

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ONLY)

05JUN03

SPECIAL INQUIRY (II)

CONTROL: 31MAR03-MEBJ-0087-7XMA/C

V/EL GASHAME, HEMDAN HABY HESHFAN/CIV (DEC)

M/W/XXIZ/N//05JUN74/IRAQ

SUPP: ADDRESS: NASIRIYAH, IRAQ

COMMAND/IMEF/11931

MADE AT/MEBJ/MANAMA, BAHRAIN/[REDACTED] SPECIAL AGENT

CASE SUMMARY

1. Investigation was initiated on 31Mar03, subsequent to notification from [REDACTED] USMC, 2nd Marine Expedition Brigade (2ndMEB) Provost Sergeant, who reported that on 29Mar03, V/EL GASHAME, (initially identified as Hamdan SHIBEY), was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (2ndRCT), 2ndMEB. [REDACTED] stated V/EL GASHAME, a suspected Fedayeen member, had been captured on 28Mar03 and was being detained within the 2ndRCT Enemy Prisoner of War (EPW) Collection Point near Nasiriyah, Iraq. Additionally, [REDACTED] reported V/EL GASHAME had allegedly attempted to attack [REDACTED] an EPW guard. A death scene examination did not produce any items of evidentiary value. Witnesses were interviewed and provided sworn statements of the event. Photographs of V/EL GASHAME were provided depicting V/EL GASHAME after he had been declared deceased. V/EL GASHAME's death certificate was also received. [REDACTED] 2ndMEB, indicated that he did not foresee any disciplinary action being taken against [REDACTED]. This investigation is closed.

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DETAILS

2. On 31Mar03, [REDACTED] USMC, 2ndMEB Provost Sergeant, reported that on 29Mar03, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2ndRCT, 2ndMEB. [REDACTED] stated V/EL GASHAME, a suspected Fedayeen member, had been captured on 28Mar03 and was being detained within the 2ndRCT EPW Camp near Nasiriyah, Iraq. Additionally, [REDACTED] reported V/EL GASHAME had allegedly attempted to attack [REDACTED] an EPW guard, who subsequently shot and killed V/EL GASHAME. Exhibit (1) pertains.

3. On 31Mar03, an examination was performed of the room, identified as being the location where V/EL GASHAME was shot. The room is located within the 2ndRCT EPW Camp at grid coordinates 190294. There were no items of evidentiary value recovered during the examination. Exhibit (2) pertains.

4. On 31Mar03, [REDACTED] USMC, [REDACTED] of the 2ndRCT EPW Camp, was interviewed and related he believed [REDACTED] acted in self-defense. Exhibit (3) pertains.

5. On 31Mar03, [REDACTED] USMC was interviewed

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Page 1

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V/EL GASHAME, HEMDAN HABY HESHFAN/CIV (DEC)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

regarding his knowledge of V/EL GASHAME. [REDACTED] said that after interrogating V/EL GASHAME, it was his opinion that V/EL GASHAME was a member of the Fedayeen. [REDACTED] based his opinion on a tattoo discovered on V/EL GASHAME's arm, commonly known to be associated with Fedayeen members and V/EL GASHAME's story and clothing did not match that of a farmer, which he reported to be. Additionally, [REDACTED] provided three photographs taken of V/EL GASHAME after he had been declared deceased. Exhibits (4) and (5) pertain.

6. On 31Mar03, [REDACTED] USMC was interviewed regarding the death of V/EL GASHAME. [REDACTED] provided details of a 28Mar03 incident wherein an EPW attempted to take his [REDACTED] M-16 A2 rifle. The attempt was thwarted, but V/EL GASHAME witnessed the episode. On 29Mar03, V/EL GASHAME made an attempt for [REDACTED] weapon, resulting in the single gunshot killing V/EL GASHAME. Exhibit (6) pertains.

7. On 01Apr03, [REDACTED] USMC was interviewed regarding his observations of V/EL GASHAME on 29Mar03. [REDACTED] related he was the first person to arrive on scene after the shooting and believed V/EL GASHAME to be dead upon his arrival. Exhibit (7) pertains.

8. On 01Apr03, [REDACTED] USN, was interviewed regarding his observations of V/EL GASHAME on 29Mar03. [REDACTED] stated that on 29Mar03, he pronounced V/EL GASHAME dead. Exhibit (9) pertains.

10. On 01Apr03, [REDACTED] 2nd MEB, relinquished a copy of V/EL GASHAME's death certificate. Exhibit (10) pertains.

11. This investigation is closed.

12. Delay in reporting due to other operation commitments of Reporting Agent.

EXHIBITS

- (1) IA: Results of Interview with [REDACTED] 31Mar03... (Orig 0023B) 1)
- (2) IA: Death Scene Examination/31Mar03... (Orig 0023B) 2)
- (3) IA: Results of Interview with [REDACTED] 31Mar03... (Orig 0023B)
- (4) IA: Results of Interview with [REDACTED] 31Mar03... (Orig 0023B)
- (5) IA: Receipt of photographs/31Apr03... (Orig 0023B)
- (6) IA: Results of Interview with [REDACTED] 31Mar03... (Orig 0023B)
- (7) IA: Results of Interview with [REDACTED] 01Apr03... (Orig 0023B)
- (8) IA: Results of Interview with [REDACTED] 01Apr03... (Orig 0023B)
- (9) IA: Results of Interview with [REDACTED] 01Apr03... Orig 0023B)
- (10) IA: Receipt of Death Certificate/01Apr03... (Orig 0023B)

PARTICIPANTS

[REDACTED] Special Agent, NCISRA Camp Pendleton, CA
 [REDACTED] Special Agent, NCISRA Camp Pendleton, CA

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Page 2

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31MAR03-MEBJ-0087- 1/C

V/EL GASHAME, HEMDAN HABY HESHFAN/CIV (DEC)

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Page 3

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW WITH [REDACTED] /30MAR3

On 30 March 2003, [REDACTED] USMC, Provost Sergeant, 2nd Marine Expedition Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War (EPW) Collection Point near Nasiriyah, Iraq, when V/EL GASHAME had attempted to attack [REDACTED] an EPW guard, who subsequently shot and killed V/EL GASHAME.

[REDACTED] additionally reported that V/EL GASHAME had been captured by 2nd Light Armored Reconnaissance (2nd LAR) Battalion, 2nd MEB, on 28 March 2003, after being discovered outside of perimeter of 2nd LAR. V/EL GASHAME was initially identified as Shibey HAMDAN and assigned EPW number 0408400C.

[REDACTED] advised V/EL GASHAME was buried at grid coordinate 190294.

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. Marine Corps
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: N/A
OTHER: 2nd MEB, Provost Sergeant

Reported By: [REDACTED]
Office: NCISRA Camp Pendleton, CA

Exhibit (1)

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PAGE 1 OF XX

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/HAMDAN, SHIBEY/CIV
CCN: 31MAR03-MEBJ-0087-7HMA

INVESTIGATIVE ACTION: DEATH SCENE EXAMINATION

On 31MAR03, Reporting Agent and Participating Agent [REDACTED] conducted an examination of a room located in the Regimental Combat Team Collection Point located in the vicinity of An Nasiriyah, Iraq, grid coordinate 190294. The room was reported as the location wherein V/HAMDAN subsequent a single gunshot wound to the head region. V/HAMDAN was no longer present in the room and command personnel reported he had been buried in a nearby grave subsequent being pronounced deceased and prior to NCIS arrival on the scene.

The area is predominantly desert terrain but with some agricultural growth. The outside temperature is approximately 90 degrees Fahrenheit with minimal wind. It is sunny and the skies are clear.

The room is located in an abandoned structure formerly utilized as a school for Iraqi children. The facility holds on average 150 detainees with an estimated 400+ as the most at any one time. There are currently 115 EPW's on hand. There was an estimated less than 50 at the time of the incident. [REDACTED] USMC, [REDACTED] of the EPW compound, provided these figures. There is a street along the North and East side of the facility. It is enclosed within a concrete type wall that surrounds the entire facility and immediate surrounding grounds. There is a single E/E point on the East side of the wall. The E/E way is equipped with two steel type gates, which are currently in the open position. There is a concrete type walkway that starts at the gate and continues throughout the facility adjoining all rooms within. The facility is a single story structure composed primarily of concrete type material. It is equipped with a total of eighteen rooms of which eight are utilized to house detainees. Those eight rooms are numbered 0-7.

The death scene is contained within room three of the facility, which is located in the SE corner of the facility. The room walls are white in color and constructed of a concrete type material. There are multiple chips in the paint and wall material throughout the room. The flooring consists of 12"x12" tiles. There is a single E/E way on the West wall of the room that is equipped with a wooden type door. The door is recessed within a wooden type frame. The distance of the opening within the wall, which houses the door, is 3' 2 1/2". There is a blackboard on the south wall of the room. There are two single-pane window systems on the east wall of the room. Each system is equipped with dual opening windows on each side and a fixed pane in the center. There are steel type bars across the opening portions of the window spaced 15" apart. The opening portions are 2' 6" wide and 3' 10" high and each have a single fastening device affixed on the center of the frames. The center fixed pane measures 2' 7" wide and 3' 10" high. There are no bars on the center paned windows. The southern most window is missing the glass from the center portion and there is a picnic type table jammed within.

There is a patterned stain on the floor of the room. It is brownish in color and appears to be dried blood. It is in the area reported to be where V/HAMDAN was lying following the shooting. The stain is 8" long at it's longest point and 3" wide at it's widest point. The distance from the NW corner of the room to the northern most edge of the stain is 10' 7 1/2". The distance from the SW corner of the room to the western most edge of the stain is 15' 2 3/4". The distance from the north side of the doorway opening to the western most edge of the stain is 9' 3 1/4".

There were no items of evidentiary value seized during the examination.

The room appeared dusty but overall clean with the exception of the aforementioned items resulting from this incident.

Exhibit (2)

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Photographic coverage of the scene was conducted by PA [REDACTED] and will be reported on a separate document. RA sketched the scene and the sketches are appended as enclosures (1) through (3).

Medical examination of V/HAMDAN could not be conducted due to the absence of the deceased. Grid coordinates and photographic coverage of the location of the burial site were obtained and will be reported in a separate document.

ENCLOSURES

- (1) Crime Scene Sketch of RCT collection point compound/02APR03
- (2) Crime Scene Sketch of RCT collection point facility/02APR03
- (3) Crime Scene Sketch of Room #3/02APR03

PARTICIPANT

[REDACTED] Special Agent, NCISRA, Camp Pendleton, CA

Reported By: [REDACTED]

Office: NCISRA, Camp Pendleton, CA

b7c

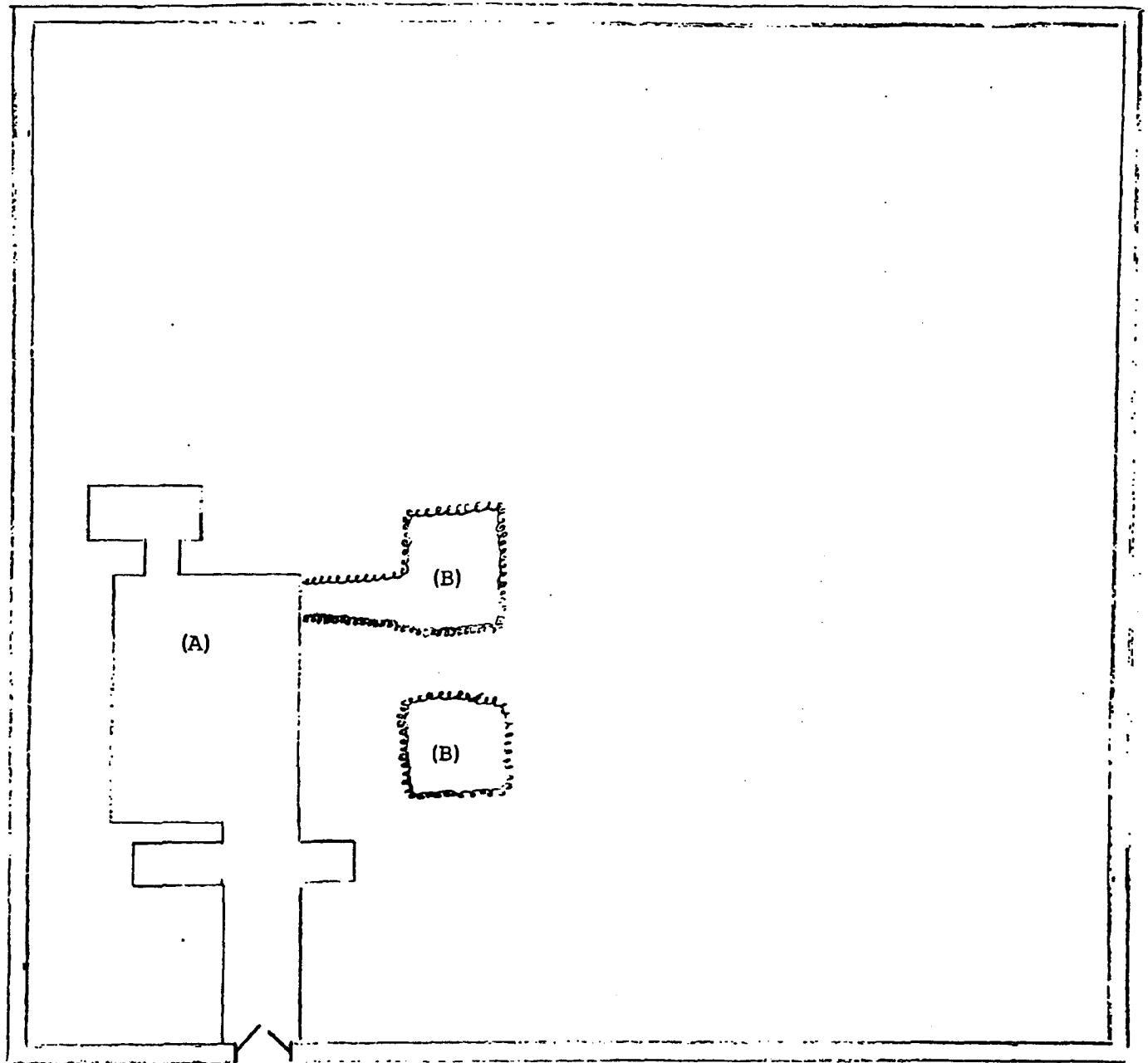
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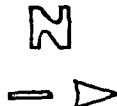
PAGE 2 OF XX

DODDON 000145

CRIME SCENE SKETCH OF RCT COLLECTION POINT COMPOUND



KEY
(A) RCT FACILITY
(B) OUTSIDE HOLDING AREAS



LEGEND
SKETCH DEPICTING: RCT COLLECTION COMPOUND,
VICINITY AN NASIRIYAH, IRAQ
SKETCHED BY: SA [REDACTED]
VERIFIED BY: SA [REDACTED]
TIMES/DATE: 1200/02APR03
V/HAMDAN, SHIBEY/CIV
CCN: 31MAR03-MEBJ-0087-7HMA

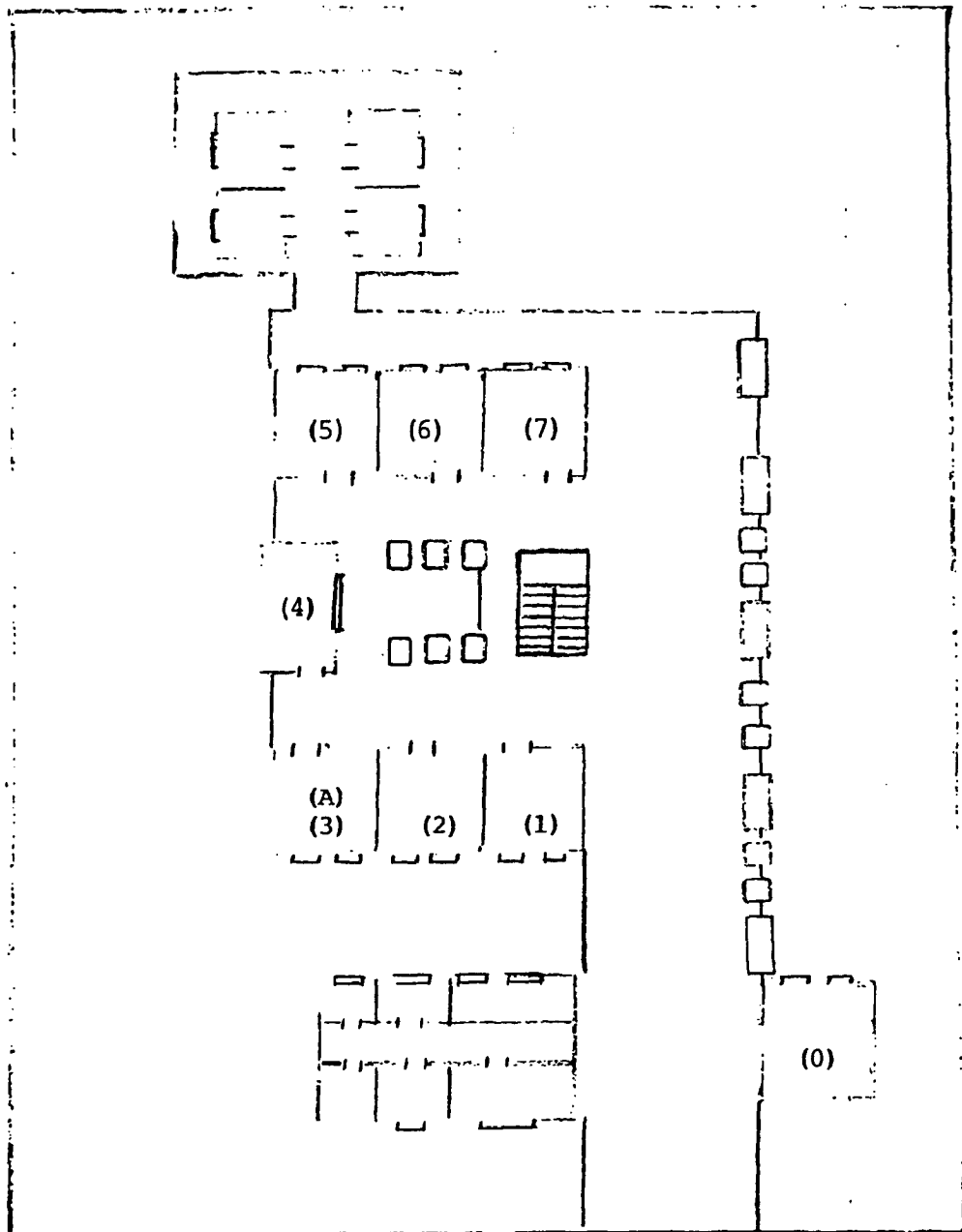
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NOT DRAWN TO SCALE

Enclosure (\)

DODDON 000146

CRIME SCENE SKETCH OF RCT COLLECTION POINT FACILITY



KEY
 (A) LOCATION OF DEATH SCENE
 (0) - (7) NUMBERS ASSIGNED TO ROOMS
 HOUSING EPW's

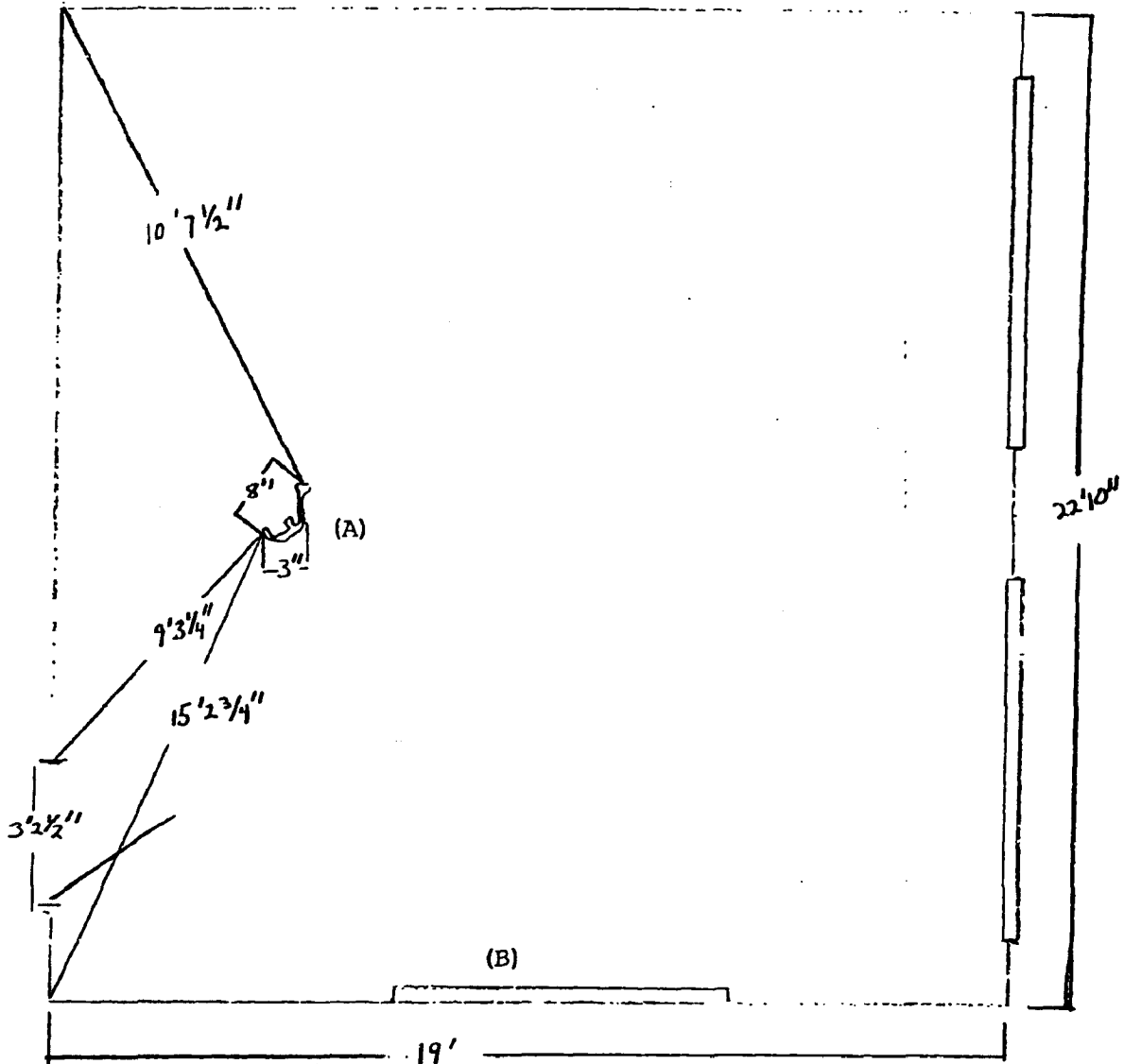


LEGEND
 SKETCH DEPICTIN: RCT COLLECTION FACILIT
 VICINITY AN NASIRIYAH, IRAQ
 SKETCHED BY: SA [REDACTED]
 VERIFIED BY: SA [REDACTED]
 TIME/DATE: 1300/02APR03
 V/HAMDAN, SHIBEY/CIV
 CCN: 31MAR03-MEJ-0087-7HMA

NOT DRAWN TO SCALE

Enclosure (2)

CRIME SCENE SKETCH OF ROOM #3



KEY
(A) APPARENT BLOOD STAIN
(B) BLACKBOARD



LEGEND
SKETCH DEPICTIN: ROOM #3, RCT COLLECTION
FACILITY, VICINITY AN NASIRIYAH, IRAQ
SKETCHED BY: SA [REDACTED]
VERIFIED BY: SA [REDACTED]
TIME/DATE: 1600 1400/02APR03
V/HAMDAN, SHIBEY/CIV
CCN: 31MAR03-MEBJ-0087-7HMA

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NOT DRAWN TO SCALE

Enclosure (3)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: ACQUISITION OF STATEMENT/31MAR03

On 31Mar03, Reporting Agent met with [REDACTED]
[REDACTED] USMC, [REDACTED] Task Force Tarawa, 2nd
Marine Expeditionary Brigade, at the Command Operation Center located
in the vicinity of An Nasiriyah, IRAQ, regarding the shooting death of
an enemy prisoner of war. b7C

[REDACTED] relinquished a handwritten statement that he had obtained
from [REDACTED] the [REDACTED] of the enemy prisoner
of war detention facility, enclosure (1) pertains. /

ENCLOSURE

(1) Statement of [REDACTED] 30Mar03.

Reported By: [REDACTED]
Office: NCISRA, CAMP PENDLETON, CA

Exhibit (3)

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PAGE 1 OF XX

30 MAR 03

[REDACTED]

IN THE EARLY MORNING HOURS OF 29 MARCH (DURING DARKNESS), WAS AWAKENED BY THE SOUND OF A GUNSHOT IN THE EPW COMPOUND. I HAD BEEN SLEEPING ON THE ROOF. I WENT DOWNSTAIRS TO INVESTIGATE AND LEARNED THAT ONE OF THE EPW'S TRIED TO TAKE A GUARD'S WEAPON. THE GUARD WAS [REDACTED]. AS [REDACTED] AND THE PRISONER STRUGGLED WITH THE WEAPON, A SECOND GUARD FIRED A SHOT INTO THE FLOOR. ONCE THE SHOT WAS FIRED, [REDACTED] GAINED SEPARATION FROM THE PRISONER AND THE PRISONER ACQUIESCED. WE PLACED THE PRISONER IN A ROOM BY HIMSELF. I REVIEWED THE GRAVITY OF OUR ENVIRONMENT WITH ALL OF THE GUARDS AND EMPHASISED THAT THEY HAD TO BE CONSTANTLY ALERT ESPECIALLY DURING TIMES OF DARKNESS.

b7C

THE NEXT MORNING, I WALKED BACK TO THE ALOC. I WASN'T THERE MORE THAN WHAT SEEMED LIKE A FEW MINUTES WHEN I WAS TOLD THAT THERE WAS A SHOOTING IN THE EPW COMPOUND. I RETURNED TO THE COMPOUND AND LEARNED THAT A SECOND PRISONER FROM THE SAME ROOM AS THE EVENT EARLIER IN THE MORNING, TRIED TO GET THE SAME GUARD. I SPOKE TO VARIOUS GUARDS AND EXAMINED THE ROOM WHERE THE SHOOTING OCCURRED AS WELL AS THE BODY. EVERYTHING I WAS TOLD AND SAW LEAD ME TO BELIEVE THAT [REDACTED] ACTED IN SELF DEFENSE AND CARRIED OUT MY ORDERS AS THE [REDACTED] OF THE EPW COMPOUND. JUDGING BY WHERE THE PRISONER WAS LYING ON THE FLOOR, I AM AS CERTAIN AS I CAN BE THAT HE WAS COMING AT THE GUARD WHEN THE SHOT WAS FIRED AND THAT THE GUARD ACTED IN SELF DEFENSE.

[REDACTED]

Enclosure (1)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW WITH [REDACTED] MAR03

On 30 March 2003, [REDACTED] USMC, Provost Sergeant, 2nd Marine Expedition Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War (EPW) Collection Point near Nasiriyah, Iraq, when V/EL GASHAME attempted to attack [REDACTED] an EPW guard, who subsequently shot and killed V/EL GASHAME. [REDACTED] additionally reported [REDACTED] assigned to 2nd Intelligence Battalion, 2nd MEB as a possible witness.

On 31 March 2003, [REDACTED] USMC, was interviewed regarding his knowledge of V/EL GASHAME. [REDACTED] stated that on 28Mar03, V/EL GASHAME was turned over to the 2nd RCT EPW Collection Point near Nasiriyah, Iraq. He further stated that he had been advised by members of 2nd LAR that V/EL GASHAME had been captured outside the perimeter of 2nd LAR and was suspected to be a member of the Fedayeen, a known group of radical fighters dedicated to killing Americans.

[REDACTED] said that after interrogating V/EL GASHAME it was his opinion that V/EL GASHAME was a member of the Fedayeen based on a tattoo of a circle F, discovered on V/ELGASHAME arm, commonly known to be associated with Fedayeen members and V/EL GASHAME story and clothing not match that of a farmer, which he reported to be.

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. Marine Corps
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: N/A
OTHER: 2nd Intelligence Battalion, 2nd MEB

Reported By: [REDACTED]
Office: NCISRA Camp Pendleton, CA

Exhibit (4)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEJB-0087-7XMA

INVESTIGATIVE ACTION: RECEIPT OF PHOTOGRAPHS

On 30 March 2003, [REDACTED] USMC, Provost Sergeant, 2nd Marine Expedition Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War (EPW) Collection Point near Nasiriyah, Iraq, when V/EL GASHAME had attempted to attack [REDACTED] an EPW guard, who subsequently shot and killed V/EL GASHAME. [REDACTED] additionally reported [REDACTED] assigned to 2nd Intelligence Battalion, 2nd MEB as a possible witness.

On 31 March 2003, [REDACTED] USMC, provided Report Agent with three photographs taken on 29 March 2003, of V/EL GASHAME after he had been declared deceased. Enclosures (1) through (3) pertain.

ENCLOSURES

- (1) Close-up of wound to V/EL GASHAME's face
- (2) Photograph of V/EL GASHAME taken from entry-way of room #3
- (3) Photograph of V/EL GASHAME taken from within room #3

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. Marine Corps
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: N/A
OTHER: 2nd Intelligence Battalion, 2nd MEB

Reported By: [REDACTED]
Office: MCISRA Camp Pendleton, CA

Exhibit (5)

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PAGE 1 OF XX

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Page(s) 14-16
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Comments: Photographs

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TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA/C

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]

On 31MAR03, Reporting Agent and PA [REDACTED] conducted a preliminary interview of [REDACTED] 2nd Regiment Combat Team, 2nd MEB. The interview was conducted subsequent identification as Naval Criminal Investigative Special Agents. [REDACTED] was questioned in regard to the incidents of 29MAR03 wherein [REDACTED] shot and killed an EPW he was tasked to guard.

[REDACTED] provided background of a 28MAR03 incident wherein he was responsible for guarding the EPW's in room three of the containment facility. He related he had been accosted by an EPW who attempted to gain control of his rifle by grabbing the barrel of the weapon. According to [REDACTED] he struggled with the EPW and yelled for assistance as he did so. He related another guard came to the room and subsequently fired a single round into the floor of the room. [REDACTED] related the EPW released the barrel of his weapon and he [REDACTED] was able to gain control of the weapon. Allegedly V/EL GASHAME was present during this incident and observed the event.

[REDACTED] related that on 29MAR03, as he guarded the EPW's in room #3 he was asked to briefly assume watch of the EPW's in room #4 which was located across the hall from room #3. He related that V/EL GASHAME was at the window of room #3 and he gestured to him to move away from the window. As V/EL GASHAME began to move, he [REDACTED] briefly turned his attention to check on the EPW's in room #4. When he stepped back toward room #3 and as he entered the room he saw V/EL GASHAME coming toward him with his hands extended. According to [REDACTED] V/EL GASHAME was upright and not in a lunging position. [REDACTED] related he quickly raised his weapon and fired a single round at V/EL GASHAME who quickly fell to the ground. He related the room #2 guard and the SSgt on duty soon arrived at the room and began tending to V/EL GAHSAME who was discovered to be deceased. b71

RA asked [REDACTED] if he knew where the single round had struck V/EL GASHAME and he answered that he was struck in the chin. He related he didn't know if or where the round exited the body. He reiterated that he fired his weapon as he was raising it to his shoulder and he motioned the movement as he commented.

PARTICIPANT

Special Agent [REDACTED] NCISRA, Camp Pendleton, CA

Reported By: Special Agent [REDACTED]
Office: NCISRA, Camp Pendleton, CA

Exhibit (6)

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PAGE 1 OF XX

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW WITH [REDACTED] 01APR03

On 30 March 2003, [REDACTED] USMC, Provost Sergeant 2nd Marine Expeditionary Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regimental Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War Collection Point when V/EL GASHAME had attempted to attack [REDACTED] an EPW guard, who subsequently shot V/EL GASHAME. [REDACTED] additionally reported [REDACTED] also assigned to 2nd RCT Enemy Prisoner of War Collection Point, as a possible witness.

Subsequently, On 01 April 2003, [REDACTED] USMC, was interviewed regarding his observations of V/EL GASHAME on 29 March 2003. [REDACTED] reported that sometime during the early morning, maybe around 0800, hours of 29 March 2003, he was walking from the back of the school, be utilized as the 2nd RCT Enemy Prisoner of War Collection Point, to the front when he heard what sounded like a weapon being discharged. As he walked towards the front of the school he observed [REDACTED] flagging him down and calling out "SSgt". [REDACTED] looked at him with a sense of urgency. [REDACTED] then ran to room #3, where [REDACTED] was standing just outside the doorway. [REDACTED] said he looked into the room and observed an EPW male lying on the floor, not far from the room #3 doorway. He said that the EPW's feet were about a foot from the threshold of the room #3 door. [REDACTED] asked [REDACTED] what happened and [REDACTED] began stuttering. [REDACTED] then went into the room and checked the EPW for signs of an injury. He said he could not find an injury and asked [REDACTED] again what had happened. [REDACTED] said that he had to tell the EPW two times to stay away from him and the door of the room and to sit down then after checking on room #4 he looked back into room #3 and the EPW was coming at him with his hands in the air as if to grab his weapon. [REDACTED] said he then shot the EPW. [REDACTED] said he then went back to the EPW and checked again for signs of an injury. [REDACTED] said that he moved the EPW's headress a little and observed a small hole on the EPW's right side of the chin. [REDACTED] said he did not see any blood. He then moved the EPW's head back to clear his airway and observed the EPW's eyes drift left. SSgt then ran to the front of the school and notified [REDACTED] of the event. [REDACTED] ran towards the room while [REDACTED] telephoned [REDACTED], at medical, and advised him that an EPW was down and needed a Corpsmen. [REDACTED] said he then went back to room #3 and told [REDACTED] that [REDACTED] was the Marine who shot V/EL GASHAME. [REDACTED] said that shortly after photographs were taken of V/EL GASHAME in an effort to preserve the scene.

[REDACTED] said that after about 10 minutes of learning [REDACTED] had shot V/EL GASHAME, [REDACTED] the EPW Collection Point Commanding Officer, arrived at the EPW Camp with a U.S. Navy Medical Officer and pronounced V/EL GASHAME deceased. V/EL GASHAME's body was then removed by medical staff.

[REDACTED] advised that he had never seen or heard of [REDACTED] being aggressive towards EPWs.

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. Marine Corps
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: N/A
OTHER: DUSTA: 2nd Regimental Combat Team, 2nd Marine Expeditionary Brigade

Reported By: [REDACTED]
Office: NCISRA Camp Pendleton, CA

Exhibit (7)

WARNING

PAGE 1 OF XX

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DODDON 000155

18

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW WITH [REDACTED] 01APR03

On 30 March 2003, [REDACTED] USMC, Provost Sergeant, 2nd Marine Expeditionary Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War (EPW) Collection Point near Nasiriyah, Iraq, when V/EL GASHAME attempted to attack [REDACTED] an EPW guard, who subsequently shot and killed V/EL GASHAME. [REDACTED] additionally reported [REDACTED] assigned to 2nd RCT, 2nd MEB as a possible witness.

On 1 April 2003, [REDACTED] USMC, was interviewed regarding his knowledge of V/EL GASHAME. [REDACTED] stated he reported to guard room #2 at the 2nd RCT Collection Point at 0800, 29Mar03. [REDACTED] stated that [REDACTED] was assigned to guard Room #3. Room #2 is approximately 30 feet from Room #3 of the 2nd RCT Collection Point. [REDACTED] further stated that after about an hour on duty he observed [REDACTED] relieve [REDACTED] who was guarding Room #4. Believes [REDACTED] was relieved so that he could assist in the processing of new EPWs. He states that [REDACTED] was assigned to additionally guard Room #4 while [REDACTED] was away. [REDACTED] said that after about ten minutes later he heard [REDACTED] tell the EPWs in Room #3 to be quite and sit down. He then observed [REDACTED] walk over to Room #4, approximately 4 feet away, and tell the EPWs within the room to be quite. He observed [REDACTED] then return to Room #3. Seconds later he heard what sounded like a weapon being discharged. He then turned and observed [REDACTED] standing just outside Room #3. [REDACTED] weapon, an M-16A2, butt stock was positioned at his shoulder and he was aiming at something in the room. He heard [REDACTED] then state "He came at me." [REDACTED] then began calling for [REDACTED]. After about his third call [REDACTED] observed [REDACTED] walking in the direction of [REDACTED]. [REDACTED] observed [REDACTED] look into Room #3 then take [REDACTED] weapon from him. He then relieved [REDACTED] from his post and told him to go get some air. [REDACTED] stated he never left his post, Room #2, during the incident. [REDACTED] said that soon after the shooting [REDACTED] and a Lieutenant arrived. [REDACTED] said the remaining EPWs were transferred to another holding room, he believes there were about six other EPWs. [REDACTED] said about twenty minutes later he observed [REDACTED] and another Corpsman arrive at the Collection Point. [REDACTED] stated that soon after their arrival he finished his tour of duty and left the area.

[REDACTED] advised Reporting Agent that he never heard or observed [REDACTED] being aggressive towards any of the EPWs.

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. Marine Corps
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: N/A
OTHER: Dusta: 2nd Regiment Combat Team, 2nd Marine Expeditionary Brigade

Reported By: [REDACTED]
Office: NCISRA Camp Pendleton, CA

Exhibit (8)

WARNING

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PAGE 1 OF XX

DODDON 000156

19

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW WITH [REDACTED] 01APR03

On 30 March 2003, [REDACTED] USMC, Provost Sergeant 2nd Marine Expedition Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War Collection Point, near Nasiriyah, Iraq, when he had attempted to attack [REDACTED] an EPW guard, who subsequently shot V/EL GASHAME. [REDACTED] additionally reported that [REDACTED] the Regimental Surgeon, had pronounced V/EL GASHAME dead on 29 March 2003.

Subsequently, On 01 April 2003, [REDACTED] JSN, was interviewed regarding his observations of V/EL GASHAME on 29 March 2003. [REDACTED] reported that around 0800, 29 March 2003, he was notified by an unidentified U.S. Marine, he believed to be a guard at the 2nd RCT Enemy Prisoner of War Collection Point, that [REDACTED] was needed at the 2nd RCT EPW Collection Point to pronounce an EPW dead. [REDACTED] related he arrived at the EPW Camp, which was approximately 200 yards, shortly later where he met with [REDACTED] the EPW Collection Point Commanding Officer. [REDACTED] said he had a brief discussion with [REDACTED] who advised him that V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War Collection Point and had attempted to attack [REDACTED] an EPW guard, who subsequently shot V/EL GASHAME. [REDACTED] was then escorted to a room in the EPW Collection Point where he observed V/EL GASHAME lying face up on the floor of a room. [REDACTED] stated he checked V/EL GASHAME for signs of life; however, could find none. [REDACTED] stated he could not find a pulse, no heart beat, and V/EL GASHAME pupils were non responsive. [REDACTED] stated he declared V/EL GASHAME dead at 0845, 29 March 2003. b7C

[REDACTED] advised he observed a small wound approx 4 mm at the right mental orifice, which appeared to be consistent with a single gun shot wound. [REDACTED] did not observe an exit wound or any other injury to V/EL GASHAME. [REDACTED] stated he did not disrobe V/EL GASHAME and conduct an examination due to him not being a forensic pathologist. [REDACTED] stated that around 0850, 29 March 2003, he called for an ambulance to have V/EL GASHAME body removed and buried.

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. NAVY

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: N/A

OTHER: Dusta: [REDACTED] 2nd Regiment Combat Team, 2nd Marine Expeditionary Brigade

Reported By: [REDACTED]

Office: NCISRA Camp Pendleton, CA

Exhibit (9)

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PAGE 1 OF XX

DODDON 000157

20

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/EL GASHAME, HEMDAN HABY HESHFAN/CIV
CCN: 31MAR03-MEBJ-0087-7XMA

INVESTIGATIVE ACTION: RECEIPT OF DEATH CERTIFICATE/01APR01

On 30 March 2003, [REDACTED] USMC, Provost Sergeant 2nd Marine Expedition Brigade, advised Reporting Agent that on 29 March 2003, V/EL GASHAME was shot and killed by [REDACTED] USMC, 2nd Regiment Combat Team (RCT), 2nd Marine Expeditionary Brigade. [REDACTED] stated V/EL GASHAME was being detained within the 2nd RCT Enemy Prisoner of War Camp when V/EL GASHAME had attempted to attack [REDACTED] an EPW guard, who subsequently shot V/EL GASHAME. [REDACTED] advised that a preliminary investigation had been conducted by [REDACTED] 2nd MEB SJA.

On 01 April 2003, [REDACTED] 2nd MEB [REDACTED] provided reporting agent with V/EL GASHAME's death certificate. The berth certificate reads Shibey HAMDAN, vice V/EL GASHAME. V/EL GASHAME was initially identified verbally as Shibey HAMDAN. Enclosure (1) pertains.

Enclosure

(1) V/EL GASHAME's Death Certificate/01Apr03

BIOGRAPHICAL DATA

EMPLOYMENT: U.S. Marine Corps

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: N/A

OTHER: DUSTA: 2nd MEB, [REDACTED]

Reported By: [REDACTED]

Office: NCISRA Camp Pendleton, CA

Exhibit (10)

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PAGE 1 OF XX

DODDON 000158

CERTIFICATE OF DEATH	INTERMENT SERIAL NUMBER
<small>For use of this form, see AR 1904; the proponent agency is DCSPER.</small>	0408400 C

FROM:

TO:

NAME (Last, first, MI) HAMDAN, SHIBEY		GRADE CIV	SERVICE NUMBER
NATIONALITY	POWER SERVED	PLACE OF CAPTURE/INTERMENT AND DATE An Nasiriyah 030328	
PLACE OF BIRTH			DATE OF BIRTH
NAME, ADDRESS, AND RELATIONSHIP OF NEXT OF KIN			FIRST NAME OF FATHER
PLACE OF DEATH Vic An Nasiriyah	DATE OF DEATH 030329 0545Z	CAUSE OF DEATH Undetermined	
PLACE OF BURIAL			DATE OF BURIAL 030329

IDENTIFICATION OF GRAVE

PERSONAL EFFECTS (To be filled in by Office of Deputy Chief of Staff for Personnel)

☐ RETAINED BY DETAINING POWER
 ☐ FORWARDED WITH DEATH CERTIFICATE TO (Specify)
 ☐ FORWARDED SEPARATELY TO (Specify)

BRIEF DETAILS OF DEATH/BURIAL BY PERSON WHO CARED FOR THE DECEASED DURING ILLNESS OR DURING LAST MOMENTS (Doctor, Nurse, Minister of Religion, Fellow Internee), or CREMATED, GIVE REASON. (If more space is required, continue on reverse side).

Prisoner had a round wound (2 1/2 in) at the right mastoid ending, which is consistent with a single GSW. No exit wound was seen at the back of the head. Prisoner's shirt had a large blood spot in his right upper/middle back. Prisoner's clothes were not removed. He was not further examined. At this time I could not determine a cause of death since I am not a licensed Pathologist.

DO NOT WRITE IN THIS SPACE
CERTIFIED A TRUE COPY

DATE

30 March 2007

SIGNATURE OF COMMANDING OFFICER

[Redacted Signature]

WITNESSES

SIGNATURE

ADDRESS

SIGNATURE

ADDRESS

LT/MC/USNR
2002618

MEDICAL OFFICER

DA FORM 2669-R May 82

EDITION OF 1 JUL 83 IS OBSOLETE.

Enclosure (1)

DODDON 000159

22