

Continuation of voluntary sworn statement of

on May 12, 2006

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I called to tell them QRF was about five minutes out and to set up a cordon around the body and do a [redacted]. I told them to take photos of the body, weapon, IED hole, AK-47 brass, etc and leave everything in place. I talked to [redacted] while he was enroute with the QRF and told him to be thorough with the sensitive site exploitation. The QRF arrived on scene and [redacted] told me the SSE was being conducted and a cordon had been set up around the body. At this time, I asked the CP what to do about the body. CP didn't know and were in the process of asking battalion about it. The eventual response was that the Iraqi Army (IA) would pick up the body. We did not know how long it would be before the IAs arrived, so I told them to remain the cordon. Eventually, I was told the IAs wouldn't pick the body up, so we had to meet them at Checkpoint 38 Mile and the IAs would lead them to the Iraqi Police station to drop off the body. By then it was 0400 or 0430. I told them to pick up the evidence and come to the patrol base to pick up the interpreter. [redacted]

They arrived back at about 0430 to pick up the interpreter and that's when [redacted] told me there had been 10 rounds left in the AK-47 when they recovered it. We surmised the Iraqi man had fired about 20 rounds. [redacted] mentioned they had picked up the AK-47 and shovel without gloves before my instruction not to touch it. I chewed him out for this because it was a stupid decision. He told me not to worry because he made sure the fingerprints were put on the weapon. I told everyone who had been at the scene to go with the body in case the Iraqi Police would need a statement at the police station. 2nd Mobile went to checkpoint [redacted] to meet up with the IAs. I finally told my source to go home since HET had not arrived. He said he would come back that night to meet up with me and HET. At 0500, the CO [redacted] showed up with HET and PSD and they dropped off HET at our patrol base. I talked to HET for a while and told him I'd let the source go, but would meet him the next night. I waited for my guys to get back from dropping off the body. They got back at 0700 and told me everything was good to go, meaning the body had been secured by the Iraqi Police. I went to sleep for about an hour until 0800 when CP called at and asked me for a SITREP and told me to prepare a storyboard. I gave them a SITREP and went back to sleep. I woke up at 1200 or 1300 and planned the rest of my day with HET. I told [redacted] I would like him to type up a debrief of the previous night's events. [redacted]

Regarding the incident in late March or early April, we were in that neighborhood to ask questions of my source about a few IED hits the previous day or two. I, my interpreter, and [redacted] went [redacted] s house. [redacted] stayed outside to provide security. We talked to the [redacted] for about an hour. As we were walking out of the house after the meeting, I told [redacted] to make sure his guys did [redacted] it did not look like we went there specifically to meet with [redacted] asked me if I wanted him to go to the house of [redacted], a man known to provide support to the insurgency. I told [redacted], "Sure, why not." They did a visit to two other houses and then went to [redacted] s house. I remained at the vehicles because [redacted] was there and I wanted to talk with him. He was out to our platoon to do a CMR/inventory of our equipment. He wanted to go out on our patrol with us and then I had planned to drop him off at another team's house. I stayed at the vehicle and talked with him while my Marines did the visits. I never sent them in there to physically harm anyone. They went to [redacted] s house for a brief period of time, maybe 5-10 minutes. I know how long they were there because I saw them walking to the area the house is in. It is a distinctly different area from the rest of the houses. They came back and said they were good, meaning they were done with the cordon knocks. I told everyone to make sure they did a head count before we rolled back to 3rd platoon's position to drop off [redacted]. After we dropped him off, we

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3rd Platoon's

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went straight back to the patrol base and I went to the CP. I did not examine the Marines after the cordon knocks. I did not see blood on anyone's clothing. When we got back, the only person who did come to the CP was [redacted]. He told me [redacted] attempted to run and they had tackled him and brought him back into the house [redacted]

When the JAGMAN occurred, I spoke to the judge and gave him my statement. I told him I thought the charges had been trumped up and I told him my account of the events that evening. I told him [redacted] had told me the man tried to escape and the Marines had tackled him and pulled him back into the house where the Marines threatened him about IEDs. I thought [redacted] had alleged the tackling was the physical beating [redacted]

This statement, consisting of this page and 2 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 12 day of MAY in the year 2006 at

Camp FAUJAH

Witnessed: [redacted]

12 MAY 06 1639
Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25MAY06

CONTROL: 08MAY06-MEBJ-0357-7HMA

[REDACTED]
SEIZURE OF [REDACTED] LAPTOP COMPUTER/20MAY06

1. On 20May06 [REDACTED] was asked to permit a search of his personal DELL Laptop computer and his personal email account [REDACTED]@gmail.com. [REDACTED] provided a written authorization for search and seizure. Enclosure (A) pertains. [REDACTED] was transported to Third Battalion, Fifth Marines, by Participant [REDACTED] and Reporting Agent. Contact was made with [REDACTED] who turned over [REDACTED] DELL laptop computer, serial number (01) 07898349890528. The DELL computer was placed into NCIS Middle East Field Office Evidence Custody System under log number 166-06.

ENCLOSURE

(A) Permissive Authorization for Search and Seizure/20May06

PARTICIPANT(S)

[REDACTED] Special Agent, NCIS Camp Fallujah

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

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LAST [REDACTED] V2 LNY

EXHIBIT (110)

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PERMISSIVE AUTHORIZATION FOR SEARCH AND SEIZURE

Date : May 19, 2006

I, [REDACTED], after being advised by [REDACTED] that the Naval Criminal Investigative Service is conducting an investigation into UCMJ Violations articles 81 (Conspiracy), Article 118 (Murder), Article 128 (Assault) and Article 134 (Kidnapping), have been requested to permit a search of my PERSONAL LAPTOP Computer DELL which is held at 3/5 Company
MY EMAIL Address: [REDACTED] @GMAIL.COM PASSWORD: [REDACTED]

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

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

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

Signed: [REDACTED]

[REDACTED]

[REDACTED]

Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

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TIMES OF SEARCH

Start : 1320

End : _____

STATEMENT

Place : Abu Ghraib, Iraq

Date : May 13, 2006

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

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

On or about 25Apr05, I reported to 3/5, 1st Marine Division, Camp Pendleton, CA. I was assigned to the aforementioned Company, 2nd platoon. The unit's mission here in Iraq is to [REDACTED]

Sometime during the months of April or May I was party to a conversation with [REDACTED] and [REDACTED] of 1st squad. The conversation took place at a command post. I recall [REDACTED] talking about how he had beat up this man out in town. I believe his name is [REDACTED] is a documented supporter of the insurgency whom the platoon had detained on several occasions but due to lack of evidence he was released. He was considered a High Valued Individual. [REDACTED] bragged about how he "got the fucker". I took that to mean that he had beat [REDACTED]. I further observed blood on [REDACTED] camouflage utilities. [REDACTED] then told [REDACTED] to shut up because that is not something you brag about. [REDACTED] did not disclose who was involved in beating [REDACTED] with him. Subsequent to this event, an official investigation was conducted by the command regarding this incident. [REDACTED]

On or about, 25Apr06, I was part of the Quick Reaction Force (QRF). Sometime after midnight we got a call to support 1st squad. Allegedly, the squad encountered a man digging Improvised Explosive Device (IED) holes. The squad was also receiving incoming fire. Upon arriving on scene, I observed what I believe to be an Arab male supine approximately three hundred meters from the intersection of North Star and Penguin. He was noticeably deceased with apparent gunshot wounds to his body. Just past the man were two IED holes. I noted that one of his sandals and a shovel was in the hole. I observed the second sandal about three to four meters from the IED hole. The IED hole did not appear to be freshly dug. I observed one of the marines from 1st squad taking pictures at the scene but do not recall who this person was. [REDACTED] and [REDACTED] was discussing what happened. From what I heard at the scene, first squad was on [REDACTED] when they observed a man on Penguin with a shovel digging holes. The squad then begins to take fire from the same man. The squad then returned fire, engaged and terminated the threat. [REDACTED] and [REDACTED] were responsible for picking up the body [REDACTED]

Special Agent [redacted] asked me if [redacted] disclosed to me if he [redacted] staged the scene to make it appear like a legitimate kill. I would like to state that [redacted] did not disclose any thing to me which would make me believe that he had staged the scene. Special Agent [redacted] also asked me if [redacted] disclose to me that he [redacted] took the Arab male from his house and murdered him. I related to Agent [redacted] that [redacted] did not disclose to me that he had taken the Arab male from his house and murdered him.

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

Signature: [redacted]

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

ABU GHRAIB 1035 HRS [redacted]

Witnessed: [redacted]

APPROVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 30

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

22MAY06

CONTROL: 08MAY06-MEJB-0357-7HMA



PHOTOGRAPHIC COVERAGE OF DEATH SCENE

1. As background, this investigation was initiated on 04May06 after [REDACTED] Staff Judge Advocate (SJA), Regimental Combat Team Five (RCT-5), contacted NCIS Camp Fallujah, Iraq, concerning a complaint by [REDACTED] that [REDACTED] V/AWAD was taken from his home and killed by Marines during the early morning hours of 26Apr06. Subsequent investigation revealed on 26Apr06, members of 1st squad [REDACTED] and [REDACTED] 2nd Platoon, Kilo Company, 3rd Battalion, 5th Marine Regiment (3/5), Hamdania, Iraq, reported they 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.

2. Subsequent investigative efforts disclosed that 1st Squad, 2nd Platoon, 3/5, had forced V/AWAD from his home took him area know as route Penguins, Hamdania, Iraq, and placed him near two holes previously used for IED placement. The investigation further revealed that V/AWAD'S [REDACTED] prior to his death. After 1st squad shot and killed V/AWAD, they staged the scene to make it appear as though V/AWAD had been digging in the IED hole.

3. On 15May06, Reporting Agent documented the area where V/AWAD was killed, utilizing a Sony Cyber-shot 7.2 Mega Pixel, digital camera, Enclosure (A) pertains. The area depicted in the photographs is the area where members of 1st Squad related they had set up their second [REDACTED] near the intersection of route Penguins and route Hurricanes, underneath a tree. Photographs were also taken of V/AWAD's residence, located at military grid coordinates [REDACTED] and the residence of [REDACTED] located at [REDACTED] enclosure (B) pertains. Additionally, on 16May06, satellite and aerial imagery of the area was provided by [REDACTED] Forward Air Controller (FAC), 3/5. The exact date on which the images were taken is unknown, Enclosure (C) pertains.

4. Video footage was also taken of the death scene, as well as V/AWAD's residence, by Participant [REDACTED] utilizing a Sony, digital Handy Cam, video camera. The video tape was then place into the NCIS Evidence Custody System under log # 162-06. A green in color bandage recovered from under the tree was also entered into the NCIS Evidence Custody System under log # 165-06.

PHOTO DESCRIPTION

(1) Overall of tree in field adjacent to route Penguins

EXHIBIT (112)

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SUBJ: [REDACTED]

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- (2) Overall of tree in field adjacent to route Penguins
- (3) Overall of tree in field adjacent to route Penguins
- (4) Overall of area surrounding tree, adjacent to route Penguins, facing West
- (5) Overall of area surrounding tree, adjacent to route Penguins, facing Northwest
- (6) Overall of area surrounding tree, adjacent to route Penguins, facing Northwest
- (7) Overall of area surrounding tree, adjacent to route Penguins, facing North
- (8) Overall of area surrounding tree, adjacent to route Penguins, facing North
- (9) Overall of area surrounding tree, adjacent to route Penguins, facing Northeast
- (10) Overall of area surrounding tree, adjacent to route Penguins, facing East
- (11) Overall of area surrounding tree, adjacent to route Penguins, facing East
- (12) Overall of area surrounding tree, adjacent to route Penguins, facing Southeast
- (13) Overall of area surrounding tree, adjacent to route Penguins, facing South
- (14) Overall of MRE trash beneath tree adjacent to route Penguins
- (15) Overall of MRE trash beneath tree adjacent to route Penguins
- (16) Overall of MRE trash beneath tree adjacent to route Penguins
- (17) Close up of MRE trash beneath tree adjacent to route Penguins
- (18) Close up of MRE trash beneath tree adjacent to route Penguins
- (19) Close up of MRE trash beneath tree adjacent to route Penguins
- (20) Close up of MRE trash beneath tree adjacent to route Penguins
- (21) Close up of MRE trash beneath tree adjacent to route Penguins
- (22) Overall of green in color bandage found beneath tree adjacent to route penguins.
- (23) Close up of green in color bandage found beneath tree adjacent to route penguins.
- (24) Overall of Eastern side of V/AWAD's Residence
- (25) Overall of Eastern side of V/AWAD's Residence
- (26) Overall of Southern side of V/AWAD's Residence
- (27) Overall of Southern side of V/AWAD's Residence
- (28) Overall of Western side of V/AWAD's Residence
- (29) Overall of Western side of V/AWAD's Residence
- (30) Overall of Western side of V/AWAD's Residence
- (31) Overall of Northern side of V/AWAD's Residence
- (32) Overall of Northern side of V/AWAD's Residence
- (33) Overall view of front door of V/AWAD's Residence
- (34) Overall downstairs view of the interior of V/AWAD's Residence
- (35) View from front door of V/AWAD's residence
- (36) V/AWAD's oldest son [REDACTED]
- (37) Photo of V/AWAD's youngest brother's house, [REDACTED]
- (38) Overall of Northern side of [REDACTED]'s home
- (39) Overall of Northern side of [REDACTED]'s home
- (40) Overall of Northern and Western sides of [REDACTED]'s home
- (41) Overall of Western side [REDACTED] home

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SUBJ: [REDACTED]

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- (42) Overall of Southern side of [REDACTED] home
- (43) Overall of Eastern side of [REDACTED] home
- (44) View of V/AWAD's residence from [REDACTED] residence

SATELLITE AND AERIAL IMAGERY

- (1) Satellite image of intersection of route Hurricane and route Penguins
- (2) Satellite Imagery of V/AWADS home
- (3) Aerial Photo of V/AWAD's residence
- (4) [REDACTED] residence
- (5) [REDACTED]'s residence related to V/AWAD's residence
- (6) V/AWAD's residence
- (7) V/AWAD's residence
- (8) V/AWAD's residence

ENCLOSURE(S)

- (A) Photographs exposed on 15May06/15May06
- (B) Satellite Imagery Depicting Distances between IED Holes, Market Place, [REDACTED] House, and V/AWAD's House/Undated
- (C) Satellite and Aerial Imagery/16May06

PARTICIPANT(S)

[REDACTED] Investigator, USMC, Criminal Investigation Division

REPORTED BY: [REDACTED] Special Agent

OFFICE: Camp Fallujah, Iraq

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

TITLE

b7C

CCN

08May06-MEBJ-0357-7HMA

AGENT'S NAME

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SUMMARY

Overall of tree in field adjacent to route Penguins

DATE PHOTO TAKEN

15May06

Photo 1 of 44

Enclosure (A) to Exhibit (105)

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