

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

22JUN06

DEATH (II)

CONTROL: 08MAY06-MEBJ-0357-7HMA

[REDACTED]

b7c

V/AWAD, HASHIM IBRAHIM/CIVILIAN  
M/W/FNIZ/N///ABU GHURAYB, IRAQ  
SUPP: HASHIM WAS 52 YEARS OLD

COMMAND/1ST MARINE DIVISION, CAMP PENDLETON, CA/11000

MADE AT/0023/NCISHQ WASHINGTON DC/[REDACTED] SPECIAL AGENT

## REFERENCE

(A) MEIZ ROI (INTERIM)/16JUN06

## EXHIBIT

(1) IA: Results of Autopsy/22JUN06...(Copy all)

1. In accordance with lead tasking set forth in reference (A), Reporting Agent attended the autopsy of V/AWAD. [REDACTED] USNR, Deputy Medical Examiner, Office of the Armed Forces Medical Examiner (OAFME) performed the autopsy at the Charles C. Carson Center for Mortuary Affairs, Dover Air Force Base, DE. [REDACTED], Forensic Anthropologist, Deputy Medical Examiner, OAFME, and [REDACTED] Deputy Medical Examiner, Office of the Chief Medical Examiner of the State of Maryland, assisted.

2. At the conclusion of the autopsy, [REDACTED] indicated V/AWAD's cause of death was multiple gunshot wounds, and his manner of death was homicide. Evidence collected during the autopsy was entered into the NCISFO Washington, DC evidence custody system under log #075-06.

3. Lead tasking is pending receipt of the final autopsy report. Estimated date of completion is 07JUL06.

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08MAY06-MEBJ-0357-7HM

SUBJ: [REDACTED]

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

INFO: MWPE/MEBJ

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

423690 04:59 20060626 IN:SSDEMAIL #46039 OUT:MEBJEXLIFE #16033

REPORT OF INVESTIGATION (INTERIM)

16JUN06

DEATH (II)

CONTROL: 08MAY06-MEBJ-0357-7HMA

[REDACTED]

V/AWAD, HASHIM IBRAHIM/CIV  
M/W/FNIZ/N///ABU GHURAYB, IRAQ  
SUPP: HASHIM WAS 52 YEARS OLD

COMMAND/1ST MARINE DIVISION, CAMP PENDLETON, CA/11000

MADE AT/MEIZ/CAMP FALLUJAH IZ/[REDACTED], SPECIAL AGENT

REFERENCE

(A) NCIS Middle East Field Office Case File: [REDACTED]

[REDACTED]/CCN: [REDACTED]

EXHIBITS

- (1) Memo from Regimental Judge Advocate/15Jun06...(Copy all)
- (2) U.S. Army Watch Log Results Page/26Apr06...(Copy all)
- (3) USMC SAF ATTK on AIFBY K/1-1MEF/26Apr06...(Copy all)
- (4) Statement by [REDACTED]/08May06...(Orig Command/Copy all)
- (5) Statement by [REDACTED] 8May06...(Orig Command/Copy all)
- (6) IA: Sketch provided by [REDACTED] 14May06...(Orig Command/Copy all)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

- (7) IA: Results of Interview of [REDACTED]/14May06... (Copy all)
- (8) IA: Photographs and Documents provided by [REDACTED], USMC/24May06... (Copy all)
- (9) IA: Documents provided by [REDACTED] 24May06... (Copy all)
- (10) IA: Seizure of Expended AK-47 Rounds by [REDACTED]/25May06... (Copy all)
- (11) IA: Observation of the Death Scene/24May06... (Copy all)
- (12) IA: Results of Interview of [REDACTED]/22May06... (Copy all)
- (13) IA: Results of Interview of [REDACTED]/21May06... (Copy all)
- (14) IA: Seizures of Items from V/AWAD's Family containing possible DNA and V/AWAD's Fingerprints/25May06... (Copy all)
- (15) IA: Results of Interview of [REDACTED]/24May06... (Copy all)
- (16) IA: Results of Interview of [REDACTED]/13May06... (Copy all)
- (17) IA: Results of Death Scene Search/14May06... (Copy all)
- (18) IA: Receipt of Ammo Count provided by Command/20May06... (Copy all)
- (19) IA: Results of Interview of [REDACTED]/21May06... (Copy all)
- (20) IA: Results of Interview of [REDACTED]/20May06... (Copy all)
- (21) IA: Results of Contact with [REDACTED], Iraqi Police/21May06... (Copy all)
- (22) IA: Seizure of [REDACTED]'s AK-47/25May06... (Copy all)
- (23) IA: Results of Interview of [REDACTED], Iraqi Police/21May06... (Copy all)
- (24) IA: Results of Interview of [REDACTED]/26May06... (Copy all)
- (25) IA: Results of Screening Interviews with 3rd Squad Kilo 3/5/13May06... (Copy all)
- (26) Statement by [REDACTED]/28May06... (Orig Command/Copy all)
- (27) Statement by [REDACTED]/28May06... (Orig Command/Copy all)
- (28) Statement by [REDACTED] 28May06... (Orig Command/Copy all)
- (29) IA: Results of Re-Interview of [REDACTED]/29May06... (Copy all)
- (30) IA: Results of Interview of [REDACTED]/30May06... (Copy all)

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

- (31) Statement by [REDACTED] 29May06... (Orig Command/Copy all)
- (32) Statement by [REDACTED] 29May06... (Copy all)
- (33) IA: Sketch provided by [REDACTED] 29May06... (Copy all)
- (34) IA: Results of Kilo Company 2nd Platoon Screening Interviews/10May06  
... (Copy all)
- (35) IA: Results of Kilo Company 2nd Platoon Screening Interviews/17May06  
... (Copy all)
- (36) IA: Results of 2nd Platoon Screening Interviews/30May06... (Copy all)
- (37) IA: Results of Screening Interviews of Kilo Company 2nd Platoon  
/30May06... (Copy all)
- (38) Statement by [REDACTED] 28May06... (Orig Command/Copy all)
- (39) Statement by [REDACTED] 29May06... (Orig Command/Copy all)
- (40) IA: Results of Interview with [REDACTED] 13May06... (Copy all)
- (41) Statement by [REDACTED] 31May06... (Orig Command/Copy all)
- (42) IA: Results of Interview with [REDACTED] 13May06... (Orig Command/Copy  
all)
- (43) Military Rights and Sworn Statement by [REDACTED] 11May06... (Orig  
Command/Copy all)
- (44) Military Rights and Sworn Statement by [REDACTED] 18May06... (Orig  
Command/Copy all)
- (45) Fingerprint Cards Belonging [REDACTED] 11May06... (MWPE only)
- (46) IA: Results of Interview of [REDACTED] 10Jun06... (Orig  
Command/Copy all)
- (47) Photograph of [REDACTED] 11May06... (Copy all)
- (48) Fingerprint Cards Belonging to [REDACTED] 11May06... (Orig MWPE  
only)
- (49) Military Rights and Sworn Statement by [REDACTED] 11May06... (Orig  
Command/Copy all)
- (50) IA: Sketch of Scene Drawn by [REDACTED] 12May06... (Orig Command/Copy  
all)
- (51) Photograph of [REDACTED] 11May06... (Copy all)
- (52) Fingerprints Cards belonging to [REDACTED] 11May06... (MWPE only)
- (53) Military Rights and Sworn Statement by [REDACTED] 18May06... (Orig  
Command/Copy all)
- (54) IA: Second Sketch provided by [REDACTED] 18May06... (Copy all)
- (55) Military Rights and Sworn Statement by [REDACTED] 11May06... (Orig  
Command/Copy all)

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

- (56) IA: Results of Interview of [REDACTED]/18May06...(Copy all)
- (57) Photograph of [REDACTED]...(Copy all)
- (58) Fingerprints Cards belonging to [REDACTED]...(Orig MWPE only)
- (59) Military Rights and Sworn Statement by [REDACTED]/18May06...(Orig Command/Copy all)
- (60) Military Rights and Sworn Statement by [REDACTED]/11May06...(Orig Command/Copy all)
- (61) Photograph of [REDACTED]/11May06...(Copy all)
- (62) Fingerprint Cards Belonging to [REDACTED]/11May06...(Orig MWPE only)
- (63) IA: Sketch provided by [REDACTED]/21May06...(Orig Command/Copy all)
- (64) Military Rights and Sworn Statement by [REDACTED]/18May06...(Orig Command/Copy all)
- (65) Statement and Military Rights by [REDACTED]/11May06...(Orig Command/Copy all)
- (66) Photograph of [REDACTED]/11May06...(Copy all)
- (67) Fingerprint Cards Belonging to [REDACTED]/11May06...(Orig MWPE only)
- (68) Military Rights and Sworn Statement by [REDACTED]/18May06...(Orig Command/Copy all)
- (69) IA: Results of Interview of [REDACTED]/10Jun06...(Orig Command/Copy all)
- (70) Photograph of [REDACTED]/11May06...(Copy all)
- (71) Fingerprint Cards Belonging to [REDACTED]/11May06...(Orig MWPE only)
- (72) IA: Receipt of [REDACTED] Handwritten Note/11May06...(Copy all)
- (73) Military Rights and Sworn Statement by [REDACTED]/16May06...(Orig Command/Copy all)
- (74) Photograph of [REDACTED]/16May06...(Copy all)
- (75) Fingerprint Cards Belonging to [REDACTED]/16May06...(Orig MWPE only)
- (76) Military Rights and Sworn Statement by [REDACTED]/19May06...(Orig Command/Copy all)
- (77) Military Rights and Sworn Statement by [REDACTED]/13May06... (Orig Command, Copy all)
- (78) IA: Results of Command Authorized Search of [REDACTED] Personal Effects/26May06...(Orig Command/Copy all)
- (79) IA: Seizure of [REDACTED] Notebook from [REDACTED] 25May06 ... (Orig Command/Copy all)
- (80) IA: Results of Permissive Search of [REDACTED] Living Quarters and

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

- Personal Belongings/23May06...(Orig Command/Copy all)
- (81) IA: Results of Command Authorization for Search and Seizure of [REDACTED]'s Personal Effects/16May06...(Orig Command/Copy all)
  - (82) IA: Results of Permissive Search of [REDACTED]'s Living Quarters and Personal Belongings/23May06...(Orig Command/Copy all)
  - (83) IA: Seizure of [REDACTED] Nikon 4600 Camera/25May06...(Copy all)
  - (84) IA: Results of Command Authorized Search of [REDACTED]'s Personal Effects/16May06...(Orig Command/Copy all)
  - (85) IA: Results of Permissive Search of [REDACTED] Personal Belongings and Living Quarters/23May06...(Orig Command/Copy all)
  - (86) IA: Results of Command Authorized Search for [REDACTED]'s Personal Effect/08JUN06...(Orig Command/Copy all)
  - (87) IA: Results of Permissive Search of [REDACTED]'s Personal Belongings and Living Quarters/23May06...(Orig Command/Copy all)
  - (88) IA: Command Authorized Search of [REDACTED]'s Personal Effects/31May06 ... (Orig Command/Copy all)
  - (89) IA: Seizure of Evidence from [REDACTED] 25May06...(Orig Command/Copy all)
  - (90) IA: Results of Command Authorized Search for [REDACTED]'s Personal Effect's/08Jun06...(Orig Command/Copy all)
  - (91) IA: Results of Permissive Search of [REDACTED]'s Personal Belongings and Living Quarters/23May06...(Orig Command/Copy all)
  - (92) IA: Results of Command Authorized Search of [REDACTED]' Personal Effects/31May06...(Orig Command/Copy all)
  - (93) IA: Results of [REDACTED] Permissive Authorization for Search and Seizure/21May06...(Orig Command/Copy all)
  - (94) IA: Results of Permissive Search of [REDACTED] Personal Effects/19May06...(Orig Command/Copy all)
  - (95) IA: Results of Command Authorized Search of [REDACTED] Personal Effects/27May06...(Orig Command/Copy all)
  - (96) IA: Permissive Search of [REDACTED] Personal Effects/23May06 ... (Orig Command/Copy all)
  - (97) Military Rights and Sworn Statement by [REDACTED]/19May06... (Orig Command/Copy all)
  - (98) IA: Additional Statement provided by [REDACTED]/21May06...(Orig Command/Copy all)
  - (99) IA: Sketch of Ambush Site Provided by [REDACTED]/11Jun06...(Orig
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1265

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

Command, Copy all)

- (100) IA: Results of interview of [REDACTED]  
20May06... (Orig Command, Copy all)
- (101) IA: Seizure of V/AWAD's AK-47 from his Residence/25May06... (Copy all)
- (102) IA: Results of Interview of [REDACTED]/24May06... (Copy all)
- (103) IA: Results of Interview of [REDACTED] 20May06  
... (Copy all)
- (104) IA: Seizure of Subject and Co-Subjects' assigned Military  
Weapons/25May06... (Copy all)
- (105) Receipt of Weather Info for Camp Fallujah Area on 25Apr06 and  
26Apr06/21May06... (Copy all)
- (106) IA: Interview of [REDACTED]/18May06... (Copy all)
- (107) IA: Request for Personal Email Information/18May06... (Orig  
Command/Copy all)
- (108) Military Rights and Sworn Statement by [REDACTED]/20May06  
... (Orig Command/Copy all)
- (109) Military Rights and Sworn Statement by [REDACTED]/12May06...  
(Orig Command/Copy all)
- (110) IA: Seizure of [REDACTED] Laptop Computer/25May06... (Orig  
Command/Copy all)
- (111) Statement provided by [REDACTED]/13May06... (Orig Command/Copy  
all)
- (112) IA: Photographic Coverage of Death Scene/22May06... (Copy all)
- (113) Statement by [REDACTED]/29May06... (Orig Command/Copy all)
- (114) IA: Results of Interview of [REDACTED] 30May06... (Copy  
all)
- (115) IA: Receipt of Central Criminal Court of Iraq Order/01Jun06... (Copy  
all)
- (116) IA: Department of State Coordination/01Jun06... (Copy all)
- (117) IA: Results of Interview of [REDACTED] 02Jun06... (Copy  
all)
- (118) IA: Results of Interview with [REDACTED] 09Jun06... (Copy all)
- (119) IA: Sketch and Photograph of [REDACTED] and [REDACTED] Residence/16Jun06  
... (Copy all)
- (120) IA: Results of Interview of [REDACTED]/01Jun06... (Copy  
all)

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18642

1266



# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

- (121) IA: Results of Contact with Abu Ghurayb Hospital/02Jun06...(Copy all)
- (122) IA: Inquiry into NIPR and SIPR Accounts/11JUN06...(Copy all)
- (123) IA: Results of Contact with [REDACTED] and [REDACTED] /07Jun06...(Copy all)
- (124) IA: Results of Exhumation of V/AWAD/07JUN06...(Copy all)
- (125) IA: Results of Criminal History Checks on Subject and Co-Subjects/12May06 ... (Copy all)
- (126) IA: Results of Interview with [REDACTED] /05Jun06...(Copy all)
- (127) IA: Results of Contact with [REDACTED] /09JUN06...(Copy all)
- (128) IA: Transfer of Evidence/14JUN06...(Copy All)
- (129) NCIS Forensic Laboratory Examination Request/09Jun06...(Copy all)
- (130) IA: Receipt of Information Regarding V/AWAD/10Jun06...(Copy all)

## EXECUTIVE SUMMARY

1. On 04May06, [REDACTED] SJA, Regimental Combat Team Five (RCT-5), Camp Fallujah, Iraq, requested investigative support regarding a 01May06, complaint to military authorities from a [REDACTED] of V/AWAD, who alleged that during the early morning hours of 26Apr06, U.S. Marines entered V/AWAD's home, forced him from the residence and subsequently shot and killed him. [REDACTED] further alleged when the body was turned over to Iraqi authorities it was accompanied by an AK-47 and a shovel. [REDACTED] claimed the weapon and shovel did not belong to V/AWAD, rather they belonged to a neighbor, who claimed U.S. Marines also came to his home in the early morning hours of 26Apr06 and took these items. [REDACTED] advised after action reporting on the incident by the Marines indicated on 25-26Apr06, 1st Squad, 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marines (KCo, 3/5), 1st Marine Division, comprised of [REDACTED] and Co-subjects, was assigned to [REDACTED] along a rural road known as Route Penguins located in Northern Hamdania, Khan Dhari, Iraq. The Squad reported at 0235, 26Apr06, a Military Age Male (MAM) was observed walking along RTE Penguins with a shovel and an AK-47, and upon engagement, the individual returned fire and was killed. A Quick Reaction Force (QRF) was dispatched to the scene

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1267

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

where the individual's body, a shovel, and an AK-47 were recovered and subsequently turned over to an Iraqi Police (IP) station.

2. On 08May06, a preliminary investigation conducted in the Hamdania area into the circumstances surrounding the death of V/AWAD included review of scene photographs taken immediately following the shooting, Command records pertaining to the incident and a visit to the death scene in the company of Command members, including [REDACTED] who identified the location of V/AWAD's body and that of the squad at the time of the shooting. [REDACTED] relinquished spent ammunition identified as having been recovered from the scene, along with one live 7.62mm round. During subsequent questioning regarding their roles in the incident, [REDACTED] and [REDACTED] confessed their squad had abducted and murdered V/AWAD, then staged the death scene in order to cover up the crime. Several squad members also admitted stealing the shovel and AK-47 stolen from a residence near V/AWAD's home earlier in the evening, placing these items at the scene and scattering 7.62mm spent shell casings around V/AWAD's body to make it appear as though V/AWAD had fired the weapon. [REDACTED] and [REDACTED] requested legal counsel when advised of their rights; however, [REDACTED] later waived his right to counsel and admitted culpability. According to the participants, the squad's intended target was initially a suspected insurgent; however, planning for the event included abducting a family member of the insurgent, or if unsuccessful in the endeavor, to kidnap and kill any Iraqi MAM from the area they could find.

3. Subsequent efforts to corroborate statements of [REDACTED] and [REDACTED] included interviews of additional command members and several Iraqi citizens identified as witnesses. An AK-47 purported to be the rifle stolen by the squad and staged next to V/AWAD's body was seized, as well as additional shell casings from the scene including both 5.56mm and 7.62mm. Command authorized and permissive searches resulted in the seizure of personal laptop computers, electronic media, recording devices, cameras, 35mm film rolls, and a video recorder. All weapons issued to Subject and Co-subjects were seized for appropriate laboratory examinations, along with the AK-47 allegedly staged at the scene and

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

another AK-47 reportedly belonging to V/AWAD. V/AWAD's family provided personal items belonging to V/AWAD for DNA examinations to assist in positively identifying V/AWAD. Following the receipt of a warrant from the Central Criminal Court of Iraq, authorizing the recovery of V/AWAD's remains, V/AWAD's body was exhumed and transported to Dover Air Force Base, Delaware for examination by forensic pathologists from the Office of the Armed Forces Medical Examiner. Results of the autopsy are pending. Following their interviews, [REDACTED] and [REDACTED] were returned the United States, along with their platoon commander and are currently at Camp Pendleton, CA, awaiting disciplinary action. Interviews of command personnel also resulted in initiation of Reference (A), in which [REDACTED] and other command members have been implicated in several assaults of Iraqi citizens.

## NARRATIVE

1. This investigation was investigated under the following UCMJ violations: Article 81 (Conspiracy), Article 118 (Murder), Article 128 (Assault) and Article 134 (Kidnapping).

2. On 04May06, [REDACTED], Staff Judge Advocate (SJA), Regimental Combat Team Five (RCT-5), contacted NCISRA Camp Fallujah, Iraq, concerning a complaint by [REDACTED] that [REDACTED] (V/AWAD), was taken from his home and killed by U.S. Marines near Hamdania, Iraq. [REDACTED] reported on 01May06, [REDACTED] Task Force (TF) Chromite, First Battalion, First Marines (1/1), received a complaint from [REDACTED] alleging on the morning of 26Apr06, between the hours of 0200 and 0300, several Marines had removed V/AWAD from his residence and killed him by shooting him in the head. [REDACTED] reported he saw the Marines come to V/AWAD's home and take him away. [REDACTED] told [REDACTED] the next morning, the Captain from the Iraqi Police (IP) station called and told him [REDACTED] (V/AWAD) was at the IP station dead and members of the U.S. Marine Corps had brought him in with a shovel and an AK-47. [REDACTED] advised his neighbor, [REDACTED] (later identified as [REDACTED]), told him on the same night V/AWAD was killed, Marines came to his home and took his shovel and AK-47 rifle. [REDACTED] stated V/AWAD owned only one AK-47 and the Marines did not take it.

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

[REDACTED] provided a summary and two significant event entries pertaining to the incident submitted by the U.S. Army and U.S. Marine Corps, Exhibits (1) through (3) pertain.

3. On 08May06, [REDACTED] Kilo Company, 3rd Battalion, 5th Marines (KCo, 3/5), Abu Ghurayb, Iraq, was asked to provide details regarding his knowledge of the events of 25-26Apr06. According to [REDACTED], at the time V/AWAD was killed, he was visiting a local source when he was given word about 1st Squad being involved in a firefight with V/AWAD. As background, at the time of the incident, Kilo Company was responsible for patrolling the Hamdania area, approximately 15 miles west of Baghdad. Exhibit (4) pertains. Arrangements were also made to interview members of 1st Squad, the unit involved in the shooting death of V/AWAD. [REDACTED] advised the majority of the squad was currently located at Patrol Base Bushido in Hamdania, Iraq, but [REDACTED], a corporal with 1st Squad, was in Baghdad away from the remainder of the squad.

4. On 08May06, [REDACTED] was contacted and interviewed at Abu Ghurayb upon his return from Baghdad. [REDACTED] advised during the evening of 25Apr06 and the early morning hours of 26Apr06, 1st Squad was on an [REDACTED] in Hamdania when they observed V/AWAD walking down RTE Penguins with a shovel. [REDACTED] reported V/AWAD began digging along the road at the site of a previous Improvised Explosive Device (IED) hole and his squad began shooting at V/AWAD after being authorized to do so. [REDACTED] advised once his squad started firing their weapons, V/AWAD returned fire with his AK-47 and was killed during the exchange of fire. During the interview, [REDACTED] provided a statement and sketch detailing 1st Squad's engagement with V/AWAD, Exhibits (5) and (6) pertain. **b2**

5. On 08May06, [REDACTED] KCo, 3/5, was contacted about obtaining Kilo Company's and 1stBn, 1stMar (1/1) TF's log book entries for 26Apr06. Both logbooks contained entries concerning the firefight between 1st Squad and V/AWAD. Copies of the entries are appended in Exhibit (7).

6. On 08May06, [REDACTED] 1/1, was briefed regarding details of the incident as provided by [REDACTED] During the

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18646

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

briefing, [REDACTED] provided photographs of V/AWAD and other documents V/AWAD's family had provided. Exhibit (8) pertains.

7. On 08May06, contact was made with [REDACTED], and [REDACTED] at Patrol Base Bushido in Hamdania, Iraq. [REDACTED] and [REDACTED] the [REDACTED] and [REDACTED] for 1st Squad respectively, were requested to accompany investigators to the scene where 1st Squad shot and killed V/AWAD. Prior to departing for the area, [REDACTED] advised he had photographs of the scene, a power point presentation regarding the events surrounding the shooting of V/AWAD, and [REDACTED] After Action Report pertaining to the event on his [REDACTED] personal computer. Exhibit (9) provides additional details.

8. While at the Patrol Base, [REDACTED] disclosed that after the firefight with V/AWAD, he collected eight brass casings V/AWAD allegedly fired. [REDACTED] also stated he rendered the AK-47 safe by ejecting one live round from the chamber. [REDACTED] relinquished the eight brass casings and the live round to investigators, and they were subsequently NCIS Middle East Field Office Evidence Custody system under log number 143-06. Exhibit (10) pertains.

9. On 08May06, investigators were escorted to the location where 1<sup>st</sup> Squad was involved in a firefight that resulted in V/AWAD's death. The grid coordinate for the location was identified as [REDACTED] [REDACTED] walked investigators through the reported events of the evening V/AWAD was killed. While observing the scene and standing near the IED hole near where V/AWAD was killed, [REDACTED] spontaneously offered that following the firefight and upon finding V/AWAD wounded, he conducted a [REDACTED] " Specifically, [REDACTED] [REDACTED] Enclosure (11) pertains. Investigators were then escorted to the vicinity of V/AWAD's residence, approximately a mile from the scene of the shooting.

10. On 08May06, [REDACTED] was interviewed. The interview was conducted in English, with the Arabic-English translation provided by [REDACTED] also known as [REDACTED] a category one Titan

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

linguist. [REDACTED] residence is located approximately 50-70 meters north of V/AWAD's residence. [REDACTED] stated on the night V/AWAD was killed, he was in his house with his sons. [REDACTED] recalled that about midnight he saw several U.S. Marines go past his house. [REDACTED] stated they did not come to his house and search. [REDACTED] advised he first heard about the Marines taking V/AWAD out of his house the next morning from V/AWAD's family. The interview of [REDACTED] was recorded via a digital voice recorder. The recording of the interview was subsequently placed into NCIS Middle East Field Office Evidence Custody system under log number 158-06. Exhibit (12) pertains.

11. On 08May06, [REDACTED] V/AWAD's [REDACTED] was interviewed. The interview, conducted in English with the Arabic-English translation provided by [REDACTED] was recorded via a digital voice recorder. [REDACTED] advised on the evening V/AWAD was killed, he was in V/AWAD's home. [REDACTED] said V/AWAD was disabled and normally slept downstairs, but he was unsure in what room V/AWAD slept that night. All of the other occupants of the residence were sleeping on the roof. [REDACTED] estimated between midnight and 0100 he heard American military personnel at the front door. [REDACTED] stated he heard V/AWAD answer the door. [REDACTED] stated he then looked over the ledge of the roof and saw eight American military members escorting V/AWAD away from the home. [REDACTED] advised V/AWAD was wearing a silver colored robe. [REDACTED] further related approximately 30 minutes after V/AWAD was taken from the house he [REDACTED] heard several gunshots. Exhibit (13) pertains. The recording of the interview was placed into NCIS Middle East Field Office Evidence Custody system under log number 158-06. Following the interview, [REDACTED] provided a hairbrush and eyeglasses belonging to V/AWAD, as items that might contain V/AWAD's DNA and/or fingerprints, and a folder containing some of V/AWAD's personal documents. Items for potential DNA processing are in the NCIS Middle East Field Office Evidence Custody system under log numbers 169-06 and 187-06. Exhibit (14) pertains.

12. On 08May06, [REDACTED] V/AWAD's [REDACTED] was interviewed in English with the Arabic-English translation provided by [REDACTED]. [REDACTED] advised he lives approximately 40-50 meters from V/AWAD's residence. [REDACTED] stated on the night V/AWAD was killed, he and his FOR

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16JUN06

SUBJ: [REDACTED]

family were sleeping on the roof of his home when sometime between midnight and 0200 he observed six to eight American service personnel at V/AWAD's house. [REDACTED] related he witnessed Americans taking V/AWAD away and noted V/AWAD was not wearing his turban, nor did he see V/AWAD with an AK-47 or a shovel. [REDACTED] stated about one hour after V/AWAD was taken from his home, he heard approximately 100 gunshots. [REDACTED] stated when V/AWAD's body was turned over to the Iraqi Police, an AK-47 and a shovel belonging to [REDACTED] was turned over along with his body. When asked, [REDACTED] stated there should be no reason for V/AWAD's fingerprints to be on [REDACTED] AK-47. The interview was partially recorded and the recording was placed into NCIS Middle East Office Evidence Custody system under log number 158-06. While investigators were on [REDACTED]'s roof, discussing the need to locate [REDACTED] AK-47 for possible ballistics and fingerprint examinations, [REDACTED] approached and made a spontaneous statement indicating on the night V/AWAD was killed, [REDACTED] told him to make sure V/AWAD's fingerprints were on the AK-47 and shovel. [REDACTED] related he placed the AK-47 and the shovel in V/AWAD's hands after V/AWAD had been killed to ensure that V/AWAD's fingerprints would be on the items. Exhibit (15) provides additional details.

13. On 08May06, [REDACTED] V/AWAD's [REDACTED], was interviewed regarding the events surrounding V/AWAD's death. The interview was conducted in English with the Arabic-English translation being provided by [REDACTED]. [REDACTED] advised everyone in the home, except V/AWAD, were sleeping on the roof the night V/AWAD was killed. [REDACTED] estimated she went to bed between 2100 and 2200. [REDACTED] advised she was awakened when she heard someone pounding on the front door. [REDACTED] stated she heard Americans at the door but on this night, unlike on previous occasions, the Americans did not search the house. [REDACTED] stated she did not go downstairs and she estimated the time V/AWAD was taken from the house was between 2300 and 0100. Exhibit (16) pertains.

14. On 09May06, a search of the area where 1st Squad reportedly engaged V/AWAD along RTE Penguins, in Hamdania, was conducted to attempt to ascertain the position of the Marines from 1st Squad when they fired at V/AWAD. The area was searched utilizing two metal detectors between 1400 and 1730, and resulted in the recovery of three 5.56mm brass casings at

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SUBJ: [REDACTED]

grid coordinate 3 [REDACTED] A fourth 5.56mm brass casing and a Shell casings recovered 7.62mm brass casing were found at grid coordinate [REDACTED] [REDACTED] was present during the search to provide additional information as to the exact location of the members of 1st Squad when they fired upon V/AWAD. No additional brass casings or other items of evidentiary value were recovered during the search, although Kilo Company's records show a total of 160 rounds were expended during 1st Squad's reported firefight with V/AWAD. Shell casings recovered from the scene were entered into the NCIS Middle East Field Office Evidence Custody system under log number 181-06. Exhibits (17) and (18) pertain.

15. On 09May06, [REDACTED] was interviewed concerning his knowledge of the death of V/AWAD during the early morning hours of 26Apr06. The interview was conducted in English with the Arabic-English translation provided by [REDACTED] [REDACTED]'s house is approximately 400-500 meters away and is the closest residence to the location where V/AWAD was shot and killed. [REDACTED] advised the night V/AWAD was killed, he and his family members were sleeping on the roof, and reported hearing a lot of gunfire late that night, but could not provide a specific timeframe. [REDACTED] stated he did not see any U.S. military personnel that night, but reported hearing military vehicles. Exhibit (19) pertains.

16. On 09May06, [REDACTED] a storekeeper at the local market place, was also interviewed concerning his knowledge of the shooting death of V/AWAD. This interview was conducted in English with the Arabic-English translation provided by [REDACTED] [REDACTED] advised he first heard about V/AWAD being killed on 27Apr06, at about 1100 from a group of people at the market place. [REDACTED] stated he attended the memorial service for V/AWAD. In addition, [REDACTED] provided he knew V/AWAD to have injured his leg when he fell from a palm tree approximately three years ago. [REDACTED] related the injury V/AWAD suffered from the fall caused him to walk with a limp. Exhibit (20) pertains.

17. On 09May06, contact was made with [REDACTED] Iraqi Police, Nassir Wa Al Salem station, located near Hamdania, in an effort to obtain the police report pertaining to the receipt of V/AWAD's body from U.S. Marines on 26Apr06. [REDACTED] said he had no knowledge of the

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: S [REDACTED]

incident, as he was not on duty the night the incident happened, and identified [REDACTED] as the officer on duty at the time of the incident. Exhibit (21) pertains.

18. On 09May06, [REDACTED], 1stBn, 1stMarines (1/1), contacted investigators at Camp Abu Ghurayb, Iraq and advised a local Sheikh for the Hamdania area provided an AK-47 purported to belong to [REDACTED] to [REDACTED] earlier that day. The weapon was subsequently retrieved from [REDACTED] and upon examination, 13 live rounds were discovered in the magazine. The weapon, magazine and ammunition were placed into NCIS Middle East Field Office Evidence Custody system under log number 144-06. Exhibit (22) pertains.

19. On 10May06, contact was made with [REDACTED] Iraqi Police, Nassir Wa Al Salem, regarding details of the police report pertaining to the V/AWAD's death. According to [REDACTED] several Marines came into the police station around 0500 on 26Apr06 and dropped off V/AWAD's body without any identification. [REDACTED] further stated an AK-47 and a shovel were delivered to the police station along with the body. [REDACTED] provided additional information relative to the family's identification of V/AWAD, the condition of the body when brought in, and the family's contention that the weapon and shovel were not V/AWAD's property. [REDACTED] also reported no medical examination was conducted, prior to the family claiming the body. Exhibit (23) provides additional information.

20. On 10May06, [REDACTED], son of [REDACTED] was interviewed concerning his knowledge of American military personnel taking his father's AK-47 rifle and shovel on the night V/AWAD was killed. The interview was conducted in English with the Arabic-English translation being provided by [REDACTED] [REDACTED] advised he lives approximately 800 meters from V/AWAD's house. [REDACTED] stated he heard from his mother that V/AWAD was killed on the night of 25Apr06, and learned from his parents the following morning that American military members had come to the house on the same night V/AWAD was killed. [REDACTED] related when he went to use the shovel that morning, he could not find it and when he inquired with his mother and father as to the location

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

08MAY06-MEBJ-0357-7HMA

16JUN06

SUBJ: [REDACTED]

of the shovel, he learned American service personnel had taken the shovel along with the his father's AK-47 the previous evening. [REDACTED] advised he did not see any Americans come to the house because he was asleep at the time, Exhibit (24) pertains.

21. On 10May06, screening interviews were conducted with 3rd Squad, 2nd Platoon, KCo, 3/5 (hereinafter referred to as 3rd Squad) concerning their knowledge of the activities of 1st Squad. The following individuals, who were also part of the QRF, which responded to the scene where V/AWAD was killed, were contacted: [REDACTED]

[REDACTED] and [REDACTED] They recalled members of 1st Squad reported V/AWAD had come to the site of a previous IED detonation, began digging in the IED hole as if preparing the area for the placement of another IED, was engaged by weapons fire, V/AWAD returned fire, and was killed. [REDACTED] and [REDACTED] provided additional information regarding [REDACTED]

[REDACTED] and [REDACTED], currently on their third combat tour in Iraq, advised that during Operation Iraqi Freedom (OIF II), specifically operation Phantom Fury/Al Fajr (Siege of Fallujah) in November and December 2004, the use of "[REDACTED]" was a fairly common practice senior Marines taught them. [REDACTED] went so far as to say [REDACTED]

[REDACTED] Exhibits (25) through (29) provide additional details.

22. Additional personnel from 3rd Squad were interviewed 10May06, concerning their knowledge of 1st Squad's shooting of V/AWAD. [REDACTED]

[REDACTED], and [REDACTED] all stated they were also members of the QRF that responded to the location where 1st Squad shot and killed V/AWAD.

[REDACTED] recalled superiors (NFI) told 1<sup>st</sup> Squad to make sure V/AWAD's fingerprints were on the AK-47 and shovel. [REDACTED] stated he saw

[REDACTED] actually place the AK-47 and the shovel in V/AWAD's hands to insure his fingerprints were on the items. [REDACTED] related he heard and observed [REDACTED] make a statement regarding the need to place the shovel and AK-47 into V/AWAD's hand for fingerprint purposes and considered the statement odd if the shooting occurred as 1st Squad

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

alleged. [REDACTED] also related that [REDACTED] told him when V/AWAD was down on the ground, [REDACTED] shot V/AWAD with the Squad Automatic Weapon (SAW) at close range. [REDACTED] and [REDACTED] detailed their observations concerning the evening of 25-26Apr06. [REDACTED] and [REDACTED] did not provide any pertinent information. Exhibits (30) through (39) pertain.

23. On 10May06, [REDACTED] was interviewed concerning his knowledge of the shooting death of V/AWAD. [REDACTED] stated he was assigned to the QRF that morning and the QRF arrived on scene at RTE Penguins within minutes of being notified 1st Squad was taking fire from V/AWAD. [REDACTED] conveyed details of his observations upon arriving at the scene. [REDACTED] stated he did not initially see the AK-47 and shovel, that had apparently already been moved from the vicinity of V/AWAD. [REDACTED] stated he later observed [REDACTED] place the shovel and the AK-47 in V/AWAD's hands in order to place V/AWAD's fingerprints on the items. [REDACTED] stated he thought this was odd because V/AWAD's fingerprints should have already been on the weapon and shovel under the circumstances being reported. [REDACTED] added upon leaving the scene and returning to Operation Post Bushido, he and [REDACTED] talked about the shooting of V/AWAD. According to [REDACTED] [REDACTED] confided that 1st Squad had murdered V/AWAD and he [REDACTED] was upset with [REDACTED]. [REDACTED] stated, however, that [REDACTED] did not disclose his role in the shooting of V/AWAD. Exhibits (40) and (41) pertain.

24. On 10May06, [REDACTED] was interviewed as a potential witness regarding the shooting death of V/AWAD. Initially, [REDACTED] provided the same story regarding the shooting incident that had previously been relayed by [REDACTED] and the other members of the squad. When advised there appeared to be inconsistencies in the squad's version of events, [REDACTED] replied he wanted to be honest about the shooting but he was in fear for his safety. [REDACTED] made admissions relative to the killing and was subsequently advised of his Article 31(b) rights, waived his rights, admitted culpability and implicated [REDACTED] and [REDACTED] in planning the abduction and subsequent murder. [REDACTED] also implicated [REDACTED] and [REDACTED] in the killing of V/AWAD. According to [REDACTED], while on [REDACTED] [REDACTED] revealed what he labeled his "master plan" to take an alleged insurgent named [REDACTED]

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16JUN06

SUBJ: [REDACTED]

from his home, make it appear he was conducting an IED dig, and kill him. [REDACTED] related that although [REDACTED] was initially the intended target, the plot included plans to abduct and murder any of his male family members or any Iraqi MAM, in the event [REDACTED] or members of his family could not be found. [REDACTED] maintained he was not in agreement with the plan, but claimed he was not in a position to stop [REDACTED] and the rest of 1st Squad from going through with the plan. The interview of [REDACTED] was recorded using a digital voice recorder. The recording of the interview was subsequently entered into the NCIS Middle East Field Office Evidence Custody System under log number 168-06 on 24May06. Exhibit (42) pertains.

25. Following appropriate advisement of his Article 31(b) rights on 11May06 and 18May06, [REDACTED] again waived his rights and agreed to answer further questions. [REDACTED] reiterated the information he had provided previously regarding 1st Squad's plan to kidnap and murder [REDACTED] [REDACTED] provided amplifying details regarding the plot and the roles of [REDACTED] and [REDACTED].

Finally, [REDACTED] stated after the scene had been staged with the AK-47, shovel and shell casings, as he previously described, members of the squad talked about how they wanted to put themselves in for awards for shooting V/AWAD. Exhibits (43) and (44) pertain. Subsequent to the 18May06 interview, record fingerprints were obtained from [REDACTED]. Exhibit (45) pertains.

26. On 11May06, [REDACTED] was advised of his Article 31(b) rights, provided a written waiver, and was interviewed relative to the murder of V/AWAD. [REDACTED] initially provided the account that 1st Squad reported to command regarding their engagement with V/AWAD. When advised other members of 1st Squad had confessed to conspiring to murder of V/AWAD, [REDACTED] asked to consult with an attorney and the interview was terminated. Exhibit (46) provides details. Photographs and fingerprints were obtained from [REDACTED]. Exhibits (47) and (48) pertain.

27. On 11May06, [REDACTED] was advised of his Article 31(b) rights, provided a written waiver, and was interviewed relative to the murder of V/AWAD. [REDACTED] admitted culpability in the abduction and murder of [REDACTED].

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

V/AWAD and implicated [REDACTED] and [REDACTED] in planning the crime. [REDACTED] further implicated [REDACTED] and [REDACTED] in carrying out the murder. During the interview [REDACTED] provided a hand drawn sketch of the second ambush site. Exhibits (49) and (50) provide further details. Photographs and fingerprints were obtained from [REDACTED]. Exhibits (51) and (52) pertain.

28. [REDACTED] was re-interviewed on 18May06, subsequent to appropriate rights advisement and waiver. [REDACTED] advised he did not know why [REDACTED] and [REDACTED] planned the kidnapping and murder of V/AWAD. [REDACTED] provided additional information implicating [REDACTED] and Co-subjects, as set forth in Exhibit (53). [REDACTED] also provided a sketch of the area depicting the squad's firing positions and distance from where V/AWAD was murdered. Exhibit (54) pertains.

29. On 11May06, [REDACTED] was advised of Article 31(b) rights, waived his rights and agreed to answer questions. During the interview, [REDACTED] claimed he was sleeping at various times during the night of 25-26Apr06 when he was awakened by [REDACTED]. [REDACTED] said he believed the squad was preparing to engage an insurgent and maintained that when he fired at V/AWAD with the rest of the squad, he was unaware of the plot to murder him. [REDACTED] admitted to observing [REDACTED] firing the AK-47 and [REDACTED] catching the shell casings being ejected from it. [REDACTED] further maintained that during a conversation with [REDACTED], [REDACTED] and [REDACTED] several days after the event, they talked about the killing, but did not try to form a story to cover up what had happened. [REDACTED] did acknowledge [REDACTED] told the rest of the squad not to mention the AK-47 and to say that during the shooting, the Iraqi had fired back. Exhibit (55) provides further details. In addition to information contained in his sworn statement, [REDACTED] also admitted he understood right from wrong and would refuse any order given to him by one of his superiors if he knew that order to be unlawful. Exhibit (56) pertains. Photographs and fingerprints were subsequently obtained from [REDACTED]. Exhibits (57) and (58) pertain.

30. On 18May06, [REDACTED] was again advised of his Article 31(b) rights

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SUBJ: [REDACTED]

after he indicated he wished to speak with investigators again about the killing of V/AWAD. [REDACTED] waived his rights and provided further details concerning the crime. During the interview, [REDACTED] recanted his previous denials, admitted culpability in the kidnapping and murder, and implicated [REDACTED] and [REDACTED] in the plan culminating in the kidnapping and murder of V/AWAD. [REDACTED] further implicated [REDACTED] and [REDACTED] in the killing of V/AWAD. [REDACTED] provided a sworn statement detailing the events of 25-26Apr06, as set forth in Exhibit (59).

31. On 11May06, [REDACTED] was advised of his Article 31(b) rights, waived them, and was questioned regarding the murder of V/AWAD. [REDACTED] admitted culpability in planning to kidnap and kill [REDACTED] a relative of [REDACTED] or any Iraqi MAM. [REDACTED] also implicated [REDACTED] and [REDACTED] in the initial planning. According to [REDACTED] the primary planners were [REDACTED] and [REDACTED], but acknowledged both he and [REDACTED] interjected a few of their own ideas. [REDACTED] also implicated [REDACTED] and [REDACTED] stating the plan was subsequently explained to them before it was put into action. [REDACTED] provided details concerning the theft of the shovel and weapon from the village, the abduction and murder of V/AWAD, and events surrounding the staging of the scene to make it appear as though V/AWAD had been an insurgent attempting to plant an IED. [REDACTED] reported he and [REDACTED] were handling radio communications during the assault on V/AWAD and did not fire their respective weapons. [REDACTED] also stated while the rest of the squad fired at V/AWAD, [REDACTED] was firing the AK-47 into the air and [REDACTED] was catching the spent shell casings as they were being ejected from the AK-47. [REDACTED] also admitted to burning a cravat used in an attempt to gag V/AWAD during the murder, which he also identified in a photograph of V/AWAD's body at the scene. [REDACTED] sworn statement, Exhibit (60), provides amplifying information. Photographs and fingerprints were then obtained from [REDACTED] Exhibits (61) and (62) pertain.

32. On 18May06, subsequent appropriate rights advisement and waiver [REDACTED] was re-interviewed. [REDACTED] provided additional information regarding the details of 1st Squad's kidnapping and murder of

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16JUN06

SUBJ: [REDACTED]

V/AWAD. [REDACTED] related [REDACTED] decided on the home from which they would attempt to procure the AK-47 rifle and a shovel because it was set apart from the village and he believed the occupants did not have much interaction with [REDACTED] and his immediate neighbors. [REDACTED] provided further details concerning the planning and execution of the abduction and murder. During this second interview, [REDACTED] provided a series of detailed sketches of the area, which depict the locations and events leading to V/AWAD's murder. The sketches are contained in Exhibit (63). [REDACTED] also implicated [REDACTED] in shooting V/AWAD at close range. [REDACTED] then provided an additional statement regarding the events, which is appended as Exhibit (64).

33. On 11May06, [REDACTED] was advised of his Article 31(b) rights and provided a written waiver prior to being interviewed regarding his involvement in the murder of V/AWAD. [REDACTED] admitted culpability in the kidnapping and murder of V/AWAD and implicated [REDACTED], [REDACTED] and [REDACTED]. [REDACTED] subsequently provided a sworn statement, which is appended as Exhibit (65). Photographs and fingerprints were obtained from [REDACTED]. Exhibit (66) and (67) pertain. **b2**

34. On 18May06, subsequent to appropriate rights advisement and waiver, [REDACTED] was re-interviewed regarding the murder of V/AWAD. [REDACTED] provided additional details implicating [REDACTED], [REDACTED] and [REDACTED] in planning the crime. [REDACTED] also provided further details implicating himself, [REDACTED], [REDACTED], and [REDACTED] in shooting at V/AWAD, while [REDACTED] and [REDACTED] remained behind the firing line with the AK-47. [REDACTED] implicated [REDACTED] as firing his weapon at V/AWAD after the squad approached him while V/AWAD was lying on the ground. [REDACTED] related [REDACTED] fired more than ten close range shots into V/AWAD and as he was doing so, [REDACTED] was saying that V/AWAD was still alive. Additional details are contained in Exhibit (68).

35. On 11May06, [REDACTED] was advised of his Article 31(b) rights, executed a written waiver, and initially agreed to answer questions. When asked about the events surrounding the killing of V/AWAD, [REDACTED]

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18657

1281

# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

stated he did not have any information to provide beyond the initial After Action Report he had submitted to his command following the incident. When questioned further, [REDACTED] simply referred to his report. After continued questioning, [REDACTED] advised he wished to speak with an attorney and the interview was terminated. Exhibit (69) pertains. Photographs and fingerprints were then obtained from [REDACTED]. Exhibits (70) and (71) pertain.

36. On 11May06, [REDACTED] 1/1, relinquished a handwritten note authored by [REDACTED] to investigators. The note provided a summary of the shooting of V/AWAD. Exhibit (72) pertains.

37. On 16May06, [REDACTED] was advised of his Article 31(b) rights, waived his rights and agreed to answer additional questions concerning the death of V/AWAD. [REDACTED] admitted culpability in the kidnapping and murder of V/AWAD and implicated [REDACTED], [REDACTED] and [REDACTED] related on while on patrol on 25Apr06, [REDACTED] outlined to the entire squad his plan for kidnapping [REDACTED] and framing him as an IED planter. [REDACTED] stated [REDACTED] ultimate goal for the plan was to kill [REDACTED] and to make it look like the killing was justified. [REDACTED] stated that he, [REDACTED] and [REDACTED] chose a random house from which to procure an AK-47, identifying [REDACTED] and [REDACTED] as the individuals who went inside the house and stole the weapon. [REDACTED] advised while [REDACTED] and [REDACTED] were in the house, he and [REDACTED] provided security by positioning themselves on the sides of the house, and while providing security, he took a shovel from the yard. [REDACTED] also provided details of the actions of Subject and Co-subjects during the various stages of the crime. [REDACTED] subsequently provided a sworn statement. Exhibit (73) pertains. Photographs and fingerprints were subsequently obtained from [REDACTED]. Exhibits (74) and (75) pertain.

38. On 19May06, after appropriate rights advisement and waiver, [REDACTED] was interviewed regarding allegations he was involved in assaulting Iraqi nationals as addressed in Reference (A). During the interview, [REDACTED] denied any knowledge of anybody talking to [REDACTED] about killing [REDACTED] the night of 25Apr06 before 1st Squad was dropped off at the ambush site. Exhibit (76) pertains.

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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SUBJ: [REDACTED]

b2 b7E

39. On 13May06, [REDACTED] was advised of his Article 31(b) rights, waived them and was interviewed relative to allegations stemming from Reference (A). [REDACTED] admitted to participating in the assault of an Iraqi citizen identified only as [REDACTED] also implicated [REDACTED] and [REDACTED] in the assault. During the interview, [REDACTED] related [REDACTED] had told him what actually happen on the night of 25/26Apr06. According to [REDACTED] advised 1st Squad snatched up a man (V/AWAD) from a house in the neighborhood, staged the IED digging site so they could kill him. [REDACTED] further stated [REDACTED] related V/AWAD's [REDACTED] and the man was placed near the IED holes. Exhibit (77) contains amplifying details.

40. On 16May06, a Command Authorized Search was conducted of [REDACTED] personal belongings held at Hamdania. During the search, two laptop computers and one Sony Playstation Portable (PSP) were seized and subsequently placed into the NCIS Middle East Field Office Evidence Custody system under log numbers 151-06, 153-06 and 195-06. Subsequent permissive searches of [REDACTED] personal belongings held at Camp Fallujah were conducted on 17May06 and 18May06. During the search on 17May06, an all weather notebook containing handwritten entries was recovered and placed into the NCIS Middle East Field Office Evidence Custody system under log number 171-06. The second permissive search conducted on 18May06 met with negative results. Exhibits (78) thru (80) pertain.

41. On 16May06, a Command Authorized Search of [REDACTED] personal belongings held at Hamdania was conducted. During the search, a Koran and an all weather notebook were seized and subsequently entered into the NCIS Middle East Field Office Evidence Custody system under log number 154-06. On 18May06, a permissive search of [REDACTED] personal belongings held Camp Fallujah resulted in the seizure of two media storage devices, which were placed into the NCIS Middle East Field Office Evidence Custody system under log number 174-06. Exhibits (81) and (82) pertain. On 20May06, a command inventory of [REDACTED] personal belongings was conducted before he was transferred to Camp Pendleton, CA. During the inventory command recovered a digital camera, which was relinquished to NCIS for review. The camera was subsequently placed into the NCIS Middle East

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16JUN06

SUBJ: [REDACTED]

Field Office Evidence Custody system under log number 167-06. Exhibit (83) pertains.

42. On 16May06, a Command Authorized Search was performed on [REDACTED] personal belongings located in Hamdania, Iraq. The search resulted in the seizure of a broken camera, which was entered into the NCIS Middle East Field Office Evidence Custody system under log number 152-06. On 18May06, a permissive search of [REDACTED] personal belongings located at Camp Fallujah was executed and resulted in the seizure of a personal letter written by [REDACTED]. The letter was placed into the NCIS Middle East Field Office Evidence Custody system under log number 172-06. Exhibits (84) and (85) pertain.

43. On 16May06 a Command Authorized Search was carried out with respect to [REDACTED] personal belongings located in Hamdania, Iraq. During the search, a disposal camera was seized and placed into the NCIS Middle East Field Office Evidence Custody system under log number 155-06. On 18May06, a permissive search of [REDACTED] personal belongings located at Camp Fallujah was conducted, which revealed nothing of evidentiary value. Exhibits (86) and (87) pertain.

44. On 16May06, a Command Authorized Search of [REDACTED] personal belongings located in Hamdania was conducted and resulted in the seizure of a video recorder with tapes and a plastic case containing twelve (12) 3.5" computer disks. These items were placed into the NCIS Middle East Field Office Evidence Custody system under log number 150-06. On 18May06, a permissive search was conducted on [REDACTED] personal belongings located at Camp Fallujah and yielded a laptop computer, a digital camera, and a 256 MB thumb drive, which were placed into the NCIS Middle East Field Office Evidence Custody system under log number 170-06. Exhibits (88) and (89) pertain.

45. On 16May06, a Command Authorized Search of [REDACTED] personal belongings located in Hamdania, Iraq, met with negative results. On 18May06, a permissive search of [REDACTED] personal belongings located at Camp Fallujah produced one roll of undeveloped 35mm film, which seized and placed into the NCIS Middle East Field Office Evidence Custody system under log number 163-06. Exhibits (90) and (91) pertain.

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

46. On 16May06, a Command Authorized Search of [REDACTED] personal belongings that had been transported from Patrol Base Bushido to Camp Abu Ghurayb, met with negative results. On 18May06, a permissive search of [REDACTED] personal belongings held at Camp Fallujah also met with negative results. Additionally, a camera reportedly seized by command during a search of [REDACTED] personal property on 14May06, was turned over NCIS for review and subsequently placed into the NCIS Middle East Field Office Evidence Custody system under log number 194-06. Exhibits (92) through (94) pertain.

47. On 16May06, a Command Authorized Search of [REDACTED] personal belongings located at Hamdania, Iraq, was conducted and the following items were seized for evaluation as evidence: One (1) light weight all weather field book; one (1) Sony Playstation Portable (PSP); miscellaneous documents relating to Military Operations; four (4) pairs of desert digital camouflage trousers and blouses; and one (1) classified document containing targeting information related to [REDACTED]. The property was subsequently entered into the NCIS Middle East Field Office Evidence Custody System under log numbers 160-06, 164-06 and 176-06. On 18May06, RA requested authorization from [REDACTED] to conduct a permissive search of his personal belongings located at Camp Fallujah. An MP3 player was seized for evaluation and entered into the NCIS Middle East Field Office under log number 173-06. Exhibits (95) and (96) pertain. During the search, [REDACTED] voluntarily expressed a desire to forego consultation with an attorney as previously requested and speak with investigators.

48. On 19May06, [REDACTED] was re-interviewed. Before any questioning regarding his involvement in the murder of V/AWAD, [REDACTED] was advised of Article 31(b) rights and acknowledged he wished to answer questions without consulting with an attorney, as previously requested. [REDACTED] advised on 25Apr06, he received orders from [REDACTED] to [REDACTED] a location overlooking RTE Penguins and RTE Hurricanes in Hamdania. [REDACTED] admitted once in the patrol area, he began conspiring with [REDACTED] and [REDACTED] to kidnap and murder [REDACTED]. [REDACTED] admitted initially, [REDACTED], [REDACTED] and [REDACTED] were not included in the planning because they were providing security for the squad. [REDACTED] further advised he, [REDACTED] and [REDACTED] also agreed if [REDACTED]

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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SUBJ: [REDACTED]

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could not be located, the squad would kidnap and kill one of [REDACTED] brothers. [REDACTED] added once darkness set in, the entire squad moved to [REDACTED] long RTE Penguins and once there, the entire squad sat around and finalized their plot. [REDACTED] further implicated [REDACTED] and [REDACTED] in carrying out the abduction of V/AWAD and the theft of the weapon and shovel. According to [REDACTED] it was not until after the shooting he realized the individual who they had killed was not [REDACTED] or one of his brothers, but a random individual. [REDACTED] advised it wasn't until the next day that he learned V/AWAD's identity. [REDACTED] further maintained that while on the radio to his command post, he falsely reported V/AWAD as an apparent insurgent and sought an unwarranted authorization to shoot. [REDACTED] said he spoke directly with [REDACTED] which he deemed unusual claiming on previous occasions he always spoke with the radio operator, [REDACTED], when relaying tactical information back to the patrol base. [REDACTED] further detailed the actions of himself and Co-subjects in a sworn statement. Exhibit (97) provides additional details. Subsequent to the interview, [REDACTED] reported that after he shooting [REDACTED] admonished him to make sure V/AWAD's fingerprints were on the AK-47 and the shovel, and as a result, he gave the AK-47 and the shovel to [REDACTED] who then proceeded to ensure V/AWAD's fingerprints were transferred to the AK-47 and the shovel. [REDACTED] provided a handwritten statement detailing this additional information, as set forth in Exhibit (98). Additionally, during the re-interview, [REDACTED] drew a sketch depicting the location of 1<sup>st</sup> Squad when they began firing at V/AWAD. Exhibit (99) pertains.

49. On 15May06, [REDACTED] (V/AWAD's [REDACTED] was re-interviewed regarding his observations during the early morning hours of 26Apr06 and to obtain the family's permission for the exhumation of V/AWAD's remains. The interview was conducted in English with the English-Arabic-English translation provided by [REDACTED], also known as [REDACTED] a category one Titan linguist. The interview was digitally recorded and placed into NCIS Middle East Field Office Evidence Custody System under log number 180-06. After consulting with his uncles (V/AWAD's [REDACTED], [REDACTED] signed consent forms authorizing the exhumation of V/AWAD's body. In addition, [REDACTED] provided RA with a photograph of V/AWAD taken prior to his death.

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SUBJ: [REDACTED]

Exhibit (100) is a summary of [REDACTED]'s interview that contains [REDACTED] and [REDACTED]'s consent to exhume V/AWAD's body. Following the interview of [REDACTED], he provided an AK-47 he identified as V/AWAD's, for ballistic testing. The weapon was subsequently placed into the NCIS Middle East Field Office Evidence Custody System under log number 159-06. Exhibit (101) pertains.

50. Also on 15May06, [REDACTED] (V/AWAD's [REDACTED]) was interviewed regarding his knowledge of the events surrounding V/AWAD's murder. This interview was conducted in English with English-Arabic-English translation provided by [REDACTED]. [REDACTED] lives with [REDACTED] and together they occupy a residence 60-70 meters northeast of V/AWAD's home. [REDACTED] provided no information pertinent to this investigation. Exhibit (102) pertains.

51. On 15May06, [REDACTED] was interviewed regarding his knowledge of the events surrounding V/AWAD's murder. [REDACTED] is a son of [REDACTED] the owner of the weapon and shovel reportedly stolen and staged beside the V/AWAD's body. The interview was conducted in English with the English-Arabic-English translation provided [REDACTED]. The interview was digitally recorded and placed into NCIS Middle East Field Office Evidence Custody System under log number 180-06. [REDACTED] related on the night of V/AWAD's murder, he was sleeping in his bedroom when he heard someone pounding on the front door at about 0100 to 0130. [REDACTED] stated his father [REDACTED] got up to answer the door. [REDACTED] stated he could tell by the voices they were American Soldiers and heard one of the Soldiers ask his father in Arabic, "Do you have any weapons AK-47". [REDACTED] related one of the Americans told him to stay in his room, that they did not search the house, and that he saw a total of three American military personnel inside the house and one outside. [REDACTED] related he would be unable to identify the military personnel but identified photographs of an AK-47 shown to him as belonging to as his father. Additional details are contained in Exhibit (103).

52. On 16May06, the military weapons assigned to [REDACTED], [REDACTED] and [REDACTED] were seized for evaluation. Subsequently, on 18May06, the military weapons assigned

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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16JUN06

SUBJ: [REDACTED]

to [REDACTED] were also seized. The weapons were subsequently entered into the NCIS Middle East Field Office Evidence Custody System under log number 161-06 and 178-06, respectively. Exhibit (104) pertains.

53. On 17May06, [REDACTED] was contacted at the meteorological center for I MEF (Forward), Camp Fallujah, and provided information regarding the weather conditions on the evening of 25Apr06 and the morning of 26Apr06. The meteorological assessment reported no significant meteorological phenomena at Camp Fallujah. The sky was mostly clear and visibility was unrestricted, although illumination was minimal. Exhibit (105) pertains.

54. On 17May06, [REDACTED], G-2 Collection Manger, IMEF (Forward), Camp Fallujah, was contacted for the purpose of requesting copies of "Dragon Eye" Unmanned Aerial Vehicle (UAV) [REDACTED] b2  
[REDACTED] during the early morning hours of 26Apr06. [REDACTED] advised the "Dragon Eye" system being employed [REDACTED] consequently no surveillance video was available. Additional details are contained in Exhibit (106).

55. On 18May06, [REDACTED] and [REDACTED] were contacted and requested to provide permissive authorizations to search their email accounts. All of the above individuals consented to the requested searches and, with the exception of [REDACTED] provided their respective email addresses and passwords. [REDACTED] provided his email address but was not comfortable giving his password. Exhibit (107) pertains.

56. On 12May06, [REDACTED] was interviewed regarding his knowledge of the murder of V/AWAD. Prior to questioning, [REDACTED] was advised of his Article 31(b) rights, provided a written waiver of his rights and agreed to answer questions. [REDACTED] denied any knowledge or complicity in the murder. [REDACTED] detailed the events of the 25-26Apr06 as reported to him by [REDACTED] and [REDACTED] and related [REDACTED] made admissions to tampering with evidence at the scene. [REDACTED] denied ever telling [REDACTED] to place the dead man's fingerprints on the AK-47 and shovel. Exhibit (108) pertains.

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