

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

13MAY06

CONTROL: 08MAY06-MEJ-0357-7HMA

[REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] /08APR06

1. On 08May06, [REDACTED], CID USMC and Reporting Agent were escorted by approximately 20 U.S. Marines assigned to Hamandia area, Iraq to interview the family members of Hashim Ibrahim AWAD (V/AWAD). The interviews took place at V/AWAD's residence. For security purposes several Marines were station throughout V/AWAD's residence. Reporting Agent interviewed [REDACTED] to V/AWAD, also know as [REDACTED] was interviewed in the presence of [REDACTED] and [REDACTED] 1/1 BN, USMC. The interview was conducted in English, with the Arabic-English translation being provided by [REDACTED] aka [REDACTED] a category one linguist. [REDACTED] (V/AWAD's [REDACTED]) gave permission for Reporting Agent to interview [REDACTED]. No tape recording was taken.

2. [REDACTED] was advised by Reporting Agent she was being interviewed concerning the events that took place the night [REDACTED] was allegedly taken away by American Soldiers and killed. [REDACTED] advised that she and the rest of the family members were sleeping on the roof of the house and she went to bed around 2100-2200. [REDACTED] related only [REDACTED] stayed downstairs to sleep. [REDACTED] was asked if [REDACTED] to V/AWAD was sleeping on the roof the night when U.S. Soldiers took [REDACTED] and she replied yes. [REDACTED] said she has no clock so she uses the television as a way to tell time. [REDACTED] advised she woke up when she heard someone pounding on the front door and when the door was opened she saw a light. [REDACTED] stated normally when the Soldiers come they search their house, but on this night, they did not. [REDACTED] did not go downstairs and the only thing she could provide is the soldiers took [REDACTED] away between 2300 and 0100. [REDACTED] was not able to provide any other pertinent information and she appeared to be confused with addition questions.

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

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EXHIBIT (16)

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U.S. MARINE CORPS Criminal Investigation Division

TITLE: [REDACTED]
CCN: 08MAY06-MEBJ-0357-7HMA
FILE: 0032-06

INVESTIGATIVE ACTION: Results of Death Scene Search

On 07 May 06 Reporting Investigator (RI) was requested by NCIS SA [REDACTED] to assist in the investigation of the alleged murder of an Iraqi citizen by United States Marines from 1st Squad, 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marine Regiment (1/2/K/3/5). Kilo Company at the time of the alleged incident was attached to 1st Battalion, 1st Marine Regiment, Task Force Chromite (1/1/TF Chromite), Regimental Combat Team 5 (RCT-5), I Marine Expeditionary Force (I MEF).

As background, this investigation was initiated on 04May06 after [REDACTED] Staff Judge Advocate (SJA), Regimental Combat Team Five (RCT-5), contacted NCIS Camp Fallujah, Iraq, concerning a complaint by [REDACTED] that V/AWAD was taken from his home and killed by Marines during the early morning hours of 26Apr06. Subsequent investigation revealed on 26Apr06, members of 1/2/K/3/5 Kilo Company ([REDACTED] and [REDACTED]) reported they had shot V/AWAD after witnessing him digging what they believed to be a hole in which to plant an Improvised Explosive Device (IED). The shooting occurred on a road known as route Penguins in Northern Hamdania, Iraq.

09 May 06, RI and NCIS SA [REDACTED] went to the location of the Counter Improvised Explosive Device (IED) Ambush patrol in the vicinity of (IVO) grid coordinate [REDACTED]. Marines from K/3/5 Personal Security Detail (PDS) Platoon escorted RI and NCIS SA [REDACTED] to grid the coordinate. [REDACTED] K/3/5 [REDACTED] 2/K/3/5 [REDACTED] and [REDACTED] 1/2/K/3/5 also accompanied RI and NCIS SA to location. Also included in the search team was [REDACTED] and [REDACTED]. [REDACTED] Combat Engineers were equipped with metal detectors and assisted RI and NCIS SA [REDACTED] in searching for expended brass casings fired from 1/2/K/3/5 Marines' weapons on the date in question. These Combat Engineers are attached to K/3/5 from their Parent Command, 1st Combat Engineer Battalion, Bravo Company, 1st Platoon, MCB Camp Pendleton, CA.

The specific area searched consisted of a series of fields approximately four regulation football fields in size. These fields are used by their owner as grazing pastures for cattle and goats. The fields are of mixed vegetation including grasses, weeds and thistle plants. The

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EXHIBIT (17)

U.S. MARINE CORPS

Criminal Investigation Division

vegetation varies in height from top of the foot to middle of the thigh.

The fields were mowed in a manner such that the various sections ranged in height. The southern most section of the field had not been mowed recently and the vegetation had grown to the middle of the thigh. There was a distinguishing characteristic in this area, a lone tree roughly 20 feet tall with a span of the same size. The next section heading north had recently been mowed and was to the top of the foot in height. The third section to the north was in comparable condition to the first section. The fourth section searched was comparable in condition to that of the second section searched minus the distinguishing tree. The area that was searched was located within a larger grazing pasture. The boundaries of the searched area consisted of an irrigation canal to the south, a road that ran north to south know as route "Penguins" by the Marines to the west, a moderately dense tree line to the east and a road to the north that runs east to west know as route "Hurricanes" by the Marines. The area searched was selected based upon the description of the events of the ambush provided by [REDACTED] on 08 MAY 06 and confirmed by [REDACTED] on the day of the search.

The Engineer Marines began conducting their search with the metal detectors at 1400. Simultaneously other Marines were searching the area physically using their natural senses. The Engineer Marines used a sweeping motion with the metal detector in the area, lane and direction of travel provided by [REDACTED]

This area was chosen for the initial search because on 26 APR 06, [REDACTED] was firing his SAW and expended approximately 60-70 rounds. This weapon fires a 5.56mm projectile from a 200 round belt of ammunition linked with what is described as disintegrating links. These links do not disintegrate but are made of metal and are expended out of the bottom of the weapon once the round held within the links has been fired. The brass casings held by the links are expended out of the right side of the weapon.

The Agents overseeing the search believed this area would provide the highest possibility of finding brass casings to confirm the version of the story provided by the Marines involved in the ambush that night. This area was searched exhaustively as well as the other areas, lanes and directions of travel of the remainder of the Marines involved in the ambush on 26 APR 06. These areas were determined based on the statement provided by [REDACTED] on 08 MAY 06 wherein he gave a detailed description of the positions of the Marines during the ambush. [REDACTED] as well as [REDACTED] confirmed these positions.

The area was searched for approximately two hours of searching the entire area without locating expended casings links. A second engineer team with metal detectors was brought to the scene to provide additional support. These Marines were [REDACTED]

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084885795 and [REDACTED], who were attached to K/3/5 the same command as the other engineer team. The search continued and had expanded beyond what had been determined as areas, lanes and directions of travel to an area canvas. At approximately 1600, [REDACTED] located three 5.56mm brass casings at grid coordinate [REDACTED], as determined by an electronic, battery operated, hand held, Global Positioning System (GPS). The variance of this grid coordinate is +/- 13ft. This location is approximately 75 meters from the IED detonation hole where the Iraqi was allegedly digging before being engaged by the Marines. This location coincides with the area, lane and direction of travel that was taken by Marines assaulting from the first teams position. Several photographs were taken of the location and are included as enclosures to this report. A detailed description is included with each photograph to assist in explaining what is depicted in each photograph. At approximately 1645 a fourth 5.56mm brass casing and a single 7.62mm casing similar to those expended from an AK-47 rifle were found at grid coordinate [REDACTED]. This location is 20 meters north of the IED detonation hole on the east shoulder of Route Penguins, the western boundary of the search area. Several pictures were also taken of these two separate brass casings and the photographs are accompanied by detailed descriptions of the depiction of each photograph.

No other expended casings or links were located during this search. The ammunition expenditure report filed by the assaulting Marines from that night gave a final count of over 150 rounds fired by Marines. There is no explanation as to why there was no other brass casings recovered. However the search was conducted thirteen days after the event and during that period of time there had been multiple rainstorms, two sand storms, high temperatures and untold number of cattle and goats in the field. These all could have been contributing factors to the removal or natural burying of the brass casings as well as the high grass present that may have prevented further discovery of additional casings.

At 1730 the search was concluded due to the concern for potential indirect fire attack and lack of productivity. The brass casings discovered were documented and transported back to Forward Operating Base Abu Ghurayb. The evidence remained in the custody of the RI until RI's return to Camp Fallujah where it was placed in the CID evidence safe until it could be signed over to the NCIS evidence custodian. A sketch of the location of the recovered casings is appended as Enclosure (A).

On 09MAY06, RI took photographs of area where alleged murder took place. RI took photographs using a NIKON COOLPIX 5600, 5.1 Megapixel Digital Camera. Photographs were taken at grid coordinate N [REDACTED]

A description of these photographs is listed below. Enclosure (B) pertains.

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PHOTOGRAPH DESCRIPTION

- (1) Photo shows undisturbed area of suspected location of brass casing.
- (2) Photo shows the location of the first suspected brass casing distance from the road.
- (3) Photo depicts undisturbed location of discovery of three (3) 5.56mm brass casings.
- (4) Photo depicts one (1) 5.56mm brass casing.
- (5) Photo depicts one (1) 5.56mm brass casing.
- (6) Photo depicts one (1) 5.56mm brass casing.
- (7) Photo depicts two (2) 5.56mm brass casings.
- (8) Photo depicts relationship of location of brass casings to IED hole where the Iraqi was digging. The Marine standing in the distance is standing in the IED hole.
- (9) Photo depicts Marine standing in IED hole to show relationship of location of brass casings to IED hole.
- (10) Photo depicts one (1) 5.56mm brass casing after being uncovered near IED hole.
- (11) Photo depicts one (1) 5.56mm brass casing.
- (12) Photo depicts location of one (1) 7.62mm brass casing. Brass casing has yet to be uncovered.
- (13) Photo depicts one (1) 7.62mm brass casing.
- (14) Photo depicts one (1) 7.62mm brass casing.
- (15) Photo depicts relationship of 5.56mm & 7.62mm brass casing location to IED hole
- (16) Photo depicts relationship of initial ambush position for Marines to location of discovery of 5.56mm and 7.62mm brass casings.
- (17) Photo depicts relationship of initial ambush position for Marines to location of discovery of 5.56mm and 7.62mm brass casings.

ENCLOSURE(S)

- (A) Sketch of Death Scene Search area/09May06
- (B) Photographs of Death Scene Search/09MAY06

REPORTING INVESTIGATOR: [REDACTED]
OFFICE: CID, CAMP FALLUJAH, IRAQ, I MEF
DATE REPORTED: 14 MAY 06
FILE NUMBER: 0032-06

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Tree Line



LEGEND

A = TREE FROM WHERE AMBUSH WAS INITIATED

B = LOCATION OF (3) 5.56mm BEASS CASINGS

C = LOCATION OF IED CREATER ON ROUTE PENGUINS

D = LOCATION OF (1) 5.56mm BEASS CASING AND (1) 7.62mm BEASS CASING

APPROXIMATE DISTANCE FROM:

LOCATION A TO LOCATION C 100M

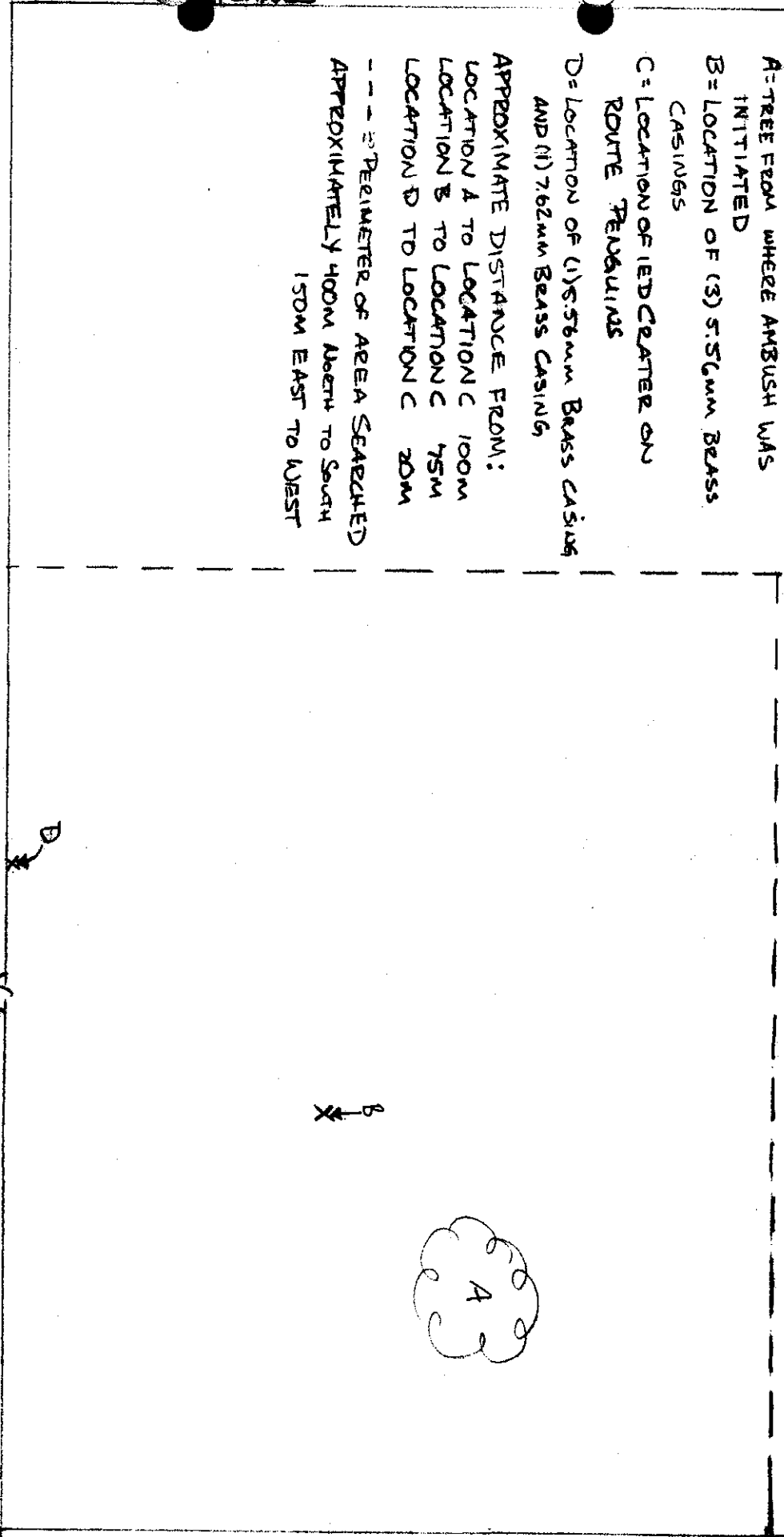
LOCATION B TO LOCATION C 75M

LOCATION D TO LOCATION C 20M

--- PERIMETER OF AREA SEARCHED APPROXIMATELY 400M NORTH TO SOUTH 150M EAST TO WEST

ROUTE H PENGUINS

ROUTE PENGUINS



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IRRIGATION CANAL 18706

DRAWN BY: CID SA [redacted]
CCN: 08MAN06-MEBS-0357-7HMA

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NOT TO SCALE