

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: CAMP ABU GHRAIB
Date: 18 MAY 06
BY

I, [REDACTED], have been advised by
SPECIAL AGENT [REDACTED] that I am suspected of Enter violation(s) with
narrative statement of the violation(s) ASSAULT / BATTERY

I have also been advised that:

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

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

Signature [REDACTED]

Date & Time: 060513 2144

Witness [REDACTED]

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STATEMENT

Place : Abu GHARUB, Iraq

Date : May 13, 2006

I, [REDACTED], make the following free and voluntary statement to Special Agent [REDACTED] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of Assault of [REDACTED] and murder [REDACTED].

For Identification purposes, I am a [REDACTED] male, born on [REDACTED] in [REDACTED]. I am approximately [REDACTED] in height, weigh approximately [REDACTED] pounds, have [REDACTED] hair and [REDACTED] eyes, and my social security number is [REDACTED]. I am currently attached to 3/5, 1st Marine Div., Camp Pendleton, CA where I am assigned to 2nd Platoon, First Squad. [REDACTED]

On 08Oct05, I reported to 3/5, 1st Marine Division, Camp Pendleton, CA. I was assigned to the aforementioned Company as a 0311/rifleman. On my squad are [REDACTED]

[REDACTED] and [REDACTED] is the Platoon commander. The platoons overall mission is to [REDACTED] **b6**

Sometime during the months of Mar/Apr06, my squad was on patrol in Abu Gharub, Iraq. The squad stopped by one of the Sheikh's homes that provide us with information. I believe [REDACTED] possibly went to meet with the Sheikh while the rest of the squad provided security. Shortly after that, [REDACTED] and [REDACTED] returned from the Sheikh's residence. [REDACTED] went and sat in one of the HUMMERS. [REDACTED] told [REDACTED] and [REDACTED] to stay behind. The rest of us, [REDACTED] and [REDACTED] set out on foot to [REDACTED] house. [REDACTED] is considered a High Valued Individual (HVI) by our platoon. He is a known supporter of the insurgency. Previous attempts to detain him have been unsuccessful. The squad was frustrated about this. In addition, the Sheikh told [REDACTED] and [REDACTED] that [REDACTED] had said that the marines were a bunch of "pussies" [REDACTED]

We set out on foot for [REDACTED] house it was during the nighttime hours. [REDACTED] told us that we were going to "kick his ass", meaning [REDACTED]. I asked [REDACTED] if [REDACTED] knew that we were going to beat up [REDACTED]. [REDACTED] related that [REDACTED] knew what the squad was doing but that he was turning his back on this. Once we got to [REDACTED] S house, we knocked on the door. A lady looked out and reluctantly opened the door. [REDACTED] and [REDACTED] provided outer security while [REDACTED] held security on the door. As the rest of us cleared the house, [REDACTED] yelled that [REDACTED] was running out the rear door. [REDACTED] and [REDACTED] apprehended [REDACTED] and escorted him back into the residence. [REDACTED] walks into the room and punches [REDACTED] in the face. Agent [REDACTED] asked me if [REDACTED] was wearing gloves when he punched [REDACTED]. I conveyed to Agent [REDACTED] that to my recollection he was. I sat my rifle on a nearby chair. And [REDACTED] and I then punched [REDACTED] repeatedly about his body. I gave him a hook to the ribs [REDACTED] **b7c**

At this point [redacted] sat down on my weapon. As we pulled him up [redacted] was bent over at the waist when [redacted] grab [redacted] by the head and rams his knee to his head. [redacted] sat back down on the chair, his nose was bloody. [redacted] then tells [redacted] "this is a message to you and your buddies. We are not fucking around". We then left [redacted] house on foot and returned to the HUMMERS and left the scene. I would like to add that [redacted] Z and [redacted] were the only members of the squad that beat [redacted] did not beat [redacted] as he was watching [redacted] family. I do not know if [redacted] punched [redacted] or not [redacted]

Agent [redacted] further questioned me about an incident involving an Arab male that was shot by my squad on 25Apr06. I conveyed to Agent [redacted] that I was on post at patrol base when this incident occurred along with [redacted] and [redacted]. Furthermore, I am aware of the circumstances initially reported by my squad surrounding the incident are not accurate. The initial report was that the squad was on [redacted] when an Arab male was observed digging IED holes on Penguin. The squad then begins to take fire from the same male. The squad returned fire, engaged the target and terminated him. [redacted]

About two days after this incident however, [redacted] told me what actually happened. [redacted] stated that they snatched up a man from a house in the neighborhood and staged an IED digging on him so they could kill him. [redacted] related that the man's [redacted] and that he was placed near the IED hole. I would like to add that [redacted] did not give me specific details about the incident. He just stated the squad snatched up an Arab male from his house, placed him near the IED holes and the squad went out about seventy five meters away and shot him. [redacted] did tell me that he and the rest of the squad fired his Squad Automatic Weapon at the Arab male when ordered to do so by [redacted] stated that [redacted] was the only member of the squad that did not fire at the man but he did fire the AK 47. [redacted]

Agent [redacted] further questioned me about a threatening note that was left on [redacted] bed. I conveyed to [redacted] that I have no knowledge as to who could have left the note. Furthermore, I don't know why anyone would threaten [redacted] as he is not assigned to our squad and had nothing to do with shooting incident. I would like to add that the I and the junior marines of first squad would not have beaten [redacted] or shot the Arab male if [redacted] had not told them to. I believe the junior marines including myself, on our squad were following orders and doing as they were told. They are excellent marines and we were dragged into this situation. [redacted]

This statement, consisting of this page and 1 other page(s) was typed for me by Special Agent [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the [redacted] my knowledge and belief [redacted]

Signature: [redacted]

Sworn to and subscribed before me this 14 day of May in the year 2006 at

ABU GHARIB, IR 1155 AM

Witnessed: [redacted]

Re: [redacted]
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

26MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

RESULTS OF COMMAND AUTHORIZED SEARCH OF [REDACTED] PERSONAL EFFECTS

1. As background, this investigation was initiated on 04May06 after [REDACTED] Staff Judge Advocate (SJA), Regimental Combat Team Five (RCT-5), contacted NCIS Camp Fallujah, Iraq, concerning a complaint by [REDACTED] that [REDACTED] V/AWAD was taken from his home and killed by Marines during the early morning hours of 26Apr06. Subsequent investigation revealed on 26Apr06, members of 1st Squad [REDACTED]

[REDACTED] and [REDACTED] 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marine Regiment (3/5), Hamdania, Iraq, reported they had shot V/AWAD after witnessing him digging what they believed to be a hole in which to plant an Improvised Explosive Device (IED). The shooting occurred on a road known as route Penguins in Northern Hamdania, Iraq. Subsequent interviews of the members of 1st Squad, revealed V/AWAD had not been planting an IED, but the scene was staged to make it appear as if he was so 1st Squad could kill him.

2. On 16May06, Participant [REDACTED] requested and was granted Command Authorization for Search of 1st Squad's personal effects. Reporting Agent, executed the search in the presence of [REDACTED] who identified himself as the 3/5 Company [REDACTED]. The search took place in 3/5 berthing area, building number 3310, aboard Abu Ghurayb, Iraq. 1st Squad's personal effects were moved by command members from Patrol Base Bushido to Abu Ghurayb. [REDACTED] personal effects including his backpack were searched, and the following items of evidentiary value were seized and placed in to the NCIS Middle East Field Office Evidence Custody System under log 151-06,153-06 and 195-06:

Log # 151-09

Item A: One laptop computer Averatel ser# ND06CU040801256, no power supply seized by [REDACTED]

Log # 153-06

Item A: One Averatec Laptop Computer NS01CE051000367.

Item B: One PSP and Black case Ser #P209789850PSP 1001PP

Log # 195-06

Item A: One all weather field book

ENCLOSURE(S)

(A) Command Authorization for Search and Seizure for [REDACTED]
Personal Effects/16May06

PARTICIPANT(S)

[REDACTED] Special Agent, NCISRA Camp Fallujah

Exhibit (7g)

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Page 1

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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SUBJ: [REDACTED]

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

[REDACTED] Special Agent, NCISRA Camp Fallujah
[REDACTED], Investigator, USMC, Criminal Investigation Division

REPORTED BY: [REDACTED] Special Agent
OFFICE: Camp Fallujah, Iraq

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Page 2

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Command Authorization for Search and Seizure

UNITED STATES OF AMERICA

VS.

TO [REDACTED] 1st Bn, 1st Marines Abu Ghurayb

Affidavit(s) having been made before me by [REDACTED] Special Agent Naval Criminal Investigative Service

That there is reason to believe that on the person of and/or on the premises known as: [REDACTED] residences Abu Ghurayb and Command Post where he resided when out in the field

which is/are under my jurisdiction,

there is now being concealed certain property, namely:

Cameras, Photographs [REDACTED], Clothing, Triangular bandages Letters, any electronic equipment capable of storing information and/or data and emails.

I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).

YOU ARE HEREBY AUTHORIZED TO SEARCH the person and/or place named for the property specified and if the property is found there to seize it, leaving a copy of this authorization and receipt for the property taken. You will provide a signed receipt to this command, containing a full description of every item seized.

Any assistance desired in conducting this search will be furnished by this command.

Dated this 16th day of May 2006, [REDACTED]

Command

AFFIDAVIT FOR AUTHORIZATION FOR SEARCH AND SEIZURE

I, Special Agent [REDACTED], of the Naval Criminal Investigative Service (NCIS) (hereinafter your affiant) do hereby solemnly swear to:

1. Your affiant is a duly sworn Federal Law Enforcement Officer. Your affiant has been employed as a Special Agent by the Naval Criminal Investigative Service for over 19 years. Your affiant has investigated 100s of UCMJ, Federal and State violations to include homicides, larcenies, assaults, narcotics and sexual assaults.

2. Your affiant's education and training consists of the following: A Bachelor of Arts degree in Law and Justice from Central Washington University. In addition your affiant attended the NCIS Special Agent Training Program at the Federal Law enforcement training Center located in Glynco, GA. Throughout your affiant's NCIS 19 year career affiant has attended several training courses provided by State and Federal agencies.

3. On 04May06, [REDACTED] SJA, Regimental Combat Team Five (RCT-5), contacted NCISRA Camp Fallujah, Iraq concerning a complaint by [REDACTED] that [REDACTED] (HASHIM), was taken from his house and killed by Marines on 26Apr06 near Abu Ghurayb, Iraq. [REDACTED] stated on 01May06, [REDACTED] USMC, TF 1/1 Chromite, received a complaint from [REDACTED] alleging Marines had removed [REDACTED] HASHIM from his residence and killed him. [REDACTED] told [REDACTED] the incident occurred on 26APR06 between 0200 - 0300. [REDACTED] said he lives 30m away and saw the Marines come to HASHIM's home and take him away. The next day [REDACTED] learned that HASHIM was dead and that the Marines had brought him to the Iraqi Police Department with a shovel and AK-47. [REDACTED] advised his neighbor, [REDACTED] told him that same night Marines came to his house took his shovel and AK-47.

4. On 08May06, the affiant arrived at Abu Ghurayb, Iraq and conducted interviews of HASHIM's family members. RA also conducted a death scene examination of the location where HASHIM was shot and killed.

5. On 10MAY06, screening interviews of 2ND Platoon, Kilo Company, 3rd Battalion 5th Marine platoon members identified [REDACTED] being upset with what happened the night HASHIM was killed by his squad. [REDACTED] was interviewed and related that [REDACTED]

[REDACTED] and himself conspired on going into HASHIM's house, removing him from the house and taking him to a location and killing him. [REDACTED] stated once they killed HASHIM they all staged the death scene to make it appear as though there was a small arms gunfire battle between HASHIM and the aforementioned Marines. [REDACTED] were subsequently interrogated and all admitted to taking a role in conspiring and murdering HASHIM. Through [REDACTED] and [REDACTED] missions it was discovered that [REDACTED]

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Enclosure (A) to Exhibit 08

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the Marine [REDACTED] to assist in restraining him while the Marines got into a firing line to shoot him with their military issued rifles and kill him. Prior to going to the firing line [REDACTED] attempted to gag HASHIM with a triangular bandage but HASHIM tried to bite him. [REDACTED] related that after

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[REDACTED] said [REDACTED] then used his knife and cut the [REDACTED] off HASHIM. [REDACTED] advised photographs were taken by some of the aforementioned Marines prior to QRF arrival. The QRF was comprised of Marines from 2nd Platoon, Kilo Company 3/5.

Based on the foregoing, your affiant avers that there is probable cause to believe that:

Contained in the Marines of Second Platoon's, personal effects located at Abu Ghurayb base and at the Command Post where they resided when out in the field is evidence from the night the aforementioned Marines killed HASHIM. These items of evidence are Cameras, Photographs, Clothing, [REDACTED] Triangular bandages, Letters, any electronic equipment capable of storing information and/or data.

Subscribed to and Sworn by:

[REDACTED]
Agent
Naval Criminal Investigative Service

Date

16 MAY 06

Affidavit for Search Authorization
Naval Criminal Investigative Service

UNITED STATES OF AMERICA
VS.

BEFORE the [REDACTED] 1st Battalion, 1st
Marines ABU GHURAYB, IZ

The undersigned, being duly sworn, requests authority to search:
[REDACTED] PERSONAL PROPERTY LOCATED AT ABU GHURAYB AND
COMMAND POST WHERE HE LIVED WHEN HE WAS OUT IN THE FIELD

Believing that there is now being concealed certain property, namely:
CAMERAS, PHOTOGRAPHS, CLOTHING, [REDACTED] TRIANGULAR BANDAGES, LETTERS, ANY
ELECTRONIC EQUIPMENT CAPABLE OF STORING INFORMATION AND/OR DATA AND EMAILS

The request for authorization to search and seize is made in connection with an investigation
into the offense(s) of :
THE UCMJ VIOLATIONS ARTICLE 81 (CONSPIRACY, ARTICLE 118 (MURDER), ARTICLE 128
(ASSAULT), AND ARTICLE 134 (KIDNAPPING).

The facts and circumstances known to me tending to establish the foregoing grounds for
authorization to search and seize, including comments demonstrating the reliability of the
information and/or informant, are as follows:
see attachment

[REDACTED]
Signature of Affiant
Representative, Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, this 16th day of MAY 2006.

[REDACTED]
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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

SEIZURE OF [REDACTED] NOTEBOOK FROM [REDACTED]

1. During the interrogation of [REDACTED] he advised he was preparing an award letter for [REDACTED] for his leadership during the firefight with V/AWAD. [REDACTED] stated he wrote the letter but [REDACTED] provided a lot of the input for the award letter. [REDACTED] was asked to permit a search of his personal belongings. [REDACTED] provided a written authorization for search and seizure. Enclosure (A) pertains. A search by Reporting Agent and Special Agent [REDACTED] met with negative results. [REDACTED] advised Reporting Agent if he found the notebook with the letter he would provide it to NCIS.

2. On 17May06, [REDACTED] Staff Judge Advocate, Kilo Third Battalion, Fifth Marines (3/5), contacted RA and advised he was in possession of [REDACTED] notebook. [REDACTED] stated the notebook would be in his office for NCIS Agents to pick up. On 18May06, at approximately 1000, Reporting Agent met with [REDACTED] 3/5 at which time he provided Reporting Agent with [REDACTED] green all weather notebook. Enclosure (B) is a copy of the contents of [REDACTED] notebook.

3. [REDACTED] seized notebook was placed into NCIS Middle East Field Office Evidence Custody System, under log number 171-06.

ENCLOSURE(S)

- (A) Permissive Authorization for Search and Seizure/16May06
- (B) Copy of [REDACTED] Notebook Contents/Undated

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS CAMP FALLUJAH, IRAQ

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EXHIBIT (79)

1578

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : 16 MAY 06

I, [REDACTED], after being advised by [REDACTED] that the Naval Criminal Investigative Service is conducting an investigation into MURDER CONSPIRACY ASSAULT, have been requested to permit a search of my PERSONAL Belongings KIDNAPPING

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 16-17 MAY 06 by NCIS Agent CID, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed: [REDACTED]

[REDACTED]
Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 1624
End : 1630

NAVAL CRIMINAL INVESTIGATIVE SERVICE

DELETED PAGE INFORMATION SHEET

Page(s) 1580 - 1590, Enc(B) to Exh(79)

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

Deleted under exemption(s)

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

Pages contain information furnished by other government
agency(ies). We will advise you of releasability of information
following consultation with agency(ies).

Comments: Commandant of the Marine
Corps, Headquarters Marine
Corps, 2 Navy Annex,
Washington, D.C. 20380

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23MAY06

CONTROL: 08MAY06-MEJB-0357-7HMA

[REDACTED]

RESULTS OF PERMISSIVE SEARCH OF [REDACTED] LIVING QUARTERS AND
PERSONAL BELONGINGS/18MAY06

NARRATIVE

1. On 18May06, [REDACTED] was asked to permit a search of his living quarters and personal belongings held at 3rd Battalion 5th Marines, (3/5) Camp Fallujah, Iraq. [REDACTED] agreed to permit the search and provided a written authorization, which is appended as Enclosure (A). A subsequent search met with negative results. Agents Note: Review of the appended form disclosed, Reporting Agent inadvertently recorded the date as 19MAY06 vice 18May06 while filing out the form. Immediately following [REDACTED] authorizing the Permissive Authorization for Search and Seizure the search was conducted on 18May06 between the times of 2340 and 2342.

ENCLOSURE(S)

(A) Permissive Authorization for Search and Seizure/19MAY06

REPORTED BY: [REDACTED]
OFFICE: NCIS CAMP FALLUJAH

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EXHIBIT (80)

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : May 19, 2006

[REDACTED], after being advised by [REDACTED] that the Naval Criminal Investigative Service is conducting an investigation into UCMJ Violations articles 81 (Conspiracy), Article 118 (Murder), Article 128 (Assault) and Article 134 (Kidnapping), have been requested to permit a search of my PERSONAL BELONGINGS @ 3/5 COMPARTMENT CAMP FALLUJAH ROOM

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on or before May 19, 2007 by Representatives of NCIS, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed [REDACTED]

[REDACTED] Naval Criminal Investigative Service

[REDACTED] Representative, Naval Criminal Investigative Service

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TIMES OF SEARCH

Start : 2340

End : 2342

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

RESULTS OF COMMAND AUTHORIZATION FOR SEARCH AND SEIZURE OF PERSONAL EFFECTS/16MAY06

1. As background, this investigation was initiated on 04May06 after [REDACTED] Staff Judge Advocate (SJA), Regimental Combat Team Five (RCT-5), contacted NCIS Camp Fallujah, Iraq, concerning a complaint by [REDACTED] that [REDACTED] V/AWAD was taken from his home and killed by Marines during the early morning hours of 26Apr06. Subsequent investigation revealed on 26Apr06, members of 1st Squad, 2nd platoon, Kilo Company, 3rd Battalion, 5th Marine Regiment (3/5), Hamdania, Iraq [REDACTED] and [REDACTED] reported they had shot V/AWAD after witnessing him digging what they believed to be a hole in which to plant an Improvised Explosive Device (IED). The shooting occurred on a road known as route Penguins in Northern Hamdania, Iraq. Subsequent interviews of members of 1st Squad, revealed V/AWAD had not been planting an IED, but the scene was staged to make it appear as if he was so 1st Squad could kill V/AWAD.
2. Participant [REDACTED] requested and was granted Command Authorization for Search & Seizure for the personal effect of members of 1st Squad. On 16May06, Reporting Agent, executed the search in the presence of [REDACTED] who identified himself as the Kilo Company [REDACTED]. The searches took place in Kilo 3/5 Marines berthing area; the building had the numbers 3310 stenciled on the exterior, within the Marine Compound, at Abu Ghurayb, Iraq. Of note, command had already moved the personal effects of 1st Squad members from the Operations Post Bushido to Abu Ghurayb. The search commenced at approximately 1600 hours and ended at approximately 1700. During the course of the search, RA searched a bag belonging to [REDACTED] RA seized a Holy Koran and two "All Weather Notebooks" from the sea bag for evaluation as evidence. The notebooks contained various notes about procedures on encountering High Valued Individuals (HVIs) and an excerpt for an award for [REDACTED]. The aforementioned items were subsequently entered into the NCIS Middle East Field Office Evidence Custody System under log 154-06.

ENCLOSURE (S)

(A) Command Authorization for Search and Seizure of [REDACTED]
Personal Effects/16May06

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS CAMP FALLUJAH

Exhibit (8)

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Page 1 LAST [REDACTED] V2 LNY

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Command Authorization for Search and Seizure

UNITED STATES OF AMERICA

VS.
[REDACTED]TO: [REDACTED] Bn, 1st Marines Abu Ghurayb

Affidavit(s) having been made before me by [REDACTED] Special Agent Naval Criminal Investigative Service

That there is reason to believe that on the person of and/or on the premises known as:
[REDACTED] residences Abu Ghurayb and Command Post where he resided when out in the field

which is/are under my jurisdiction,

there is now being concealed certain property, namely:
Cameras, Photographs, [REDACTED] Clothing, and Triangular bandages, Letters, any electronic equipment capable of storing information and/or data and emails.

I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).

YOU ARE HEREBY AUTHORIZED TO SEARCH the person and/or place named for the property specified and if the property is found there to seize it, leaving a copy of this authorization and receipt for the property taken. You will provide a signed receipt to this command, containing a full description of every item seized.

Any assistance desired in conducting this search will be furnished by this command.

Dated this 16th day of May 2006

[REDACTED]izing Search

[REDACTED] Service, Title

Command

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Affidavit for Search Authorization
Naval Criminal Investigative Service

UNITED STATES OF AMERICA
VS.

BEFORE the [REDACTED]
Marines ABU GHURAYB, IZ

R 1st Battalion, 1st

The undersigned, being duly sworn, requests authority to search:

[REDACTED] PERSONAL PROPERTY LOCATED AT ABU GHURAYB AND COMMAND POST WHERE HE LIVED WHEN HE WAS OUT IN THE FIELD

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Believing that there is now being concealed certain property, namely:
CAMERAS, PHOTOGRAPHS, CLOTHING, [REDACTED] TRIANGULAR BANDAGES, LETTERS, ANY
ELECTRONIC EQUIPMENT CAPABLE OF STORING INFORMATION AND/OR DATA AND EMAILS

The request for authorization to search and seize is made in connection with an investigation into the offense(s) of:
THE UCMJ VIOLATIONS ARTICLE 81 (CONSPIRACY), ARTICLE 118 (MURDER), ARTICLE 128 (ASSAULT), AND ARTICLE 134 (KIDNAPPING).

The facts and circumstances known to me tending to establish the foregoing grounds for authorization to search and seize, including comments demonstrating the reliability of the information and/or informant, are as follows:
see attachment

[REDACTED]
Signature of Affiant
Representative, Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, this 16th day of MAY 2006

[REDACTED]
Rank, Service, Title

Cndr

b7C/b2E

AFFIDAVIT FOR AUTHORIZATION FOR SEARCH AND SEIZURE

I, Special Agent [REDACTED] of the Naval Criminal Investigative Service (NCIS) (hereinafter your affiant) do hereby solemnly swear to:

1. Your affiant is a duly sworn Federal Law Enforcement Officer. Your affiant has been employed as a Special Agent by the Naval Criminal Investigative Service for over 19 years. Your affiant has investigated 100s of UCMJ, Federal and State violations to include homicides, larcenies, assaults, narcotics and sexual assaults.

2. Your affiant's education and training consists of the following: A Bachelor of Arts degree in Law and Justice from Central Washington University. In addition your affiant attended the NCIS Special Agent Training Program at the Federal Law enforcement training Center located in Glynco, GA. Throughout your affiant's NCIS 19 year career affiant has attended several training courses provided by State and Federal agencies.

3. On 04May06, [REDACTED] USMC, SJA, Regimental Combat Team Five (RCT-5), contacted NCISRA Camp Fallujah, Iraq concerning a complaint by AWAD Ibrahim Awad that [REDACTED] (HASHIM), was taken from his house and killed by Marines on 26Apr06 near Abu Ghurayb, Iraq. [REDACTED] stated on 01May06, [REDACTED] USMC, TF 1/1 Chromite, received a complaint from [REDACTED] alleging Marines had removed [REDACTED] HASHIM from his residence and killed him. [REDACTED] told [REDACTED] the incident occurred on 26APR06 between 0200 - 0300. [REDACTED] said he lives 30m away and saw the Marines come to HASHIM's home and take him away. The next day [REDACTED] learned that HASHIM was dead and that the Marines had brought him to the Iraqi Police Department with a shovel and AK-47. [REDACTED] advised his neighbor, [REDACTED] told him that same night Marines came to his house took his shovel and AK-47.

4. On 08May06, the affiant arrived at Abu Ghurayb, Iraq and conducted interviews of HASHIM's family members. RA also conducted a death scene examination of the location where HASHIM was shot and killed.

5. On 10MAY06, screening interviews of 2ND Platoon, Kilo Company, 3rd Battalion 5th Marine platoon members identified [REDACTED] being upset with what happened the night HASHIM was killed by his squad. [REDACTED] was interviewed and related that [REDACTED] [REDACTED] and himself conspired on going into HASHIM's house, removing him from the house and taking him to a location and killing him. [REDACTED] stated once they killed HASHIM they all staged the death scene to make it appear as though there was a small arms gunfire battle between HASHIM and the aforementioned Marines. [REDACTED] were subsequently interrogated and all admitted to taking a role in conspiring and murdering HASHIM. Through [REDACTED] and [REDACTED] admissions it was discovered that

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the Marines [REDACTED] to assist in restraining him while the Marines got into a firing line to shoot him with their military issued rifles and kill him. Prior to going to the firing line [REDACTED] attempted to gag HASHIM with a triangular bandage but HASHIM tried to bite him. [REDACTED] related that after [REDACTED]

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[REDACTED] HASHIM. [REDACTED] advised photographs were taken by some of the aforementioned Marines prior to QRF arrival. The QRF was comprised of Marines from 2nd Platoon, Kilo Company 3/5.

Based on the foregoing, your affiant avers that there is probable cause to believe that:

Contained in the Marines of Second Platoon's, personal effects located at Abu Ghurayb base and at the Command Post where they resided when out in the field is evidence from the night the aforementioned Marines killed HASHIM. These items of evidence are Cameras, Photographs, Clothing, [REDACTED] Triangular bandages, Letters, any electronic equipment capable of storing information and/or data.

Subscribed to and Sworn by:

[REDACTED]
Naval Criminal Investigative Service

Date 16 MAY 06

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

[REDACTED]

RESULTS OF PERMISSIVE SEARCH OF [REDACTED]'S LIVING QUARTERS AND
PERSONAL BELONGINGS/18MAY06

1. On 18May06, contact was made with [REDACTED], at his living quarters on board 3rd Battalion, 5th Marines (3/5) Compound, Camp Fallujah, Iraq. [REDACTED] was asked by Reporting Agent if he would consent to a search of his personal effect. [REDACTED] agreed and provided written authorization for search. Enclosure (A) pertains. Subsequently [REDACTED] told [REDACTED] to spread his personal belongings out on the floor. Reporting Agent advised [REDACTED] that NCIS was looking for items that could be used to store information (cameras, Laptops, Play Station Portable System (PSP), IPOD, MP3 player and thumb drives). [REDACTED] handed Reporting Agent his 30GB IPOD, Serial #4W5SOXSWTYK. A Lexar 256 MB memory stick was recovered from [REDACTED]'s personal belongings spread out on the floor. No camera was located at this time. The seized items were entered into the NCIS Evidence Custody System under log #174-06. Agents Note: Review of the appended form disclosed Reporting Agent inadvertently recorded the date as 19MAY06 vice 18MAY06 on the form. The search was conducted on 18May06 between the times of 2214 and 2233, following [REDACTED]'s consent to the search.

ENCLOSURE(S)

(A) Permissive Authorization for Search and Seizure/19May06

PARTICIPANT(S)

[REDACTED], SA, NCIS Camp Fallujah

REPORTED BY: [REDACTED]

OFFICE: NCIS CAMP FALLUJAH

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EXHIBIT (82)

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : May 19, 2006

I, [REDACTED], after being advised by [REDACTED] that the Naval Criminal Investigative Service is conducting an investigation into UCMI Violations articles 81 (Conspiracy), Article 118 (Murder), Article 128 (Assault) and Article 134 (Kidnapping), have been requested to permit a search of my LIVING QUARTERS C-3-B 3/5 Compound Camp FALUJAH, IRAQ + PERSONAL BELONGINGS. I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on or before May 19, 2006 by Representatives of NCIS, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signed: [REDACTED]

[REDACTED]
Investigative Service

[REDACTED]
Naval Criminal Investigative Service

TIMES OF SEARCH

Start : 2114

End : 2233

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

[REDACTED]

SEIZURE OF [REDACTED] NIKON 4600 CAMERA/20MAY06

1. On 20May06, Participant [REDACTED] and Reporting Agent contacted [REDACTED] Staff Judge Advocate (SJA), Third Battalion, Fifth Marine (3/5), Camp Fallujah, Iraq. [REDACTED] asked Reporting Agent if NCIS wanted [REDACTED] personal camera. During the course of the investigation it was determined [REDACTED] took the photos of V/AWAD after the Marines had shot and killed him. [REDACTED] escorted [REDACTED] and Reporting Agent to the 3/5 Command Chapel. Command was conducting an inventory of subject and co-subjects personal belongings prior to them being transferred to Camp Pendleton, CA. [REDACTED] walked up to [REDACTED] pack and pulled out a Nikon 4600 camera serial number #30924742. The Nikon 4600 camera was placed into NCIS Middle East Field Office Evidence Custody System under log number 167-06.

PARTICIPANT(S)

[REDACTED] Special Agent, NCIS Camp Fallujah

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS CAMP FALLUJAH, IRAQ

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Exhibit (83)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

16MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

RESULTS OF COMMAND AUTHORIZED SEARCH OF [REDACTED] PERSONAL EFFECTS/16MAY06

1. As background, this investigation was initiated on 04May06 after [REDACTED] Staff Judge Advocate (SJA), Regimental Combat Team Five (RCT-5), contacted NCIS Camp Fallujah, Iraq, concerning a complaint by [REDACTED] that [REDACTED] V/AWAD was taken from his home and killed by Marines during the early morning hours of 26Apr06. Subsequent investigation revealed on 26Apr06, members of 1st Squad [REDACTED], [REDACTED] and [REDACTED], 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marine Regiment (3/5), Hamdania, Iraq, reported they had shot V/AWAD after witnessing him digging what they believed to be a hole in which to plant an Improvised Explosive Device (IED). The shooting occurred on a road known as route Penguins in Northern Hamdania, Iraq. Subsequent interviews of the members of 1st Squad, revealed V/AWAD had not been planting an IED, but the scene was staged to make it appear as if he was so 1st Squad could kill him.

2. On 16May06, Participant [REDACTED] requested and was granted Command Authorization for Search & Seizure for members of 1st Squad personal effects. On 16May06, Reporting Agent and Participants [REDACTED] and Marine CID Investigator [REDACTED] executed the search in the presence of [REDACTED], who identified himself as the 3/5 Company [REDACTED]. The search took place in a building with the number 3310 stenciled on the exterior, at Abu Ghurayb. Members of the command had already packed and staged the squad members' belongings in bldg. 3110. It was approximately 1600 hours. During the course of the search, RA searched the personal effects of [REDACTED]. RA seized a Kodak digital camera, model #360, from [REDACTED]'S sea bag. [REDACTED]'S name was visibly displayed on a card affixed to the bag. The Kodak camera was entered into the NCIS Middle East Field Office Evidence Custody System under log #152-06.

ENCLOSURE(S)

(A) Command Authorization for Search and Seizure of [REDACTED] Personal Effects/16MAY06

PARTICIPANT(S)

[REDACTED] Special Agent, NCIS, Camp Fallujah
[REDACTED] CID Agent, USMC, Camp Fallujah

REPORTED BY: [REDACTED] Special Agent
OFFICE: Camp Fallujah, Iraq

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Page 1 LAST [REDACTED] V2 LNY

EXHIBIT (84)

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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Naval Criminal Investigative Service

UNITED STATES OF AMERICA
VS.

BEFORE the [REDACTED] R 1st Battalion, 1st
Marines ABU GHURAYB, IZ

The undersigned, being duly sworn, requests authority to search:

[REDACTED] PERSONAL PROPERTY LOCATED AT ABU GHURAYB
AND COMMAND POST WHERE HE LIVED WHEN HE WAS OUT IN THE FIELD

Believing that there is now being concealed certain property, namely:

CAMERAS, PHOTOGRAPHS, CLOTHING [REDACTED] TRIANGULAR BANDAGES, LETTERS, ANY
ELECTRONIC EQUIPMENT CAPABLE OF STORING INFORMATION AND/OR DATA AND EMAILS

The request for authorization to search and seize is made in connection with an investigation
into the offense(s) of :

THE UCMJ VIOLATIONS ARTICLE 81 (CONSPIRACY), ARTICLE 118 (MURDER), ARTICLE 128
(ASSAULT), AND ARTICLE 134 (KIDNAPPING).

The facts and circumstances known to me tending to establish the foregoing grounds for
authorization to search and seize, including comments demonstrating the reliability of the
information and/or informant, are as follows:
see attachment

[REDACTED]
Signature of Affiant
Representative, Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, [REDACTED] day of MAY 2006.

Si [REDACTED]
[REDACTED]
Rank, Service, Title

NAVAL CRIMINAL INVESTIGATIVE SERVICE

DELETED PAGE INFORMATION SHEET

Page(s) 11603-11604

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

Deleted under exemption(s)

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

Pages contain information furnished by other government
agency(ies). We will advise you of releasability of information
following consultation with agency(ies).

Comments: duplicates of pages
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No duplication fee for this page

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

RESULTS OF PERMISSIVE SEARCH OF [REDACTED] PERSONAL BELONGINGS AND LIVING QUARTERS/18MAY06

1. On 18May06, [REDACTED] was asked to permit a search of his personal belongings, located at the 3rd Battalion, 5th Marines (3/5) Compound, Camp Fallujah, Iraq. [REDACTED] who was being fully cooperative gave a verbal answer of "YES" to Reporting Agent and Special Agent [REDACTED]. After [REDACTED] consented to the search of his personal effects he was also asked if he would consent to having his email account searched. [REDACTED] also gave his consent to search his email address [REDACTED]@hotmail.com and he gave his password as [REDACTED]. Enclosure (A) pertains.

2. [REDACTED] was transported to the 3/5 compound and a search of his personal belongings was conducted on 18May06, between the time of 2150 and 2207, by Reporting Agent and Special Agent [REDACTED]. [REDACTED], 3/5, was also present for the search.

3. During the search of [REDACTED]'s backpack, a sealed enveloped addressed to [REDACTED] was located. Reporting Agent asked [REDACTED] to open the letter, which he did. [REDACTED] states in the letter "I fear I have brought shame and embarrassment to the family, without doubt myself." The first page of the letter was dated 13May06. Enclosure (B) is a copy of [REDACTED]'s letter. The letter was seized and placed into NCIS Middle East Field Office Evidence Custody System under log number 172-06. Agents Note: Review of the enclosed authorization disclosed Reporting Agent inadvertently failed to annotate the search of [REDACTED]'s personal belongings on the Permissive Authorization for Search and Seizure form.

ENCLOSURES

- (A) Permissive Authorization for Search and Seizure/18May06
- (B) Copy of the seized letter taken from [REDACTED] dated 13May06

PARTICIPANT(S)

[REDACTED] SA NCIS Camp Fallujah

REPORTED BY: [REDACTED]
OFFICE: NCIS CAMP FALLUJAH

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Page 1

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18900

1605

PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : May 19, 2006

I [REDACTED], after being advised by [REDACTED] that the Naval Criminal Investigative Service is conducting an investigation into UCMJ Violations articles 81 (Conspiracy), Article 118 (Murder), Article 128 (Assault) and Article 134 (Kidnapping), have been requested to permit a search of my MSN HOTMAIL ACCOUNT [REDACTED]@hotmail.com. My password is [REDACTED]

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on or before May 19, 2007 by Representatives of NCIS, and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

Signature [REDACTED]

[REDACTED] Investigative Service

[REDACTED] Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start : 2150

End : 2207

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3/5 K240 Co. 2nd PG
UNIT 3090?
FPO-AP 96426-3090?

[REDACTED]

MILITARY
FILE

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18 MAY 06

(1)

5-13-Z-6

HERE I AM, LOCKED IN A ROOM WITH A
GUARD, FOR WHAT IS SAID TO BE MY OWN
PROTECTION. BEEN HERE THREE DAYS NOW. I DON'T
KNOW WHAT YOU KNOW OR IF I CAN EVEN
TELL YOU BUT IVE FAILED TO DO WHAT IVE
ALWAYS BEEN ABOUT AND WHAT YOU HAVE TAUGHT
ME...STANDING UP FOR WHAT IS RIGHT. HAD
I DONE THAT, THIS MESS WOULD BE NON-EXISTANT.
BY THE TIME YOU GET THIS I WILL PROBABLY
BE IN THE NEXT STAGES OF WHAT IS TO
COME, IN WHICH I HAVE NO IDEA BUT IM
SURE IT WILL NOT BE GOOD AND FURTHERMORE
PLEASANT FOR YOU. FOR THAT MY DEEPEST APOLOGIES.
IM IN NO POSITION TO ASK FOR ANYTHING
AND IT IS NOT REQUIRED OF YOU BUT I WOULD
ASK FOR YOUR SUPPORT THROUGH WHAT IS TO
COME. DON'T HATE OR DISOWN ME, I AM STILL
YOUR SON AND ^{NO} ~~NOT~~ DIFFERENT THAN ALL THE
PAST YEARS, ALWAYS MAKING BAD DECISIONS. AS
OF NOW I AM STILL BEING TREATED WELL
AND WITH RESPECT BUT THAT MIGHT NOT

LAST TOO MUCH LONGER. I KNOW IT IS IMPOSSIBLE BUT
TRY NOT TO STRESS TOO MUCH. YOU STILL HAVE THINGS
TO TAKE CARE OF BACK HOME. BE STRONG AS I WILL
HAVE TO BE. I CANT SAY HOW MUCH CONTACT WE
WILL HAVE BUT I WILL NEED YOU TO GET THROUGH
THIS. I FEAR I HAVE BROUGHT SHAME AND EMBARRASSMENT
TO THE FAMILY, WITHOUT A DOUBT MYSELF. IM SORRY
IF IT ENDS UP THAT WAY. ONCE AGAIN I CANT SAY
WHAT CHAIN OF EVENTS IS TO COME. I MAY NOT
EVER WALK THE WORLD FREELY AGAIN. SURELY IVE RUINED
WHAT SUCCESSFUL FUTURE I MAY HAVE HAD. WE MUST
ONLY HOPE AND PRAY FOR THE BEST BUT NEEDING OF
TIME MAY HELP. I HAVE CONFIDENCE THAT YOU WILL
BE IN MY SUPPORT, I HOPE. IF NOT I WILL UNDERSTAND
BUT LET IT BE KNOWN, THATS ABOUT THE ONLY THING
I WANT AND HAVE LEFT TO HOPE FOR. THERE MAY BE
HARD TIMES AHEAD. BE ASSURED I WILL BE MAKING THE
BEST OF IT AND TRYING TO KEEP UP GOOD SPIRITS. THERE MAY
BE HOPE YET, SEEING HOW I AM THE LEAST INVOLVED. STILL
IT MAY BE OUT OF MINE OR YOUR POWER BUT IN THE
HANDS OF A JUDGE AND JURY. I KNOW YOU ARE WORRIED
AND SCARED AS AM I BUT MOST IMPORTANTLY DONT LOSE
YOUR MINDS AND FORGET YOU HAVE THINGS TO HANDLE
BACK HOME AS I MENTIONED BEFORE. DAD, ENSURE YOUR
JOB IS MAINTAINED WHATEVER MAY HAPPEN, UNFORTUNATELY