated.

8. (b)(6),(b) stated V/AL ALWANI was transported from COP Manion per policy with his hands flex cuffed in front and (b)(6),(b)(7)(C),(b)(7)(E) stated he remembered seeing V/AL ALWANI with his (b)(7)(E) on subsequent to the shooting.

**BIOGRAPHICAL DATA**

EMPLOYMENT: USMC 3/2/1 MITT

SSN: (b)(6),(b)(7)(C)  
 DOB:  
 POB:  
 RESIDENCE:  
 OTHER:

(b)(6),(b)(7)(C)  
 REPORTED BY: SPECIAL AGENT  
 OFFICE: NCISRA IRAQ, CAMP FALLUJAH

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NCISRA IRAQ CAMP FALLUJAH  
Date: 22 DEC 07

I, (b)(6),(b)(7)(C), have been advised by SPECIAL AGENT (b)(6),(b)(7)(C) that I am suspected of THE DEATH OF DETAINEE THAIR HAMID KHALIF HUSAYN AL ALWOUJI.

I have also been advised that:

- (b)(6), (b)(7)(C) 1) I have the right to remain silent and make no statement at all;
- (b)(7)(C) 2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (b)(6),(b)(7)(C) 3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a 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) 4) I have the right to have my retained lawyer and/or appointed military lawyer present during the interview; and
- (b)(6),(b)(7)(C) 5) 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 (b)(6),(b)(7)(C)

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

Date & Time: 22 DEC 1804

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

At this time, I, (b)(6),(b)(7)(C), 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.

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STATEMENT

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

(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 death of detainee Thair Hamid Khalif Husayn Al Alwou (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) for purposes of identification I am (b)(6),(b)(7)(C) male standing approximately (b)(6),(b)(7)(C) inches and weighing approximately (b)(6),(b)(7)(C) pounds. I have (b)(6),(b)(7)(C) hair and (b)(6),(b)(7)(C) eyes. I was born on (b)(6),(b)(7)(C) in (b)(6),(b)(7)(C) and my Social Security Number (b)(6),(b)(7)(C) I am a Marine (b)(6),(b)(7)(C) assigned to 3rd Brigade, 2nd Battalion, 1st Iraqi Army Division, Military Transition Team, Combat Outpost Manior (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) on 22Dec07, at approximately 1130, the MiTT team had a patrol briefing. During the patrol briefing I was officially assigned to watch over a detainee being transported to Camp Fallujah RDF. I knew I was assigned to guard the detainee about an hour before the briefing (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) there were four vehicles in the convoy. I was in the front vehicle, which was the 6X6 MRAP. I got my gear on and waited behind the MRAP (b)(6),(b)(7)(C) and an Iraqi Army Intel soldier, along with our interpreter (b)(6),(b)(7)(C) were with the detainee. I did not know the detainee's name and I didn't know why the detainee was being transported to Camp Fallujah RDF. I saw three rifles (2 AK-47's - cleared and one SKS - cleared in the back left of the MRAP as I was looking in the rear of the vehicle. I knew the weapons were his, or we wouldn't be transporting them back with him (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) told the detainee, "We're taking you to Camp Fallujah, relax, don't do anything stupid, calm down, no one is going to hurt you." (b)(6),(b)(7)(C) or another translator (b)(6),(b)(7)(C) translated this for the detainee. The detainee was acting weird, he was acting like he was cold and was rocking back and forth. The detainee was mumbling but I could not understand him. I did not know why he was shaking, because he was wearing a heavy jacket and it was not really cold outside and he just came from the inside. The detainee had flexi cuffs tied in front of his body (b)(6),(b)(7)(C)

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

(b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) put the detainee in the rear seat of the MRAP, on the driver's side (b)(6),(b)(7)(C) buckled the detainee in. I am not sure if the harness was strapped over his shoulders, but I know the seat belt portion (b)(6),(b)(7)(C) because I verified it when I got into the MRAP. I checked his seat belt for the detainees safety (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) directly across from the detainee, in the rear seat on the passenger's side (b)(6),(b)(7)(C) next to the detainee on his left. The way I was positioned in front of the detainee, my knees were outside of his knees. My rifle, which is an M-4 with an M203 grenade launcher attached, was between my legs, with my left hand on the butt stock of the rifle. My pistol was holstered on my right (b)(6),(b)(7)(C)

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

Continuation of voluntary sworn statement of

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

On December 22, 2007

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

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

(b)(6),(b)(7)(C) started rolling out of COP Manion at approximately 1200 (b)(6),(b)(7)(C) was driving the MRAP (b)(6),(b)(7)(C) was in the front passenger seat, and (b)(6),(b)(7)(C) was the turret gunner. Once we started heading for Camp Fallujah, approximately five minutes into the patrol, the detainee leaned forward placing his hands (which are still bound) on his right knee. His hands were close enough to touch the rifle, as there is not much room between the detainee and myself. I put my right hand on his chest, not hard, and told (b)(6),(b)(7)(C) to tell him "Sit up straight." The detainee did what he was told, and words were exchanged between him and (b)(6),(b)(7)(C)

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

Another 5-10 minutes passed (I am unsure on the times) and the detainee leaned forward again. I didn't touch the detainee this time, but I told (b)(6),(b)(7)(C) "Tell him to sit up straight and stay back." The detainee did as he was told. I don't think words were said between the detainee and (b)(6),(b)(7)(C) this time (b)(6),(b)(7)(C)

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

Another 5-10 minutes passed by (I am unsure on the time periods) and the detainee leaned forward again. I think I told the detainee "Owegiff", which means "stop." I didn't touch the detainee the third time, but I told (b)(6),(b)(7)(C) again to tell to sit up straight. The detainee sat up straight (b)(6),(b)(7)(C)

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

(b)(6),(b)(7)(C) cannot recall when this happened, but at some point between when the detainee leaned forward, he laid his head on his right shoulder, which looked as if he was napping. I don't remember if this was between the first and second time he leaned forward or the second and third time (b)(6),(b)(7)(C)

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

After the third time the detainee leaned forward, I yelled up front to (b)(6),(b)(7)(C) "Hey (b)(6),(b)(7)(C) I keep telling this guy to stay back." (b)(6),(b)(7)(C) said something back, "Oh really." I cannot recall what exact (b)(6),(b)(7)(C) said. I wasn't mad or angry at all; I was just reporting it to (b)(6),(b)(7)(C)

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

(b)(6),(b)(7)(C) drove on for awhile (cannot recall the time), but I believe once we were in or past Karmah, Iraq, there was an obstacle on the road we weren't used to seeing (b)(6),(b)(7)(C) got out of the vehicle and stated, "We have a wire in the road." There were kids all over the place outside of our vehicle looking to get candy. I had safe check over my right shoulder, as our vehicle was moving forward (b)(6),(b)(7)(C)

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

(b)(6),(b)(7)(C) the MRAP was driving along, and using its sirens to move vehicles out of our way. I was dazing off and not paying attention, and then it happened. At the same time, I heard a click, looked down and noticed the rifle was canted, with the barrel pointing underneath my seat between my legs, and the rifle discharged, and noticed the detainees' right hand was holding the pistol grip of the rifle. I remember thinking at that moment he was going to kill me. I thought I was going to die. I don't know if it was when I heard the click, saw his hands on the grip or when I heard the weapon fire, but I came down with my left hand pushing forward to prevent the rifle coming up any further to where it could of hit me. At the same time I pushed down the rifle, I stood up but only as much as I could because of the space, moved to the right and at the same time un-holstered my pistol with my right hand and shot at the detainee from my hip as I was coming up, after the last round I fired, my pistol was in front of me, my pistol arm extended. I believed I only shot three rounds at the time. I cannot recall if I shot the pistol at him when I was still sitting or when I was up and moving to the right (b)(6),(b)(7)(C)

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

(b)(6),(b)(7)(C) after I fired my last round (which I thought was three rounds), I yelled, "Clear" I think three times in a row, and re-loaded my pistol. My rifle was positioned against the detainee, but cannot recall the (b)(6),(b)(7)(C)

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

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

Continuation of voluntary sworn statement of

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

on December 22, 2007

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

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

tioning. I took my rifle and took control of it. My pistol was placed back in my holster once I reloaded it. I sat in the seat next to where I was sitting, across from the detainee. The detainee was leaned over on his left side taking two seats. Everyone was yelling because they didn't know what was going on. I yelled up front, "I shot him." (b)(6),(b)(7)(C) turned and said, "Oh shit." I checked my Marines, checked myself for wounds from ricochettes. After everything was calmed down, I checked the detainees' pulse. I did not feel a pulse, but his neck was warm. I noticed he wasn't moving, and didn't know he was dead at the time. (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) looked into the MRAP once the vehicles stopped and the door opened. (b)(6),(b)(7)(C) checked the detainee, and I told him he was dead. (b)(6),(b)(7)(C) left and (b)(6),(b)(7)(C) asked what happened. I told (b)(6),(b)(7)(C) "He grabbed the rifle and tried to shoot me, and I shot him." (b)(6),(b)(7)(C) bid me, "Good to go, we're going to the RDF." Doc left the vehicle and came back. I had to hold the detainee from falling over when we drove back to Camp Fallujah as (b)(6),(b)(7)(C) seemed a little pale and wasn't used to this (b)(6),(b)(7)(C)

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

When we got to Camp Fallujah, we did not go to the RDF, but to the ITC. We cleared our weapons when we got into the ITC, I put my pistol and my rifle in Condition 4, which is drop magazine, eject the round in the chamber, check to see inside the breach (where the bolt is) and check if the weapon is on safe (b)(6),(b)(7)(C)

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

When we arrived at the ITC (b)(6),(b)(7)(C) asked me, "Is he still in his seat belt." I looked and the detainee was not in his seat belt. I believed he got out of his seat belt at some point before he tried to shoot me (b)(6),(b)(7)(C)

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

I cared for my life and my Marines' lives and I was defending myself. I cannot recall every single second, as everything happened so fast, but I do know he was trying to kill me (b)(6),(b)(7)(C)

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

This statement, consisting of this page and 2 other page(s) was typed for me (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

2000

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

NCISRA IRAQ, CAMP FALLUJAH

Witnessed:

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

Representative Service 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

28DEC07

CONTROL: 22DEC07-24IZ-0236-7HMA

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

SEIZURE OF EVIDENCE FROM MRAP VEHICLE NUMBER, USMC 633019

1. On 28Dec07, evidence was seized from the scene of V/AL ALWANI's death, Mine Resistant Ambush Protected (MRAP) vehicle number, USMC 633109. The evidence was not seized on 22Dec07 due to operational usage by the Military Transition Team (MiTT), Regimental Combat Team - 6 (RCT-6).

2. The following items of evidence were seized and placed into the NCISRA Iraq, Camp Fallujah evidence repository under Evidence Log number 112-07:

- Item A - One seat seized from MRAP vehicle number USMC 633019 (seat which V/AL ALWANI was seated during transfer from Combat Outpost (COP) Manion to the Camp Fallujah, Iraq Regional Detention Facility (RDF))
- Item B - One projectile seized from underneath middle floor panel of MRAP vehicle number USMC 633019
- Item C - Three projectile fragments seized from underneath middle floor panel of MRAP vehicle number USMC 633019
- Item D - One window with frame seized from MRAP vehicle number USMC 633019 which contained two projectiles in interior window
- Item E - One piece of floorboard seized from floorboard underneath seat (seat which (b)(6),(b)(7) was seated)

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

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Page 1

LAST

(b)(6)

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ACLU-RD15780-10

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

REPORT OF INVESTIGATION (ACTION)

02JAN08

DEATH (II)

CONTROL: 22DEC07-24IZ-0236-7HMA

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

COMMAND/REGIMENTAL COMBAT TEAM 6 (FWD), FALLJUAH, IRAQ/12151

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

REFERENCE(S)

(A) NCISRA CAMP FALLUJAH IRAQ ROI (OPEN)/23DEC07

EXHIBIT(S)

(1) IA: Autopsy of V/AL ALWANI/03JAN08... (Copy 0023B/24IZ)

NARRATIVE

1. Lead tasking in Reference (A) assumed by Reporting Agent. Autopsy of V/AL AL exhibit (1) pertains). Completion of lead tasking pending receipt from OAFME of

ACTION

DCWA: Lead tasking set forth in Reference (A) assumed by Reporting Agent, 0023B. Ignore lead tasking.

R.24IZ: Lead tasking set forth in Reference (A) is hereby acknowledged. The autopsy of V/AL ALWANI was documented as reflected in exhibit (1). Lead tasking pending receipt of final autopsy report, certificate of death, and toxicology results. Please advise on the disposition of evidence obtained during the autopsy.

DISTRIBUTION

NCISHQ: 0023B

ACTION: DCWA(E)/24IZ(M)

INFO: 0024C(E)/MPMP (E) (ATTN: SA (b)(6),(b)(7)(C))

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ACLU-RD 5780-11

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

REPORT OF INVESTIGATION (OPEN)

23DEC07

DEATH (II)

CONTROL: 22DEC07-24IZ-0236-7HMA

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

COMMAND/REGIMENTAL COMBAT TEAM 6 (FWD), FALLUJAH, IRAQ/12151

MADE AT/24IZ/CAMP FALLUJAH IRAQ/ (b)(6),(b)(7)(C) SPECIAL AGENT

**NARRATIVE**

1. This investigation is being conducted to determine if any Law of Armed Conflict (LOAC) violations occurred concerning V/AL ALWANI'S death.

2. On 22Dec07, NCISRA Iraq, Camp Fallujah was contacted by (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) Regimental Combat Team Six (RCT-6), Military Transition Team (MiTT), Camp Fallujah, Iraq regarding the death of V/AL ALWANI.

3. Preliminary investigation determined V/AL ALWANI was apprehended by Iraqi Army (IA) personnel on 21Dec07 as being a suspected High Value Individual (HVI) for making Improvised Explosive Devices (IED) and possessing a weapons cache at his residence in Karmah, Iraq. The IA personnel subsequently turned V/AL ALWANI over to the MiTT located at COP Manion for transport to the Camp Fallujah Regional Detention Facility (RDF).

4. On 22Dec07, V/AL ALWANI was being transported to the Camp Fallujah RDF via a Mine Resistant Ambush Protected (MRAP) vehicle; wherein, he grabbed (b)(6),(b)(7)(C) M4 rifle and fired a round below (b)(6),(b)(7)(C) groin area; (b)(6),(b)(7)(C) retrieved his Beretta pistol and shot V/AL ALWANI. V/AL ALWANI was pronounced dead by a MiTT corpsman immediately after the shooting. V/AL ALWANI who was flexi-cuffed in the front (b)(7)(E) as sitting directly across from (b)(6),(b)(7)(C) and was able to reach down and grab (b)(6),(b)(7)(C) rifle. (b)(6),(b)(7)(C) rifle was resting (nuzzle down) directly in between his legs and within inches from V/AL ALWANI.

5. Investigation continues.

**ACTION**

R.DCWA: Attend V/AL ALWANI's autopsy at Dover Air Force Base and provide preliminary and final autopsy findings, as well as photographic coverage.

**DISTRIBUTION**

NCISHQ: 0023B  
ACTION: DCWA  
INFO: 0024C/24IZ

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ACLU-RDI 5780 p.12

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE**

**INVESTIGATIVE FILE (G)**

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE  
RECORDS MANAGEMENT DIVISION  
LAW ENFORCEMENT RECORDS**

<b>NAME:</b> ABBASS ADNAN EID					
<b>AKA:</b>					
<b>IDENTIFICATION:</b>	Context: V				
Date of Birth:	State of Birth: Country of Birth: IZ				
<b>FILE IDENTIFICATION #:</b> 05JAN06MEBJ0015					
<b>DCH INDEX CODE</b>					
K	C = 5 YEARS    F = 15 YEARS    G = 25 YEARS    K = 50 YEARS				
<b>DATE CLOSED</b> 20060622					
<b>RECORDS SERIES</b>					
5580/4a(1)(b)  C 5580/4b(1)(a) 5580/4d(1)(b) 5580/4b(2)(c)2 5580/4d(2)	F 5580/4a(1)(a) 5580/4d(4)(a)				
G 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)				
<table style="width:100%; border: none;"> <tr> <td style="width:25%; vertical-align: top;"> <b>DOD - IG</b>                      NAVSUPSYSCOM - IG                      NAVSEAYSCOM - IG                      NAVAIRSYSCOM - IG                      NAVFACENGCOM - IG                 </td> <td style="width:25%; vertical-align: top;"> <b>NAVY - IG</b>                      NAVY - JAG                      NAV COMPT                      NAVSPAWAR - IG                      NAVMEDCOM - IG                 </td> <td style="width:25%; vertical-align: top;"> <b>DOD DISSEMINATION:</b>                      NSGHD                      PERS - 81                      PERS - 82                      PERS - 83                      PERS - 855                      DCIS                      CNQ - N29                      NAFOWASH                      NCIS - 21                      DONCAF                 </td> <td style="width:25%; vertical-align: top;"> <b>Other:</b>                      ONI                      AFIP                      DEF LOGISTICS AGY                      MIL POSTALSVCs AGY                      CMC - POS                      CMC - JAM                      CMC - INTO                      NAVRESSO                 </td> </tr> </table>		<b>DOD - IG</b> NAVSUPSYSCOM - IG NAVSEAYSCOM - IG NAVAIRSYSCOM - IG NAVFACENGCOM - IG	<b>NAVY - IG</b> NAVY - JAG NAV COMPT NAVSPAWAR - IG NAVMEDCOM - IG	<b>DOD DISSEMINATION:</b> NSGHD PERS - 81 PERS - 82 PERS - 83 PERS - 855 DCIS CNQ - N29 NAFOWASH NCIS - 21 DONCAF	<b>Other:</b> ONI AFIP DEF LOGISTICS AGY MIL POSTALSVCs AGY CMC - POS CMC - JAM CMC - INTO NAVRESSO
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<b>COMMENTS</b>					
CIS (Date/Initials) (b)(6), (b)(7), (C)	CIS 29JUN06				
Closed Status X    DUP Titles X    DUP CCN X    DISP    DATA					
(b)(6),(b)(7)(C)					
certify that this document is being retained in strict accordance with SECNAVINST 5812.5 (Current Edition) & SECNAVINST 5812.5 (Current Edition). 29JUN06					

Revised 5 Apr 05

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

REPORT OF INVESTIGATION (CLOSED)

22AUG06

DEATH (II)

CONTROL: 05JAN06-MEBJ-0015-7HMA/C

V/ABBASS, ADNAN EID/CIV  
M/W/FNIZ/N///AR RUTBAH, IZ

COMMAND/2ND FORCE RECON COMPANY/28351

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

REFERENCES

- (A) NCIS AL ASAD ROI (INTERIM)/30JUN06
- (B) NCIS-3 Chapter 30

EXECUTIVE SUMMARY

1. Investigation initiated 04Jan06 after V/ABBASS died during a United States Marine Corps (USMC) custodial transit from his residence in Ar Rutbah, Iraq to Forward Operating Base (FOB) Camp Korean Village, Iraq Detention Facility. Reference (A) reported the details of the entire Naval Criminal Investigative Service (NCIS) investigation into the circumstances of his death and concluded the cause of death was atherosclerotic cardiovascular disease and the manner of death an accident. A Death Review Panel, convened on 20Aug06, concluded all administrative and investigative aspects of the investigation were completed.

NARRATIVE

1. This investigation is hereby closed pursuant to NCIS policy for death investigations set forth via Reference (B). The manner of death was determined an accident and the investigation was completed in the required timeframe allowing closure authority to remain at the DRP level.

ACTION

- ✓ R.0023B: Cancel tasking sent via separate correspondence to conduct Death Review Board (DRB) dated 20Aug06.

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INFO: MEBJ

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477376 09:09 20060821 :SSDEMAIL #60453 OUT:23EXLIFE 118

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

REPORT OF INVESTIGATION (ACTION)

20AUG06

DEATH (II)

CONTROL: 05JAN06-MEBJ-0015-7HMA

V/ABBASS, ADNAN EID/CIV  
M/W/FNIZ/N///AR RUTBAH, IZ

COMMAND/2ND FORCE RECON COMPANY/28351

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

## REFERENCE

(A) NCIS AL ASAD ROI (INTERIM)/30JUN06

## NARRATIVE

1. Pursuant to tasking set forth via Reference (A), a Death Review Panel (DRP) was convened on 20AUG06 at NCISFO Middle East Bahrain to determine if this non-homicide investigation was thoroughly conducted and documented prior to closure. The findings of this DRP were that all administrative and investigative aspects of the investigation were completed.

## PARTICIPANTS

(b)(6),(b)(7)(C) Special Agent, NCISRA Bahrian, DRP presenter.  
 (b)(6),(b)(7)(C) Special Agent, NCISRA Bahrain, DRP panel.  
 (b)(6),(b)(7)(C) Special Agent, NCISRA Bahrain, DRP Chairman.  
 (b)(6),(b)(7)(C) Special Agent, NCIS Middle East Field Office, DRP panel.

## ACTION

R.0023B This investigation is forwarded to NCISHQ to conduct a Death Review Board (DRB) due to passing of six (6) month timeframe and lack of a waiver to authorize closing this investigation at the field office level.

## DISTRIBUTION

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 INFO: MEBJ

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

REPORT OF INVESTIGATION (INTERIM)

30JUN06

DEATH (II)

CONTROL: 05JAN06-MEJ-0015-7HMA

V/ABBASS, ADNAN EID/CIV  
M/W/FNIZ/N///AR RUTBAH, IZ

COMMAND/2ND FORCE RECON COMPANY/28351

MADE AT/MEIZ/AL ASAD AB IZ (b)(6),(b)(7)(C) SPECIAL AGENT

## REFERENCE(S)

- (A) NCIS Al Asad ROI (INTERIM)/06Feb06 (Contains Exhibits 1-24)
- (B) NCIS Al Asad ROI (INTERIM)/28Mar06
- (C) NCIS Al Asad ROI (INTERIM)/24Apr06
- (D) NCIS Al Asad ROI (INTERIM)/24May06 (Contains Exhibit 25)

## EXHIBIT(S)

- (26) Final Autopsy Report of ABBASS/16Jan06...(Copy all)
- (27) Final Toxicology Report of ABBASS/23Jan06...(Copy all)
- (29) Final Death Certificate of ABBASS/16Jan06...(Copy all)

## EXECUTIVE SUMMARY

1. This investigation was initiated after Command reported detainee V/ABBASS, was discovered dead in the cargo area of a "highback" Highly-Mobile Multi-Wheeled Vehicle. The death occurred sometime between 0205-0330 on 04Jan06 while V/ABBASS was being transported from his residence in Ar Rutbah, Iraq, where he was apprehended, to the Detention Center at FOB Camp Korean Village, Iraq. Subsequent Command interviews failed to disclose any abuse and it appeared V/ABBASS died due to a possible heart attack. An autopsy determined the cause of death as atherosclerotic cardiovascular disease complicated by hypothermia and the manner of death as accident. All logical investigative leads have been completed. This investigation is pending on review by the Field Office Death Review Panel.

## NARRATIVE

1. This investigation is being conducted due to the unattended death of detainee V/ABBASS while in U.S. custody. References (A) through (D) document investigative activity to date.
2. On 29Jun06, Reporting Agent (RA) received the final autopsy report, toxicology report and final death certificate for V/ABBASS from Participant (b)(6),(b)(7)(C) NCISHQ Code 23B12. The autopsy was conducted by (b)(6),(b)(7)(C) USA, Deputy Medical Examiner, Armed Forces Institute of Pathology, Rockville, MD, on 16Jan06. The autopsy report lists the cause of death as atherosclerotic cardiovascular disease complicated by hypothermia and the manner of death as accident. The toxicology report indicated no drugs of abuse or alcohol were found in V/ABBASS' blood or tissue. Exhibits (26) - (28) provides amplifying details.
3. All logical investigative leads have been completed. This

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ACLU-RDI 5780 p.17

- 4

05JAN06-MEBJ-0015-7HMA

**SUBJ: V/ABBASS, ADNAN EID/CIV  
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

investigation is pending review by the Middle East Field Office Death Review Panel (DRP) and, upon approval, will be closed.

**PARTICIPANT(S)**

(b)(6),(b)(7)(C) Special Agent, NCISHQ Code 23B12

**ACTION**

DIST: Active investigation completed. Pending review at Middle East Field Office DRP for authority to close.

✓ R.MEBJ: Conduct Middle East Field Office DRP review. If the Middle East Field Office investigative activity has been completed, request authority to close this investigation.

**DISTRIBUTION**

NCISHQ: 0023B

INFO: MEBJ/Commanding Officer, 2nd Force Reconnaissance Battalion, Camp Lejeune, NC (M)(b)(6),(b)(7)(C) SJA I MEF (FWD) (H)

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE**

**DELETED PAGE INFORMATION SHEET**

Page(s) G 6-15, Exh. (26) - (27)

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

Deleted under exemption(s) \_\_\_\_\_

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

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