



**UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE  
MIDDLE EAST FIELD OFFICE  
CAMP FALLUJAH, IRAQ**

**TITLE**

b7c

**CCN**

08May06-MEBJ-0357-7HMA

**AGENT'S NAME**

b7c

**SUMMARY**

Overall of green in color bandage found beneath tree adjacent route Penguins.

**DATE PHOTO TAKEN**

15May06

Photo 22 of 44

Enclosure (A) to Exhibit (112)

19025

1749



**UNITED STATES NAVAL CRIMINAL INVESTIGATIVE SERVICE  
MIDDLE EAST FIELD OFFICE  
CAMP FALLUJAH, IRAQ**

**TITLE**

b7C

**CCN**

08May06-MEBJ-0357-7HMA

**AGENT'S NAME**

b7C

**SUMMARY**

Close up of green in color bandage found beneath tree adjacent to route Penguins

**DATE PHOTO TAKEN**

15May06

Photo 23 of 44

Enclosure (A) to Exhibit (10)

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE**

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Page(s) 1751 - 1763, Encl (A) to  
Exh (112)

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PCL XL error

Subsystem: USERSTREAM

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NAVAL CRIMINAL INVESTIGATIVE SERVICE

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Page(s) 1765 - 1781, Encl(C) to Exh. (112)

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## STATEMENT

Place : Camp Fallujah, Iraq

Date : May 29, 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 the involvement of members of 1<sup>st</sup> Squad, 2<sup>nd</sup> Platoon, Kilo Company, 3<sup>rd</sup> Battalion 5<sup>th</sup> Marines in the killing of an Iraqi National named Hashim Ibrahim Awad.

For purposes of identification I am a [REDACTED] male born in the country of [REDACTED]. My social security number is [REDACTED]. I am a naturalized citizen having become a U.S. citizen in the summer of 1997. I am approximately [REDACTED] inches tall, weigh [REDACTED] pounds, and have [REDACTED] hair and [REDACTED] eyes. I am currently assigned to 1<sup>st</sup> Platoon, Kilo Company, 3<sup>rd</sup> Battalion 5<sup>th</sup> Marines (3/5 BN) as the Platoon [REDACTED]. My current address is [REDACTED].

On 26 April 2006, I was assigned as the Platoon [REDACTED] for 2<sup>nd</sup> Platoon, Kilo Company, 3/5 BN. I assumed my duties as the Platoon [REDACTED] of 2<sup>nd</sup> Platoon on 23 August 2005 when I transferred from Madrid, Spain, to the 3/5 BN. At approximately 2200 that evening, 1<sup>st</sup> Squad deployed out of Patrol Base Bushido to conduct [REDACTED]. That night, I was the convoy [REDACTED] for the Quick Reaction Force (QRF) at Patrol Base Bushido near the town of Abu Guhrayb. The QRF was made up of members of 3<sup>rd</sup> Squad, 2<sup>nd</sup> Platoon, Kilo Company, 3/5 BN. I was sitting in the patrol base operations center with the Platoon Commander, [REDACTED] when we received a radio call from 1<sup>st</sup> Squad stating that from their concealed position they were observing a male Iraqi National approaching RTE Penguins with a shovel. 1<sup>st</sup> Squad then advised that they were observing the unidentified male digging a hole along the road and that they suspected him to be an IED planter. I left the operations center for approximately 45 seconds to alert the QRF team members and tell them that they needed to prepare to roll out to the scene. When I returned to the operations center, I heard 1<sup>st</sup> Squad call over the radio that they were being engaged by enemy fire and that they were returning fire. Our security posts on the roof of the patrol base then called down and stated that they heard shots being fired. With that, I spoke with [REDACTED] a member of the QRF, and he advised that he knew exactly where 1<sup>st</sup> Squad was as he was with the team that inserted 1<sup>st</sup> Squad into their position along RTE Penguins. Consequently, the QRF mounted up into four vehicles. I was in the lead vehicle and [REDACTED] was my driver. We rolled out of the patrol base and arrived on the scene in less than ten minutes. En route to the scene, I was talking to [REDACTED] on the radio in effort to coordinate our link up. I was mainly concerned about whether or not they were still being engaged and whether or not there remained a security threat in the area.

Upon arriving at the scene, I saw a dead male Iraqi National lying on his back alongside of RTE Penguins. He appeared to have been shot multiple times. I immediately spoke with [REDACTED] who related to me that they saw the man digging a hole and that after being engaged, they returned fire. [REDACTED] stated that [REDACTED] was the first Marine to spot the male Iraqi National. [REDACTED] did not state, however, how the man engaged 1<sup>st</sup> Squad or why, and he did not specify

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on May 29, 2006

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how the Iraqi National learned of 1<sup>st</sup> Squad's position to the extent that he was able to open fire at them. [REDACTED] told me that the male Iraqi National then began running North from the hole he was digging along RTE Penguins and that his squad killed him approximately 100 meters from the suspected IED hole. As I was getting a preliminary on scene report from [REDACTED], I noticed that members of 1<sup>st</sup> Squad were picking up items of evidence, such as the AK-47, that [REDACTED] told me was found next to the Iraqi National's body near his hands, and putting them in the QRF vehicles. I told the Marines to stop doing that and to replace all the items of evidence exactly as they found it so that we could take proper photographs. I think I may have told the Marines something to effect of "make sure that his fingerprints are on the weapon," but I am not certain. If I said this, I said it because I was concerned that the Marines were not handling the weapon in a proper manner in which to preserve any fingerprint evidence. I don't know if any of the Marines then took the AK-47 and placed it in the dead Iraqi National's hands in order to ensure that his fingerprints were on the weapon. I do know, however, that all items of evidence were replaced so that proper photographs could be taken. In addition to the AK-47, [REDACTED] told me that they found two 7.62 mm AK-47 shell casings in the vicinity of the body.

I then went to inspect the suspected IED hole that [REDACTED] said the dead Iraqi National was digging. I found the hole to be approximately 50 to 75 meters south of where I found the body. Inside the hole I found a shovel and a sandal. I found another sandal outside of the suspected IED hole, a few feet away. I also inspected the position in which [REDACTED] said 1<sup>st</sup> Squad was hiding when they first observed the male Iraqi National. I found 1<sup>st</sup> Squad's positions to be approximately 200 meters from the IED hole and approximately 250 meters from the position of the Iraqi National when he was killed. I noticed it was very dark and that the road was only visible from that position with the use of Night Vision Goggles (NVGs). After inspecting the scene I directed [REDACTED] to ensure that photographs of all evidence was taken and that a photograph was taken from the position 1<sup>st</sup> Squad was in when the incident occurred. [REDACTED] indicated to me that they did not have their government issued camera but that [REDACTED] had his personal camera and would be able to take the requisite photographs. [REDACTED] then took approximately five to six photographs of the scene which I later obtained in preparation for the after action brief of the incident for the Battalion Commander. The photographs were placed onto a Government owned thumb drive that was issued to me by my company and which I was required to maintain on behalf of my platoon. I have since turned this thumb drive with these scene photographs over to NCIS. To my knowledge, there were no other photographs taken by other Marines of the scene. I also directed [REDACTED] and 1<sup>st</sup> Squad to continue searching the scene for additional AK-47 shell casings. After searching further, 1<sup>st</sup> Squad retrieved a couple of more shell casings from some bushes near the dead Iraqi National's body. I believe a total of between three to five 7.62mm AK-47 shell casings were recovered from the scene. I then asked [REDACTED] how many rounds his squad fired, and after polling the members of his squad, he advised that they had fired approximately 76 rounds.

That night while on scene, [REDACTED] also told me that after the Iraqi National was shot and fell to the ground, he was still squirming when [REDACTED] approached. [REDACTED] told me that when [REDACTED] told me that this was a technique he was taught at the Combined Arms Combat Operations training (CACS). Since I did not attend CACS with

Continuation of voluntary sworn statement of  
[REDACTED]  
on May 29, 2006

[REDACTED] I told him that if that was what the Marine Corps had taught him, he should not have any problems.

After the area was searched and photographed, the body was placed into a body bag and it along with the evidence from the scene was loaded up into the QRF vehicles. While on scene, we learned that we would need to take the body and the evidence to the local Iraqi Police Station. After remaining on the scene for approximately 90 minutes, the QRF along with 1<sup>st</sup> Squad returned to Patrol Base Bushido. There, the QRF dismounted, and we picked up our Platoon's interpreter. From there myself, the interpreter, and 1<sup>st</sup> Squad proceeded to an Iraqi checkpoint and then drove on to the local Iraqi Police Station. Once at the Police Station, we off loaded the body along with the shovel and the AK-47. We met with an Iraqi Police Major who required that [REDACTED] write a statement detailing the facts of the incident, which he did. I then signed the statement provided by [REDACTED] stating that it was accurate to the best of my knowledge. When we were finished at the Iraqi Police Station, we returned to Patrol Base Bushido. I later learned that the Iraqi police turned the AK-47 over to the family of the dead man.

The next day, [REDACTED] came to me and stated that his first accounting of rounds was inaccurate and that 1<sup>st</sup> Squad fired a total of approximately 96 rounds during the incident. [REDACTED] stated that approximately 76 rounds were fired from the squad's M249s and another 20 rounds were fired from the squad's M-16/M-4s.

I have been asked about my knowledge of any other allegations of brutality or wrongdoing by 1<sup>st</sup> Squad during my tenure as the Platoon [REDACTED] for 2<sup>nd</sup> Platoon. I know of another allegation that surfaced a few days before the investigation surrounding this aforementioned shooting was initiated. I learned that 1<sup>st</sup> Squad was accused of beating up an individual known to the platoon as "[REDACTED]" because he was suspected to be the leader of the insurgency in the area surrounding the town of Abu Ghurayb. I had been told that some local Iraqi Nationals complained that 1<sup>st</sup> Squad had badly beaten up this individual. I confronted [REDACTED] about the allegation and he told me it was erroneous. [REDACTED] denied beating the individual and stated that the only thing 1<sup>st</sup> Squad did was throw this individual against a wall when he began to put up some physical resistance.

I have also been asked to provide information regarding access to the unclassified (NIPRnet) and secret (SIPRnet) internet by members of 1<sup>st</sup> Squad. In our Battalion, access to NIPRnet and SIPRnet is restricted to officers and senior non-commissioned officers. As such, members of 1<sup>st</sup> squad did not have access to either of these mediums. If members of 1<sup>st</sup> Squad desired to have access to the internet, they would have had to utilize the computers provided by the local MWR.

Finally, I have been asked as to whether there was a "Dragoneye" on station during or after the aforementioned shooting incident. A "Dragoneye" is an [REDACTED]. There was one assigned to Kilo Company but it was not in use at the scene during the early morning hours of 27 April 2006 because the designated operator was [REDACTED] of 1<sup>st</sup> Squad, 2<sup>nd</sup> Platoon, and he was out in the field with 1<sup>st</sup> Squad when the incident occurred. I do not know whether there was another "Dragoneye" on scene that night.

Continuation of voluntary sworn statement of

on May 29, 2006

This statement, consisting of this page and 3 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 truth to the best of my knowledge and belief.

Signature: [REDACTED]

060529

Sworn to and subscribed before me this 29<sup>th</sup> day of May in the year 2006 at

Camp Fallujah

Witnessed: [REDACTED]

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

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

30MAY06

CONTROL: 08MAY06-MEJB-0357-7HMA

## RESULTS OF INTERVIEW OF [REDACTED]

1. ON 29May06, Reporting Agent (RA) interviewed [REDACTED] regarding the shooting death of V/AWAD during the early morning hours of 26Apr06. As background, [REDACTED] at the time of the incident, was the Platoon [REDACTED] for 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marines (3/5 BN). [REDACTED] was part of the Quick Reaction Force (QRF) who responded to the scene that morning. [REDACTED] provided a detailed sworn statement explaining the events of that morning. In doing so, [REDACTED] provided a sketch of the scene as he found it when he arrived in the area on 26Apr06 and linked up with the members of 1st Squad, 2nd Platoon, Kilo Company, 3/5 BN, Enclosure (A) pertains.

2. Also during the interview, [REDACTED] was provided with photographs of a village in the Hamdania area from which V/AWAD was taken and killed. He confirmed that the photographs were of the village in which V/AWAD and a suspected insurgent, known as [REDACTED] lived. [REDACTED] related that [REDACTED] is known as [REDACTED] to members of the platoon because of the leadership role he is believed to fulfill in the Hamdania area. On one photograph, [REDACTED] marked what house [REDACTED] is suspected to occupy, Enclosures (B)-(D) pertain. [REDACTED] also provided Reporting Agent with the command's travel drive that he maintains. The travel drive was placed into the Middle East Field Office Evidence Custody System under log number 179-06. [REDACTED] consited to a Permissinve Authorization for Search and Seizure of the travel drive, Enclosure (E) pertains.

## ENCLOSURE(S)

- (A) [REDACTED] Scene Sketch 26APR06/29MAY06
- (B) Overview Photo of local village containing V/AWAD's and [REDACTED] Homes/29May06
- (C) Overview Photo of local village containing V/AWAD's and [REDACTED] Homes with [REDACTED] house identified/29May06
- (D) Overview Photo of area near [REDACTED] House/29May06
- (E) Permissive Authorization for Search and Seizure/29MAY06

REPORTED BY: [REDACTED]  
OFFICE: NCIS CAMP FALLUJAH

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EXHIBIT (114)

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WARNING

Page 1

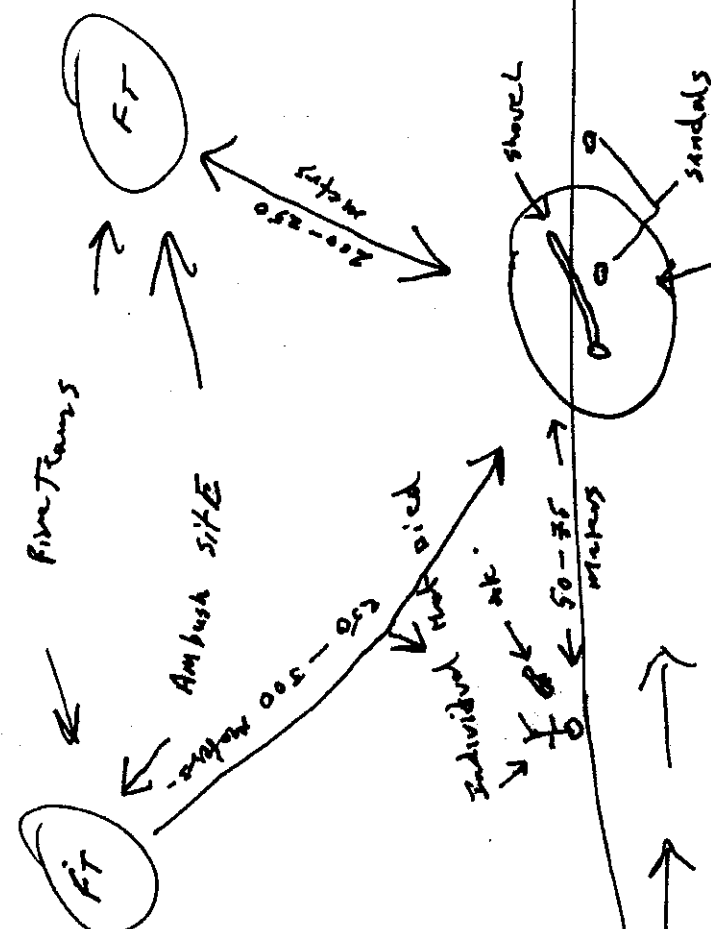
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Hole where shovel and sandals were found

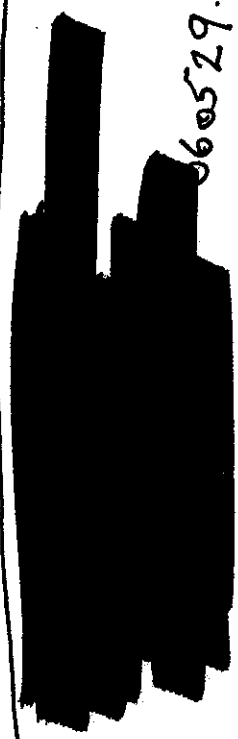
- Vehicles in Convoy 4
- Convoy personnel 10-12

This way is North

Direction of Movement

QRF

729



660529.

This way is North

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE**

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Page(s) 1788 - 1790, (Encl (B) & (D)) to ECH(114)

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# PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date: 060529

I [REDACTED], after being advised by Special Agent(s) [REDACTED] that the Naval Criminal Investigative Service is conducting an investigation concerning MURDER have been requested to permit a search of the files on the government thumb drive (electronic media) that I control for Kilo 3/5. 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 and seizure may be conducted on 29MAY06 and subsequent days as necessary to complete the computer forensic examination of all electronic storage media found during the search by Special Agent(s) [REDACTED] and all other NCIS Special Agents as may be necessary, and I hereby give the Special Agent(s) my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I also give permission to NCIS Special Agent(s) to conduct forensic reviews, by persons qualified to conduct said examinations, of all electronic storage media and data files, to include text and graphical image files, contained on the electronic storage media attached to and/or accompanying the described seized equipment (such as but not limited to computers or other devices) for investigative purposes pursuant to the investigation listed above.

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]  
Special Agent, NCIS

\_\_\_\_\_  
Special Agent, NCIS

\_\_\_\_\_  
Command Representative

## TIMES OF SEARCH

Start: 1551 29 MAY 06

End: \_\_\_\_\_

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

01JUN06

CONTROL: 08MAY06-MEBJ-0357-7HMA

## RECEIPT OF CENTRAL CRIMINAL COURT OF IRAQ ORDER

1. At 1000, 28MAY06, Reporting Agent (RA) presented an Affidavit for the Search Authorization, Enclosure (A), and an Arabic Translation of the Affidavit for Search Authorization, Enclosure (B), to the Central Criminal Court of Iraq Panel Judge [REDACTED], in Baghdad, IZ. RA was assisted by FBI SA [REDACTED] and Interpreter [REDACTED] during the presentation to Judge [REDACTED]. In addition to the Affidavit for Search and Seizure, Judge [REDACTED] was also presented with a written authorization from the family of V/AWAD, Hashim Ibrahim consenting to the exhumation of V/AWAD's remains for a forensic autopsy, enclosure (C) pertains. After reviewing the provided materials, Judge [REDACTED] instructed an Iraqi Police (IP) investigator to draft a court order for his signature. While awaiting the order to be drafted, Judge [REDACTED] discussed the investigation and recommended that U.S. Forces have family members accompany them while exhuming the body of V/AWAD. Judge [REDACTED] subsequently reviewed and signed the judicial order in the presence of RA, SA [REDACTED] and Interpreter [REDACTED] enclosures (D) and (E) pertain.

### ENCLOSURE(S)

- (A) Affidavit for Search Authorization/28May06
- (B) Translation of Affidavit for Search Authorization/28May06
- (C) Family Consent for Exhumation of V/Awad/Undated
- (D) Central Criminal Court of Iraq (CCCI) Panel Judge [REDACTED] Order/28May06
- (E) English Translation of CCCI Panel Judge [REDACTED] Order/28May06

REPORTED BY: [REDACTED] Special Agent NCIS  
OFFICE: MNF-I Strategic Counterintelligence Directorate

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EXHIBIT (115)

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Affidavit for Search Authorization  
**Naval Criminal Investigative Service**

UNITED STATES OF AMERICA

v/s

[REDACTED] (ET AL)

**BEFORE the Central Criminal Court of Iraq, Investigative Judge**

**The undersigned, being duly sworn, requests authority to search:**  
The burial site of Hashim Ibrahim AWAD near Hambaniyah, Iraq who died on April 26, 2006.

**Believing that there is now being concealed certain property, namely:**  
The body of Hashim Ibrahim AWAD and associated clothing/burial garb.

**The request for authorization to search and seize is made in connection with an investigation into the offense(s) of : the murder of Hashim Ibrahim AWAD in violation of the Uniform Code of Military Justice Article 118 or 119.**

**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:**

This affiant, Special Agent [REDACTED] has been a sworn federal law enforcement officer since December 8, 1981 and a Special Agent with the Naval Criminal Investigative Service since July 1985. In his capacity as a Special Agent for NCIS, he has conducted numerous investigations into the medially unattended deaths of persons associated with the Department of the Navy, including numerous homicide investigations. He has been training in the collection of forensic evidence at crime scenes, death investigations, and has participated in dozens of autopsies under investigation by the NCIS.

On 27May06, Special Agent [REDACTED] of the United States Naval Criminal Investigative Service provided me the following information relevant to this investigation: On 04May06, [REDACTED] SJA, Regimental Combat Team Five (RCT-5), contacted NCISRA Camp Fallujah, Iraq concerning a complaint by [REDACTED] that [REDACTED]

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