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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

15AUG05

CONTROL: 26JUN05-MEBJ-0378-7HMA

V/DOE, JOHN (NMN)/UNK
 M/W/ZZZZ/N///UNK
 SUPP: SYRIAN NATIONAL

RESULTS OF INTERVIEW OF (B)(6)(7C)

1. On 13Aug05, Reporting Agent identified himself as a Special Agent of the U.S. Naval Criminal Investigative Service, and interviewed (B)(6)(7C) was advised he was being interviewed regarding his knowledge relative to the death of a Syrian male (V/DOE, John (NMN)) in July 2005. As background, (B)(6)(7C) is a Department of Defense contracted linguist who was assigned to the 3rd Battalion, 25th Marines and was present at V/DOE's death. (B)(6)(7C) provided the following information:

2. (B)(6)(7C) was attached to a squad of Marines supported by a HUMMV at a checkpoint with Iraqi National Guard (ING) soldiers also manning the checkpoint. The HUMMV had a gun mounted on the top of the vehicle. The Marines and ING manning the checkpoint were inspecting vehicles when (B)(6)(7C) noticed one vehicle containing three male passengers, other than the driver, who appeared by their clothing to be from outside Iraq. (B)(6)(7C) instructed the vehicle driver to stop and further instructed the vehicle's occupants to show their identification. As (B)(6)(7C) spoke to the occupants he noticed their accents were either Syrian or Jordanian. (B)(6)(7C) instructed the occupants to get out of the vehicle and sit on the ground away from the vehicle. The occupants consisted of the driver who acted as a taxi driver, and three passengers. It was later learned the driver had only 20,000 dinars (approximately 15.00 USD) and that he had driven the three passengers from the Syrian border. It was also learned that the driver was an Iraqi national. (B)(6)(7C) instructed the passenger who appeared to be the youngest to come to him. The person was V/DOE. (B)(6)(7C) asked V/DOE where he was from to which V/DOE first replied that he was from Iraq. (B)(6)(7C) confronted V/DOE about his accent being other than Iraqi. V/DOE admitted he was from Syria. (B)(6)(7C) told the ING to take V/DOE to where the other Syrians were sitting. As V/DOE started walking as directed, he suddenly tried to escape by running away. The ING and Marines called to V/DOE to stop in Arabic four or five times, but V/DOE continued running. The Marine and the ING opened fired and V/DOE fell to the ground.

3. (B)(6)(7C) and an ING sergeant named, (B)(6)(7C) (last name unknown to (B)(6)(7C)) went to see V/DOE's condition. V/DOE was still alive, but it appeared to (B)(6)(7C) V/DOE was not going to live much longer because one of the bullet wounds appeared to be "in the heart." (B)(6)(7C) could hear V/DOE voicing pain from the wounds. (B)(6)(7C) asked if they should get the Marines to ask what they should do with V/DOE. (B)(6)(7C) replied, "No, I want to kill him now!" or words very similar. (B)(6)(7C) told (B)(6)(7C) he was concerned they would get in

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EXHIBIT 17

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SUBJ: V/DOE, JOHN (NMN)/UNK
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

trouble, but (B)(6)(7C) replied he did not care. (B)(6)(7C) fired three rounds from his AK-47 rifle into V/DOE who then died. From the time (B)(6)(7C) and (B)(6)(7C) arrived at V/DOE's body to the time they left him dead was about thirty seconds.

4. When (B)(6)(7C) and (B)(6)(7C) returned to where the Marines and ING soldiers were still watching the other two Syrians and the Iraqi driver, the Marine squad leader, (B)(6)(7C) (NFI), was upset with (B)(6)(7C) shooting V/DOE. (B)(6)(7C) asked (B)(6)(7C) why he shot V/DOE to which (B)(6)(7C) replied, "I shoot every fucking Syrian because they are going to blow themselves up." (B)(6)(7C) wanted to kill the other Syrians, but (B)(6)(7C) would not permit it and told (B)(6)(7C) to relax. (B)(6)(7C) called an officer via radio and was told to take the other Syrians and the driver to camp. The ING took the two Syrians and the Iraqi to the HUMMV. When the ING soldiers got the detainees into the HUMMV they started beating them to the bodies with their AK-47 rifle butts. The blows were never to their faces. (B)(6)(7C) stood next to the HUMMV while the beatings took place. The Marine who was manning the crew served weapon on top of the HUMMV managed to stop the ING from further beating the detainees. The Marines then drove the detainees to base where they were turned over to intelligence personnel.

5. (B)(6)(7C) said none of the Marines hit or mistreated the detainees. Neither did any Marine give instructions to mistreat a detainee or give instructions directly or by implication to mistreat or wrongfully kill a detainee.

BIOGRAPHICAL DATA

EMPLOYMENT: CATAGORY 1, LINGUIST - TITAN CORP

CITIZENSHIP: IRAQ

DOB: (B)(6)(7C)

POB: (B)(6)(7C)

RESIDENCE: ADDRESS: (B)(6)(7C)

OTHER: TELEPHONE: IRAQNA (B)(6)(7C)

(B)(6)(7C)

REPORTED BY: SPECIAL AGENT

OFFICE: MNF-I INTERNATIONAL ZONE, BAGHDAD, IRAQ

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(B)(6)(7C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

25AUG05

DEATH (II)

CONTROL: 26JUN05-MEBJ-0378-7HMA

V/DOE, JOHN (NMN)/UNK
M/W/ZZZZ/N///UNK
SUPP: SYRIAN NATIONAL

COMMAND/II MEF, IRAQ/20361

MADE AT/0023/NCISHQ WASHINGTON DC (B)(6)(7C) SPECIAL AGENT

REFERENCES

(A) MEBJ ROI (ACTION)/07JUL05
(B) 0023 ROI (ACTION)/01AUG05

NARRATIVE

1. In accordance with lead tasking set forth in reference (A), and subsequent to the submission of reference (B), lead tasking continues to remain outstanding pending receipt of the final autopsy report.

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INFO: DCWA/MEBJ

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(B)(6)
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PREVIEW OF 52073404KQ C IN:SSD #17094 OUT:TEMPLATE 2

//23B/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

27JUL05

DEATH (II)

CONTROL: 26JUN05-MEBJ-0378-7HMA

V/DOE, JOHN (NMN)/UNK

M/W/ZZZZ/N///UNK

SUPP: SYRIAN NATIONAL

COMMAND/II MEF, IRAQ/20361

MADE AT/MEBJ/AL ASAD AIRBASE IZ (B)(6)(7C) SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Acquisition of Hand Written Statements from 3/25 Personnel/30Jun05...(Copy All)
- (2) IA: Acquisition of Ministry of Health Document/03Jul05...(Copy All)
- (3) IA: Death Scene Examination Report/07Jul05...(Copy All)
- (4) IA: Photographic Coverage of Death Scene Examination/07Jul05...(Copy All)
- (5) IA: Results of Retrieval of Body and Interview of Ambulance Driver/07Jul05...(Copy All)
- (6) IA: Photographic Coverage of Detainee by Mortuary Affairs/08Jul05...(Copy All)
- (7) IA: Acquisition of Mortuary Affairs Custody Documentation/09Jul05...(Copy All)
- (8) Translated Sworn Statement of (B)(6)(7C) 05Jul05...(Copy All)
- (9) Translated Sworn Statement of (B)(6)(7C) 14Jul05...(Copy All)
- (10) Translated Sworn Statement of (B)(6)(7C) 14Jul05...(Copy All)
- (11) Translated Sworn Statement of (B)(6)(7C) 14Jul05...(Copy All)
- (12) Translated Sworn Statement of (B)(6)(7C) 4Jul05...(Copy All)
- (13) Translated Sworn Statement of (B)(6)(7C) 3Jul05...(Copy All)
- (14) IA: Receipt of Preliminary Autopsy Report from AFIP/17Jul05...(Copy All)
- (15) TA: Acquisition of Titan Document/24Jul05...(Copy All)

EXECUTIVE SUMMARY

1. Investigation initiated on 26Jun05, pursuant to notification from (B)(6)(7C) USMC JAGC, Senior SJA, II Marine Expeditionary Force (MEF), Camp Fallujah, Iraq (IZ), regarding the death of an unidentified Syrian detainee, while attempting to flee from U.S. Marines and Iraqi Armed Forces in the vicinity of Al Haqlaniyah, IZ. Members of 3rd Battalion 25th Marine Regiment (3/25) and 2-4-1 Iraqi Armed Forces (IAF) operating from Camp Haditha, IZ, were manning a Stationary Vehicle Check Point 15km south of Haditha Dam on Main Supply Route (MSR) Bronze, when a red Opal carrying four (4) Military Aged Males (MAM) was stopped and searched. The MAMs were discovered with false Iraqi identification and were later determined to be

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SUBJ: V/DOE, JOHN (NMN)/UNK

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Syrian Foreign Fighters entering the country for Jihad. At one point during questioning, one of the detainees attempted to flee the scene and was commanded to halt by both 3/25 and IAF members, however he continued his escape. To prevent the imminent escape of this detainee, who had fled to a distance no longer safe to chase, he was engaged with deadly force. The deceased's remains were recovered from a local Hospital and transported to the Armed Forces Institute of Pathology (AFIP), located at Dover Air Force Base, DE, for post mortem examination. Members of 3/25 involved in the shooting were interviewed, however under advise of legal counsel, invoked their rights to silence. Due to the lack of proper identification, the deceased Syrian detainee is hereby referred to as V/DOE.

NARRATIVE

1. This investigation was initiated pursuant to SECNAVINST 5520.3B. There are no specific statutes or UCMJ articles that pertain.

2. On 28Jun05, Reporting Agent (RA) contacted (B)(6)(7C) (B)(6)(7C) USMC, Executive Officer for 3rd Battalion, 25th Marine Regiment (3/25), Regimental Combat Team - 2 (RCT-2), forward deployed to Camp Haditha, Iraq, regarding interviewing the four Marines involved in the shooting death of V/DOE. (B)(6)(7C) provided statements that were written by these individuals immediately after returning to camp from the incident scene. RA then attempted to individually interview the four Marines; however, on the advice of legal counsel, invoked their rights to silence, and requested their written statements stand in place of oral testimony. Exhibit (1) provides the pertinent details of those statements.

3. On 28Jun05, RA received documentation from the Iraqi Ministry of Health, regarding the post mortem examination of V/DOE; Exhibit (2) pertains. (B)(6)(7C) Iraqi Coronary Doctor for Haditha Hospital performed the autopsy on V/DOE and detected one entry wound to the back and one in the left shoulder and one exit wound in the left chest. The document provided by (B)(6)(7C) was written in Arabic; therefore (B)(6)(7C) (infra) provided a sworn translation.

4. On 29Jun05, RA traveled via armored patrol to the death scene and performed the death scene examination (DSE), including death scene sketch and measurements, Exhibit (3) pertains.

5. On 29Jun05, as part of the DSE, photographic documentation of the scene was performed; Exhibit (4) pertains.

6. On 28Jun05, Participant (B)(6)(7C) (infra) negotiated the retrieval of V/DOE's remains from Haditha Hospital and had them transported to the Mortuary Affairs Detachment aboard Al Asad, for future transport to AFIP; Exhibit (5) pertains. Participant (B)(6)(7C) additionally interviewed the Ambulance Driver, (B)(6)(7C) who recovered V/DOE from the incident scene on 26Jun05, and transported him to Haditha Hospital. Once V/DOE arrived at the Al Asad Mortuary Affairs Detachment, photographic coverage of V/DOE was taken as part of the in-processing procedures. Those photos were provided to NCIS;

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SUBJ: V/DOE, JOHN (NMN)/UNK

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

Exhibit (6) pertains.

7. On 07Jul05, RA met with (B)(6)(7C) USMC, Al Asad Mortuary Affairs, regarding the transportation of V/DOE to AFIP. Helo Squadron HMM-264 was tasked to transport V/DOE from Al Asad to the Transportation Mortuary Evacuation Point (TMEP) at Baghdad International Airport (BIAP), and documentation was provided to maintain the chain of custody throughout transport; Exhibit (7) pertains.

8. On 05Jul05, RA interviewed (B)(6)(7C) the Iraqi Cab driver who was also stopped and detained at VCP-9. (B)(6)(7C) was determined to be transporting three Syrians from Anah to Baghdad, Iraq. (B)(6)(7C) provided a sworn statement regarding his recollection of the events surrounding the death of V/DOE. Exhibit (8) is (B)(6)(7C) statement in Arabic, accompanied by the sworn translation provided by (B)(6)(7C) (infra). (B)(6)(7C) essentially indicated that V/DOE attempted to escape because the IAF were beating them. While escaping, he heard the IAF yelling for him to stop; however, when he did not, they shot him. He also indicated an American Soldier fired from his Humvee, and the American's treatment of them was much better than the IAF.

9. On 07Jul05, RA interviewed (B)(6)(7C) 2-4-1 IAF, regarding his recollection of the events. Exhibit (9) is (B)(6)(7C) statement in Arabic, accompanied by the sworn translation by (B)(6)(7C) (B)(6)(7C) stated the interpreter embedded at the VCP, beat one of the detainee's, and he soon admitted he was Syrian. At that point, he was taken over to the Marines, where he soon escaped, and was ultimately killed.

10. On 07Jul05, RA interviewed (B)(6)(7C) 2-4-1 IAF, regarding the death of the Syrian detainee; Exhibit (10) is (B)(6)(7C) statement in Arabic, accompanied by the sworn translation by (B)(6)(7C) (B)(6)(7C) indicated when the initial shots were fired, the Syrian kept running, and it was not until the Marine aboard the Humvee fired, that V/DOE died.

11. On 07Jul05, RA interviewed (B)(6)(7C) 2-4-1 IAF, regarding the death of V/DOE. Exhibit (11) is (B)(6)(7C) statement in Arabic, accompanied by (B)(6)(7C) sworn translation. (B)(6)(7C) stated all members of IAF and 3/25 fired at V/DOE. After he was dead, the Humvee took the others to the Marines Headquarters for further investigation.

12. On 13Jul05, Participant (B)(6)(7C) interviewed (B)(6)(7C) an admitted Syrian National in Iraq for Jihad, who was detained at VCP-9 on 26Jun05. (B)(6)(7C) provided a written statement regarding his recollection of the events, which is accompanied by (B)(6)(7C) translation; Exhibit (12) pertains. (B)(6)(7C) stated the IAF forces beat them upon determining their identification papers were phony. He identified V/DOE as Abu BASHIR and indicated when he ran away, one of the Marines began saying something in English, but he could not understand it. Then two of the IAF shot at BASHIR, whom he also

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SUBJ: V/DOE, JOHN (NMN)/UNK
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

indicated is from Ar Rutbah, Iraq near Camp Korean Village. Later, while (B)(6)(7C) was providing his sworn translation, he indicated Abu BASHIR simply means father of Good News, and is not a real name but a warrior-type nickname, similar to Devil Dog for the Marines.

13. On 13Jul05, RA interviewed (B)(6)(7C), the other Syrian detainee at VCP-9. (B)(6)(7C) provided an oral statement regarding the events surrounding V/DOE's death, and Arabic Linguist (B)(6)(7C) (infra) wrote the statement in English as (B)(6)(7C) was speaking; Exhibit (13) pertains. (B)(6)(7C) stated he entered Iraq from the Syrian town of Boukamal, where he also met Abu BASHIR and (B)(6)(7C) the warrior name for (B)(6)(7C) (supra). (B)(6)(7C) stated after the Americans interrogated them through an interpreter, and determined their ID's were false, they made them get on the ground, where the IAF beat and kicked them. Abu BASHIR was beaten so bad he ran away, and shortly thereafter, (B)(6)(7C) stated he heard gunshots. He then heard the IAF saying Abu BASHIR was dead. (B)(6)(7C) remembered hearing the Americans yelling STOP, STOP, in English.

14. On 15Jul05, RA received the Preliminary Autopsy Report from AFIP; Exhibit (14) pertains. (B)(6)(7C) MC USN, and (B)(6)(7C) MC USN, performed the autopsy and determined the cause and manner of death as multiple gunshot wounds and homicide, respectively. They discovered two entry gunshot wounds to the back, one exiting the left side of the chest, and the other exiting above the left clavicle. No bullets, fragments, soot or stippling was present.

15. On 24Jul05, RA contacted (B)(6)(7C) Al Asad Site Manager for Titan Corp, regarding the location of (B)(6)(7C) the linguist assigned to 3/25 at the time of V/DOE's death. Titan Corp manages all Linguists in Al Asad's Area of Operations, and (B)(6)(7C) had been previously requested to locate (B)(6)(7C) so he could provide a statement of the events. (B)(6)(7C) provided documentation detailing a 15Jul05 IED attack, which resulted in injuries to (B)(6)(7C) requiring his medical evacuation. Exhibit (15) pertains. (B)(6)(7C) further elaborated that (B)(6)(7C) was currently in Baghdad undergoing rehab with his family.

16. This investigation is still pending the interview of (B)(6)(7C) and receipt of the Final Autopsy/Toxicology Reports.

PARTICIPANTS

(B)(6)(7C) NCIS Special Agent, Al Asad Airbase, IZ
 (B)(6)(7C) CALNET Category II Arabic Linguist, Al Asad, IA
 (B)(6)(7C) CALNET Category II Arabic Linguist, Al Asad, IA
 (B)(6)(7C) CALNET Category II Arabic Linguist, Al Asad, IA

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Page 4 LAST (B)(6)(7C) V2 LNY

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PREVIEW OF 52091442NB IN:SSD #17094 OUT:TEMPLATE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

30JUN05

CONTROL: 26JUN05-MEBJ-0378-7HMA

I/II MEF, IRAQ/DEATH OF AN UNIDENTIFIED DETAINEE ESCAPEE

ACQUISITION OF HAND WRITTEN STATEMENTS FROM 3/25 PERSONNEL

1. On 28Jun05, Reporting Agent contacted (B)(6)(7C) USMC, Executive Officer for 3rd Battalion, 25th Marine Regiment (3/25), Regimental Combat Team - 2 (RCT-2), forward deployed to Camp Haditha, Iraq, regarding interviewing the four Marines involved in the shooting death of V/DOE. (B)(6)(7C) provided statements that were written by these individuals immediately after returning to camp from the incident scene. RA then attempted to individually interview the four Marines, however on the advice of legal counsel, invoked their rights to silence, and requested their written statements stand in place of oral testimony.

2. (B)(6)(7C) USMC, Weapons Company (WPNS), 3/25, provided his written statement, a rough sketch of the death scene and his initialed rights advisement form; Enclosure (A) pertains. In his statement, (B)(6)(7C) indicated his four-man unit was advising Iraqi Army Forces (IAF) on vehicle checkpoint tactics, and positioned his four-man unit 100-150 meters off the roadway to observe. IAF stopped a maroon Opal carrying four Military-aged Arab Males (MAM) and conducted a search of the vehicle and its occupants. False identification and Syrian accents provided a reason for detention, and during questioning, one admitted to being Syrian. As he was physically detained, he broke free and ran back toward the roadway. IAF and the Marines all yelled, "Stop or I will shoot", to no avail, so IAF initially engaged unsuccessfully, and (B)(6)(7C) gave the order for the Marines to engage and he fell just past the vehicle.

3. (B)(6)(7C) USMC, WPNS 3/25, provided his written statement and his initialed rights advisement form; Enclosure (B) pertains. (B)(6)(7C) stated after the Opal was pulled over and the MAMs were determined to be Syrians, (B)(6)(7C) (infra) was interviewing one through an interpreter, and this MAM got away from him running towards Main Supply Route Dronze. Verbal commands were given for the MAM to stop, however he ran past the other 3 detainees, and IAF opened fire, but missed. (B)(6)(7C) fired two rounds, then (B)(6)(7C) stated he fired from his turret position with the 240 Gulf, a 7.62mm automatic rifle, and the MAM fell down and died.

4. (B)(6)(7C) USMC, WPNS 3/25, provided his written statement and his initialed rights advisement form; Enclosure (C) pertains. (B)(6)(7C) stated they were providing over watch at vehicle checkpoint 9 for IAF and the interpreter, (B)(6)(7C) when a car was stopped with four (4) MAMs who displayed numerous discrepancies. During further question, one of the MAMs indicated he was Syrian, so (B)(6)(7C) forcefully grabbed this detainee to escort him to get the restraints, and this detainee began wiggling to get free and escaped

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EXHIBIT (b) 44

26JUN05-MEBJ-0378-7HMA

**SUBJ: I/II MEF, IRAQ//DEATH OF AN UNIDENTIFIED DETAINEE ESCAPEE
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

his grasp. He was given verbal commands to stop or we will shoot by both Marines and IAF, however when he continued running, they were cleared by their vehicle commander to engage. (B)(6)(7C) stated he shot 2 rounds from his M-16 and (B)(6)(7C) shot about 10 rounds from the 240G.

5. (B)(6)(7C) USMC, WPNS 3/25, provided his written statement and his initialed rights advisement form; Enclosure (D) pertains. (B)(6)(7C) stated the vehicle was driving erratically when it approached and was stopped and searched by IAF. The interpreter called us over to help with questioning of the MAM occupants, and after about 10 minutes, one of them admitted he was Syrian. (B)(6)(7C) forcefully escorted him off to the side; however he broke free of (B)(6)(7C) grasp and bolted for the road. (B)(6)(7C) and (B)(6)(7C) yelled, "AGOFF" a few times and the IAF yelled something in Arabic, but after he ran past his friends and the vehicle, all three IAF opened fire. (B)(6)(7C) then gave the order to fire, and (B)(6)(7C) shot with his M-16 and (B)(6)(7C) fired with the vehicle mounted 240G.

ENCLOSURE(S)

- (A) Statement, Rights Advisement and Sketch from (B)(6)(7C) 26JUN05
- (B) Statement and Rights Advisement from (B)(6)(7C) 26JUN05
- (C) Statement and Rights Advisement from (B)(6)(7C) 26JUN05
- (D) Statement and Rights Advisement from (B)(6)(7C) 26JUN05

REPORTED BY: (B)(6)(7C) SPECIAL AGENT
OFFICE: NCISRU AL ASAD AIRBASE, IRAQ

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(B)(6)(7C)

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: Hizlma Dam Camp Haditha Iraq
 Date: 28 Jun 05

I, (B)(6)(7C), have been
 advised by (B)(6)(7C) that I am
 suspected of causing the death of a detainee (B)(6)(7C)

I have also been advised that:

- (B)(6)(7C) I have the right to remain silent and make no statement at all; (B)(6)(7C)
 Any statement I make can be used against me in a trial by court-martial or other judicial or
 administrative proceeding; (B)(6)(7C)
- (B)(6)(7C) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a
 civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my
 counsel at no cost to me, or both; (B)(6)(7C)
- (B)(6)(7C) I have the right to have my retained lawyer and/or appointed military lawyer present during
 this interview; and (B)(6)(7C)
- (B)(6)(7C) I may terminate this interview at any time, for any reason. (B)(6)(7C)

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

Signature: _____

Date & Time: _____

Witnessed: _____

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

NCIS 5580/20 (1/2001)

(Formerly NISFORM 001/04-81)

