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

REPORT OF INVESTIGATION (INTERIM)

03FEB08

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

## REFERENCE(S)

- (A) NCISRA Iraq, Camp Fallujah ROI (INTERIM)/04Jan08 (Contains Exhibits 1-15)
- (B) NCISRA Iraq, Camp Fallujah ROI (INTERIM)/05Jan08 (Contains Exhibit 16)

## EXHIBIT(S)

- (17) USACIL Latent Print Branch Final Report/23Jan08...(Copy All)

## EXECUTIVE SUMMARY

1. This investigation was initiated on 22Dec07, upon notification by Command regarding the death of V/AL ALWANI, a detainee who was being transferred from Combat Outpost (COP) Manion to the Camp Fallujah, Iraq Regional Detention Facility (RDF) by personnel assigned to the Military Transition Team (MITT), Regimental Combat Team 6 (RCT-6), Camp Fallujah, Iraq. V/AL ALWANI was being transported to the RDF for allegedly producing Improvised Explosive Devices (IED) and attacks against Coalition Forces (CF). V/AL ALWANI was being transported to the 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. A death scene examination was conducted, evidence was recovered, and photos were obtained. USMC personnel in the vehicle during the shooting indicated they did not witness the shooting but heard one shot that was followed by a rapid succession of additional shots. Interpreter (b)(6),(b)(7)(C) who was sitting beside V/AL ALWANI, heard a shot; he turned to look and saw (b)(6),(b)(7)(C) shoot V/AL ALWANI. (b)(6),(b)(7)(C) was interrogated and provided he acted in self-defense after V/AL ALWANI grabbed his M-4 rifle, took it off safety, and fired a shot between his legs. On 28Dec07, parts of the MRAP vehicle were seized as evidence and were sent to the US Army Criminal Investigations Laboratory (USACIL) for latent fingerprint analysis. On 05Jan08 (b)(6),(b)(7)(C) was re-interviewed and provided additional details regarding the incident. Case pending final Autopsy report.

## NARRATIVE

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

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

2. Reference (A) and (B) details investigation to date.
3. On 02Feb08, RA received a USACIL Latent Print Branch Final Report, dated 02Feb08, advising no latent prints suitable for identification were found or developed off of the M-4 rifle. Exhibit (17) pertains.
4. This investigation remains pending the completion of the Final Autopsy Report, Final Death Certificate, and results of toxicology testing.

**PARTICIPANT(S)**

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

Special Agent, NCISHQ Washington DC  
 Latent Print Examiner, USACIL

**DISTRIBUTION**

NCISHQ: 0023B (M)

INFO: 0024C (M)/0024IZ/SJA, RCT-1, Camp Fallujah, Iraq (H)

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LIST

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

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DEPARTMENT OF THE ARMY  
US ARMY CRIMINAL INVESTIGATION LABORATORY  
4830 N 31<sup>ST</sup> STREET  
FOREST PARK, GA 30297-5205

CILA-LP

23 January 2008

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, NAVAL CRIMINAL  
INVESTIGATIVE SERVICE, NCISRA CAMP FALLUJAH, IRAQ, FPO AE 09387

SUBJECT: Latent Print Branch - Final Report  
USACIL Case Number 2008-CID131-0060/A1/A2  
Submitter Case Number 22DEC07-24IZ-0236-7HMA

EXHIBITS:

- 2 - Rifle SN:W249925 and launcher SN: 181591 (Item B, Log 107-07).

FINDINGS:

1. No latent prints suitable for identification were found or developed on Exhibit 2.
2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110/4612/4613/4614, Commercial (404) 469-7082/7109/7110/4612/4613/4614, Fax DSN 797-4615, or Email: usacil@conus.army.mil.

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

AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 1

## U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

05JAN08

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), IRAQ/12151

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

## REFERENCE(S)

(A) NCISRA Iraq, Camp Fallujah ROI (INTERIM)/04Jan08 (Contains Exhibits 1-15)

## EXHIBIT(S)

(16) Statement (b)(6),(b)(7)(C) 05Jan08... (Copy all)

## EXECUTIVE SUMMARY

1. This investigation was initiated on 22Dec07, upon notification by Command regarding the death of V/AL ALWANI, a detainee who was being transferred from Combat Outpost (COP) Manion to the Camp Fallujah, Iraq Regional Detention Facility (RDF) by personnel assigned to the Military Transition Team (MITT), Regimental Combat Team 6 (RCT-6), Camp Fallujah, Iraq. V/AL ALWANI was being transported to the RDF for allegedly producing Improvised Explosive Devices (IED) and attacks against Coalition Forces (CF). V/AL ALWANI was being transported to the 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.

2. On 22Dec07, a death scene examination of the MRAP vehicle was conducted. Evidence was collected and photographs were obtained. V/AL ALWANI was taken to the Personal Retrieval and Processing (PRP), Camp Fallujah, Iraq, and photographs were obtained of V/AL ALWANI's wounds.

3. USMC personnel who were in the vehicle during the shooting indicated they did not witness the shooting. Personnel reported they heard one shot followed by a rapid succession of additional shots, which did not appear to be from the same weapon. The interpreter (b)(6),(b)(7)(C) who was sitting beside V/AL ALWANI provided he heard one shot and turned to look and saw (b)(6),(b)(7)(C), USMC, shoot V/AL ALWANI. V/AL ALWANI, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were the only passengers in the rear passenger area of the MRAP.

4. (b)(6),(b)(7)(C) was interrogated and provided he acted in self-defense in shooting V/AL ALWANI as he grabbed his M-4 rifle, took it off safety and shot a round between his (b)(6),(b)(7)(C) legs. (b)(6),(b)(7)(C) stated he shot V/AL ALWANI in self-defense because he feared for his life and the personnel aboard the MRAP.

5. On 28Dec07, parts of the MRAP vehicle were seized as evidence. Items of evidence seized on 22Dec07 and 28Dec07 were sent to the US

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

Army Criminal Investigations Laboratory (USACIL) for latent fingerprint analysis.

6. On 05Jan08, the Iraqi interpreter, (b)(6),(b)(7)(C) was re-interviewed and provided additional details concerning this incident. Investigation continues.

#### 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. Reference (A) details investigation to date.

3. Subsequent to Reference (A), the interpreter, (b)(6),(b)(7)(C) was re-interviewed and provided another sworn written statement. (b)(6),(b)(7)(C) confirmed the seating arrangement and reported V/AL ALWANI was seated in the rear passenger seat on the driver's side, (b)(6),(b)(7)(C) sitting directly across from V/AL ALWANI in the rear seat on the passenger's side, and (b)(6),(b)(7)(C) sitting to V/AL ALWANI's left on the driver's side. (b)(6),(b)(7)(C) confirmed that (b)(6),(b)(7)(C) told him to translate to V/AL ALWANI on three occasions to sit up straight and keep his hands to his chest. (b)(6),(b)(7)(C) stated on all three occasions, V/AL ALWANI was leaning so much that his hands were down by his feet. (b)(6),(b)(7)(C) stated (b)(6) warned V/AL ALWANI on the third occasion and said, "Sit up straight and place your hands on your chest, this is the last time I am telling you to sit up straight." (b)(6),(b)(7)(C) could not recall how much time had passed after the third occasion when (b)(6) told him to tell the detainee to sit up and the time he heard the first shot. (b)(6),(b)(7)(C) stated he was looking towards the front of the vehicle (away from V/AL ALWANI) when he heard a gunshot. (b)(6),(b)(7)(C) stated he did not know where the shot originated from, but seeing no motion or indication it came from the front of the vehicle, immediately turned to where (b)(6) and the detainee were sitting. (b)(6),(b)(7)(C) stated when he looked over at (b)(6), (b)(6) had his left hand up in front of his face in a defensive position with his right hand holding his handgun close to his waist. (b)(6),(b)(7)(C) stated he turned in time to see (b)(6),(b)(7)(C) yell and then shoot three to five rounds rapidly, like a "machinegun." (b)(6),(b)(7)(C) stated after (b)(6) shot his pistol, he immediately checked V/AL ALWANI for a pulse, and then said "Clear." (b)(6),(b)(7)(C) stated (b)(6) checked the V/AL ALWANI for a pulse. (b)(6),(b)(7)(C) stated he did look at (b)(6) check V/AL ALWANI for a pulse but did not look at where V/AL ALWANI's hands were placed nor witness where the rifle was positioned after the shooting occurred because he (b)(6),(b)(7)(C) (b)(6),(b)(7) was in shock, and moved to the front of the vehicle shortly thereafter. (b)(6),(b)(7)(C) opined (b)(6) would not have shot V/AL ALWANI unless (b)(6) thought V/AL ALWANI was trying to harm or kill (b)(6),(b)(7)(C) (b)(6),(b)(7) opined V/AL ALWANI was close enough to (b)(6),(b)(7) weapon to get his hands on it, due to the confined space. (b)(6),(b)(7)(C) stated while traveling to Camp Fallujah after the shooting occurred, he overheard (b)(6),(b)(7) tell the vehicle commander, (b)(6),(b)(7)(C) USMC, "I'm done, I'm going to jail." (b)(6),(b)(7) stated (b)(6),(b)(7) replied, "No, you're OK, you did the right thing." (b)(6),(b)(7)(C) stated (b)(6) replied, "No, my officer will make sure I go to jail," exhibit (16) pertains.

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22DEC07-24IZ-0236-7HMA

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

"No, my officer will make sure I go to jail," exhibit (16) pertains.

4. Investigation is pending US Army Criminal Investigative Laboratory (USACIL) results from evidence submitted and the autopsy results for V/AL ALWANI. This investigation is being re-assigned to SA (b)(6),(b)(7)(C) due to re-deployment of RA.

**PARTICIPANT(S)**

(b)(6),(b)(7)(C) Special Agent, NCISRA Iraq, Camp Fallujah

**DISTRIBUTION**

NCISHQ: 0023B (M) *Email 7 JAN 08*

INFO: *✓* 024C (M)/24IZ/SJA, RCT-6, Camp Fallujah, Iraq (H)

*Email  
 7 JAN 08*

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LAST

(b)  
 (6),  
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## STATEMENT

(b)(6),(b)(7)(C) Place : NCISRA Iraq, Camp Fallujah (b)(6),(b)(7)(C)  
 Date : January 5, 2008

(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 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 the detainee by (b)(6),(b)(7)(C).

(b)(6),(b)(7)(C) For identification purposes, I am an (b)(6),(b)(7)(C) male, approximately (b)(6),(b)(7)(C) tall and weighing approximately (b)(6),(b)(7)(C). I have (b)(6),(b)(7)(C) hair and (b)(6),(b)(7)(C) eyes. I was born in (b)(6),(b)(7)(C) on (b)(6),(b)(7)(C). My (b)(6),(b)(7)(C) I am employed by L3 Communications Titan Linguistics and am assigned to 3/2/1 MiTT based out of Combat Outpost Manion. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) Everything in my last statement is true to the best of my knowledge and beliefs but I want to give more details as to what I saw. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) The seating arrangement was (b)(6),(b)(7)(C) sat in the very back seat on the passenger's side of the MRAP. (b)(6),(b)(7)(C) was facing the detainee, who was seated in the very back seat on the driver's side. I sat to the detainee's left. There is not much room between seats, and (b)(6),(b)(7)(C) knees were on the outside of the detainee's knees. (b)(6),(b)(7)(C) rifle was between his legs, with one of his hands (I cannot recall which hand) on the butt stock of the rifle. (b)(6),(b)(7)(C) had a pistol on his right thigh, which was in a holster. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I recall (b)(6),(b)(7)(C) telling me to tell the detainee to sit up straight three times. The first time the detainee had his hands down by his feet and he was leaned over in his seat almost all the way. The second and third time he leaned over was the same position as the first. The detainee's head was almost touching the (b)(6),(b)(7)(C) body. (b)(6),(b)(7)(C) told me to tell the detainee sit up straight and put your hands up on your chest the first two times. The third time the detainee leaned down. (b)(6),(b)(7)(C) told me to tell the detainee to sit up straight and place your hands on your chest. (b)(6),(b)(7)(C) also said, "This is the last time I am telling you to sit up straight." (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) All three times I told the detainee to sit up straight, the detainee did what he was told. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I also wanted to provide more details of the shooting. I was still sitting to the left of the detainee and (b)(6),(b)(7)(C) was still sitting directly across from the detainee. My head was facing the front of the MRAP, and I was looking out the window. There were kids walking around outside the vehicle that wanted candy, so I was watching them. All of a sudden I heard a shot fire. For a quick moment I thought it was from the turret gunner, but I was facing the turret gunner and did not see any motion, so I quickly looked over my right shoulder towards the back of the vehicle. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) I turned in time to see that (b)(6),(b)(7)(C) say, "Fuck" or "Shit" with his pistol in his right hand (hand and pistol positioned by his waist), and his left arm raised in front of his face and above his shooting hand as if he was defending himself from something. At that same moment (b)(6),(b)(7)(C) shot off three to (b)(6),(b)(7)(C)

Continuation of voluntary sworn statement of

(b)(6),(b)(7)(C)  
in January 5, 2008

five shots, very rapid shots. I have never seen anyone shoot that fast before with a handgun. He shot so fast it was like a machine gun. I could not see (b)(6),(b)(7)(C) eyes as he was wearing sunglasses, but he looked like he was surprised. (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) checked the detainee's pulse on the detainee's throat right away using his left hand and said, "Clear." I looked over at the detainee and did not hear him say anything, and no sound came from him. I was not paying attention to the detainee's hands, and did not see if he had a rifle. I did not see the detainee shoot or hold the rifle, as I did not pay any attention to him because (b)(6),(b)(7)(C) I was shooting, and it scared me. I did not think he was shooting at me. I was in shock because I heard the one shot and then several other shots (which I saw come from (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) was still in shock. (b)(6),(b)(7)(C) asked me if I was OK, and I told him I was fine as I checked my body for any wound. (b)(6),(b)(7)(C) told me to go up to the front of the vehicle, so I did (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) think the detainee could have grabbed the rifle and shot it, because he was so close to the rifle and (b)(6),(b)(7)(C) I did not see it but it could be possible. I don't think (b)(6),(b)(7)(C) would shoot the detainee unless detainee was trying to hurt or kill him. No one else in the vehicle shot the detainee. I do not have a weapon and I did not shoot the detainee (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) when the shooting was over, the convoy stopped. After (b)(6),(b)(7)(C) checked the detainee to see if he was still alive (which he was not), the convoy started moving again to go to Camp Fallujah. I was still sitting up in the front behind (b)(6),(b)(7)(C) when I noticed (b)(6),(b)(7)(C) was verbally upset. He said, "I'm done, I'm going to jail." (b)(6),(b)(7)(C) said, "No, you're OK. you did the right thing." (b)(6),(b)(7)(C) said, "No, my officer will make sure I go to jail." (b)(6),(b)(7)(C) also told (b)(6),(b)(7)(C) you can't call my father and tell him what happened (b)(6),(b)(7)(C)

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

Sworn to and subscribed before me this 05 day of JANUARY in the year 2008 at

NCISRA IRAQ, CAMP FALLUJAH

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

(b)(6),(b)(7)(C)  
Representation Service  
AUTH: DERIVED FROM ARTICLE 15b,  
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

FA

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

REPORT OF INVESTIGATION (INTERIM)

04JAN08

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), IRAQ/12151

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

**EXHIBIT(S)**

- (1) IA: Death Scene Examination/25Dec07...(Copy all)
- (2) IA: Death Scene Photographic Coverage/24Dec07...(Copy all)
- (3) IA: Photographic Coverage of Exterior of MRAP Vehicle, USMC 633019/24Dec07...(Copy all)
- (4) IA: Collection of Evidence/24Dec07...(Copy all)
- (5) IA: Photographic Coverage of V/AL ALWANI at the PRP/24Dec07...(Copy all)
- (6) IA: Receipt of Records: V/AL ALWANI's Medical Care Records/23Dec07...(Copy all)
- (7) Statement: (b)(6),(b)(7)(C) 22Dec07...(Copy all)
- (8) Statement: (b)(6),(b)(7)(C) 22Dec07...(Copy all)
- (9) Statement: (b)(6),(b)(7)(C) 22Dec07...(Copy all)
- (10) IA: Photographs Obtained by (b)(6),(b)(7)(C) USMC/24Dec07...(Copy all)
- (11) IA: Results of Interview with (b)(6),(b)(7)(C) USMC/24Dec07...(Copy all)
- (12) IA: Results of Interview with (b)(6),(b)(7)(C) USN/24Dec07...(Copy all)
- (13) IA: Results of Interview with (b)(6),(b)(7)(C) USMC/24Dec07...(Copy all)
- (14) Military Suspect's Acknowledgement and Waiver of Rights and Statement: (b)(6),(b)(7)(C) 22Dec07...(Copy all)
- (15) IA: Seizure of Evidence from MRAP Vehicle Number, USMC 633019/28Dec07...(Copy all)

**EXECUTIVE SUMMARY**

1. This investigation was initiated on 22Dec07, upon notification by Command regarding the death of V/AL ALWANI, a detainee who was being transferred from Combat Outpost (COP) Manion to the Camp Fallujah, Iraq Regional Detention Facility (RDF) by personnel assigned to the Military Transition Team (MITT), Regimental Combat Team 6 (RCT-6), Camp Fallujah, Iraq. V/AL ALWANI was being transported to the RDF for allegedly producing Improvised Explosive Devices (IED) and attacks against Coalition Forces (CF). V/AL ALWANI was being transported to the 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.

2. On 22Dec07, a death scene examination of the MRAP vehicle was conducted. Evidence was collected and photographs were obtained.

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ACLU-RDI 57669

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22DEC07-241Z-0236-7HMA

SUBJ: V/AL ALWANI, THAI ~~REDACTED~~ MID KHALAF HASSAN/CIV  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

Camp Fallujah, Iraq, and photographs were obtained of V/AL ALWANI's wounds.

3. USMC personnel who were in the vehicle during the shooting indicated they did not witness the shooting. Personnel reported they heard one shot followed by a rapid succession of additional shots, which did not appear to be from the same weapon. The interpreter (b)(6),(b)(7)(C) who was sitting beside V/AL ALWANI provided he heard one shot and turned to look and saw (b)(6),(b)(7)(C) USMC, shoot V/AL ALWANI. V/AL ALWANI, (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) were the only passengers in the rear passenger area of the MRAP.

4. (b)(6),(b)(7)(C) was interrogated and provided he acted in self-defense in shooting V/AL ALWANI as he grabbed his M-4 rifle, took it off safety and shot a round between his (b)(6),(b)(7)(C) legs. (b)(6),(b)(7)(C) stated he shot V/AL ALWANI in self-defense because he feared for his life and the personnel aboard the MRAP.

5. On 28Dec07, parts of the MRAP vehicle were seized as evidence. Items of evidence seized on 22Dec07 and 28Dec07 were sent to the US Army Criminal Investigations Laboratory (USACIL) for latent fingerprint analysis. Investigation continues.

**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. Investigation was initiated on 22Dec07, upon notification from (b)(6),(b)(7)(C) Regimental Combat Team - 6 (RCT-6) Military Transition Team (MITT), Camp Fallujah, Iraq regarding a detainee (V/AL ALWANI) that was shot and killed by a USMC member (b)(6),(b)(7)(C) while in USMC custody in transit from Combat Outpost (COP) Manion to the Camp Fallujah, Iraq Regional Detention Facility (RDF). (b)(6),(b)(7)(C) indicated the vehicle being used to transport the detainee was a Mine Resistant Ambush Protected (MRAP) vehicle and was located at the Iraqi Training Center (ITC), aboard Camp Fallujah, Iraq.

3. On 22Dec07, NCISRA Iraq responded to the death scene at the ITC, Camp Fallujah, Iraq. A death scene examination was conducted in MRAP vehicle, number USMC 633019. Two death scene sketches were created. One death scene sketch was the seating arrangement during the actual shooting and the second death scene sketch was evidence placement upon examination along with measurements. The death scene determined five shots were fired from a 9mm pistol and one shot was fired from an M-4 rifle. The interior of the MRAP passenger area contained four identified impact shots behind where V/AL ALWANI was sitting, two in the interior ballistic glass above V/AL ALWANI's seat and two through V/AL ALWANI's seat. Another identified bullet hole was underneath the seat where (b)(6),(b)(7)(C) was seated. The bullet hole was angled from the opposite seat. Five projectiles were identified; three of which were recovered. Five 9mm shell casings, one 5.56 shell casing and multiple ballistic jackets were recovered, exhibit (1) pertains. Photographs of the death scene were obtained, exhibits (2) and (3) pertains.

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 U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

4. Several items of evidence were seized, to include an M-4 Rifle (assigned to (b)(6),(b)(7)(C)) a 9mm Berretta pistol (assigned to (b)(6),(b)(7)(C)) five 9mm brass shell casings, one 5.56 shell casing, and three projectiles. Two projectiles were stuck inside the ballistic interior glass (window) behind where V/AL ALWANI was seated; however, the projectiles could not be recovered during the scene processing, exhibit (4) pertains.

5. On 22Dec07, V/AL ALWANI was transported from the ITC to the Personnel Retrieval and Processing (PRP), Camp Fallujah, Iraq. Upon arrival, (b)(6),(b)(7)(C) USN, Combat Logistics Battalion - 8 (CLB-8), Emergency Room Physician, examined V/AL ALWANI. Photographs were obtained of V/AL ALWANI during the examination, exhibit (5) pertains. (b)(6),(b)(7)(C) examination determined V/AL ALWANI had two gunshot wounds in the chest, two gunshot wounds in the back, and two gunshot wounds in the head. (b)(6),(b)(7)(C) provided a copy of V/AL ALWANI's medical treatment record, exhibit (6) pertains.

6. On 22Dec07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) an Iraqi interpreter employed by L3 Communications Titan Linguistics assigned to MITT. As background, (b)(6),(b)(7)(C) was sitting next to V/AL ALWANI and diagonally across from (b)(6),(b)(7)(C) during the transport to the Camp Fallujah RDF from COP Manion. (b)(6),(b)(7)(C) stated he learned V/AL ALWANI was suspected of insurgent activity. (b)(6),(b)(7)(C) stated V/AL ALWANI's hands were bound by plastic handcuffs and crossed over each other in front of him. (b)(6),(b)(7)(C) stated V/AL ALWANI (b)(7)(E) (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) USMC, instructed V/AL ALWANI that he was being transported along with two rifles that were seized from him to Camp Fallujah. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) USMC, asked V/AL ALWANI to sign a transport form; wherein, V/AL ALWANI'S (b)(7)(E) for his signature and (b)(7)(E) stated during the transport, V/AL ALWANI'S guard (b)(6),(b)(7)(C) USMC told V/AL ALWANI three times to sit up in his chair. (b)(6),(b)(7)(C) stated he witnessed V/AL ALWANI lean forward towards (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) rifle on all three occasions. (b)(6),(b)(7)(C) reported (b)(6),(b)(7)(C) asked him to tell V/AL ALWANI to sit back with his shoulders and head back against the seat. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) stated approximately thirty minutes into the convoy, he was looking over his left shoulder (facing the front of the MRAP vehicle), when he heard a "bang that sounded like an M-4." (b)(6),(b)(7)(C) stated he immediately turned to the sound of the noise and heard (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) say either, "Fuck" or "Shit." (b)(6),(b)(7)(C) stated he then witnessed (b)(6),(b)(7)(C) take out his pistol and begin shooting at V/AL ALWANI. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) had his left hand up in front of him (b)(6),(b)(7)(C) while he shot at V/AL ALWANI with his right hand. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) stated he thought (b)(6),(b)(7)(C) shot four to five rounds. (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) stated after (b)(6),(b)(7)(C) shot V/AL ALWANI, (b)(6),(b)(7)(C) yelled, "Clear," and then checked V/AL ALWANI for a pulse. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) then checked him (b)(6),(b)(7)(C) for ricochet wounds, exhibit (7) pertains.

7. On 22Dec07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) USMC, who was assigned as a turret gunner in the MRAP vehicle where V/AL ALWANI was shot. (b)(6),(b)(7)(C) stated during the

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ACLU-RDI 5776 p.11

F 100

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SUBJ: V/AL ALWANI, THAI MID KHALAF HASSAN/CIV  
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convoy from COP Manion to the Camp Fallujah RDF, he heard a shot go off from inside the passenger area, immediately followed by a series of five shots. (b)(6),(b)(7)(C) stated he then heard (b)(6),(b)(7)(C) yell, "Clear, clear, clear." (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) asked everyone in the MRAP if they were "alright" and the corpsman was called from another vehicle in the convoy. (b)(6),(b)(7)(C) stated he never looked inside the passenger area as his responsibility was to watch for security risks outside of the vehicle from his turret position, exhibit (8) pertains.

8. On 22Dec07, an interview was conducted with (b)(6),(b)(7)(C), USMC, who was assigned as the driver for the MRAP vehicle where V/AL ALWANI was shot. (b)(6),(b)(7)(C) stated he was with (b)(6),(b)(7)(C) and (b)(6),(b)(7)(C) at COP Manion when (b)(6),(b)(7)(C) told V/AL ALWANI, "We're taking you, you're going to Camp Fallujah, don't talk unless you have health problems or something is bothering you, and don't move around." (b)(6),(b)(7)(C) stated V/AL ALWANI was placed into the MRAP and seated in the very back seat of the passenger area on the driver's side, with (b)(6),(b)(7)(C) sitting directly across and facing V/AL ALWANI on the passenger's side. (b)(6) could not see in the passenger area of the MRAP where V/AL ALWANI was seated with (b)(6),(b)(7)(C) stated they proceeded from COP Manion to travel to the Camp Fallujah RDF. (b)(6) stated he remembered one instance where (b)(6),(b)(7)(C) yelled to (b)(6),(b)(7)(C) that the detainee (V/AL ALWANI) kept leaning forward and was sitting towards the edge of the seat. (b)(6),(b)(7)(C) stated he remembered (b)(6),(b)(7)(C) telling V/AL ALWANI on approximately five occasions to, "Quit leaning forward and sit back." (b)(6),(b)(7)(C) stated during their transit from COP Manion to the Camp Fallujah RDF, he heard one clear gunshot which sounded like an M-4. (b)(6),(b)(7)(C) stated immediately following the gunshot, he heard several more gunshots, but could not recognize what type of weapon was fired or if it was coming from the interior or exterior of the vehicle. (b)(6),(b)(7)(C) stated he thought the shooting was coming from the turret gunner. (b)(6),(b)(7)(C) stated he then heard (b)(6),(b)(7)(C) yell, "Clear" three times (b)(6),(b)(7)(C) recalled (b)(6),(b)(7)(C) calling everyone by name and asking if they were "OK." (b)(6),(b)(7)(C) stated he stopped the MRAP for approximately five minutes for the corpsman to attend to the detainee (V/AL ALWANI). (b)(6),(b)(7)(C) stated the corpsman came into the MRAP and they resumed their patrol to Camp Fallujah, Iraq, exhibit (9) pertains. (b)(6) provided photographs that (b)(6),(b)(7)(C) took after the convoy arrived at the Camp Fallujah, Iraq ITC, exhibit (10) pertains.

9. On 22Dec07, an interview was conducted with (b)(6),(b)(7)(C), (b)(6),(b)(7)(C) USMC, who was assigned as the vehicle (b)(6),(b)(7)(C) for the MRAP where V/AL ALWANI was shot. (b)(6),(b)(7)(C) provided V/AL ALWANI was taken into custody by the Iraqi Army (IA) on 21Dec07 on suspicion of murder/intimidation, improvised explosive device (IED) placement, and possession of a weapons cache. V/AL ALWANI was to be turned over to MTT for transport to the Camp Fallujah, Iraq RDF. On 21Dec07, (b)(6),(b)(7)(C) stated he questioned V/AL ALWANI to obtain biographical data on V/AL ALWANI for the transport on 22Dec07. (b)(6),(b)(7)(C) related V/AL ALWANI appeared scared and nervous. (b)(6),(b)(7)(C) stated on 22Dec07, when V/AL ALWANI was turned over to the MTT by the IA for the transport, V/AL ALWANI answered questions with "more confidence." (b)(6),(b)(7)(C) related he was sitting in the front passenger seat of the MRAP and could not see the rear passenger area of the MRAP. (b)(6),(b)(7)(C) stated

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SUBJ: V/AL ALWANI, THAI MID KHALAF HASSAN/CIV  
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while the convoy was in transit from COP Manion. (b)(6),(b)(7)(C) yelled to (b)(6),(b)(7)(C) that V/AL ALWANI kept leaning forwards. (b)(6),(b)(7)(C) stated V/AL ALWANI's hands were bound with flex cuffs in front of his body and a seat belt (lap belt portion) was around V/AL ALWANI's waist. (b)(6),(b)(7)(C) stated while the convoy was turning along Alternate Supply Route (ASR) Chicago to ASR Michigan, he heard what he thought was a pen flare being deployed. (b)(7)(C) stated immediately following the noise, he heard a rapid succession of what he believed to be a five round burst from a M240G machine gun, until he noticed dust and smoke coming from inside the MRAP. (b)(6),(b)(7)(C) stated he turned to the rear passenger compartment of the MRAP and noticed (b)(6),(b)(7)(C) (the interpreter) had moved from rear passenger area to the middle of the driver and passenger's seat of the MRAP. He then heard (b)(6),(b)(7)(C) say "I shot him". (b)(6),(b)(7)(C) related the convoy was stopped and he dismounted and went to the rear hatch of the MRAP. (b)(6),(b)(7)(C) stated he opened the rear hatch and saw (b)(6),(b)(7)(C) checking V/AL ALWANI for vital signs. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) then said "He went for my gun and I shot him," exhibit (11) pertains.

10. On 22Dec07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) USN, who was assigned as the convoy corpsman during V/AL ALWANI's transport. (b)(6),(b)(7)(C) stated he was riding in the third vehicle when the convoy was stopped, and he was called to the lead vehicle (MRAP). (b)(6),(b)(7)(C) stated when he arrived at the lead vehicle, he noticed V/AL ALWANI lying on his side. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) told him that the detainee was dead. (b)(6),(b)(7)(C) stated he checked V/AL ALWANI for a pulse with negative results. (b)(6),(b)(7)(C) stated V/AL ALWANI showed no vital signs. (b)(6),(b)(7)(C) stated he recalled V/AL ALWANI (b)(7)(E) and flex cuffed, but could not recall if V/AL ALWANI was still in his seat belt, exhibit (12) pertains.

11. On 22Dec07, an interview was conducted with (b)(6),(b)(7)(C) (b)(6),(b)(7)(C) USMC, who was assigned as the (b)(6),(b)(7)(C) for the convoy that was transporting V/AL ALWANI to the Camp Fallujah RDF from COP Manion. (b)(6),(b)(7)(C) stated V/AL ALWANI was detained by the IA on 21Dec07 on suspicions of being an IED cell leader north of Karmah, Iraq. (b)(6),(b)(7)(C) stated the lead vehicle (MRAP) was being used to transport V/AL ALWANI to the Camp Fallujah, Iraq RDF on 22Dec07. (b)(6),(b)(7)(C) stated while the convoy was in transit, the lead vehicle commander (MRAP), (b)(6),(b)(7)(C) called the convoy to a halt due to a possible Escalation of Force (EOF). (b)(6),(b)(7)(C) stated he walked up to the lead vehicle and met (b)(6),(b)(7)(C) who related to him that the detainee (V/AL ALWANI) was shot. (b)(6),(b)(7)(C) stated he and (b)(6),(b)(7)(C) went to the rear of the MRAP and looked into the opened rear doors to find (b)(6),(b)(7)(C) (V/AL ALWANI'S guard) checking V/AL ALWANI for a pulse. (b)(6),(b)(7)(C) stated someone called for the corpsman, who arrived shortly and entered the vehicle with V/AL ALWANI. (b)(6),(b)(7)(C) stated (b)(6),(b)(7)(C) told him V/AL ALWANI went for his weapon and he (b)(6),(b)(7)(C) shot him. (b)(6),(b)(7)(C) stated V/AL ALWANI was kept in his seat until the convoy's arrival at Camp Fallujah, exhibit (13) pertains.

12. On 22Dec07, (b)(6),(b)(7)(C) USMC, was interrogated and provided that he was in charge of guarding the detainee (V/AL ALWANI) during the transit from COP Manion to Camp Fallujah, Iraq RDF on 22Dec07. (b)(6),(b)(7)(C) reported prior to the transport, (b)(6),(b)(7)(C) told V/AL ALWANI

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that he was being taken to Camp Fallujah and for him to calm down and not to do anything stupid. (b)(6), related V/AL ALWANI was acting "weird" prior to the transport. (b)(6), (b)(7)(C) stated V/AL ALWANI was positioned in the very rear passenger seat of the MRAP on the driver's side, with a seat belt (no harness straps). (b)(6), (b)(7)(C) stated V/AL ALWANI's hands were tied with flexi cuffs positioned in front on his lap. (b)(6), (b)(7)(C) stated he sat directly across (facing) V/AL ALWANI.

(b)(6), (b)(7)(C) stated his knees were on the outside of V/AL ALWANI's knees with his M-4 positioned barrel down between his legs and his left hand on the butt stock of his M-4 to hold it in place. (b)(6), (b)(7)(C) related that V/AL ALWANI'S hands were close enough to touch his (b)(6), (b)(7)(C) rifle. (b)(7)(C) stated during the transport, V/AL ALWANI leaned over three times and he told him to sit up straight utilizing his interpreter. (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated the convoy proceeded and he was "dazing off and not paying attention". (b)(6), (b)(7)(C) said he then heard a clicking sound, looked down towards the noise, and noticed his rifle was "canted", with the barrel pointing underneath my seat between my legs. (b)(6), (b)(7)(C) reported his M-4 rifle discharged with V/AL ALWANI's right hand positioned on the pistol grip of the M-4. (b)(6), (b)(7)(C) stated he immediately pushed the rifle down with his left hand, stood to a crouching position, un-holstered his M11 pistol and fired what he thought was three rounds at V/AL ALWANI. (b)(6), (b)(7)(C) stated he called the area clear (meaning firing ceased), and reported to the personnel on board what occurred. (b)(6), (b)(7)(C) related he reloaded and holstered his weapon and asked everyone on board if they were wounded from ricochets. (b)(6), (b)(7)(C) stated he then checked V/AL ALWANI for a pulse, which (b)(6), (b)(7)(C) indicated there was no pulse. (b)(6), (b)(7)(C) stated he secured his M-4, which was still resting between V/AL ALWANI's legs. (b)(6), (b)(7)(C) stated upon their arrival at Camp Fallujah, he realized V/AL ALWANI was not in his seat belt. (b)(6), (b)(7)(C) reported V/AL ALWANI was trying to kill him and he feared for his life and he was defending himself, exhibit (14) pertains.

13. On 28Dec07, parts of the MRAP vehicle, number 633019, were collected as evidence, to include the rear driver's side window with two projectiles lodged in the window, V/AL ALWANI's seat, a section of the floorboard with a bullet hole underneath where (b)(6), (b)(7)(C) was seated, and projectiles which were discovered underneath the middle floor panel. These parts could not be obtained on 22Dec07 due to command needing the vehicle for operational commitments, exhibit (15) pertains.

14. On 04Jan08, items of evidence to include (b)(6), (b)(7)(C) M-4 Rifle, (b)(6), (b)(7)(C) M9 9mm handgun, projectiles and shell casings were submitted to USACIL for latent print analysis, ballistics matching and weapon functionality testing via registered mail numbers RE 178 540 332 US and RE 178 540 346 US. Shipment of items of evidence seized from V/AL ALWANI's autopsy at the Armed Forces Institute of Pathology (AFIP) by NCIS Washington DC Field Office under Evidence Log Number 337-07 will be sent separately to USACIL. Items of evidence will include major case prints of V/AL ALWANI and projectiles taken from V/AL ALWANI's head and on his clothing.

15. (b)(6), (b)(7)(C), Staff Judge Advocate (SJA), RCT-6, was briefed on the investigation to date.

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16. Investigation is pending analysis from USACIL, autopsy results from AFIP, and the re-interview of the Iraqi interpreter (b)(6),(b)(7)(C) to obtain additional details. This investigation will also be re-assigned to SA (b)(6),(b)(7)(C) due to RA's re-deployment.

**PARTICIPANT(S)**

(b)(6),(b)(7)(C) Special Agent, NCISRA Iraq, Camp Fallujah  
(b)(6),(b)(7)(C) Special Agent, NCISRA Iraq, Camp Fallujah  
Special Agent, SCIO, J2X, II MEF (FWD)

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LAST

(b)(6),  
(b)(7)  
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## U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25DEC07

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

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

## DEATH SCENE EXAMINATION

1. On 22Dec07, at approximately 1400, a death scene examination was conducted at the Iraqi Training Center (ITC), Camp Fallujah, Iraq, inside a Mine Resistant Ambush Protected (MRAP) vehicle, USMC 633019, Vin #4VZKR2MN07C059785. The death scene was conducted as a result of the death of V/AL ALWANI which occurred while he was being transported to Camp Fallujah. The temperature was 51 degrees Fahrenheit and the skies were clear and sunny.

2. The MRAP vehicle exterior dimensions taken were a height of 8'6", length of 22'11.5", and a width of 9'2". The MRAP was facing the west in a parking lot/staging area at the ITC, Camp Fallujah, Iraq. The MRAP rear doors were open, which consisted of two hatches that open outward from the MRAP, with a two step stairwell leading into the interior passenger compartment. The remains of V/AL ALWANI were located outside the MRAP rear doors, lying on the ground on top of a black body bag. Initial observations of V/AL ALWANI's could not determine wounds. V/AL ALWANI was bound in the front by white plastic flexi-cuffs. V/AL ALWANI had a red and white turban, which was wrapped around his head and face, just below the nose so that his face was covered. V/AL ALWANI's feet were not bound. He was wearing a grey in color coat over a tan in color robe and grey pants with brown open toed sandals.

3. Upon initial observation of the death scene, and from preliminary interviews gleaned from witnesses, it was revealed the death scene, which was in the passenger compartment of the MRAP, was disturbed before the arrival of NCISRA Iraq, Camp Fallujah personnel. Seating arrangement of the personnel aboard the vehicle was obtained from the vehicle commander, (b)(6),(b)(7)(C) USMC, enclosure (A) pertains.

4. The passenger compartment measurements of the MRAP vehicle was approximately 12' in length from the cab (cab indicates where the driver of the MRAP and vehicle commander are seated) area to the rear exit doors and a 5'7" wide interior from bulkhead to bulkhead. From floor to ceiling was 4'6". The seats were spaced apart from edge to edge at 1'4". The floor in the passenger compartment was metal with ridged grooves. The passenger compartment had six seats, three on either side facing each other, bolted to the floorboard and walls of the MRAP. There were three portals on either side of the passenger compartment, each consisting of an interior and exterior pane of ballistic glass. The portals were elevated above the top of the seats. A small bench was located past the six facing seats (closer to the cab area) centered and bolted in the middle of the floor. The bench is utilized as a stand for the turret gunner position. Above

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ACLU-RDI 57768-16

F 105

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the bench is a circular hatch, which had straps hanging down. Behind the driver's seat (cab area) was communication equipment. Behind the passenger's seat (cab area) was a storage locker area.

5. Upon entry, there were three rifles positioned against the driver's side passenger compartment rear corner. The three rifles were two (2) AK-47s and one (1) Enfield bolt action rifle. An M-4 service rifle was lying on the deck partway underneath the rear seat in the passenger compartment (driver's side), barrel facing the front of the vehicle. The M-4 serial number was W249925. A cardboard box was on the deck up against the corner in the rear corner of the passenger compartment (passenger's side). A white plastic bag of clothing was in front of the turret gunner's bench on the deck, between the two seats facing each other closest to the cab (front of passenger compartment). A digitally camouflaged helmet and medical bag were on the seat closest to the driver's seat in the passenger compartment.

6. The rear seat in the passenger compartment on the passenger's side revealed a bullet hole in the metal floor panel underneath the seat carriage with was 1" in diameter. The hole was angled towards the right wall underneath the seat. On the deck from the seat (with the bullet hole underneath the carriage) was a small projectile. On the deck close to the seat (with the bullet hole underneath the carriage) was a 5.56 brass shell casing. Two 9mm brass shell casing were found on the deck close to the third seat (going toward the cab on the passenger's side) in the passenger compartment. One 9mm brass shell casing was discovered underneath the turret gunner's bench. One 9mm brass shell casing was discovered lying on a green laundry bag on the other side of the turret gunner's bench closer to the cab. One 9mm brass shell casing was discovered on the deck past the turret gunner's bench closer to the cab.

7. On the driver's side of the passenger compartment, the seat that had an M-4 service rifle underneath was discovered to have two small puncture holes in it (rear seat, driver's side). The back of the seat indicated exit holes. The seat had stains on the seat and backrest. Above the seat was a portal with two projectiles stuck in the interior ballistic glass; one projectile was centered on the top of the ballistic glass portal 3'10" from the floor and one projectile was centered on the right of the ballistic glass portal 3'7" from the floor. The projectiles were angled slightly in a rightward (facing the glass). Facing the glass, the right corner panel had been grazed before the projectile impacted, which also reveals a slight rightwards angle. On the right side of the portal was an apparent scuff with biological material surrounding it. The scuff was approximately one and a half inches long, horizontal, with the center approximately 3'8" from the floor.

8. The middle passenger seat on the driver's side in the passenger compartment revealed a large pool of blood on the bottom portion of the seat.

9. On the deck in the rear corner of the passenger compartment (driver's side), where the three rifles and M-4 service rifle were

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