

Continuation of voluntary sworn statement of

on August 25, 2005

gunners. They stay with the vehicles. I stayed with my vehicle and [REDACTED] was the driver so he stayed as well. Once the vehicles were about 2 miles into the town we turned the vehicles around to face back out of town. The Marines started searching the homes headed back out of town. The search wasn't an online search. It was just to sweep everything in the area and there were two groups on each side of the street. The Engineer vehicle (my vehicle) and one of the weapons vehicle was sent to the end of the zone we were there to search and set up a road block. It was towards the end of the search and we set up a road block facing North on River Road. We had been sitting there for about a half an hour and I think at the time we thought that we heard a gunshot or two, but it was muffled so we weren't sure what had happened. About 5-10 minutes later it was passed over the radio, my [REDACTED] may have told me, that one of the Iraqi's in one of the homes had been killed (KIA). I stayed in the turret the entire time. I could not see the house from my location. I didn't see [REDACTED] or [REDACTED]. As a matter of fact, I can't even tell you who [REDACTED] or [REDACTED] are. I never saw the body, I didn't see any pictures, I don't know that pictures were taken, I didn't see anyone assault any Iraqi's that day. Weapons platoon brought out lots of toys and stuffed animals to give out to the kids. It was a very pleasant mission without the shooting. I don't remember a mission-debrief. Once we re-entered the wire we went into the lot and weapons went back to their staging area. If there was a debrief we weren't present for it. *ENGINEER LOT LOCATED RIGHT W/IDE THE S. GATE*

Since the incident I have heard that there have been several investigations started about the incident. I have not been questioned by anyone else, nor have I given a statement regarding that day to anyone. From the time we thought we heard a shot and the time we left the town it was about 15-20 minutes. I haven't heard anything about the incident except that the guy was possibly the school master's son and that he is somehow related to the ambassador [REDACTED]

I would like to add that I have worked with weapons that one time and they seem to be a good professional bunch of guys. It was good to see the kids smiling [REDACTED]

This statement, consisting of this page and 1 other page(s) was typed for me by [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 [REDACTED]

Signature: [REDACTED]

Sworn to and subscribed before me this 25 day of August in the year 2005 at

Al-Asad, IZ 2003

Witnessed: [REDACTED]

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

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G316

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW OF [REDACTED]

1. On 25Aug05, [REDACTED] was interviewed regarding the 3/25 Lima Company mission on 25Jun05 that resulted in V/SUMAIDAIE's death. [REDACTED] reported that he was the driver of a High Mobility Multi-Wheeled Vehicle (HMMWV), Light Vehicle 3, and was assigned to provide security to the north of the cordon and knock mission. [REDACTED] said he did not witness any portion of the house-to-house actions on the mission, as he remained in his vehicle watching northward near river road in the vicinity of Dam Village, Haditha, Iraq. [REDACTED] stated [REDACTED] was assigned as vehicle commander, a Marine he can't recall was the turret gunner, and he believed there were 2 or 3 Iraqi soldiers assigned with the vehicle that day.

2. [REDACTED] reported he first heard about the shooting of V/SUMAIDAIE from [REDACTED] recalled the mission was supposed to terminate at either 1100 or 1200, and at about 15 minutes after the hour he jokingly asked [REDACTED] what was taking so long. [REDACTED] related [REDACTED] told him [REDACTED] had shot an Iraqi. [REDACTED] said he doesn't know whether [REDACTED] was at the incident house, whether [REDACTED] heard about the incident directly from someone, or whether [REDACTED] heard about it on a personal radio. [REDACTED] stated [REDACTED] had no further information.

3. [REDACTED] conveyed each mission has a brief and debrief, but he does not specifically remember the 25Jun05 brief or debrief. [REDACTED] said [REDACTED] or [REDACTED] would have given the brief and debrief.

4. [REDACTED] reported he knows [REDACTED] and [REDACTED] and considers them all to be highly professional servicemembers and outstanding people. [REDACTED] related [REDACTED] is one of his best friends. [REDACTED] said he has not discussed specifics about the 25Jun05 shooting with [REDACTED] but they have talked about how [REDACTED] is doing regarding the shooting.

5. [REDACTED] indicated that a few days after the incident, he was tasked by [REDACTED] to provide a statement regarding his role on the 25Jun05 mission, and whether he was aware of the existence of any relevant photographs. [REDACTED] said he was not aware of photographs, and he detailed that fact as well as his role as a driver in a statement. [REDACTED] said he turned the statement in to [REDACTED]

6. [REDACTED] conveyed he was aware that command, battalion, and regiment-level inquiries were made concerning V/SUMAIDAIE's death, but he was never questioned other than as previously noted. [REDACTED] reported [REDACTED] stated at a meeting that an investigation into the shooting was underway, and that those questioned should answer

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19664

EXHIBIT (D) 317

10AUG05-MEBJ-0533-7

SUBJ: V/SUMIDAIE, M. [REDACTED] MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

questions fully and truthfully.

BIOGRAPHICAL DATA

EMPLOYMENT: 3/25 LIMA CO. WEAPONS PLATOON LIGHT SECTION

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED] Special Agent

OFFICE: NCIS Det Al Asad, IZ

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19665

G318

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25AUG05

CONTROL: 10AUG05-MEJB-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 25Aug05, Reporting Agent (RA) interviewed [REDACTED] USMC, regarding his knowledge of the circumstances surrounding the shooting death of V/SUMIDAIE on 25Jun05. On that date, [REDACTED] was the S-3 [REDACTED] in the Command Operations Center (COC), who took the radio call from [REDACTED] who was at the incident scene.
2. [REDACTED] stated he has received dozens of incident reports from the field, however not very many fatalities. When they get a radio call from the field, there is a clerk who takes down the information, and the first report is always messed up, therefore they usually call the patrol into the COC upon their return to go over the facts. On 25Jun05, [REDACTED] remembered the call when it came in and he always asks if there are any casualties and any of them Marines. On that date the answer was yes to casualties, no Marines, however one Military-Aged Male (MAM) killed from a gunshot wound to the neck.
3. [REDACTED] stated he asked the Radio Clerk for more details, however he didn't know, so [REDACTED] specifically asked for the [REDACTED] to get on the radio. [REDACTED] indicated he personally spoke to [REDACTED] who related they were on a Cordon and Knock (C&K) mission and they asked several women and children to gather outside the house. The Marines asked if anyone was left in the house, and their response was "No". The team entered the house and began clearing the rooms. When the lead Marine rounded a corner into a room, he saw a MAM with a leveled weapon, and the Marine shot the MAM in the neck, killing him. [REDACTED] indicated he did not know if it was a real AK-47, but mentioned something about a celebration weapon that fires blanks. [REDACTED] told him he didn't care at the time what type of weapon it was. He stated he would get better details later.
4. [REDACTED] indicated he generates the spot report, which then goes up to the Regimental Watch Officer who generates another report, which goes up to Division. It was initially passed up the chain as a ceremonial weapon, however [REDACTED] stated he heard later it was a real weapon, which could fire live rounds. [REDACTED] stated he instructed [REDACTED] to come to the COC upon his return to base, however the Assistant Commandant of the Marine Corps was on station when they returned and they had to attend an All-Hands formation to meet him. At the conclusion of the all-hands formation, [REDACTED] stated he still had to track [REDACTED] down, and called for him three additional times before he finally showed up. [REDACTED] stated it took approximately five or six hours after [REDACTED] return to the Dam, before he was

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EXHIBIT 12

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SUBJ: V/SUMADAIE, MOHAMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

debriefed.

5. When [REDACTED] finally arrived at the COC, his Platoon Commander, [REDACTED] accompanied him. None of the other Platoon members were present. [REDACTED] provided the same information he passed over the radio with very little additions. [REDACTED] indicated he accompanied [REDACTED] and [REDACTED] to the Intel Brief, and that was the first time he saw the AK-47, and noticed it had a silver tip in the barrel, almost like a flash suppressor, or muzzle conversion for a different size round. The hole in the silver tip looked small like for a .22 round.

6. [REDACTED] stated he used to be a Platoon Commander and has participated in many C&K missions. As far as he could tell, the Patrol followed their tactics and protocol for this type of mission by removing the family from the house, asking for weapons or additional people, and if weapons, having an elder show them where the weapons are. In this case, the family told them there were no weapons, so there was no need for an escort. [REDACTED] also indicated, on the date of the incident, the surrounding neighborhoods around the Dam were friendly towards Marines and there was a lot of interaction between the Marines and the community.

7. Regarding the lack of photographs of the shooting incident, [REDACTED] stated each squad is issued a camera and the Squad Leaders know to take photos of anything significant they find while conducting patrols. There is a General Order not to take photographs of detainees or dead Iraqis with their personal cameras, however to document an incident, they know to use the squad issued camera. [REDACTED] was asked if he specifically requested photos of the shooting scene, and he indicated he probably did. [REDACTED] stated on a scale of 1-10, he is about 8-9, sure that he requested photos of the shooting scene. He indicated, it is just Standard Operating Procedures. [REDACTED] further explained S-2 (Intel) would normally get the photos, so he did not expect them at the COC debrief, but expected them to be presented at the S-2 debrief afterwards. [REDACTED] finally said he can't think of a reason why [REDACTED] would not have photos taken and can't explain why none were taken.

8. [REDACTED] stated he had heard somewhere that the victim was taking the Marines to the weapon, but does not know if that version came from the family or the Marines. [REDACTED] stated when he saw that version in the newspapers; he thought there was a leak somewhere. [REDACTED] also stated he had heard somewhere the victim was an insurgent, but again does not know where he heard it. [REDACTED] had no additional information pertinent to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: [REDACTED], H&S CO, 3BN, 25MARREG
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: [REDACTED]
OTHER: [REDACTED]

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G319

10AUG05-MEBJ-0533-7H1

SUBJ: V/SUMIDAIE, MO MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS, AL ASAD AIRBASE, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25AUG05

CONTROL: 10AUG05-MEJB-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 25Aug05, Reporting Agent (RA) interviewed [REDACTED] USMC, regarding his knowledge of the circumstances surrounding the shooting death of V/SUMIDAIE on 25Jun05. On that date, [REDACTED] stated he was the S-3 [REDACTED] assigned to the Command Operations Center (COC), when the radio call came in from [REDACTED] the platoon leader at the scene.

2. [REDACTED] stated he was not in the COC at the time of the call, but was notified later by [REDACTED]. He indicated after hearing about the shooting, he specifically asked for the [REDACTED] as soon as they returned to the Dam. [REDACTED] stated he wanted statements from the patrol members upon their return, and he would turn them over to the Lima Company Commanding Officer, [REDACTED] (nfi). [REDACTED] stated he wanted to make sure everything was documented. The spot report was then generated and sent to Regiment.

3. [REDACTED] stated the information he received, was people were cleared from the house, the Marines entered the house, there was still a Military-Aged Male (MAM) in the house, who had an AK-47 and he was shot. [REDACTED] stated the COC normally does not get a debrief, even for an incident such as this, but that S-2 (Intel) normally holds the debrief to see if any Intelligence was gathered during the patrol, such as trends, routes, or any insurgent activity. The only reason the COC would be debriefed, would be to gather additional info for the spot report. [REDACTED] stated the S-2 Marines at that time were [REDACTED] and [REDACTED].

4. [REDACTED] stated as [REDACTED] he was instrumental in conducting these C&K missions, and pushing patrols throughout the area, for the purposes of getting Intel on Point of Origin sites for mortar rounds received at the Dam. There was also a secondary mission to recover some Texas Barriers placed at a local school, which could be used at their firm bases in Hit. [REDACTED] stated the Marines learned their tactics for C&K Mission from the Division Handbook, which was trained in 29 Palms prior to deployment. [REDACTED] stated the Battalion had never conducted C&K missions prior to deploying, therefore, the training at 29 Palms was the first time most of the Battalion had seen this type of training.

5. [REDACTED] further stated Lima Company has had the most interaction with the local Iraqis out of any other Company in the Battalion, and they are very capable and professional during these missions. Even during raids or high value targets, where the Marines isolate men and woman and search individuals, they still perform their jobs well, and

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19669

EXHIBIT (24) 7321

SUBJ: V/SUMAIDAIE, MO [REDACTED] MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

are very professional. [REDACTED] stated the Iraqi families are entitled to one weapon and 50 rounds per adult in the house, whether male or female, therefore there is no reason for the families to think the Marines would take their only means of security. [REDACTED] stated in his experience, Marines generally don't go into neighborhoods with malice intent. [REDACTED] provided no additional information pertinent to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: [REDACTED] WEAPONS CO,

3BN, 25MARREG; AKRON, OH

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: NO PHONE

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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LAST [REDACTED]

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G322

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMADAIE, MOHAMMED/CIV
M/W/FNI?/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 25Aug05, Reporting Agent (RA) interviewed [REDACTED] USMC, regarding the shooting death of V/SUMADAIE, shot and killed by U.S. Marines on 25Jun05, during a Cordon and Knock (C&K) mission south of Haditha Dam, IZ. [REDACTED] stated he first met [REDACTED] the Marine who shot V/SUMADAIE, at training in 29 Palms, CA prior to deployment, and he seemed to be a quiet, but a good kid. He was also a good Marine, and even though he is young, has caught situations that others had missed, for example proper escalation of force issues, where Iraqis have approached their patrol, and [REDACTED] was the first to see them, and utilized the proper procedures to warn them.
2. [REDACTED] stated he is a member of Weapons Platoon, however he did not participate in the C&K mission on 25Jun05. He was on the mission manifest, however he had just returned to the Dam that day from Al Asad, and missed the movement. When the Platoon returned to the Dam, he first saw [REDACTED] who told him about the incident. [REDACTED] told him [REDACTED] entered a back bedroom, saw a Military-Aged Male holding an AK-47 and he shot him. [REDACTED] was the next person he saw at the Dam, who told him, "I can't believe how stupid these people are"; referring to the Iraqi family and how they lied to the Marines and it got someone killed. [REDACTED] stated the Marines know enough Arabic commands to ask for weapons and people in the house, so there was no way the Family did not know what the Marines were asking of them. He gave examples like, "Laz um Fetchek", which means, "search house". Also, "Indek Sla", which means, "Any Weapons?" or they will simply ask for Kalashnikovs, the brand name of the AK-47, which most Iraqis are familiar with. [REDACTED] stated if the Iraqis say La, they are saying no, and if they say EE, that means yes in Arabic.
3. [REDACTED] stated he next saw [REDACTED] come into the billeting area, and he looked pretty shaken up. He stated he didn't want to talk about the incident, but told [REDACTED] he walked into a room, and a guy was holding an AK-47. [REDACTED] indicated the Army Investigation also shook up [REDACTED] because that was the first time during this ordeal that he was read his rights. [REDACTED] stated [REDACTED] told him, "Not only do I have to worry about saving my life, but now I have to worry about saving my freedom".
4. Regarding the incident, [REDACTED] indicated it is SOP to take photos of an incident such as this. When he served in Al Qaim, [REDACTED] their Commanding Officer said, take photos of all dead bodies, but his CO in Haditha has a different policy on the issue. He said [REDACTED] is more about the hearts and minds of the Iraqis.

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EXHIBIT 125

SUBJ: V/SUMADAIE, MO MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

stated that [REDACTED] would rather press an attack on a house and risk US lives, rather than pull back, call in Tanks and Air and destroy the house, and any innocents inside. [REDACTED] continued stating, [REDACTED] has never talked to their unit on a personal level, and that means a lot to them regarding having their command support their efforts, even in something like this shooting incident.

5. [REDACTED] stated he has never heard about any photos being taken, and it is unlikely they were taken, because normally they will be shown throughout the Platoon. He never saw or heard anything about photos, so chances are none were taken. He also stated, anyone who knows [REDACTED] could not believe he would shoot someone intentionally, unless he was defending his life. [REDACTED] provided no additional information, pertinent to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: WEAPONS PLT, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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G324

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27AUG05

CONTROL: 10AUG05-MEJB-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 25Aug05, Reporting Agent (RA) questioned [REDACTED] USMCR, concerning the death of V/SUMIDAIE on 25Jun05. As background, V/SUMIDAIE was shot and killed inside his parent's residence by a U.S. Marine who was participating in a search of the residence. [REDACTED] was identified as having been assigned to the Marine patrol involved in the search of the residence.
2. [REDACTED] related he was assigned as the driver for the lead vehicle of the patrol, which he stated was a hardback HMMWV. [REDACTED] related the other Marines assigned to ride in his vehicle were [REDACTED] (Vehicle Commander), [REDACTED] (Gunner) and [REDACTED] (Dismount).
3. [REDACTED] related the primary mission of the patrol that day was to conduct a sweep of houses located in a section of South Dam Village. [REDACTED] could not recall the specific "Northings", that identified the area searched but recalled the area they had to search was about a "Click" (Kilometer) in length. [REDACTED] related upon completion of the primary mission, the patrol was to link up at a specific location so that Marine Engineers could examine "Jersey Barriers" at an old voting station in the town. Upon completion of that mission, the Marines were to return to Haditha Dam.
4. [REDACTED] stated he recalled the shooting incident occurred towards the end of the 1st phase of the mission, which was the sweep of houses. [REDACTED] said he was at his vehicle at the time and did not hear any gunshots. [REDACTED] recalled his vehicle was located on River Road facing North and his vehicle was experiencing mechanical (fuel injector) problems and he was trying to fix it. [REDACTED] stated he believed he was about 75 meters away from the house where the shooting occurred and was not physically in a position to see or hear what was happening at the house.
5. [REDACTED] related he had a camera in his vehicle that day and acknowledged it was his own personal camera. However, [REDACTED] stated the camera had been broken for approximately 3 months and that it remained on the dashboard of the vehicle during that time. [REDACTED] explained that the automatic lens cover was damaged and would not open and as a result the camera lens could not extend. [REDACTED] stated that when the camera was turned on, it would power up but would immediately turn off. [REDACTED] stated the LED display on the back of the camera would stay on and he did not think the camera would stay on long enough for the flash to work.

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EXHIBIT (26) 225

SUBJ: V/SUMATDAIE, MO MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

6. [REDACTED] stated that at some point while stationary on the patrol, a Marine from the patrol came and took his camera from his vehicle. [REDACTED] stated he did not see who took the camera and believed this occurred when he was outside his vehicle looking inside the engine compartment trying to assess the mechanical problems his vehicle was having. [REDACTED] stated that [REDACTED] arrived at [REDACTED] vehicle and returned the camera to him prior to them leaving River Road.

7. [REDACTED] related he has two memory cards for his camera but does not believe either of the cards were inside the camera that day.

[REDACTED] stated his camera had an internal memory card built into the camera that was capable of storing a few pictures and related he believed he might have pictures stored on the internal memory that he took upon first arriving at Haditha Dam in March05. [REDACTED] related his camera and memory cards were presently located at Haditha Dam and agreed to keep the camera and memory cards in a safe place for future examination. [REDACTED] believed the brand of his camera was Nikon.

8. [REDACTED] was unaware if any other Marines had cameras on the patrol or if any other cameras were utilized to take pictures.

[REDACTED] stated he has not personally seen any pictures of the scene and did not know if pictures were actually taken.

9. [REDACTED] related he had provided two statements regarding this investigation. He related the first statement pertained to the issue of the existence of pictures. [REDACTED] stated that he was told by [REDACTED] to write a statement about the picture issue. [REDACTED] stated to his knowledge, all the Marines assigned to Light Section provided a statement on this issue. [REDACTED] stated he was told to do this by [REDACTED] but believes [REDACTED] had been directed by higher authority to have the statements completed. [REDACTED] stated he physically handed his statement along with statements submitted to him by other Marines to [REDACTED]. [REDACTED] said the logical step would have been for [REDACTED] to turn the statements into [REDACTED] or [REDACTED] but did not know for certain if this had been done.

[REDACTED] stated he wrote and submitted his statement to [REDACTED] while at Forward Operating Base (FOB) Hit. [REDACTED] related the second statement was provided to the Army Colonel from NMCI who conducted an investigation.

10. [REDACTED] related he has not personally spoken to [REDACTED] or [REDACTED] regarding the specific details of the shooting and said he had not direct knowledge of what occurred in the house as he did not witness anything.

11. [REDACTED] related he has participated in between 5-10 Cordon and Knock operations where he has assisted in physically searching the houses. [REDACTED] related from his experience, it was normal procedure to separate the family members by gender and to normally address questions to the head of household or eldest male adult present. [REDACTED] related the two basic questions asked were if

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19674

G326

10AUG05-MEBJ-0533-7HMA

SUBJ: V/SUMAIDAIE, MO [REDACTED] MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

there were weapons or other people present in the house. [REDACTED]
related of the family indicated there were weapons in the house, the
Marines would have the head of household or eldest male take them to
the weapon and point out its location. If the family did not
disclose the presence of weapons or additional persons, the Marines
would split up into teams and the head of household or eldest male
would normally remain with the senior Marine present in the house.

12. No additional relevant information was obtained from the
questioning of [REDACTED]

BIOGRAPHICAL DATA

EMPLOYMENT: WEAPONS PLT, 1 CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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LAST [REDACTED] V2 LNY

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19675

C327

STATEMENT

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq
Date: 26Aug05

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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of [redacted]

For purposes of identification, I am a [redacted] currently assigned to H&S Company 3/25, which is forward deployed to Haditha Dam, Iraq in support of Operation Iraqi Freedom. My social security number is [redacted], my date of birth is [redacted] and my place of birth [redacted] I am [redacted] inches tall and [redacted] pounds, with [redacted] eyes and [redacted] hair. [redacted]

On 25Jun05 I was involved with a Cordon and Knock operation in Dam Village in the north section of Haditha with Lima Co weapons platoon. Prior to departing for the mission [redacted] acting platoon commander for the mission, gave a pre-operation brief. During this brief [redacted] stated a follow on mission had been added to the day's mission. I believe there were two additional Marines; one was [redacted] who was added for the follow on mission. After cordon and knock operations Lima Co weapons platoon along with [redacted] were to observe a school in Dam Village with large concrete barriers. These barriers were to be used for defensive barriers at a different 325 location. [redacted] was to take pictures of these barriers for their use as a defense. [redacted]

After departing for the cordon and knock operation we went through dam village for our designated hour to an hour and a half time frame for clearing houses. My mission during this operation was to talk to the local population and gather atmospherics and any other intelligence of value from the city. I received a radio transmission from [redacted] that HET was required at his position. At that time I was located across the street in a different residence. Upon arriving to [redacted] position he debriefed me on the incident that occurred. [redacted] stated that the incident was that one Iraqi male was shot with one 556 round. [redacted] stated that the Marines were going to search the home and they had pulled all the family members out of the house prior to searching it. Family members assured the house was empty prior to any Marines entering the home. During this time I remember [redacted] telling his Marines, I don't recall who, to take photographs of the site. I remember him stating that he wanted pictures of the AK-47, the position of the MAM lying in the room, and a picture of the AK-47 and the MAM depicting the way the MAM fell with the weapon in his hand. [redacted]

After I left [redacted] went to the residence where the family members were sitting outside. On the table outside the house laid one AK-47, green and black in color. The AK-47 was clean (blood free). I told the Marines that were standing in the area to go get the magazine that belonged with the weapon. They went to a vehicle and brought back four magazines. One magazine was full of 762 ammo and the other three were completely empty. None of the Marines knew exactly which magazine came out of the weapon. They didn't know where the magazines came from. All the magazines seized during that day were together in the humvee. After looking at the AK-47 that is when I went into the residence with my interpreter [redacted] At this time I debriefed [redacted] and [redacted] as to the events that took place. They stated prior to searching this home they pulled all of the residents from the home and staged them in the courtyard. The Marines proceeded inside the residence to clear the house and conduct their search [redacted] and [redacted] were the first two in the house. Upon [redacted]

Page 1 of 3

NCIS 5580/26 (1/2001)

(Formerly NCISFORM 016/04-81)

Exhibit (27)

19676

G328

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by S [REDACTED]

8/26/2005

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[REDACTED] clearing the first bedroom on the left, Marines engaged one male turning towards them with an AK-47 in his hands. After one shot was fired from [REDACTED] the Iraqi fell to the ground face down. At that time [REDACTED] instructed [REDACTED] to kick the weapon away from the individual. Once the Marines knew that the individual posed no harm they picked up the weapon and cleared it condition 4. (No magazine inserted, and no round in the chamber). [REDACTED]

[REDACTED] While I was talking to [REDACTED] he was shaking and staring into nothing. He had a hard time answering questions and recalling exact details. He couldn't tell me if there was a round in the chamber. He said that he remembered picking up the weapon and pulling out the magazine and pulling the charging handle back to make sure there was no round in the chamber. I told him, and reassured him many times that he did the right thing and that anyone else in his shoes would have done the same thing. I also told him that he had nothing to worry about and that it was a clean legit shoot. [REDACTED]

[REDACTED] After entering the room I saw one Iraqi male laying chest down. I remember his left hand being extended straight down in parallel with his left leg. The Marines stated that that weapon was in his left hand. The pool of blood from the single gunshot wound to the neck extended all the way down past his left hand. There was a [REDACTED] in the room and I asked him if he could tell me where the entrance wound was. The [REDACTED] responded with his opinion being the entrance wound location was the right side of the neck. This correlated with the Marine's story of the MAM turning around with the weapon in hand and his position lying on the ground. [REDACTED]

[REDACTED] After I left the house I met with the family in the courtyard. Utilizing the interpreter, I asked the [REDACTED] questions regarding who else was inside the residence. She responded by saying that no one was in the residence. I asked if her entire family, from the home, was outside with her. She responded with yes. I used repeat and control questions. That means I asked her the same questions 4 different ways to make sure I was getting a consistent response. All answers indicated that no one was in the residence. I questioned her about the AK-47 in regards to whom it belonged to and where it came from. She responded that it belonged to her husband who was the principle of a school in the town and was given to him by the Ministry of Education. She went on to add that the weapon was a ceremonial AK-47 and that only Blank rounds could be fired from it. The weapon was passed on from principal to principal over the years. After the [REDACTED] assured me there was no one else in the house and the information regarding the AK-47, I then went to talk to [REDACTED]

[REDACTED] was on the radio with the command as I approached. I passed [REDACTED] all the information I had obtained regarding the weapon (from the [REDACTED] description). He passed the info to the command and asked for what else they needed so that we could leave the house. During his conversation with the command I recall a silver digital camera sitting on the dashboard area of the Humvee. I recall picking up the camera, holding the camera and seeing 4 pictures. The pictures were of the images that [REDACTED] had requested earlier. This incident took place two months prior to this day and I have been questioning myself whether I actually saw 4 pictures or if I only recall what [REDACTED] requested pictures of, because I seem to be the only one who has seen these pictures. I was not in the residence the entire time and there were other Marines present on that operation who possessed digital cameras. The pictures I do recall seeing are, one of an AK-47 (green and black in color), one picture of the room with the position of the MAM lying in the room, one picture of a close up of the MAM lying in the room, and one picture of the AK-47 next to the left hand of the MAM. Normally I would have taken pictures, however I did not because I believed the pictures were taken by Lima Co weapons platoon. [REDACTED]

G329

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]

8/26/2005

[REDACTED] The Battalion needed nothing else from us at that position and instructed us to follow on with our next mission. We had everyone leave the house to stage in their vehicles and get ready to depart. I saw the AK-47 on the back of a humvee on the trunk area; I believe it was [REDACTED]'s Humvee. The AK-47 had blood on it. I noticed this because when I had seen it outside the first time there was no blood on it. Myself, my interpreter, and approximately four other Marines pulled [REDACTED] from the courtyard to the road to speak with her in private. I asked her if she had any other sons then the ones in the courtyard. She stated that she did. I asked how old and she stated he was 21 years old. I asked her where he was and she said he was in the house with the Marines. I responded by saying that she had assured me that the house was completely empty and all family members were with he in the courtyard outside the residence. She said that her son was showing the Marines through the house. I said that she had told the Marines that the house was empty before they went inside. She again said that it was. I said that the Marines did not know that anyone else was in the house and that is when I asked if she recalled hearing the single gunshot fire from inside the house. She said that she did hear it, but she didn't know what it was from. I stated that there was someone else in the house and that the single shot she had heard was from a Marine's rifle. I told her that her son had been hit by that round and with no emotion she asked if he was dead. When I nodded my head up and down and replied yes that is when she began screaming, clawing her face, and tearing off her outer clothing. I tried to talk to her for about 30 seconds with no luck. People started coming from outside the houses in the neighborhood and they were starting to gather around. We knew that we weren't in a safe position on the side of the road. We got into our vehicles and departed for the second part of our mission. [REDACTED]

[REDACTED] This statement was prepared for me by Special Agent [REDACTED] as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 2 other page(s). I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief. [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me, this 26 day of August, in the year 2005 at AL ASAD AIRBASE, IRAQ

Witness [REDACTED]

[REDACTED]
Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 16 of the UCMJ.
(10 U.S.C. 936) and 5 U.S.C. 303

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(330)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 26Aug05, Reporting Agent (RA) questioned [REDACTED] USN, to determine if he had any knowledge concerning the death of V/SUMAIDAIE, who was shot and killed by a U.S. Marine on 25Jun05, during a search of V/SUMAIDAIE's parent's residence in Haditha, IZ.
2. [REDACTED] related he is assigned as the [REDACTED] for Weapons Platoon's Light Section and said he should have been on the 25Jun05 Cordon and Knock patrol but that he was at Al Asad Airbase that day for a dental appointment. [REDACTED] related that [REDACTED] who normally supports Weapons Platoon's Heavy Section, was borrowed to support Light Section's mission that day.
3. [REDACTED] related he has not personally spoken to [REDACTED] or [REDACTED] about the details of the shooting but acknowledged he heard from other Marines in the unit about what happened. [REDACTED] said he heard that "They (The Marines) were searching the house, the guy (V/SUMAIDAIE) was back there with a rifle and they shot him". [REDACTED] related that no one in the unit had ever told him a different account of how the shooting occurred and when specifically asked if anyone ever told him the "guy" had been escorting the Marines to a weapon when he was shot, [REDACTED] replied "No".
4. [REDACTED] had no knowledge of pictures of the scene being taken and related he has never seen any pictures of the scene.
5. [REDACTED] related he has participated in Cordon and Knock operations before and related the normal procedure is to gather the family into one room and ask if there are any weapons in the house. [REDACTED] said the Arabic phrase for this question was (Phonetic spelling) "In-dex-la". [REDACTED] stated if the family acknowledged that there were weapons in the residence, the Marines would have a family member escort them to the weapon. [REDACTED] explained if the family members said there were no weapons in the house, the Marines would begin searching. [REDACTED] stated that sometimes the head of the household would stay with senior Marine present in the house in case the Marines had questions or needed his assistance with unlocking doors or cabinets. [REDACTED] stated "We don't like having family members with us when we do the search because we don't want them to see how we do our searches".
6. [REDACTED] related he normally assisted in watching the family members while the Marines conducted the house search. No additional

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19679

EXHIBIT 128131

10AUG05-MEBJ-0533-7F

SUBJ: V/SUMDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

relevant information was obtained from [REDACTED]

BIOGRAPHICAL DATA

EMPLOYMENT: WEAPONS PLT, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED] (PARENT COMMAND IS US NAVAL HOSPITAL,
LEMOORE, CA)

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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LAS [REDACTED]

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G332

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27AUG05

CONTROL: 10AUG05-MEJB-0533-7RMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW

1. On 26Aug05, Reporting Agent (RA) questioned [REDACTED] USNR, to determine if he had any knowledge regarding the death of V/SUMAIDAIE. As background, V/SUMAIDAIE was shot and killed on 25Jun05, by a U.S. Marine who was participating in a search of the victim's parent's residence.
2. [REDACTED] related he is assigned to HQ Company and his billet is the [REDACTED] of the Navy Corpsman assigned to Lima Company, 3dBn, 25th Marines. [REDACTED] stated [REDACTED] is one of his Corpsman but that [REDACTED] was assigned to Weapons Platoon. [REDACTED] explained that although [REDACTED] falls under [REDACTED] for administrative purposes (ie: pay issues, promotions, etc.), [REDACTED] was under the operation control of Weapons Platoon and reported and worked with those Marines on a daily basis.
3. [REDACTED] stated he has never personally discussed the details of the shooting with [REDACTED] and explained he was not aware that [REDACTED] was a witness to the shooting incident until the second or third command investigation in July05.
4. [REDACTED] related he had no direct knowledge concerning the shooting incident and provided no additional information relevant to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: HQ PLT, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS, AL ASAD AIRBASE, IZ

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19681

EXHIBIT

128 333

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27AUG05

CONTROL: 10AUG05-MEJ-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 27Aug05, Reporting Agent (RA) interviewed [REDACTED] USN, regarding the shooting death of V/SUMIDAIE, killed by U.S. Marines on 25Jun05, during a Cordon and Knock (C&K) mission south of Camp Haditha Dam, IZ.
2. [REDACTED] stated he did not participate in the 25Jun05, C&K mission in South Dam City, however he has participated in more than 10 Operations and over 100 patrols in and around that area since arriving in country. He related normally there are two Corpsmen per mission and he is normally attached to a squad, which enters a house during the search. [REDACTED] explained the differences between a Cordon and Knock, a Cordon and Search, and a Raid or High Value Target. It centers mostly on the aggressive posture assumed by the Marines when entering a house, the C&K being the least aggressive.
3. [REDACTED] explained normally if there were a weapon in the house, an elder in the house would escort the Marines to the weapon, while the rest of the family remained in a neutral area. The Iraqis are allowed one AK per household, one magazine per AK, and they are not allowed to carry them outside.
4. [REDACTED] stated he met [REDACTED] at their parent station in Great Lakes, IL and they work together at the Fisher Clinic on base. They also trained together in 29 Palms, and here at the Dam. [REDACTED] worked initially in the Battalion Aid Station at the Dam, however was moved to Weapons Company when they had a need for another Corpsman. [REDACTED] experienced the loss of his best friend, [REDACTED] another Corpsman, shortly thereafter, but has persevered.
5. [REDACTED] indicated [REDACTED] has not talked to him about the shooting incident of 25Jun, however he has heard other people talking about it. He stated he has overheard conversations, but mostly that [REDACTED] shot an insurgent after he pulled an AK on him. He stated he heard no other version of the incident. [REDACTED] did not provide any additional information pertinent to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: 2ND FLT, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: CURRENT: [REDACTED];

HOME: [REDACTED]

OTHER: [REDACTED] PARENT COMMAND IS US NAVAL HOSPITAL,

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EXHIBIT (30) 234

10AUG05-MEBJ-0533-7F

SUBJ: V/SUMAIDAIE, MON MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

GREAT LAKES, IL)

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS, AL ASAD AIRBASE, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 27Aug05, Reporting Agent (RA) questioned [REDACTED] USNR, to determine if he had any relevant information regarding the death of V/SUMAIDAI, who was shot and killed by a U.S. Marine on 25Jun05, during a search of V/SUMAIDAIE's parent's residence.
2. [REDACTED] related he has been in Iraq since March 2005 and has been assigned to Lima Company the entire time. [REDACTED] stated he was initially assigned to HQ Company where he served at the [REDACTED] of all the Corpsman assigned to Lima Company. [REDACTED] related that when [REDACTED] was promoted he became the senior Corpsman in the Company and took over the job as LPO. [REDACTED] stated he was then assigned to support 3d Platoon in July 2005. [REDACTED] stated he has only been on one patrol with Weapons Platoon, which took place in Hit, Iraq. [REDACTED] stated he knows the names and faces of the Marines in Weapons Platoon but is not a close friend of anyone within the platoon.
3. [REDACTED] related he had no direct knowledge of the shooting of V/SUMAIDAIE. [REDACTED] stated it was not until July05, when he first heard of an investigation about a shooting. [REDACTED] stated he heard [REDACTED] was involved in the shooting but did not know any other details. When asked if he knew [REDACTED] replied that he did. When asked if he was aware that [REDACTED] was involved in the shooting incident, [REDACTED] replied that he knew [REDACTED] was assigned to Weapons Platoon but did not know he was involved in the shooting. [REDACTED] further stated he has not seen [REDACTED] since they were conducting operations in Hit, Iraq during July 2005.
4. [REDACTED] related he has never spoken to [REDACTED] or [REDACTED] about the details of the shooting incident and had no information regarding the incident.
5. Regarding Cordon and Knock operations, [REDACTED] stated he has participated in over 200 of these types of operations, almost all of them being conducted in Hit, Iraq. [REDACTED] related his primary job was to provide medical support to the Marines on the operations. [REDACTED] related he would normally enter the house once the Marines has a secured a safe room where he would stage so that he could respond immediately within the house if needed. [REDACTED] stated once the house had been searched, he would sometimes proceed to the roof and provide over watch security while the Marines searched for weapons and asked the family questions.

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EXHIBIT (3) 4336

SUBJ: V/SUMADAIE, MO [REDACTED] MED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

6. [REDACTED] stated the Marines would normally knock and announce themselves and explain to the family their purpose of being there. [REDACTED] said in his experience, about 98 percent of the families were pleasant and cooperative with the Marines. He said the Marines always asked the family if they had any weapons in the house. [REDACTED] stated that the Marines had some latitude in how they conducted searches and recovery of the weapons. He explained that each platoon was a little bit different in how they searched and interacted with family members that 3d Platoon preferred to interact with the families, to include having the family members (usually the head of the household) show them where the weapons were. [REDACTED] stated this was not done in every instance and a lot depended on what "vibes" they received from the family.
7. [REDACTED] provided no additional information relevant to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: 3D PLATOON, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

30AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV.
M/W/ENIZ/N///IRAQ

RESULTS OF INTERVIEW - [REDACTED]

1. On 28 Aug05, Reporting Agent (RA) interviewed [REDACTED] USMC, regarding his knowledge of the circumstances surrounding the shooting death of V/SUMAIDAIE on 25 Jun05. On that date, [REDACTED] stated he was the Lima Company, [REDACTED] in charge of the Marines, who conducted the Cordon and Knock (C&K) mission in South Dam Village.
2. [REDACTED] stated the day began with a mission briefing by [REDACTED] who covered the Rules of Engagement (ROE), Escalation of Force and the Marine Corps' Five Paragraph Order, which includes Orientation, Situation, Mission, Execution, Admin and Logistics and Communications. In terms of the ROEs, [REDACTED] stated there is a Rule of Two, or two specific guidelines, which must be articulated prior to engaging with weapons. For example, an Iraqi carrying a weapon is not enough. If the Iraqi is carrying a weapon and it is pointed at the Marine, that is two, and that is sufficient to engage. [REDACTED] also stated every Marine has an inherent right to self-defense. [REDACTED] stated the ROEs themselves have not changed since arriving in country, however the Battalion CO's interpretation of the ROEs has become stricter.
3. Regarding the incident, [REDACTED] related the facts as he heard them after [REDACTED] returned from the mission. He indicated a computer was observed in the house, however prior to exploiting it, the MAM was shot, therefore it was not seized. After the platoon returned to the Dam, [REDACTED] stated he met with [REDACTED] to get a clear picture of what happened in the house. This meeting was after the Assistant Commandant of the Marine Corps (ACMC) conducted his all-hands formation at the Dam. [REDACTED] stated the ACMC even met with [REDACTED] the shooter, to give him some encouragement.
4. [REDACTED] then spoke briefly about the previous investigations that have been conducted regarding the shooting. He indicated the MNF investigators were really hard on the Marines on the patrol, but namely, [REDACTED] and [REDACTED] specially. When asked about photographs, [REDACTED] stated the camera [REDACTED] used to photograph the scene belonged to [REDACTED] however as far as he knew, the camera did not work. [REDACTED] stated he did not see any photographs when the platoon returned from their mission. In fact, the Commanding Officer requested every camera on the mission that day, and [REDACTED] was tasked to collect them all. [REDACTED] stated after gathering all the cameras, the CO looked through every camera and memory card, and did not find one photo depicting the shooting scene.

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

19686

EXHIBIT (32) 28

SUBJ: V/SUMAIDATE, MOHAMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

5. As an explanation why photographs were not taken, [REDACTED] offered that [REDACTED] has previously worked with the Human Exploitation Team (HET) in Camp Hit, and they normally take photographs of any significant events, that may occur on a mission. The HET team in Haditha does not normally take photographs of incidents during missions, because the squads are each equipped with cameras. [REDACTED] stated after [REDACTED] failed to take photos while in the house, HET arrived on location and [REDACTED] wrongly assumed HET would take photos of the shooting scene. HET had heard [REDACTED] had taken photographs of the scene; therefore they did not take any. It was simply a failure to communicate.

6. After Lima Company arrived in Hit in preparation of Operation Sword, [REDACTED] tasked each member of the platoon that was present during the shooting, to write a statement regarding their knowledge of any photographs. The statements were turned over to [REDACTED] Lima Company CO, and that was the last he heard about it. [REDACTED] stated he talked to [REDACTED] about the shooting, and [REDACTED] was pretty shaken up over it, but not because he thought he was wrong. He stated [REDACTED] was shaken up because he felt his life pass in front of him when he walked into the room and saw an AK pointed at him.

7. [REDACTED] stated he was present during debrief of [REDACTED] by [REDACTED] and [REDACTED] in the COC. He stated the time line was wrong, however because it did not take them over 4 hours to get to the COC. [REDACTED] stated the ACMC's all hands formation took approximately one hour, then they had to stage their vehicles and gear, and hold their own platoon debrief, which took another hour. [REDACTED] then briefed [REDACTED] on the events and asked questions of what he did wrong or could have done different. Immediately after that, [REDACTED] and [REDACTED] went to the COC. [REDACTED] stated the time was more like two or three hours after their arrival at the Dam. After debrief in the COC, [REDACTED] was then taken to S-2 for an Intel debrief. At that time the AK was presented and placed into custody of the 3/25 Armory. During the Intel Brief only Intel questions were asked of [REDACTED] and there was no indication that it was a bad shoot. [REDACTED] stated they had no prior indication from the Intel shop that the house belonged to the [REDACTED] cousin. [REDACTED] provided nothing further, pertinent to this investigation.

BIOGRAPHICAL DATA

EMPLOYMENT: I & I STAFF [REDACTED] 3BN, 25MARREG; COLUMBUS, OH

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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LAST

V2 LNY

WARNING

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 AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

19687

b7c
G339

STATEMENT

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq

Date: 30Aug05

[REDACTED] USN, 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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of: [REDACTED]

For purposes of identification, I am a [REDACTED] currently assigned to India Company, 3/25, which is forward deployed to Hit, Iraq in support of Operation Iraqi Freedom. My social security number is [REDACTED] my date of birth is [REDACTED] my place of birth is [REDACTED] I am [REDACTED] inches tall and [REDACTED] pounds, with [REDACTED] eyes and [REDACTED] hair. [REDACTED]

I arrived in Iraq in Mar05 and served with India Company, 3/25 in Haditha. I was then transferred to the Battalion Aid Station at Haditha and then in May05 was transferred to Lima Co. 3/25. I have served in over 200 Cordon and Knock (C&K) mission in and around Haditha, and switched back and forth between Heavy and Light sections of 3/25. On 25Jun05, I was assigned to Light section and was tasked to conduct Cordon and Knocks in South Dam Village. Assigned to my vehicle were [REDACTED] the Vehicle Commander; [REDACTED] dismount; [REDACTED] the Turret Gunner; and [REDACTED] the driver. We received our mission brief from [REDACTED] who covered the Rules of Engagement and the rule of two; the Escalation of Force and the distance parameters; and the administration and logistics and the communication checks. I conducted the Medivac procedures and indicated I had violet smoke for the helo. We normally conduct missions with four vehicles, but I believe we had five on this day due to some attachments from Engineering and S-4. During C&Ks we normally search for IED materials, weapons caches, insurgent propaganda and Insurgents. [REDACTED]

Our time on target was 0600, and I believe we left around 0515. We arrived in the village, set up the 360-degree perimeter and dismounted our vehicles. [REDACTED] asked me to join his fire team for the searches and in our team were [REDACTED] two Iraqi Armed Forces (IAF) members, and myself. We were tasked with teaching the IAF the proper TTPs for conducting C&K missions, including how to search, how to be professional, and after a few houses, the IAF broke off to work with another fire team. On this day, we were met with no resistance and the day seemed to be going well. The families were very cooperative, and often offered us bread and sodas. [REDACTED]

I remember most of these houses had our symbol, a Triangle, on the house, indicating 3/25 had cleared this house previously. When we knocked on the door, we would always ask for the most senior male in the house to ask questions. At this house, we entered into the family room and encountered, I believe eight family members sitting in the family room. There was no adult male older than about 15; therefore we spoke directly with the elder woman of the house. She indicated the man of the house was working at the local school. As we entered the house, [REDACTED] and I were standing roughly in a line near the door, while [REDACTED] talked to the woman in basic Arabic and hand gestures. [REDACTED] has a better understanding of Arabic than the rest of us, so I remember him asking her several times, "Indek Sla?" which means, "Any Weapons?" He also asked if any additional family members were in the house. The woman clearly said, "La La La", which means no. She was also using hand [REDACTED]

b7C

G340

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]

8/30/2005

[REDACTED] gestures to signal that there were no weapons or additional people in the house. At that time, [REDACTED] asked and escorted the family out of the house and into the courtyard. They complied and [REDACTED] felt comfortable in leaving the family out there by themselves while we searched the house. I do not remember anyone coming in to watch the family while we searched, and this is not contrary to procedures. It is the judgment of the Fire Team Leader. [REDACTED] then instructed us to begin our search. From the Family room I could see into a bedroom to our immediate left, which contained a bed and a computer. Since this room was cleared I entered this room to check the computer for propaganda. [REDACTED] proceeded into the next bedroom to the left, and [REDACTED] proceeded down the hallway with [REDACTED] right behind him. As I was sitting down at the computer station, and reaching for the On/Off switch, I heard a single gunshot, which I immediately recognized as an M16 5.56mm round. No less than 5 seconds later, I heard [REDACTED] call, "[REDACTED]".

I ran down the hallway to the room they were in and as I entered the room saw [REDACTED] to my right near a cabinet, [REDACTED] to my right near the bed, and one Iraqi male lying face down in a puddle of blood with his head away from me and his feet towards me. I don't recall which side the weapon was on, however I did see a green and black AK-47 with a magazine inserted. I did not see anyone clear the weapon while I was in the room. At that point, I realized I had a job to do, so I took out my trauma bag, removed my purple surgical gloves and began assessing the body. I do not remember any conversation while I was checking the body, but [REDACTED] and [REDACTED] stayed in the room while I worked. The room was very somber, not a happy moment and not a sad moment. It appeared as if everyone just stood there taking in the moment.

I first checked the body for a pulse at the radial pulse and then at the carotid pulse, however found neither. I then did a log roll of the body to attempt to locate the entry and exit wounds, and as soon as I rolled him, I remember blood gushing from the back of his neck. I assumed this was the exit wound, as it was rather large. I never found the entry wound due to the coagulated blood. The victim was not struggling for life, so I informed [REDACTED] that I thought the victim was dead, and he stated he needed to notify [REDACTED]. Someone went to get [REDACTED] however I am not sure whom. Eventually, both [REDACTED] and [REDACTED] left the room and I was the only one there. [REDACTED] was the first to return, and indicated he notified [REDACTED]. I then went out to the courtyard to see how the family was reacting to the gunshot, however they seemed like they did not know what had happened. I then returned to the room, and [REDACTED] was there but no one else. I heard someone calling me outside so I went out to the Humvee to see what he or she needed. As I was heading outside, I remember [REDACTED] and [REDACTED] were entering the house for the first time. As I got outside, I looked around and saw [REDACTED] for the first time on the roof conducting over watch. As I arrived at the Humvee, I realized [REDACTED] had exited right behind me and I was there when [REDACTED] and [REDACTED] were calling in the report to [REDACTED], the watch officer at the Dam. It was at that time that I noticed I had left my trauma bag and gloves in the bedroom, so I went back in the house to retrieve them.

When I returned to the bedroom, I observed [REDACTED] standing just in the doorway by the cabinets and he looked to be dazed by the sight of the dead Iraqi. I don't remember seeing [REDACTED] when I re-entered the house. I retrieve my trauma bag and my gloves from the bed, and [REDACTED] comes back into the room and says he needs to take photos of the scene. [REDACTED] asks one of the Marines outside over the personal radio to bring him a camera, and when the Marine returned to the room with the camera, he attempted to take photos. As he attempts to take photos, for some reason the camera is not working. I ask [REDACTED] for the camera to see if I can fix it. When I look at the screen on the small silver digital camera, it clearly said "Memory Card Full". I tell [REDACTED]

G341

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]

8/30/2005.

[REDACTED] I will try to delete some of the photos on the camera however, I was unable to get it to work. I told [REDACTED] the camera was broken and that I could not delete any photos from the camera, so I gave it back to him and he took it back outside. I am 100% sure [REDACTED] was never able to take any photos with the camera, despite his attempts to take some [REDACTED]

[REDACTED] I don't remember seeing [REDACTED] again in the room, and I don't remember having any conversations with him regarding the incident, or our mission that day. I never told [REDACTED] that we were escorted through the house by anyone, and I never told him any version of the incident contrary to what the other members of my team stated. I am willing to take a polygraph examination to prove that I did not talk to [REDACTED] while in the house or any time after that regarding the incident. [REDACTED]

[REDACTED] As I start to leave the house after [REDACTED] I run into [REDACTED] who indicates he has to take a gunshot residue test on the dead Iraqi and asks me if I have any extra gloves. I provide with my extra pair of purple surgical gloves, and then I leave the house. I do not remember [REDACTED] disposed of those gloves, and I did not ask him if he disposed of them. At that time I left the house, and I did not re-enter the house after that point. While outside, I went to look for Bella, the only interpreter on the mission, however I could not find him. Someone found him and [REDACTED] who works for the Human Exploitation Team at Haditha, and [REDACTED] and [REDACTED] arrived at the scene. I do not specifically remember if HET interviewed the family, but I was present when they informed the older woman that her son was dead. There were three additional Marines with us in the courtyard to provide security while they broke the news, and as soon as [REDACTED] translated the words, the elder woman became hysterical, screaming, slapping her face and ripping off her clothes. It was a very sad and emotional scene and I hope to never experience that again. [REDACTED]

[REDACTED] At that point the scene became extremely dangerous, so we received the order to mount up, and we returned to the dam. At no time did I observe anyone abuse the children, pull anyone's hair and slap anyone around. After we returned to the Dam, we offloaded the vehicles and went to our racks to rest. We were called about an hour later for an all-hands formation with the Assistant Commandant of the Marine Corps, where [REDACTED] received a coin for shooting an insurgent. About 15 minutes after the formation we had our debrief on the ground deck of the dam. After [REDACTED] conducted our debrief, they instructed us to clean our weapons and take care of personal hygiene. I never had a long talk with [REDACTED] after the incident. I simply told him I was there for him if he needed to talk, however he never came to me. From my experience, the Marines don't dwell on death, because it happens, often. We generally deal with the present and future, and prepare for the next operation. [REDACTED]

[REDACTED] This statement was prepared for me by Special Agent [REDACTED] as we discussed its contents. No threats or promises have been made to me. This statement consists of this and [REDACTED] other page(s). I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief. [REDACTED]

Signature [REDACTED]

G342

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]
8/30/2005

Sworn to and subscribed before me, this 30 day of August, in the year 2005 at
NCIS, AL ASD AIRBASE, Iraq

Witness _____

[REDACTED]
Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 36 of the UCMJ,
(10 U.S.C. 936) and 5 U.S.C. 303

b7c

G343

STATEMENT

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq

Date: 30Aug05

[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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of [REDACTED]

For purposes of identification, I am a [REDACTED] currently assigned to Weapons Platoon, Lima Company 3/25, which is forward deployed to Haditha Dam, Iraq in support of Operation Iraqi Freedom. My social security number is [REDACTED] my date of birth is [REDACTED] and my place of birth is [REDACTED]. I am [REDACTED] inches tall and [REDACTED] pounds, with [REDACTED] eyes and [REDACTED] hair. [REDACTED]

On 25Jun05, my day started between 0400 and 0500 reveille, and then we had our mission brief by [REDACTED] who informed us that we were going on a Mission, either in South Dam Village or North Haditha. The briefing consisted of our Rules of Engagement, Situation Report, Medivac procedures and escape and evasion tactics in the event we got lost. Weapons Platoon consists of a Light and a Heavy Section, and on this day it was the Light Section that I was attached with for this Mission. [REDACTED]

We departed the Dam at approximately 0600 and I believe we traveled across the desert to our objective, due to the dangers on West River Road. When we arrived in the village, we exited the vehicles, leaving the driver and Turret Gunner, and we divided in fire teams to do our house searches. In my fire team were [REDACTED] and myself. I don't remember if we were in the same vehicle riding out, but we linked up as a fire team to work the houses. We cleared approximately 50 houses as we moved north back towards the Dam. When we arrived at the last house to be searched that day, we approached the house, and I remember the door was already open. This does not mean something was wrong, it was just different, as I expected to see the family outside. [REDACTED]

I am pretty sure we knocked on the door and then entered the first room in the house and encountered the family all sitting in the living room. We asked them to step outside into the courtyard, where we questioned them regarding weapons and additional people in the house. I do not remember anyone specifically asking questions of the family, as none of us is particularly better than the other in speaking Arabic, and the family does not understand English. We generally use hand motions and basic Arabic, like "Indek Sla", which means, "Do you have a weapon?" or "Fettish", which means "Search", as in search your house. I don't remember any particular person in the family answering our questions, it was mostly everyone speaking at once, but they clearly said "La", which means "No", or shook their heads "No" to both questions. [REDACTED]

Our fire team then began our search of the house. I do not remember anyone staying with the family for security, but I was either the first or second person in, and I can't say if someone from another team came in to provide security. As we entered, we first entered the living room, and [REDACTED] took the first room on the left. I then took the second room on the left and [REDACTED] and [REDACTED] went past me down the hallway to the next room. I had just entered my room to begin my search, when shortly thereafter, I heard someone down the hall yell "Gun" and then immediately after that I heard a gunshot. I then heard "Corpsman Up", which to me meant a Marine was just shot. I then saw [REDACTED]

b7c

G344

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]

8/30/2005

[REDACTED] ran past me down the hallway, and I ran after him. When we arrived at the back bedroom, I looked in the door and remember seeing, [REDACTED] and [REDACTED] standing in the room, and [REDACTED] immediately inside the door. Past [REDACTED] could see a man lying on the floor with his head away from me and his feet towards me, and I could see what appeared to be an AK-47, or some other type of rifle on the floor to his left. As I was looking into the room, [REDACTED] told me to go to the roof and set up security over-watch. I ran up an internal staircase and proceeded to the roof of the house. From there, I could see a vehicle(s) to my left, some Palm trees immediately in front, and across the street, other Marines who had set up security on the roof. I was up on the roof for approximately 45 minutes to an hour before I was told to come down and mount up as we were leaving the area. I came down the stairs into the house and as I stepped into the courtyard, some Attachments, I believe it was HET, was outside talking to the family. He asked us to stand by while he told the elder woman of the house that someone was shot inside, so we stood by to provide security in case things didn't go well, or the threat of any other immediate dangers in the area. When the HET guy informed the elder woman that someone was shot, she became hysterical and began scratching and slapping her face. We left immediately after that and headed back to the Dam. [REDACTED]

[REDACTED] Then we arrived at the Dam, I remember we unloaded our gear and headed to a formation for the Assistant Commandant of the Marine Corps, who was at the Dam and gave us a pep talk. I am sure we had a debrief about the Mission, but I do not remember what it consisted of, or who gave it. I talked to [REDACTED] some time later, and simply asked him what he said while in the house, because I thought he was shot, but he said he yelled "Gun" right before shooting. I remember he was pretty shaken up shortly after the shooting, but he seemed to be ok sometime later. I did not question him any further about the incident. It was from other people that I had heard he entered the room and saw the guy pointing a gun at him, and he shot him [REDACTED]

[REDACTED] was asked later about photographs being taken, but I did not personally see any pictures or anyone taking photographs. When I said [REDACTED] was shaken up, I don't think he questioned what he did; I just believe he was a little scared at having a weapon pointed at him, and having to react to defend his life. [REDACTED]

[REDACTED] This statement was prepared for me by Special Agent [REDACTED] as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 1 other page. I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief. [REDACTED]

b7C

Signature [REDACTED]

Sworn to and subscribed before me, this 30 day of August, in the year 2005 at NEW AL ASAD AIRSAS IRAQ

Witness _____

[REDACTED]
Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 36 of the UCMJ,
(10 U.S.C. 936) and 5 U.S.C. 303

15345

STATEMENT

b7c

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq

Date: 31AUG05

I, [REDACTED] USMC, 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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of [REDACTED]

For purposes of identification, I am a [REDACTED] currently assigned to Lima Company, 3rd Battalion, 25th Regiment, which is forward deployed to Haditha, Iraq in support of Operation Iraqi Freedom. My social security number is [REDACTED], my date of birth is [REDACTED] and my place of birth is [REDACTED]. I am [REDACTED] inches tall and [REDACTED] pounds, with [REDACTED] eyes and [REDACTED] hair. [REDACTED]

My unit, Weapons Platoon, Lima Co. 3/25 deployed to Iraq on 04Mar05 and at that time it was one platoon, there was no light or heavy section, only mortars, machine guns and soldiers. Shortly thereafter I transferred to Camp Hit to conduct training operations with the Iraqi National Guard. I spent three months training the Iraqi in Cordon and Knock (C&K) Mission and the proper techniques to enter, isolate the family and search the residence for weapons or propaganda. Over the course of the three months I conducted over 60 missions with the Iraqi Forces [REDACTED]

In June, my squad with Weapons Platoon, returned to Lima Co at Camp Haditha. After I left Camp Hit I traveled with Lima Co. to Al Qaim in Operation Spear and worked with [REDACTED] and the snipers. In Weapons Platoon, the Commander is [REDACTED], the Platoon Sergeant is [REDACTED], the Light Section Leader is [REDACTED] and the Heavy Section Sergeant is [REDACTED]

After Operation Spear, our Platoon returned to Camp Haditha and we were tasked on 25Jun05 to conduct a C&K Mission in South Dam Village, and this was the first such mission that I had engaged in since leaving Camp Hit and the first mission I participated with Light Section. I had never conducted C&K operations with the people in my fire team previously, so we were learning each other's style as we progressed, and in my opinion we got better as we went along [REDACTED]

The main briefing for the mission was the night before where we were told the mission, given maps of the area and any Intel. On the day in question, reveille was around 0400 and we began preparation for our mission. [REDACTED] conducted the Operation Brief and covered the Rules of Engagement and the rule of 2, he covered the administration and logistics and the communications. I was the vehicle commander in vehicle four (4), and with me were [REDACTED] and four Iraqi Armed Forces (IAF). We were the last vehicles in the convoy, and I believe there were five vehicles total, with some attachments from engineering and S-4. The other vehicle commanders were [REDACTED] and [REDACTED] introduced the attachments however I was concerned with my vehicle at that time, and do not remember who they were or what unit they were from. I do remember the HET interpreter explaining the mission to the IAF riding in my vehicle [REDACTED]

We departed the Dam sometime between 0600 and 0630 and were on target in the village at roughly 0700. When we arrived in the village, my team consisted of [REDACTED] myself [REDACTED]

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Continuation of Voluntary Sworn Statement of [REDACTED]
Created by SA [REDACTED]
8/31/2005

b7c

[REDACTED] and we took two IAF. The purpose of the mission was to also train the IAF in C&K missions, so they were fully integrated into our unit as we conducted the mission. Our fire team also mixed with [REDACTED] fire team and we often switched personnel as we supported each other. One team would cordon the house, while the other team would enter, and we bounded up the street in this fashion. When we encountered a house that had extra weapons, or weapons with fixed bayonets, the weapons were confiscated and thrown in the back of our truck. There was no set collection point for these weapons and we did not concern ourselves with custody issues [REDACTED]

[REDACTED] About half way through our mission, the trucks began moving up the street with us, therefore we began using them for our outer cordon, and conducted the C&K with a single fire team. At the time, I thought we might be moving too quickly through the houses, and that we might be missing things, however the day was progressing smoothly, with no incidents, and we were well received by the families of the village. Up to that point, there was usually someone outside on the Cordon for security, whether the Army supporters, the IAF, or Marines standing by. There were also a couple of times where mistakes were made while in a house, but we made sure we talked about it in a mini-debrief outside each house, and I thought we covered every angle as we proceeded to the next house. I think as a whole, the fire team was more proficient than when we started that day, but I will admit that we may have been a little lax by the time we got to the last house [REDACTED]

[REDACTED] When we approached the last house in the row, there were two vehicles on either side of the house for the outside Cordon, and my fire team entered into a courtyard through the left most gate. As we entered the courtyard we past a six-foot fence and approached an open door to our left. As we entered, I was the lead and said, "Salam Alekum" as I entered to let the family know that we were entering. We entered into a living room and it appeared as if the entire family was sitting in this room as if they knew we were coming. I asked in the best Arabic I know, "Win Abu", which I know to mean where is the elder male of the house. An elder woman stood up and said something in Arabic as if he was not there. I asked everyone to step outside into the courtyard and while they walked out, I was asking the woman, "Indek Sla", which means, "Do you have any weapons"? She waved her hands and said, "La Sla" or "No weapons". I asked this question at least two times and each time she said, "La, La" or "La Sla". I did not know the Arabic words for Family or other people, so I used hand gestures to ask her if there were other people or family members in the house. She said, "La, La". I used hand gestures as if carrying a baby, and asked are there any babies in the house, and she said, "La Babies", and pointed to the girls outside, saying, "all babies are here". Each question was repeated so that I was sure she understood what I was asking, and I was clear of her responses. To my knowledge, there were no weapons or additional people in the house [REDACTED]

[REDACTED] On the entire mission, I was the one who primarily talked to the family, not because I was the senior marine or because I knew Arabic more than the other guys in the team, it just happened that way. I remember seeing one adult female, two Military-Aged Males (MAM), one teenage girl, and several little girls. These questions were asked as the family was all walking out to the courtyard, and as they were exiting, my fire team was entering through the door. As soon as my questions were answered satisfactorily, I ordered my team to conduct the search. I heard [REDACTED] say something about a computer in a side room and he was going to check it out. I started moving into the house, while still keeping an eye on the family in the courtyard. I then saw [REDACTED] enter the second room to the left, and [REDACTED] turned right down the hallway. I said to myself why didn't [REDACTED] enter the second room with [REDACTED] so I proceeded into the hallway just as [REDACTED] said his room was clear, and told [REDACTED] in with you. I turned the corner into the hallway just as [REDACTED] was entering the back [REDACTED]

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Continuation of Voluntary Sworn Statement of [REDACTED]
Created by SA [REDACTED]
8/31/2005

b7c

[REDACTED] bedroom, and I quickly assessed the hallway to see the layout. Just as I got my bearings, I heard [REDACTED] yell, "GUN", and then I heard a shot, just as I was entering the room. I cleared the threshold just in time to see another MAM spin around to his left and fall on his stomach. I observed a rifle in his left hand as he fell, and right then [REDACTED] spun around as if he were leaving the room, and when he saw me he said, "he is condition one", which means he has a magazine inserted, and a round in the chamber. When [REDACTED] spun, the barrel of his weapon was pointed right in my chest, so I pushed him back into the room and instructed him to clear the weapon, because I was not sure the guy was dead or even shot [REDACTED]

[REDACTED] entered the room with his weapon on the MAM, and kicked a green and black AK-47 with a magazine inserted, from his grasp. He then picked up the weapon but was having trouble clearing it because he was still pointing his weapon at the MAM. I told [REDACTED] to slow down, let go of his weapon, so he could clear the AK. At that time, I called for [REDACTED] to come and assess the body, and instructed [REDACTED] who had also arrived at the room, to go set up security on the roof. [REDACTED] entered the room and assessed the body. [REDACTED] finished clearing the weapon and I remember seeing the weapon and the magazine separated on the bed. I then told [REDACTED] to bring me the weapon and go outside and check on the family. I exited right after [REDACTED] carrying both the rifle and magazine in the same hand, and go into the street to tell [REDACTED] what had happened. I did not stop to assess the rifle or the magazine, but instead placed them into the back of the truck, with the other confiscated items. I notice [REDACTED] watching [REDACTED] and I, and starts walking over, so I tell him to stay with the family and I take [REDACTED] further out into the street [REDACTED]

After explaining what happened to [REDACTED] he begins calling the rest of the platoon over the establish security on the house. He asks me to take some pictures of the AK in the position that I found it, so I go back to the truck and retrieve the green and black AK, but grab the first magazine I see. As I am walking away, I notice the magazine is dusty and dirty, but the AK is in pristine condition. I walked back to the truck and the only clean magazine I see is empty. I call [REDACTED] over and explain this to him, and he says, yes the magazine was empty and the chamber of the AK was empty. I tell him that he told me it was condition one when he fired, and he responds; yes it had a magazine inserted [REDACTED]

[REDACTED] calls [REDACTED] over and he begins talking to him about the incident. I leave to look for a camera and hear that [REDACTED] has a digital camera in his vehicle. I take the camera and proceed back into the house with the AK-47 and the magazine. When I return to the room, [REDACTED] is still there and I place the AK under the MAM's hand in the position it was in after he was shot. By this time there was a pool of blood around the body, so the AK was placed in the blood pool for the photographs. I then look at the camera and try to figure out how to make it work. I have never used a digital camera before, so I had trouble getting it to work. [REDACTED] asked to see the camera because he said he has one similar. He did something to the camera and then handed it back to me, and I assumed that he fixed it because when I hit the button afterwards it flashed. I then began taking photographs of the body with the AK, and then [REDACTED] positioned the body so I could take photos of the entry and exit wounds. Each time I pressed the button, the camera flashed [REDACTED]

When I returned outside to show [REDACTED] the photographs, I attempted to pull up the images on the digital display, however I could not find them. Again, I have never used a digital camera before, but I thought I was putting the dial on the review icon, however I could not retrieve the photos I thought I had taken. At that time [REDACTED] approached us and asked if I had his camera. When I told him I did, he said his camera has been broken since they deployed to Haditha, and he has never taken it out [REDACTED]

1348

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]

8/31/2005

[REDACTED] of his truck to use it. Also at that time, HET arrived at the house with their interpreter, and in my experience, HET normally handles these types of investigations, including photographs and interviews, so I assumed that they would be taking photographs when they entered the house. I relayed this to [REDACTED] and he agreed with me. I gave [REDACTED] back his camera and assumed that HET would take care of getting photos of the scene. That was the last I thought about photographs. [REDACTED]

Shortly thereafter, I was present in the courtyard when HET was asking the family who the person was inside the house. HET presented an ID card from the victim, and they said he was their brother, or son. HET then explained the situation about him being in the house after the Marines were told there was no one in the house and there were no weapons in the house. HET explained the Marines entered the house and found the MAM with a weapon pointed at the Marines and they shot him. At that point the family became hysterical and the mother was slapping herself and ripping her clothes off [REDACTED]

We felt the scene was becoming unsafe so we left the scene shortly thereafter. When we arrived at the Dam we staged our vehicles and gear and headed up to the second deck. We were told that we had about 35 minutes to rest before an all-hands formation with the Assistant Commandant of the Marine Corps (ACMC), who was present at the Dam on that day. Later, we headed up to the seventh deck for our meeting with the ACMC and after the formation we headed back to our rooms. I do not remember having a debrief about the mission or the incident of that day [REDACTED]

In conclusion, I honestly feel that [REDACTED] was completely justified in his actions on that day. I freely admit that I may have not had complete control over the situation, which might have contributed to the shooting, however despite that, a MAM was discovered in the house with an AK and he would have been shot regardless of my actions. Throughout these investigations into the incident, I have not changed my story, but may have added additional information based on the questions I was asked. Regarding the broken camera and no photographs being taken, and regarding my version of the events leading up to the shooting, I am willing to take a polygraph test to prove I am telling the truth [REDACTED]

Special Agent [REDACTED] prepared this statement for me, as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 3 other page(s). I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief. [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me, this 31 day of August, in the year 2005 at NCIS, AL ASAD AIRBASE, IRAQ

Witness [REDACTED]

Representing Naval Criminal Investigative Service
AUTHORITY: Derived from Article 136 of the UCMJ,
(10 U.S.C. 936) and 5 U.S.C. 303

G349

STATEMENT

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq

Date: 01SEP01

[REDACTED] USMCR, 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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of the death of an Iraqi Male on 25Jun05, during a Cordon and Knock Mission near Haditha Dam.

For purposes of identification, I am a [REDACTED], currently assigned to Weapons Platoon, Lima Company, 3/25, which is forward deployed to Camp Haditha Dam, Iraq in support of Operation Iraqi Freedom. My social security number is [REDACTED] my date of birth is [REDACTED] and my place of [REDACTED] I am [REDACTED] inches tall and [REDACTED] pounds, with [REDACTED] eyes and [REDACTED] hair.

On 25Jun05, I woke up really early, around 0400 and remember I was still tired when I got out of bed. We prepped our vehicles, and staged our gear and then [REDACTED] gave us an Ops Brief detailing our mission, including what we were doing, what time we were returning, and what the mission would entail. [REDACTED] also covered the Rules of Engagement, what to do if someone got hurt, and all of the no-go situations, like if we could not get Air support on station. I remember there were no questions after the brief and I fully understood what our mission would be that day. To my understanding, there was no specific house that we were targeting like a High Value Target (HVT), but we were more or less showing a presence in the village and conducting a crew patrol, knocking on doors and searching for contraband.

When we headed out, I was in the same vehicle as [REDACTED] and [REDACTED]. After we headed outside the wire, we arrived at the proper grid coordinates and then dismounted our vehicles. At first I was in the same patrol as [REDACTED] and we had two fire teams of Iraqi Armed Forces (IAF) with us. Our Platoon then split up into two teams, vehicles 1 and 2, and then vehicles 3 and 4 operating together. I was in vehicle three and our group had all of the IAF working with us. The other group didn't have any IAF with them. I think [REDACTED] had the IAF work with us because [REDACTED] was in our group and he has worked with the IAF in Hit and ever since he arrived in Iraq.

When we conduct missions where we clear houses, we have at least four people enter a house, and usually no one person has a specific role. If you happen to be first in line, then you enter first, but you may enter 2nd or 3rd at the next house. This is unlike, say an HVT where we would use flash bangs and enter with force. So my understanding is that this was just a meet and greet mission with the local citizens. Since I have been to Iraq I have participated in dozens of these house clearing missions. What we are looking for in these missions are AK-47s with fixed bayonets, shotguns, extra ammunition or pistols, in excess of what the family is allowed. My understanding is that the Iraqi Families are allowed one weapon and one magazine of live ammunition per household. If they have anything in excess of that, we will seize it.

As we are conducting our searches, we will ask the family if they have any weapons in the house or if there are any additional people in the house that are not visible. If they say yes there are weapons, then we will normally ask someone to go and get it for us, that way we are not tearing their house apart.

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G250

Continuation of Voluntary Sworn Statement of [REDACTED]

Created by SA [REDACTED]

9/1/2005

[REDACTED] looking for it. If there are additional people in the house we will ask someone to go and get them as well, or just call for them to come out. Normally however, everyone is already in the front room when we arrive at the house, or they are already coming from the back to greet us. [REDACTED]

[REDACTED] When I first arrived in country, I was really nervous when I went on these missions. I didn't know what to expect. Now that I have been here awhile, I am more confident in my abilities and have adapted to the situation. On this particular day, after we cleared a few houses, my fire team split up with the IAF and they went to work with [REDACTED]'s team. My team then consisted of [REDACTED], [REDACTED], and [REDACTED] the Corpsman. I have only worked with [REDACTED] at 29 Palms during our initial training for our deployment. I have never worked with [REDACTED] in a house-clearing mission because he was just transferred in from the Battalion Aid Station. I have worked with [REDACTED] before and consider him a good Marine. I like working with [REDACTED] because he is not like other Non-Commissioned Officers, in that he treats you with respect and does not abuse his rank. I can tell jokes with him like he was another LCPL, and when he tells you to do something, it is not just for the hell of it. [REDACTED] will also correct me if I make mistakes, for instance, if we mess up in a house, he would say we could have done that better, and let us know how, before we get to the next house. [REDACTED] would also give us scenarios to deal with, like what would I have done in this situation, or what would I do if this house were a HVT. I felt like this team worked well together, and they were just as good as any other team in our platoon [REDACTED]

[REDACTED] On 25 Jun 05, when we arrived at this specific house, I remember entering a courtyard through an open gate, and then observed the front door was open. We walked in and were greeted by the family in the first room we entered. It seemed like a family room and there were a lot of people in there. I believe [REDACTED] did all the talking and asked them if they had any weapons or if there were any additional people in the house. He asked for weapons in Arabic by saying, "Indek Sla", which I believe to mean, "Any weapons". Then he used hand gestures to ask if there were any other people in the house. [REDACTED] then asked for the family to exit the house and go into the courtyard so we could conduct our search. Personally I did not talk to anyone in the family, and while we were clearing the house, I do not remember anyone staying with the family to guard them. I was the first person in the stack and we began clearing the house. I pushed forward and [REDACTED] was right behind me. I believe [REDACTED] and [REDACTED] were together and went to clear another room. [REDACTED] and I then entered a hallway and headed to a back bedroom. This was the first room I came to. As I entered the room, I saw an AK-47 pointed directly at me, and admit that I was startled, because I was not expecting to see anyone in the house, and especially someone carrying a weapon. My immediate reaction was to yell, "Gun, Gun, Gun" and I fired while I was saying, "Gun" [REDACTED]

[REDACTED] I did not know the guy's intentions, and I did not consciously shoot this person. The only thing I remember was reacting to the situation, and it was more like instincts than a deliberate shoot. I do not remember switching my weapon on semi-auto before shooting, and I do not remember if my finger was already on the trigger when I first entered the bedroom. I just remember seeing the barrel of the weapon pointed directly at me, and the next thing I know I fired my weapon. I will admit that contrary to my military training, I often walk around with my weapon in condition one, with my weapon on semi-auto and my finger on the trigger, but I honestly do not remember the condition of my weapon when I entered the room that day. I just do not remember if my weapon was on safe. I know that sometimes, I will switch my weapon on semi just before I enter a room, in the event I encounter a hostile person, but as soon as the room is cleared, I will switch it back on safe [REDACTED]

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9/1/2005

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[REDACTED] Also, I have entered houses before and have had the family tell us there is no one else in the house, and have encountered people in back rooms, but this is the first time I ever shot someone in a back room. I honestly feel like my life was threatened, when this person pointing his weapon directly at me, and that is the reason why I fired my weapon. I think my body reacted to the situation before I even thought about it. I did not even focus on who the person was, what he was wearing, whether he was a man or woman, or whether there were any other hostiles in the room. The only thing I saw was the barrel of the weapon pointed directly at me, and I shot [REDACTED]

[REDACTED] After I shot the individual with the weapon, I saw him spin around to his left, while still holding the weapon in his left hand and he landed on his stomach. I was freaked out by what had just happened, and was thinking, "wow, I almost died, that guy could have just killed me." The only thing I could think of was getting out of the room. I immediately spun around to leave, and [REDACTED] was right behind me. He pushed me back into the room and said, "The weapon is not clear. I will cover you while you clear the weapon." I entered the room and kicked the weapon from the man's grasp. I remember he was still holding the pistol grip with his left hand and his finger was still on the trigger when I kicked it. I then picked up the AK-47 and removed the magazine, which was empty, and cleared the chamber, which was also empty. That was the first time I realized the weapon was empty of live rounds. I remember the AK-47 was green and black, but otherwise looked like any other AK-47. At the time of the shoot, I did not know the magazine and chamber were empty [REDACTED]

[REDACTED] After I cleared the weapon, I set it down somewhere in the room, and [REDACTED] began calling [REDACTED] on his radio to tell him what had happened. [REDACTED] then told me to go outside and talk to [REDACTED] who had just arrived outside the house. I do not remember anyone else in the room besides [REDACTED] and I. As I walked back through the house, I believe I passed [REDACTED] and [REDACTED], however I am not sure. When I passed into the courtyard, I remember the family was just sitting quietly, and did not react as if they knew someone was just shot inside the house. When I arrived at [REDACTED]'s vehicle, I climbed into the backseat, while [REDACTED] was in the front passenger seat, and he asked me what had happened. I told him some guy was in a back bedroom with an AK-47 pointed at me, and I shot him. I don't remember saying anything else to [REDACTED], and I think he left the vehicle several times while dealing with the situation. I did not hear anything about any pictures being taken, nor did I see any photographs on any camera regarding this incident. I do remember HET was involved and they were talking to the family about the incident. After a short time [REDACTED] told us it was time to leave, so I went to get into vehicle 3, my original vehicle and we headed back to the Dam. [REDACTED]

[REDACTED] When we arrived at the Dam, we staged our vehicle and gear, and had to go to a formation with the Assistant Commandant of the Marine Corps. I remember after his brief, he asked for me specifically and talked to me about the shooting. He even gave me a Challenge Coin with the Seal of the Commandant on it. After his formation, I don't recall having any other briefs that day about the shooting. [REDACTED]

[REDACTED] I am willing to take a polygraph examination regarding everything I have told you about this even [REDACTED]

[REDACTED] Special Agent [REDACTED] prepared this statement for me, as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 3 other pages. I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief. [REDACTED]

G-352

Continuation of Voluntary Sworn Statement of [REDACTED]
Created by SA [REDACTED]
9/1/2005

Signature [REDACTED]

Sworn to and subscribed before me, this 01 day of September, in the year 2005 at
NCIS, AL ASAD AIRBASE, IRAQ

Witness _____

[REDACTED]
Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 136 of the UCMJ.
(10 U.S.C. 936) and 5 U.S.C. 303

b7c

6353

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: Al Asad Airbase, Iraq
Date: 01 Sep 05 JAG

I, [REDACTED], have been
advised by [REDACTED] that I am
suspected of wrongfully causing the death of an Iraqi
national

I have also been advised that:

- [REDACTED] 1) I have the right to remain silent and make no statement at all; [REDACTED]
 - [REDACTED] 2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding [REDACTED]
 - [REDACTED] 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 counsel at no cost to me, or both; [REDACTED]
 - [REDACTED] 4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and [REDACTED]
 - [REDACTED] 5) I may terminate this interview at any time, for any reason [REDACTED]
- [REDACTED] 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. [REDACTED]

Signature [REDACTED]

Date & Time: 01 Sept 05 10:38 am

Witnessed: [REDACTED]

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

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G354

STATEMENT

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq
Date: 04SEP05

b7c

[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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of [REDACTED]

For purposes of identification, I am a [REDACTED] currently assigned to the Logistics Department 3rd Battalion, 25th Marine Regiment, which is forward deployed to Camp Haditha Dam, Iraq in support of Operation Iraqi Freedom. My social security number is [REDACTED] my date of birth is [REDACTED] and my place of birth [REDACTED] I am [REDACTED] inches tall and [REDACTED] pounds, with [REDACTED] eyes and [REDACTED] hair [REDACTED]

On 15Aug05, I provided a sworn statement to NCIS regarding my knowledge of the shooting death of a Military-Aged Male in Dam Village, just south of Haditha Dam, on 25Jun05. At this time I wish to provide a clarifying statement regarding a conversation I had immediately after the shooting, between myself and a Marine directly involved in the incident. In my previous statement, I indicated I had a conversation with the Corpsman, who participated in the Cordon and Knock mission, had entered this particular house, and was in the house at the time of the shooting. I had indicated the Corpsman told me he was behind [REDACTED] when they entered a back hallway and encountered the MAM, who was later shot. I had indicated the Corpsman told me his group of Marines had asked this MAM if there were any weapons in the house and this MAM stated yes, and he would take them to it. [REDACTED]

On further reflection, however, I am not sure if it was the Corpsman who actually told me this. I was definitely sitting on the stairway in the house, while I was talking to this person, and I recall he was dressed in digital Cammies, had on his FLAK and Kevlar, no rank or insignia visible and no name tape visible. I am confident that this Marine told me his team encountered the MAM in the hallway prior to entering the bedroom and before the fatal round was fired [REDACTED]

Regarding photographs after the incident, I am confident that pictures were taken in the room to recreate the shooting. I am confident I saw a Marine with a digital camera take several pictures with this camera, and at the end said, "I got it" or something to that effect. After each picture, I remember this person looking on the digital display to ensure that each picture was taken, and to the best of my knowledge pictures were taken. I did not personally see the digital display on the camera, and I have not personally viewed any photographs of the incident [REDACTED]

Special Agent [REDACTED] prepared this statement for me, as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 1 other page. I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief [REDACTED]

G355

Continuation of Voluntary Sworn Statement of [REDACTED]
Created by SA [REDACTED]
9/4/2005

Signature [REDACTED]

Sworn to and subscribed before me, this 4th day of September, in the year 2005 at
NCIS ALASAD, IIR

Witness [REDACTED]

[REDACTED]
Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 156 of the UCMJ,
(10 U.S.C. 936) and 5 U.S.C. 303

b7C

G356

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

30AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

EVIDENCE TO USACIL FOR ANALYSIS

1. On 28Aug05, Reporting Agent sent evidentiary items to the US Army Criminal Investigation Laboratory, located at Fort Gillem, GA., for ballistic analysis and comparison. The following items were sent:

ECD# 263-05

Item A. One M16A4, serial #10159134, belonging to [REDACTED]

Item B. One M16A4, serial #10158976, belonging to [REDACTED]

ECD#257-06

Item B. One AK-47, serial #31703428, recovered from the SUMAIDA'IE Family

Item C. Four AK-47 magazines (empty)

Item D. One 5.56mm, NATO Ball, fragmented round, reportedly recovered from a cabinet in the SUMAIDA'IE household.

2. The items were sent via registered mail, under the following receipt numbers:

RB 862 686 501 US - ECD# 263-05, Item A

RB 862 686 515 US - ECD# 263-05, Item B

RB 862 686 529 US - ECD# 257-05, Item B

RB 862 686 532 US - ECD# 257-05, Items C & D

ENCLOSURE(S)

A) Photocopy of NCIS ECD# 257-05/12Aug05

B) Photocopy of NCIS ECD# 263-05/20Aug05

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS, AL ASAD AIRBASE, IZ

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FOR OFFICIAL USE ONLY

Page 1

LAST

V2 LNY

WARNING

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HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(IES) CONCERNED WITHOUT SPECIFIC
AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

19705

EXHIBIT: 139

U.S. NAVAL INVESTIGATIVE SERVICE EVIDENCE CUSTODY DOCUMENT

CODE MEBJ	CONTROL 10 AUG 05 MEBJ 0533-71 MA 257-0	LOG NUMBER 257-0	DATE AND TIME OF SEIZURE 12 AUG 05 / 1645
NAME OF PERSON FROM WHOM PROPERTY SEIZED [REDACTED]		LOCATION WHERE PROPERTY SEIZED ACT 2, SJA SHOP	
ITEM TYPE U/ SUMMARIO, MUHAMMAD			
ITEM	QUANTITY	DISPOSAL ACTION	DESCRIPTION OF ARTICLE - MODEL NUMBER, SERIAL NUMBER, IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE
A	48		1 PLASTIC BAG OF 48 LIVE AK 47, 7.62 MM ROUNDS.
B	1		ONE AK 47 SERIAL 31703428. LAMATED ON LOWER RECEIVER, GREEN & BLACK (COLOR) W/ THE ON THE STOCK # 3428.
C	4		FOUR AK 47 MAGAZINES (EMPTY)
D	1		ONE M-16A1 5.56 MM BALL CARTRIDGE ROUNDS
E	1		ONE M-16A1 5.56 MM BALL CARTRIDGE ROUNDS

NAME AND SIGNATURE OF WITNESS (IF AVAILABLE)

NAME AND SIGNATURE OF RECEIVING OFFICER

CHAIN OF CUSTODY

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A	12 AUG 05	NAME [REDACTED] ORGANIZATION NCIS (MEBJ) SIGNATURE [REDACTED]	NAME TEMP STORAGE ORGANIZATION NCIS (MEBJ) SIGNATURE [REDACTED]	TEMP STORAGE
B, C & D	28 AUG 05	NAME TEMP STORAGE ORGANIZATION NCIS MEBJ SIGNATURE [REDACTED]	NAME REGISTERED MAIL ORGANIZATION U.S. POSTAL SERVICE SIGNATURE [REDACTED]	TRANSPORT TO USAFICL
B, C & D	28 AUG 05	NAME [REDACTED] ORGANIZATION NCIS MEBJ SIGNATURE [REDACTED]	NAME REGISTERED MAIL ORGANIZATION U.S. POSTAL SERVICE SIGNATURE [REDACTED]	TRANSPORT TO USAFICL
		NAME [REDACTED] ORGANIZATION [REDACTED] SIGNATURE [REDACTED]	NAME [REDACTED] ORGANIZATION [REDACTED] SIGNATURE [REDACTED]	

NIS FORM 5520/118 (NEW 10/72)

CHAIN OF CUSTODY CONTINUED ON REVERSE

5105-LP-600-8826

BEST COPY AVAILABLE

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ENCLOSURE (A)

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G358

U.S. NAVAL INVESTIGATIVE SERVICE EVIDENCE CUSTODY DOCUMENT

CODE MEBJ	CONTROL 10 AUG 05 - RCT-0553-7HMA	LOG NUMBER 263-0	DATE AND TIME OF SEIZURE 20 AUG 03 / 1700
NAME OF PERSON FROM WHOM PROPERTY SEIZED [REDACTED]		LOCATION WHERE PROPERTY SEIZED RCT-2 ARMORY, AL ASAD, IZ	
ARTICLE V/ SUMAIDAH, MOHAMMED/ CIV (DECEASED)			
ITEM	QUANTITY	DISPOSAL ACTION	DESCRIPTION OF ARTICLE - MODEL NUMBER, SERIAL NUMBER, IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE.
A	1		ONE (1) M16A4, SERIAL # 10159134, BELONGING TO [REDACTED], 3/25.
B	1		ONE (1) M16A4, SERIAL # 10158976, BELONGING TO [REDACTED], 3/25

NAME AND SIGNATURE OF WITNESS (IF AVAILABLE) **[REDACTED]** NAME AND SIGNATURE **[REDACTED]**

CHAIN OF CUSTODY

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A & B	20 AUG 05 1800	NAME SA [REDACTED] ORGANIZATION NCLIS MEBJ SIGNATURE [REDACTED]	NAME TEMP STORAGE ORGANIZATION NCLIS MEBJ SIGNATURE [REDACTED]	TEMP CUSTODY
A & B	28 AUG 05 1300	NAME TEMP STORAGE ORGANIZATION NCLIS MEBJ SIGNATURE [REDACTED]	NAME REGISTERED MAIL ORGANIZATION NCLIS MEBJ SIGNATURE [REDACTED]	TRANSPORT TO USACIL POST OFFICE
A & B	28 AUG 05 1300	NAME [REDACTED] ORGANIZATION NCLIS MEBJ SIGNATURE [REDACTED]	NAME REGISTERED MAIL ORGANIZATION U.S. POSTAL SERVICE SIGNATURE RB 862 686 501 US (A) RB 862 686 515 US (B)	TRANSPORT TO USACIL
		NAME [REDACTED] ORGANIZATION SIGNATURE	NAME ORGANIZATION SIGNATURE	b7C

NIS FORM 5820/11B (NEW 10/72)

CHAIN OF CUSTODY CONTINUED ON REVERSE

0105-LF-800-8820

ENCLOSURE (B)

6256

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

24AUG05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

MADE AT/NENY/NEW YORK NY [REDACTED] SPECIAL AGENT

REFERENCE(S)

- (A)MEBJ ROI (OPEN)/10AUG05
- (B)NENY ROI (ACTION)19AUG05

EXHIBIT

- (1) IA: Results of State Department meeting/24Aug05...(copy all)

NARRATIVE

1. In furtherance of ref (A) and since submission of ref (B) a meeting was held at the U.S. Mission to the United Nations on 23 Aug05. State Department officials expressed support for NCIS efforts and pledged cooperation. While some "diplomatic concerns" were raised they were addressed and pertinent documentation was provided by State Department. Amplifying details of the meeting are contained in exhibit (1).

2. Investigation in New York is pending interview of [REDACTED]

PARTICIPANT(S)

[REDACTED] SSA, State Department, New York
[REDACTED] Host Country Officer, U.S. Mission to United Nations
[REDACTED] Minister-Counselor, U.S. Mission to United Nations

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

19AUG05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

MADE AT/NENY/NEW YORK NY/ [REDACTED] SPECIAL AGENT

REFERENCE(S)

(A)MEBJ ROI (OPEN)/10AUG05

NARRATIVE

1. On 16 Aug 05 contact was established with State Department, New York Special Agent in Charge, [REDACTED] regarding tasking set forth via ref (A). [REDACTED] designated supervisory special agent [REDACTED] as the NCIS point of contact for this matter. Contact with [REDACTED] on 17 Aug 05 revealed that State Department was not in receipt of a criminal complaint relative to this investigation. [REDACTED] opined the incident may have been addressed via political channels rather than diplomatic channels and further stated the means used to address the incident might have been via a diplomatic note. On 18 Aug 05 [REDACTED] advised that State Department HQ Legal Directorate was reviewing the matter. When asked about a time line for completion of the tasking, [REDACTED] thought the interview could be conducted within a week if [REDACTED] agreed to be interviewed. On 19 Aug 05, [REDACTED] requested a meeting be held at the U.S Mission in New York on next Tuesday 23 Aug 05, to go over the process with [REDACTED] a host country representative, a military liaison officer and Special Agent [REDACTED] NCIS, New York. While [REDACTED] did not believe the interview would be held that day he was optimistic it could be conducted later in the week. Additional details will be provided following the aforementioned meeting.

PARTICIPANT(S)

[REDACTED] SAC, New York State Department
[REDACTED] SSA, New York State Department

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

15AUG05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

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

REFERENCES

- (A) NCISFO Middle East Bahrain ROI (OPEN)/10AUG05
- (B) NCIS 1, Chapter 25-10, Special Interest "SI" Investigations

NARRATIVE

1. Subsequent to the submission of Reference (A), this case has been given the designation of "Special Interest" (SI) by NCISHQ.

ACTION

MEBJ: As per guidance provided in Reference (B), reporting requirements are increased in frequency as significant information is developed. Weekly contact is to be made with the SI desk officer, SA [REDACTED] for status updates.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (OPEN)

10AUG05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV

M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

MADE AT/MEBJ/NCIS DET AL ASAD IRAQ [REDACTED] SPECIAL AGENT

NARRATIVE

1. Investigation is based on a specific recommendation from [REDACTED] Group [REDACTED] for Multi-National Corps Iraq Central Command Element, for the Naval Criminal Investigative Service to conduct an investigation into the circumstances of V/SUMAIDAIE's death and to determine if foul play was involved. A Reportable Incident Assessment Team (RIAT) Inquiry, and an AR 15-6 Command Investigation were previously conducted, however [REDACTED] indicated unanswered questions remain, warranting additional inquiry.

2. Reports indicate that on 25Jun05, Marines from Lima Company, 3rd Battalion, 25th Marine Regiment were conducting cordon and knock operations in and around the town of Al Shaikh Hadid, just south of Haditha, Iraq. Reportedly the Marines entered the home of V/SUMAIDAIE's family and encountered V/SUMAIDAIE in a back bedroom, brandishing an AK-47 Assault Rifle. [REDACTED] USMC, L 3/25, was reportedly the first person to enter the room, and fired a single round, striking V/SUMAIDAIE in the neck and killing him. Relatives of V/SUMAIDAIE, who were present at the house during the shooting, claimed the reports proffered by the Marines were inaccurate and V/SUMAIDAIE was killed unjustly. The relatives reported V/SUMAIDAIE was requested to lead the Marines to the back bedroom to show them the ceremonial AK-47, rigged to fire blanks only, and shortly thereafter, heard the gunshot that killed V/SUMAIDAIE. V/SUMAIDAIE is reportedly a 21 year-old Iraqi national. V/SUMAIDAIE is the [REDACTED]

[REDACTED] who filed a criminal complaint with the Department of State regarding the incident.

3. Based on the discrepancies in the statements from the relatives and the Marines, and based on unanswered questions in the previous command inquiries, NCIS has been tasked to conduct a formal investigation in the shooting death of V/SUMAIDAIE.

ACTION

R:NEEA: Coordinate with the Department of State to locate, fully identify and take a sworn statement from the [REDACTED]

[REDACTED] Ascertain how soon after the event he was contacted and by which family members he received the information regarding the shooting incident. Obtain a detailed accounting of the events as told to [REDACTED]

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SUBJ: V/SUMADAIE, MOHAMMED/CIV
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

Ascertain what the [REDACTED] knows about V/SUMADAIE's student status and his upbringing, including the last time he has had contact with V/SUMADAIE, and ascertain what, if any, ideations V/SUMADAIE might have had regarding Operation Iraqi Freedom and the U.S. Military's role while in Iraq.

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