

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

05MAR12

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/C

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
F/W/FNIZ/N//01JUL29/HADITHA AL ANBAR CITY, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA AL ANBAR CITY, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL /CIV
M/W/FNIZ/N//06AUG01/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, YUNIS SALAM/CIV
M/W/FNIZ/N//01JAN62/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA AL ANBAR CITY, IRAQ

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SUBJ: (b)(6), (b)(7)(C)

U. S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

V/AHMED, JASIB AIAD/CIV
 M/W/FNIZ/N//01JAN77/HADITHA AL ANBAR CITY, IRAQ
 V/AHMED, MARWAN AIAD/CIV
 M/W/FNIZ/N//01JAN78/HADITHA AL ANBAR CITY, IRAQ
 V/AHMED, KAHTAN AIAD/CIV
 M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
 V/ALZAWI, KALED AIDA/CIV
 M/W/FNIZ/N//01JAN85/HADITHA AL ANBAR CITY, IRAQ
 V/ALZAWI, WAGDI AIDA/CIV
 M/W/FNIZ/N//01JAN79/HADITHA AL ANBAR CITY, IRAQ
 V/FLAËH, AKRAM HAMID/CIV
 M/W/FNIZ/S///HADITHA AN ALBAR CITY, IRAQ
 V/AHMED, MOHMED TABAL/CIV
 M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
 V/MUSLEH, AHMED KHUTAR/CIV
 M/W/FNIZ/N//01JAN76/HADITHA AL ANBAR CITY, IRAQ

COMMAND/I MEF/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)
- (M) NCISHQ Washington DC ROI (INTERIM)/01Oct07 (Contains Exhibits

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SUBJ: (b)(6), (b)(7)(C)

U. S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(562-564)

(N) NCISHQ Washington DC ROI (INTERIM)/28Jan08 (Contains No Exhibits)
 (O) NCISHQ Washington DC ROI (INTERIM)/05Mar08 (Contains No Exhibits)
 (P) NCISHQ Washington DC ROI (INTERIM)/12May08 (Contains No Exhibits)
 (Q) NCISHQ Washington DC ROI (INTERIM)/14Jul08 (Contains No Exhibits)
 (R) NCISHQ Washington DC ROI (INTERIM)/08Oct08 (Contains Exhibits)

565-566)

(S) NCISHQ Washington DC ROI (INTERIM)/13Mar09 (Contains No Exhibits)
 (T) NCISHQ Washington DC ROI (INTERIM)/21Jun10 (Contains No Exhibits)

EXHIBITS

(567) IA: Service of Subpoena for (b)(6), (b)(7)(C) CIV/04Jan12...(Copy All)

(568) Report of Results of Trial/24Jan12...(Copy All)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and two (2) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family

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members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(S), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a (b)(7)(F) vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding two (2).

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed

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the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by (b)(6), (b)(7)(C) USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from (b)(6), (b)(7)(C) that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, (b)(6), (b)(7)(C) fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of (b)(6), (b)(7)(C) conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. (b)(6), (b)(7)(C) conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. (b)(6), (b)(7)(C) then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. (b)(6), (b)(7)(C) recalled the fire team later returned to house #1 with (b)(6), (b)(7)(C) who reportedly cleared a room by firing his 9mm pistol into it. Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements,

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only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and

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encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, Sgt (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCpls (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. As previously reported, on 08Aug07, LtGen

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Commanding General, First Marine Division, dismissed the charges against (b)(6), (b)(7)(C). Initially, (b)(6), (b)(7)(C) faced potential charges of murder, false official statement, and soliciting another to make a false official statement. On 30Aug07, the Article 32 investigation/hearing regarding the charges against (b)(6), (b)(7)(C) began. Several months later, on 02Oct07, the Article 32 Investigating Officer (IO) recommended that (b)(6), (b)(7)(C)'s charges be referred to a General Court-Martial (GCM). Subsequently, on 27Dec07, the charges of voluntary manslaughter, dereliction of duty, aggravated assault, reckless endangerment and obstruction of justice were preferred.

(b)(6), (b)(7)(C) was not charged with murder. On 09Jan08, (b)(6), (b)(7)(C) was arraigned and motions were heard in February 2008. Initially, the GCM was scheduled for 03Mar08, but the case was placed on hold pending a government appeal of the military judge's (LtCol (b)(6), (b)(7)(C) (USMC) ruling excluding evidence of previous statements made by (b)(6), (b)(7)(C) during an approximately four-hour interview with producers of the news program 60 Minutes/CBS. The Navy-Marine Corps Court of Appeals (NMCCA) granted government appeal, reinstating the government subpoena for the 60 Minutes interview outtakes with (b)(6), (b)(7)(C). The Court of Appeals for the Armed Forces heard arguments on this issue and ordered LtCol (b)(6), (b)(7)(C) to review the unaired portions of the 60 Minutes interview before rejecting the subpoena. On 11Mar09 and 12Mar09, court hearings were held at Camp Pendleton regarding enforcement of the subpoena for the unaired portions of the 60 Minutes interview. As ordered, LtCol (b)(6), (b)(7)(C) reviewed the unaired portions and found them to be relevant; however, LtCol (b)(6), (b)(7)(C) ruled against enforcement of the subpoena. Currently, no adjudicative actions are anticipated against (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C).

8. A court pretrial hearing was held at Camp Pendleton regarding a motion to drop charges against (b)(6), (b)(7)(C) the only remaining defendant in the case. In March 2010, LtCol (b)(6), (b)(7)(C), USMC, ruled against a motion to dismiss the case.

9. (b)(6), (b)(7)(C) GCM was held from 04Jan12 to 24Jan12. On 24Jan12, (b)(6), (b)(7)(C) GCM was concluded when he pleaded guilty to a violation of Article 92 (Failure to obey order or regulation) and was sentenced to ninety (90) days confinement and reduction to E-1. Due to a pre-trial agreement, any confinement adjudged was disapproved.

10. This investigation is closed.

NARRATIVE

1. This investigation pertains to potential violations of Article 92 (Failure to obey order or regulation) and Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice (UCMJ).

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SUBJ:

(b)(6), (b)(7)(C)

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2. On 28Dec11, 1stLt (b)(6), (b)(7)(C) USMC, Legal Services Support Team - Delta (LSST-D), requested assistance in serving a subpoena to (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) CIV, in Channelview, TX; Exhibit (567) pertains.

3. (b)(6), (b)(7)(C) GCM was held from 04Jan12 to 24Jan12. On 24Jan12, (b)(6), (b)(7)(C) GCM was concluded. (b)(6), (b)(7)(C) pleaded guilty to a violation of Article 92 (Failure to obey order or regulation) and was sentenced to ninety days (90) confinement and reduction to E-1. Due to a pre-trial agreement, any confinement adjudged was disapproved. (b)(6), (b)(7)(C) pleaded not guilty to all Article 119 (Voluntary Manslaughter) charges against him and they were withdrawn, Exhibit (568) pertains.

4. This investigation is closed.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, NCISRA Corpus Christi, TX

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NCISHQ (DSI): 023B
INFO: MWPE/Major (b)(6), (b)(7)(C) LSST-D (H)

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CASE CONTROL	03/01/12	MAIL
TRANSMIT	03/01/12	FAX
INITIALS	(b)(6), (b)(7)(C)	

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REPORT OF INVESTIGATION (ACTION)

18JAN12

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/CNCC/CORPUS CHRISTI TX (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) MWPE ROI (ACTION)/29DEC11

EXHIBIT

(1) Service of Subpoena for (b)(6), (b)(7)(C) CIV/04Jan12... (Copy MWPE)

NARRATIVE

1. Subsequent to the submission of Reference (A), the subpoena for (b)(6), (b)(7)(C) CIV, was served by the Harris County, TX Sheriff's Office. Lead tasking complete.

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INFO: MWPE/CNFO

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NNNN

V2 LNN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

29DEC11

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISHQ Washington DC ROI (INTERIM)/21Jun10

EXHIBIT

(1) Subpoena Packet for (b)(6), (b)(7)(C) CIV/28Dec11...(Copy CNCC Only)

NARRATIVE

1. This investigation pertains to potential violations of Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice (UCMJ).

2. On 28Dec11, 1stLt (b)(6), (b)(7)(C) USMC, Legal Services Support Team - Delta (LSST-D) requested assistance in serving a subpoena relating to the (b)(6), (b)(7)(C) adjudication.

ACTION

R.CNCC: Serve Exhibit (1) to (b)(6), (b)(7)(C) last known address is (b)(6), (b)(7)(C). Request (b)(6), (b)(7)(C) sign subpoena. Provide original subpoena to (b)(6), (b)(7)(C) and forward a copy to MWPE. On 19Aug10, Special Agent (SA) (b)(6), (b)(7)(C) Defense Criminal Investigative Service (DCIS), Houston, TX, served (b)(6), (b)(7)(C) a subpoena on behalf at NCIS at the Houston International Airport, but no contact information for (b)(6), (b)(7)(C) could be located. Exigent response requested as (b)(6), (b)(7)(C) General Court Martial begins on 04Jan12. It has been explained to LSST-D that due to travel and staffing at CNCC subpoena may not be served by 04Jan12. For any questions or concerns, please contact Reporting Agent at (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C)

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INFO: MWPE/CNFO/CNCC (F)

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PAGE 1 LAST

V2 LNN

CASE CONTROL 12/30 MAIL
TRANSMIT 12/30 x 12/30
INITIAL (b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

20AUG10

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/CNCC/CORPUS CHRISTI TX (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISFO Camp Pendleton, CA ROI (ACTION)/16Aug10

NARRATIVE

1. In response to Reference (A), Reporting Agent (RA) coordinated the delivery of a subpoena to (b)(6), (b)(7)(C) via Special Agent (b)(6), (b)(7)(C) Defense Criminal Investigative Service (DCIS), Houston, TX. On 19Aug10, (b)(6), (b)(7)(C) served the subpoena to (b)(6), (b)(7)(C) at the Houston International Airport without incident. (b)(6), (b)(7)(C) will forward a copy of the signed subpoena directly to MWPE.

2. Lead tasking complete.

PARTICIPANT

(b)(6), (b)(7)(C) Special Agent, DCIS Houston, TX

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

16AUG10

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) United States Marine Corps Federal Subpoena for (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 11Aug10... (Orig CNCC Only)
- (2) SatoTravel Flight Itinerary for (b)(6), (b)(7)(C) 10Aug10 ... (Orig CNCC Only)
- (3) Photograph of (b)(6), (b)(7)(C) 16Aug10... (Orig CNCC Only)

NARRATIVE

1. This reactive investigation pertains to potential violations Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice.

2. The General Court-Martial (GCM) has been scheduled for 13Sep10 at the John F. Blanche Memorial Court Room, Building 22161, Marine Corps Base, Camp Pendleton, CA. A subpoena has been issued for (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) to appear as a witness to testify at the GCM on 13Sep10 through 15Oct10.

3. (b)(6), (b)(7)(C) will be returning to Houston, Texas from Cozumel, Mexico on 19Aug10. (b)(6), (b)(7)(C) arrives at Houston Intercontinental Airport via Continental Airlines Flight 1698. The subpoena, flight information for (b)(6), (b)(7)(C) to travel to the GCM, and a photograph of (b)(6), (b)(7)(C) are attached as Exhibits (1-3).

ACTION

R.CNCC: Deliver said subpoena to (b)(6), (b)(7)(C) upon his arrival to Houston International Airport on 19Aug10. Request (b)(6), (b)(7)(C) sign the subpoena; provide the original to (b)(6), (b)(7)(C) and return a copy to MWPE. In addition, provide his flight itinerary for traveling back to San Diego to appear at the aforementioned GCM. Any further questions, contact (b)(6), (b)(7)(C)

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REPORT OF INVESTIGATION (INTERIM)

21JUN10

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, WAGDI AIDA/CIV
 M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/FLAEH, AKRAM HAMID/CIV

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SUBJ: (b)(6), (b)(7)(C)

M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
 V/AHMED, MOHMED TABAL/CIV
 M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/MUSLEH, AHMED KHUTAR/CIV
 M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)
- (M) NCISHQ Washington DC ROI (INTERIM)/01Oct07 (Contains Exhibits 562-564)
- (N) NCISHQ Washington DC ROI (INTERIM)/28Jan08 (Contains No Exhibits)
- (O) NCISHQ Washington DC ROI (INTERIM)/05Mar08 (Contains No Exhibits)
- (P) NCISHQ Washington DC ROI (INTERIM)/12May08 (Contains No Exhibits)
- (Q) NCISHQ Washington DC ROI (INTERIM)/14Jul08 (Contains No Exhibits)
- (R) NCISHQ Washington DC ROI (INTERIM)/08Oct08 (Contains Exhibits)

565-566)

(S) NCISHQ Washington DC ROI (INTERIM)/13Mar09 (Contains No Exhibits)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner).

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21JUN10

SUBJ: (b)(6), (b)(7)(C)

Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and two (2) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C), USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

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SUBJ: (b)(6), (b)(7)(C)

6. As reported under References (A)-(S), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended

to the casualties and prepared to remove them from the scene. After receiving a report from (b)(6), (b)(7)(C) that SAF was observed coming from the vicinity of a nearby home (house #1), (b)(6), (b)(7)(C) instructed a fire team to "take the house." First, (b)(6), (b)(7)(C) fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of (b)(6), (b)(7)(C) conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. (b)(6), (b)(7)(C) conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. (b)(6), (b)(7)(C) then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. (b)(6), (b)(7)(C) recalled the fire team later returned to house #1 with (b)(6), (b)(7)(C) who reportedly cleared a room by firing his 9mm pistol into it. Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C). Shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by

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21JUN10

SUBJ: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4.

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21JUN10

SUBJ: (b)(6), (b)(7)(C)

According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the

Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

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21JUN10

SUBJ: (b)(6), (b)(7)(C)

7. As previously reported, on 08Aug07, LTGEN (b)(6), (b)(7)(C) Commanding General, First Marine Division, dismissed the charges against (b)(6), (b)(7)(C). Initially, (b)(6), (b)(7)(C) faced potential charges of murder, false official statement, and soliciting another to make a false official statement. On 30Aug07, the Article 32 investigation/hearing regarding the charges against (b)(6), (b)(7)(C) began. Several months later, on 02Oct07, the Article 32 Investigating Officer (IO) recommended that (b)(6), (b)(7)(C) charges be referred to a

general court-martial (GCM). Subsequently, on 27Dec07, the charges of voluntary manslaughter, dereliction of duty, aggravated assault, reckless endangerment and obstruction of justice were preferred.

(b)(6), (b)(7)(C) was not charged with murder. On 09Jan08, (b)(6), (b)(7)(C) was arraigned and motions were heard in February 2008. Initially, the GCM was scheduled for 03Mar08, but the case was placed on hold pending a government appeal of the military judge's (LtCol (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC) ruling excluding evidence of previous statements made by (b)(6), (b)(7)(C) during an approximately four-hour interview with producers of the news program 60 Minutes/CBS. The Navy-Marine Corps Court of Appeals (NMCCA) granted government appeal, reinstating the government subpoena for the 60 Minutes interview outtakes with (b)(6), (b)(7)(C). The Court of Appeals for the Armed Forces heard arguments on this issue and ordered LtCol (b)(6), (b)(7)(C) to review the unaired portions of the 60 Minutes interview before rejecting the subpoena. On 11Mar09 and 12Mar09, court hearings were held at Camp Pendleton regarding enforcement of the subpoena for the unaired portions of the 60 Minutes interview. As ordered, LtCol (b)(6), (b)(7)(C) reviewed the unaired portions and found them to be relevant; however, LtCol (b)(6), (b)(7)(C) ruled against enforcement of the subpoena. Currently, no adjudicative actions are anticipated against (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C).

8. Since the submission of references (A)-(S), there have been no additional investigative actions; however, a court pretrial hearing was held at Camp Pendleton regarding a motion to drop charges against (b)(6), (b)(7)(C) the only remaining defendant in the case. In March 2010, LtCol (b)(6), (b)(7)(C) USMC, ruled against a motion to dismiss the case. Subsequently, on 18Jun10, Reporting Agent (RA) was advised the GCM for (b)(6), (b)(7)(C) has been scheduled for 13Sep10. All other investigative efforts and outstanding leads were completed as of 01Oct07. This investigation remains in an open status until adjudication is completed.

NARRATIVE

1. This investigation pertains to potential violations of Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice (UCMJ).

2. On 18Jun10, RA was advised the GCM has been scheduled for 13Sep10. Due to RA's current assigned duty location of Marine Corps Base Hawaii, Kaneohe Bay, HI, participant (b)(6), (b)(7)(C) has been tasked to fully brief the Command and support Legal Team "C" for the remainder of the adjudicative process. This investigation remains in an open status until adjudicative matters have been completed and will now

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13MAR06-MEBJ-0164-7HMA/T

21JUN10

SUBJ: (b)(6), (b)(7)(C)

return to a 60-day reporting cycle.

PARTICIPANT

Special Agent Marine Corps West Field Office, Camp
Pendleton, CA

DISTRIBUTION:

NCISHQ (DSI): 0023B

INFO: MWPE (Attention SA) /02P/Major USMC, Legal
Team "C" (H)

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PAGE 8 LAST V2 LNY
NNNN

900943 19:08 20090401 IN:SSDEMAIL #17506 OUT:MWPEEXLIFE #7518

REPORT OF INVESTIGATION (ACTION)

01APR09

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C)

TECH ENFORCEMENT OFFICER

REFERENCE (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08
- (I) SWTC ROI (ACTION)/31JUL08
- (J) SWTC ROI (ACTION)/31AUG08
- (K) SWTC ROI (ACTION)/29SEP08
- (L) SWTC ROI (ACTION)/27OCT08
- (M) SWTC ROI (ACTION)/25NOV08
- (N) SWTC ROI (ACTION)/17DEC08
- (O) SWTC ROI (ACTION)/21JAN09
- (P) SWTC ROI (ACTION)/20FEB09

EXHIBIT(S)

- (1) IA: Results of Technical Investigative Support/20Mar09...(Copy All)

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (P), on 13MAR09 all reusable equipment was removed from the site. No further technical investigative support is required.

PARTICIPANT(S)

(b)(6), (b)(7)(C)

Special Agent, NCIS TSD San Diego, CA

ACTION

0023B: Lead tasking is complete.

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ACTION: 0023B
INFO: MWPE/24B1

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V2 LNY

900946 19:08 20090401 IN:SSDEMAIL #17507 OUT:MWPEEXLIFE #7519

INVESTIGATIVE ACTION

20MAR09

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

RESULTS OF TECHNICAL INVESTIGATIVE SUPPORT

1. On 13MAR09, Reporting Officer (RO) and Participating Agent (PA) (b)(6), (b)(7)(C) removed all reusable audio equipment from the Marine Corps West, Camp Pendleton Brig. No further technical support is required.

REPORTED BY: (b)(6), (b)(7)(C) Technical Enforcement Officer
OFFICE: NCIS TSD San Diego, CA

884736 14:02 20090316 IN:SSDEMAIL #12489 OUT:MWPEEXLIFE #6833

REPORT OF INVESTIGATION (INTERIM)

13MAR09

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)



- V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, KAHTAN AIAD/CIV

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13MAR06-MEBJ-0164-7HMA/T

13MAR09

SUBJ: (b)(6), (b)(7)(C)

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/ALZAWI, KALED AIDA/CIV
 M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/ALZAWI, WAGDI AIDA/CIV
 M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/FLAEH, AKRAM HAMID/CIV
 M/W/FNIZ/S//HADITHA, AL ANBAR PROVINCE, IRAQ
 V/AHMED, MOHMED TABAL/CIV
 M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/MUSLEH, AHMED KHUTAR/CIV
 M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)
- (M) NCISHQ Washington DC ROI (INTERIM)/01Oct07 (Contains Exhibits 562-564)
- (N) NCISHQ Washington DC ROI (INTERIM)/28Jan08 (Contains No Exhibits)
- (O) NCISHQ Washington DC ROI (INTERIM)/05Mar08 (Contains No Exhibits)
- (P) NCISHQ Washington DC ROI (INTERIM)/12May08 (Contains No Exhibits)
- (Q) NCISHQ Washington DC ROI (INTERIM)/14Jul08 (Contains No Exhibits)
- (R) NCISHQ Washington DC ROI (INTERIM)/08Oct08 (Contains Exhibits 556-566)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo

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PAGE 2

13MAR06-MEBJ-0164-7HMA/T

13MAR09

SUBJ: (b)(6), (b)(7)(C)

Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and two (2) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL [redacted] submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General [redacted] USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General [redacted] appointed Major General [redacted] USA, as the IO for the second AR 15-6

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PAGE 3

13MAR06-MEBJ-0164-7HMA/T

13MAR09

SUBJ: (b)(6), (b)(7)(C)

investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(R), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a four-vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding two (2).

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by (b)(6), (b)(7)(C) USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from (b)(6), (b)(7)(C) that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, (b)(6), (b)(7)(C) fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of (b)(6), (b)(7)(C) conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. (b)(6), (b)(7)(C) conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. (b)(6), (b)(7)(C) then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. (b)(6), (b)(7)(C) recalled the fire team later returned to house #1 with (b)(6), (b)(7)(C) who reportedly cleared a room by firing his 9mm pistol into it.

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PAGE 4

13MAR06-MEBJ-0164-7HMA/T

13MAR09

SUBJ: (b)(6), (b)(7)(C)

Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C). Shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and

(b)(6), (b)(7)(C)

proceeded to house #4. In contrast, Iraqi witness

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13MAR09

SUBJ: (b)(6), (b)(7)(C)

statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the

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13MAR06-MEBJ-0164-7HMA/T

13MAR09

SUBJ: (b)(6), (b)(7)(C)

five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(R), court hearings were held at Camp Pendleton regarding the unaired portions of the 60 Minutes/CBS interview conducted with (b)(6), (b)(7)(C) All other investigative efforts and outstanding leads were completed as of 01Oct07.

NARRATIVE

1. This investigation pertains to potential violations of Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice (UCMJ).

2. As previously reported, (b)(6), (b)(7)(C) initially faced potential charges of murder, false official statement, and soliciting another to make a false official statement. The Article 32 investigation/hearing began on 30Aug07. On 02Oct07, the Investigating Officer (IO) recommended that (b)(6), (b)(7)(C) charges be referred to a general court-martial (GCM). Subsequently, on 27Dec07, the charges of voluntary manslaughter, dereliction of duty, aggravated assault, reckless endangerment and obstruction of justice were preferred. (b)(6), (b)(7)(C) was not charged with murder. On 09Jan08, (b)(6), (b)(7)(C) was arraigned and Motions were heard in February 2008. Initially, the GCM was scheduled for 03Mar08, but the case was placed on hold pending a government appeal of the military judge's (b)(6), (b)(7)(C) (USMC) ruling excluding evidence of previous statements made by (b)(6), (b)(7)(C) during an approximately four-hour interview with producers of the news program 60 Minutes/CBS. The Navy-Marine Corps Court of Appeals (NMCCA) granted government appeal, reinstating the government subpoena for the 60 Minutes interview outtakes with (b)(6), (b)(7)(C). The Court of Appeals for the Armed Forces heard arguments on this issue and ordered LtCol (b)(6), (b)(7)(C) to review the unaired portions of the 60 Minutes interview before rejecting the subpoena. On 11Mar09 and 12Mar09, court hearings were held at Camp Pendleton regarding enforcement of the subpoena for the unaired portions of the 60 Minutes interview. As ordered, LtCol (b)(6), (b)(7)(C) reviewed the unaired portions and found them to be relevant; however, LtCol (b)(6), (b)(7)(C) ruled against enforcement of the subpoena. This investigation remains in an open status until adjudicative matters have been completed. At this point, the GCM has not been scheduled. Command has been fully briefed regarding the status of this investigation.

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE/02P/LTCOL (b)(6), (b)(7)(C) USMC, Legal Team "C" (H)

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PAGE 7 LAST V2 LNY

REPORT OF INVESTIGATION (ACTION)

26FEB09

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA

(b)(6), (b)(7)(C)

TECH ENFORCEMENT OFFICER

REFERENCE(S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
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- (I) SWTC ROI (ACTION)/31JUL08
- (J) SWTC ROI (ACTION)/31AUG08
- (K) SWTC ROI (ACTION)/29SEP08
- (L) SWTC ROI (ACTION)/27OCT08
- (M) SWTC ROI (ACTION)/25NOV08
- (N) SWTC ROI (ACTION)/17DEC08
- (O) SWTC ROI (ACTION)/21JAN09

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (O), no technical investigative support has been provided. Scheduling for removing equipment is being coordinated with command.

ACTION

0023B: Provided for status.

DISTRIBUTION

NCISHQ (SI): 0023B
ACTION: 0023B
INFO: MWPE/24B1

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NNNN

850506 20:00 20090206 IN:SSDEMAIL #2495 OUT:MWPEEXLIFE #5770

REPORT OF INVESTIGATION (ACTION)

21JAN09

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
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- (K) SWTC ROI (ACTION)/29SEP08
- (L) SWTC ROI (ACTION)/27OCT08
- (M) SWTC ROI (ACTION)/25NOV08
- (N) SWTC ROI (ACTION)/17DEC08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (K), no technical investigative support has been provided. On 08JAN09, (b)(6), (b)(7)(C) ASAC, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. ASAC (b)(6), (b)(7)(C) gave clearance to the Reporting Officer (RO) to remove the installed equipment.

ACTION

0023B: Provided for status. Equipment removal pending coordination with the brig warden.

DISTRIBUTION

NCISHQ (SI): 0023B
 ACTION: 0023B
 INFO: MWPE/24B1

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 PAGE 1 LAST (b)(6), (b)(7)(C)

V2 LNY

813755 15:51 20081219 IN:SSDEMAIL #56210 OUT:MWPEEXLIFE #4354

REPORT OF INVESTIGATION (ACTION)

17DEC08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C)

TECH ENFORCEMENT OFFICER

REFERENCE (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08
- (I) SWTC ROI (ACTION)/31JUL08
- (J) SWTC ROI (ACTION)/31AUG08
- (K) SWTC ROI (ACTION)/29SEP08
- (L) SWTC ROI (ACTION)/27OCT08
- (M) SWTC ROI (ACTION)/25NOV08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (K), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 17DEC08, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

ACTION

0023B: Provided for status.

DISTRIBUTION

NCISHQ (SI): 0023B
 ACTION: 0023B
 INFO: MWPE/24B1

797541 19:17 20081202 IN:SSDEMAIL #51752 OUT:MWPEEXLIFE #3881

REPORT OF INVESTIGATION (ACTION)

25NOV08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C)

TECH ENFORCEMENT OFFICER

REFERENCE (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08
- (I) SWTC ROI (ACTION)/31JUL08
- (J) SWTC ROI (ACTION)/31AUG08
- (K) SWTC ROI (ACTION)/29SEP08
- (L) SWTC ROI (ACTION)/27OCT08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (K), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 25NOV08, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

ACTION

0023B: Provided for status

DISTRIBUTION

NCISHQ (SI): 0023B
 ACTION: 0023B
 INFO: MEBJ/MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

27OCT08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08
- (I) SWTC ROI (ACTION)/31JUL08
- (J) SWTC ROI (ACTION)/31AUG08
- (K) SWTC ROI (ACTION)/29SEP08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (K) no technical investigative support has been provided. On 27OCT08 (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

ACTION

0023B: Provided for status

DISTRIBUTION

NCISHQ (SI): 0023B

ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

08OCT08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

08Oct08

FOR OFFICIAL USE ONLY M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)
- (M) NCISHQ Washington DC ROI (INTERIM)/01Oct07 (Contains Exhibits 562-564)
- (N) NCISHQ Washington DC ROI (INTERIM)/28Jan08 (Contains No Exhibits)
- (O) NCISHQ Washington DC ROI (INTERIM)/05Mar08 (Contains No Exhibits)
- (P) NCISHQ Washington DC ROI (INTERIM)/12May08 (Contains No Exhibits)
- (Q) NCISHQ Washington DC ROI (INTERIM)/14Jul08 (Contains No Exhibits)

EXHIBIT(S)

- (565) IA: Results of Contact with LTCOL (b)(6), (b)(7)(C)
USMC/16Aug08... (Orig 0023/Copy MWPE only)
- (566) IA: Results of Interview with (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) 18Aug08... (Orig 0023/Copy MWPE only)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

08Oct08

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and two (2) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major

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General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(Q), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a four-vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding two (2).

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after

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Shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of

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08Oct08

house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) USMC, were instructed to mark/count (b)(6), (b)(7)(C) and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

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7. Since the submissions of References (A)-(Q), there was one investigative lead conducted in Iraq. The amplifying details of this lead are outlined below. All other investigative efforts and outstanding leads were completed as of 01Oct07.

NARRATIVE

1. This investigation pertains to potential violations of Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice (UCMJ).

2. On 30Jul08, Trial Counsel, LtCol (b)(6), (b)(7)(C) USMC contacted Reporting Agent (RA) via telephone and advised he had received information that an unidentified Iraqi national may have reported potential relevant and/or material information to the (b)(6), (b)(7)(C) of Regional Combat Team Five (RCT 5), (b)(6), (b)(7)(C) USMC, Al Asad, Iraq regarding the Haditha incident. Reportedly, the Iraqi national possessed amplifying information regarding the identity of the Iraqi victims that were killed outside of the white taxi on 19Nov05 in Haditha, Iraq. On 30Jul08, RA sent lead tasking to NCIS agents in Al Asad, Iraq for the interviews of (b)(6), (b)(7)(C) and the Iraqi witness.

3. On 08Aug08, (b)(6), (b)(7)(C) was interviewed and identified an Iraqi Police (IP) officer, named (b)(6), (b)(7)(C) (NFI) as the potential witness. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) approached him and claimed to have witnessed the incident involving the white taxi that occurred in Haditha, in November 2005. According to (b)(6), (b)(7)(C) alleged one of the deceased passengers from the taxi was involved with the insurgency and had bombed (b)(6), (b)(7)(C)'s residence. Subsequently, (b)(6), (b)(7)(C) arranged for NCIS agents, SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C), transportation to (b)(6), (b)(7)(C) location at the Combat Outpost (COP) Haqlaniyah. Exhibit (565) pertains.

4. On 15Aug08, (b)(6), (b)(7)(C) in paragraph #3 above) was interviewed regarding his knowledge of the events that occurred in Haditha on 19Nov05. (b)(6), (b)(7)(C) stated he was not present in Haditha on 19Nov05, as he resided in Egypt in October 2005 and thereafter in Baghdad, Iraq. (b)(6), (b)(7)(C) reported he heard about what happened in Haditha through friends whom did not witness the incident but claimed they heard about it from neighbors and friends who did not want to be identified. (b)(6), (b)(7)(C) believed he had pertinent information because (b)(6), (b)(7)(C) IP, informed him that (b)(6), (b)(7)(C) was one of the taxi passengers that was killed on 19Nov05. This was significant to (b)(6), (b)(7)(C) because (b)(6), (b)(7)(C) was the alleged insurgent who had killed his (b)(6), (b)(7)(C) children and burned his residence. SA (b)(6), (b)(7)(C) and SA (b)(6), (b)(7)(C) informed (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) was not one of the taxi passengers. (b)(6), (b)(7)(C) did not know (b)(6), (b)(7)(C) by any other name, but was sure (b)(6), (b)(7)(C) provided (b)(6), (b)(7)(C) name as one of the taxi passengers. (b)(6), (b)(7)(C) stated he believed (b)(6), (b)(7)(C) was killed in the white taxi but could not provide any supporting information or the reason why he believed this. Exhibit (566) pertains.

5. For clarification purposes, among the twenty four (24) victims that were killed on 19Nov05, five (5) male victims were killed during the roadside white taxi shooting incident. Some of the family

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08Oct08

members of the five (5) victims were interviewed and provided information regarding the victims' former occupations. None of the victims were known to be insurgents or found within databases during the requisite record checks conducted by the Marine Corps. The victims were identified as V/ALZAWI, Kaled Aiada, V/ALZAWI, Wagdi Aiada, V/FLAEH, Akram Hamid, V/AHMED, Mohmed Tabal, and V/MUSLEH, Ahmed Khutar (note: a variety of name spellings have been utilized for these victims by interpreters, but none utilized (b)(6), (b)(7)(C)). During the course of the investigation, family members of the deceased were interviewed and advised the victims were formerly employed as follows: V/ALZAWI, Kaled Aiada and V/ALZAW, Wagdi Aiada were brothers, Kaled was employed with the North Oil Company, in Baji, Iraq and Wagdi was a student at the University of Baghdad, V/FLAEH, Akram Hamid was a student at the Technical College of Baghdad, V/AHMED, Mohmed Tabal was as an electrical engineering student at the Technical College of Baghdad, and V/MUSLEH, Ahmed Khutar was presumably employed as a taxi driver (the attempts to interview his surviving family members were met with negative results).

6. As previously reported, (b)(6), (b)(7)(C) initially faced potential charges of murder, false official statement, and soliciting another to make a false official statement. The Article 32 investigation/hearing began on 30Aug07. On 02Oct07, the Investigating Officer (IO) recommended that (b)(6), (b)(7)(C)'s charges be referred to a general court-martial (GCM). Subsequently, on 27Dec07, the charges of voluntary manslaughter, dereliction of duty, aggravated assault, reckless endangerment and obstruction of justice were preferred. (b)(6), (b)(7)(C) was not charged with murder. On 09Jan08, (b)(6), (b)(7)(C) was arraigned and Motions were heard in February 2008. Initially, the GCM was scheduled for 03Mar08, but the case was placed on hold pending a government appeal of the military judge's ruling excluding evidence of previous statements made by (b)(6), (b)(7)(C) during an approximately four-hour interview with producers of the news program 60 Minutes/CBS. The Navy-Marine Corps Court of Appeals (NMCCA) granted government appeal, reinstating the government subpoena for the 60 Minutes interview outtakes with (b)(6), (b)(7)(C). On 17Sep08, the Court of Appeals for the Armed Forces heard arguments on this issue. Currently, the Court's opinion is pending. This investigation remains in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

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INFO: MWPE/02P (b)(6), (b)(7)(C) USMC, Legal Team "C" (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

29SEP08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C)

TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08
- (I) SWTC ROI (ACTION)/31JUL08
- (J) SWTC ROI (ACTION)/31JUL08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (J), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 29SEP08, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

ACTION

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ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

29AUG08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA

(b)(6), (b)(7)(C)

TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08
- (I) SWTC ROI (ACTION)/31JUL08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (I), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 25AUG08, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

ACTION

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ACTION: 0023B

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

18AUG08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDELTON, CA/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) 02P ROI (ACTION)/30JUL08

EXHIBIT(S)

(1) IA: Results of Contact with (b)(6), (b)(7)(C)
USMC/16AUG08... (Copy all)

(2) IA: Results of Interview with (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) 18AUG08... (Copy all)

NARRATIVE

1. Pursuant to lead tasking set forth in Reference (A), contact was made with (b)(6), (b)(7)(C) USMC, Exhibit (1) pertains.

2. In furtherance of Reference (A), the interview with the alleged witness (b)(6), (b)(7)(C) was conducted at Combat Outpost (COP) Haqlaniyah on 15AUG08. (b)(6), (b)(7)(C) reported he did not witness the attack in 2005 and learned of it from friends, Exhibit (2) pertains.

3. Lead tasking is complete.

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

31JUL08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08
- (F) SWTC ROI (ACTION)/05MAY08
- (G) SWTC ROI (ACTION)/05JUN08
- (H) SWTC ROI (ACTION)/01JUL08

NARRATIVE

1. Reference (A) requested technical investigative support. References (B) thru (H) document NCIS Technical Services Division efforts. However, since submission of Reference (H) no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment.

2. On 30JUL08, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

3. On 30JUL08, Master Gunny Sergeant (b)(6), (b)(7)(C) Camp Pendleton Brig Warden, was contacted and updated on case status.

ACTION

0023B: Provided for status

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ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

30JUL08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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30Jul08

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V/ALZAWI, KALED AIDA/CIV

M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, WAGDI AIDA/CIV

M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ

V/FLAEH, AKRAM HAMID/CIV

M/W/FNIZ/S//HADITHA, AL ANBAR PROVINCE, IRAQ

V/AHMED, MOHMED TABAL/CIV

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/MUSLEH, AHMED KHUTAR/CIV

M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/02P/EADPAC PEARL HARBOR HI (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBITS

- (1) IA: Results of Interview (b)(6), (b)(7)(C) 15Mar06... (Copy 24IZ only)
- (2) IA: Results of Interview of (b)(6), (b)(7)(C) 06Jun06... (Copy 24IZ only)
- (3) IA: Results of Interview of (b)(6), (b)(7)(C) 08Jun06... (Copy 24IZ)
- (4) IA: Results of Interview of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) /08Jun06... (Copy 24IZ only)
- (5) IA: Results of Attempt to Interview (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 06Jun06... (Copy 24IZ only)

NARRATIVE

1. On 19Nov05 at approximately 0716, members of 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Division (3/1), came under attack when an Improvised Explosive Device (IED) detonated and hit the fourth vehicle of their (b)(7)(F) vehicle convoy in Haditha, Iraq. As a result of the IED, the driver was killed, and the other (b)(7)(F) Marine occupants were injured. Following the attack on the convoy, members of 1st Squad reported they received small arms fire (SAF) from north and south of the IED blast site. Shortly before the convoy was struck by the IED, an oncoming white vehicle (taxi) was directed to pull off the roadway by Marines in the first vehicle. The white vehicle reportedly complied and the five (5) occupants from the vehicle exited the vehicle and were unarmed. Both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) reportedly shot the five (5) male Iraqi occupants of the white vehicle. After the occupants of the white vehicle were shot, two (2) maneuver elements (fire teams) were formed consisting of members of 1st Squad. The teams searched and cleared houses for insurgents. During the searches and house clearings, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) were involved in the shooting and deaths of eighteen (18) additional Iraqi civilians. Another Iraqi civilian was shot and killed after he was engaged from a rooftop observation post (OP) occupied by the same members. When totaled, the titled subject and co-subjects killed twenty-four (24) Iraqi civilians, including women and children.

2. On 30Jul08, Trial Counsel, LtCol (b)(6), (b)(7)(C) USMC contacted

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

30Jul08

Reporting Agent (RA) via telephone and advised he had received information that an Iraqi national (NFI) may have reported potential relevant and/or material information to the [redacted] of Regimental Combat Team Five (RCT 5), [redacted] USMC, Al Asad, Iraq regarding the Haditha incident. Reportedly, the Iraqi national (NFI) provided amplifying information regarding the identity of the Iraqi victims that were killed outside of the white taxi on 19Nov05 in Haditha, Iraq.

3. Among the twenty four (24) victims, five (5) male victims were killed during the roadside white taxi shooting incident. Some of the family members of the five (5) victims were interviewed and provided information regarding the victims' former occupations. None of the victims were known to be insurgents or found within databases during the requisite record checks conducted by the Marine Corps. The victims were identified as V/ALZAWI, Kaled Aiada, V/ALZAWI, Wagdi Aiada, V/FLAEH, Akram Hamid, V/AHMED, Mohmed Tabal, and V/MUSLEH, Ahmed Khutar (note: a variety of name spellings have been utilized for these victims by interpreters). During the course of the investigation, family members of the deceased were interviewed and advised the victims were formerly employed as follows: V/ALZAWI, Kaled Aiada and V/ALZAW, Wagdi Aiada were brothers, Kaled was employed with the North Oil Company, in Baji, Iraq and Wagdi was a student at the University of Baghdad, V/FLAEH, Akram Hamid was a student at the Technical College of Baghdad, V/AHMED, Mohmed Tabal was as an electrical engineering student at the Technical College of Baghdad, and V/MUSLEH, Ahmed Khutar was presumably employed as a taxi driver (the attempts to interview his surviving family members were met with negative results).

ACTION

R.24IZ: Utilizing the background information provided in Exhibits (1) - (5), interview [redacted] e-mail address: [redacted] Obtain a signed sworn statement detailing the information he received from the Iraqi national who reportedly has knowledge of the victims of the roadside white taxi shooting incident. Identify, locate, and interview the Iraqi national and if possible, obtain a sworn statement. Conduct and advise of any potential resulting investigative leads. If you have any questions, please contact Violent Crimes Division Chief, SA [redacted] Code 0023B or SA [redacted] EADPAC Operations, O2P.

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ACTION: 24IZ (E)
INFO: MWPE/O2P

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

14JUL08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

14Jul08

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V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

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- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
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- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
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- (N) NCISHQ Washington DC ROI (INTERIM)/28Jan08 (Contains No Exhibits)
- (O) NCISHQ Washington DC ROI (INTERIM)/05Mar08 (Contains No Exhibits)
- (P) NCISHQ Washington DC ROI (INTERIM)/12May08 (Contains No Exhibits)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an

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14Jul08

attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(P), initial investigative

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efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after [] Shortly thereafter, both he and [] shot approximately four (4) people, none of which were standing. [] explained he shot these individuals because [] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [] is consistent with the accounts of both [] and an Iraqi woman [] who survived the clearing/attack of house #1. [] stated she fled the house in

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the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridge line in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

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g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(P), there have no additional investigative actions. All investigative efforts and outstanding leads were completed as of 01Oct07. On 14Jul08, the Marine West Field Office advised contact with trial counsel and confirmed the pending adjudicative status of the case outlined below.

NARRATIVE

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1. This investigation pertains to potential violations of Article 119 (Voluntary Manslaughter) of the Uniform Code of Military Justice (UCMJ).

2. At the conclusion of investigative efforts, (b)(6), (b)(7)(C) faced potential charges of murder, false official statement, and soliciting another to make a false official statement. The Article 32 investigation/hearing began on 30Aug07 and on 02Oct07, the Investigating Officer (IO) recommended that (b)(6), (b)(7)(C) charges be referred to a general court-martial (GCM). Subsequently, on 27Dec07, the charges of voluntary manslaughter, dereliction of duty, aggravated assault, reckless endangerment and obstruction of justice were preferred. (b)(6), (b)(7)(C) was not charged with murder. On 09Jan08, (b)(6), (b)(7)(C) was arraigned and Motions were heard in February 2008. Initially, GCM was scheduled for 03Mar08, but the case was placed on hold pending a government appeal of the military judge's ruling excluding evidence of previous statements made by (b)(6), (b)(7)(C) during an approximately four-hour interview with producers of the news program 60 Minutes/CBS. The Navy-Marine Corps Court of Appeals (NMCCA) granted government appeal, reinstating the government subpoena for the 60 Minutes interview outtakes with (b)(6), (b)(7)(C). Currently, the case is pending an in-camera review by a military judge to determine relevance of outtakes and possible determination by 60 Minutes producers as to whether they will comply with government subpoena. This investigation remains in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

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REPORT OF INVESTIGATION (INTERIM)

12MAY08

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
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V/ALZAWI, KALED AIDA/CIV
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efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

- a. IED BLAST: On 19Nov05 between 0700 and 0716, a [redacted] vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding
- b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.
- c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [redacted] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [redacted] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [redacted] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [redacted] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [redacted] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [redacted] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [redacted] recalled the fire team later returned to house #1 with [redacted] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [redacted] advised he entered a room after [redacted] Shortly thereafter, both he and [redacted] shot approximately four (4) people, none of which were standing. [redacted] explained he shot these individuals because [redacted] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [redacted] is consistent with the accounts of both [redacted] and an Iraqi woman [redacted] who survived the clearing/attack of house #1. [redacted] stated she fled the house in

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the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

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g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(O), there have been no additional investigative actions. All investigative efforts and outstanding leads were completed as of 01Oct07. On 12May08, trial counsel responded to inquiries regarding adjudicative scheduling.

NARRATIVE

1. This investigation pertains to potential violations of Article

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118 (Murder) of the Uniform Code of Military Justice (UCMJ).

2. On 12May08, Legal Team C advised NCIS that the General Court-Martial (GCM) for (b)(6), (b)(7)(C) has not been rescheduled and is pending completion of the appellate motions process. Since the submission of Reference (O), all charges against (b)(6), (b)(7)(C) have been dismissed. Command has been fully briefed regarding the status of this investigation.

DISTRIBUTION

NCISHQ (DSI): 0023

INFO: MWPE/LTCOL (b)(6), (b)(7)(C) USMC, Legal Team C (H)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed

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COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General appointed Major General USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(N), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by as they stood, unarmed. next to the vehicle approximately ten (10) feet in front of him. later told , who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. admits to shooting the five (5) bodies on the ground after initially shot them. advised also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from that SAF was

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observed coming from the vicinity of a nearby home (house #1), (b)(6), (b)(7)(C) instructed a fire team to "take the house." First, (b)(6), (b)(7)(C) fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of (b)(6), (b)(7)(C) conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. (b)(6), (b)(7)(C) conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. (b)(6), (b)(7)(C) then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. (b)(6), (b)(7)(C) recalled the fire team later returned to house #1 with (b)(6), (b)(7)(C) who reportedly cleared a room by firing his 9mm pistol into it. Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C) shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from

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another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

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h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(N), there have no additional investigative actions. All investigative efforts and outstanding leads were completed as of 01Oct07. On 26Feb08 and 29Feb08, Reporting Agent (RA) received the status of the adjudicative schedule from trial counsel. The tentative adjudicative schedule is outlined below.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) of the Uniform Code of Military Justice (UCMJ).

2. Legal Team C has advised NCIS that the General Court-Martial (GCM) for (b)(6), (b)(7)(C) has been postponed and will no longer be held in March 2008. Currently, the trial date(s) for (b)(6), (b)(7)(C) have not been rescheduled, but trial counsel advised NCIS will be informed as soon as a new trial date is obtained. The GCM for (b)(6), (b)(7)(C) has been scheduled for 01-11Apr08. This investigation remains in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL (b)(6), (b)(7)(C) USMC, SJA, Marine Corps
Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) USMC, Legal
Liaison Officer, I MEF (H)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an

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attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL [redacted] submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General [redacted] USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General [redacted] appointed Major General [redacted] USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(N), initial investigative

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efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C), who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [redacted], USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [redacted] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [redacted] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [redacted] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [redacted] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [redacted] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [redacted] recalled the fire team later returned to house #1 with [redacted] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [redacted] advised he entered a room after [redacted] Shortly thereafter, both he and [redacted] shot approximately four (4) people, none of which were standing. [redacted] explained he shot these individuals because [redacted] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [redacted] is consistent with the accounts of both [redacted] and an Iraqi woman [redacted] who survived the clearing/attack of house #1. [redacted] stated she fled the house in

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

12May08

the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

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12May08

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(O), there have no additional investigative actions. All investigative efforts and outstanding leads were completed as of 01Oct07. On 26Feb08 and 29Feb08, Reporting Agent (RA) received the status of the adjudicative schedule from trial counsel. The tentative adjudicative schedule is outlined below.

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

12May08

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) of the Uniform Code of Military Justice (UCMJ).

2. On 12May08, Legal Team C advised NCIS that the General Court-Martial (GCM) for (b)(6), (b)(7)(C) has been postponed and the trial schedule remains pending completion of the appellate motions process. Since the submission of reference (O), all charges against (b)(6), (b)(7)(C) were dismissed. This investigation remains in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL (b)(6), (b)(7)(C) USMC, SJA, Marine Corps
Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) USMC, Legal
Liaison Officer, I MEF (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

05MAY08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/31MAY06
- (B) SWTC ROI (ACTION)/07JAN08
- (C) SWTC ROI (ACTION)/15FEB08
- (D) SWTC ROI (ACTION)/13MAR08
- (E) SWTC ROI (ACTION)/11APR08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (D), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 05May08, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment for this reporting period.

ACTION

0023B: Provided for status

DISTRIBUTION

NCISHQ (SI): 0023B
ACTION: 0023B
INFO: MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

13MAR08

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/1 MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) MWPE ROI (ACTION)/31MAY06

(B) SWTC ROI (ACTION)/07JAN08

(C) SWTC ROI (ACTION)/15FEB08

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (B), no technical investigative support has been provided. Completion of the final installation has been held in abeyance. On 13MAR08, (b)(6), (b)(7)(C) ASAC, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. ASAC (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment until further notice.

ACTION

0023B: Provided for status

DISTRIBUTION

NCISHQ (SI): 0023B

ACTION: 0023B

INFO: MEJ/MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

11MAR08

SPECIAL INQUIRY (II)

CONTROL: 02AUG06-MWPE-0185-7XMA

(b)(6), (b)(7)(C)

COMMAND/MARINE CORPS FORCES CENTRAL COMMAND/53720

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISHQ 0023 CASE FILE: (b)(6), (b)(7)(C)
CCN: 13MAR06-MEBJ-0164-7HMA/T
- (B) NCISFO Marine Corps West ROI (INTERIM)/02Oct06 (Contains Exhibits 1-132) (U)
- (C) NCISFO Marine Corps West ROI (INTERIM)/08Dec06 (Contains Exhibits 133-202) (S)
- (D) NCISFO Marine Corps West ROI (INTERIM)/10Jan07 (Contains Exhibits 203-223) (U)
- (E) NCISFO Marine Corps West Case File: (b)(6), (b)(7)(C)
USMCR/CCN: 16NOV06-MWPE-0263-5FMA (S)
- (F) NCISFO Marine Corps West ROI (INTERIM)/02Mar07 (Contains Exhibits 224-226) (U)
- (G) NCISFO Marine Corps West ROI (INTERIM)/30Mar07 (Contains Exhibits 227-231) (S)
- (H) NCISFO Marine Corps West ROI (INTERIM)/27Apr07 (Contains Exhibits 232-238) (S)
- (I) NCISFO Marine Corps West ROI (INTERIM)/25May07 (Contains Exhibits 239-244) (S)
- (J) NCISFO Marine Corps West ROI (INTERIM)/25Jun07 (U)
- (K) NCISFO Marine Corps West ROI (INTERIM)/23Jul07 (U)
- (L) NCISFO Marine Corps West ROI (INTERIM)/21Aug07 (Contains Exhibit 245) (U)
- (M) NCISFO Marine Corps West ROI (INTERIM)/20Sep07 (U)
- (N) NCISFO Marine Corps West ROI (INTERIM)/18Oct07 (Contains Exhibit 246) (U)
- (O) NCISFO Marine Corps West ROI (INTERIM)/16Nov07 (U)
- (P) NCISFO Marine Corps West ROI (INTERIM)/14Dec07 (Contains Exhibit 247) (U)
- (Q) NCISFO Marine Corps West ROI (INTERIM)/11Jan08 (Contains Exhibit 248) (U)

EXECUTIVE SUMMARY

1. References (A) thru (Q) contain the investigation into the deaths of 24 Iraqi civilians, which occurred on 19Nov05 in Haditha, Iraq, following a complex attack on 1st Squad, 3rd Platoon, Kilo Company,

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02AUG06-MWPE-0185-7XMA

11Mar08

3rd Battalion, 1st Marine Regiment (3/1). The attack began with an Improvised Explosive Device (IED) explosion, resulting in the death of one Marine and serious injury to two others. The explosion was reportedly followed by enemy small arms fire (SAF). Several members of 1st Squad (identified as Subject and Co-subjects of Reference (A)), subsequently became involved in a series of actions over the next few hours that resulted in the deaths of 24 Iraqi civilians at multiple residences/locations in the vicinity of the IED explosion.

2. On 14Feb06, the Commander, Multi-National Corps-Iraq (MNC-I) ordered COL (b)(6), (b)(7)(C) USA, to conduct an AR 15-6 investigation (herein after referred to as the (b)(6), (b)(7)(C) investigation) into the events that occurred leading up to and following the IED blast on 19Nov05. Subsequent to the initiation of the (b)(6), (b)(7)(C) investigation, and pursuant to information surfaced as a result of the (b)(6), (b)(7)(C) investigation. Reference (A) was initiated. On 18Mar06, MGEN USA, was commissioned to conduct a separate but concurrent investigation (herein after referred to as the (b)(6), (b)(7)(C) investigation) into the events following the IED blast, specifically the misreporting of the incident and the command's subsequent response to the events that occurred.

3. During the course of Reference (A), it was discovered there was a failure by command to accurately report the facts and circumstances regarding the deaths of the 24 Iraqi civilians. Additionally, Marine Commanders failed to order an official investigation into the events and failed to correct previous erroneous reporting regarding the incident. As a result of Reference (A) and the Investigation, the Commander, Marine Corps Forces Central Command (MARCENT), requested NCIS to expand its criminal investigation to include any intentional misrepresentation of the events. This investigation was initiated in response to that request.

4. Pursuant to the aforementioned request, numerous interviews have been conducted with personnel from Kilo Company, 3/1, Regimental Combat Team Two (RCT-2), and Second Marine Division (2dMarDiv), who may have had knowledge of the 19Nov05 incident, or had a requirement to report possible violations of the Law Of Armed Conflict (LOAC). Additionally, a large quantity of electronic media was seized and reviewed for information relevant to this investigation.

5. On 09Aug07, LTGEN (b)(6), (b)(7)(C) Commanding General, First Marine Division, dismissed the charges against (b)(6), (b)(7)(C). On 12Sep07, LTGEN (b)(6), (b)(7)(C) dismissed the charges against (b)(6), (b)(7)(C). No further action against (b)(6), (b)(7)(C) is anticipated. This investigation is pending the scheduling of General Courts-Martial for (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C).

NARRATIVE

1. This case was initiated as a reactive investigation pursuant to suspected violations of Article 92 (Dereliction of Duty), Article 134 (Obstruction of Justice), and Article 81 (Conspiracy), of the Uniform Code of Military Justice.

2. Reference (Q) reported this investigation pending the scheduling

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02AUG06-MWPE-0185-7XMA

11Mar08

of General Courts-Martial for (b)(6), (b)(7)(C) This investigation remains pending aforementioned activity.

DISTRIBUTION

NCISHQ (SI): 0023B/0023/0002P

INFO: MWPE/LTCOL (b)(6), (b)(7)(C), USMC, SJA, Marine Corps

Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C)

USMC, Trial Counsel, Legal Team Charlie (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

05MAR08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

05Mar08

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V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)
- (M) NCISHQ Washington DC ROI (INTERIM)/01Oct07 (Contains Exhibits 562-564)
- (N) NCISHQ Washington DC ROI (INTERIM)/28Jan08 (Contains No Exhibits)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

05Mar08

(HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL [redacted] submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General [redacted] USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General [redacted] appointed Major General [redacted] USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(N), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and

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05Mar08

interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a (b)(7)(F) vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after [] Shortly thereafter, both he and [] shot approximately four (4) people, none of which were standing. [] explained he shot these individuals because [] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [] is consistent with the accounts of both [] and an Iraqi woman [] who survived the clearing/attack of house #1. [] stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1,

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including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

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g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(N), there have no additional investigative actions. All investigative efforts and outstanding leads were completed as of 01Oct07. On 26Feb08 and 29Feb08, Reporting Agent (RA) received the status of the adjudicative schedule from trial counsel. The tentative adjudicative schedule is outlined below.

NARRATIVE

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1. This investigation pertains to potential violations of Article 118 (Murder) of the Uniform Code of Military Justice (UCMJ).

2. Legal Team C has advised NCIS that the General Court-Martial (GCM) for (b)(6), (b)(7)(C) has been postponed and will no longer be held in March 2008. Currently, the trial date(s) for (b)(6), (b)(7)(C) have not been rescheduled, but trial counsel advised NCIS will be informed as soon as a new trial date is obtained. The GCM for (b)(6), (b)(7)(C) has been scheduled for 01-11Apr08. This investigation remains in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

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Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) USMC, Legal
Liaison Officer, I MEF (H)

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(b)(6),
(b)(7)(C) Y2 LNY

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REPORT OF INVESTIGATION (INTERIM)

28JAN08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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V/ALZAWI, KALED AIDA/CIV

M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, WAGDI AIDA/CIV

M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ

V/FLAEH, AKRAM HAMID/CIV

M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ

V/AHMED, MOHMED TABAL/CIV

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/MUSLEH, AHMED KHUTAR/CIV

M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)
- (M) NCISHQ Washington DC ROI (INTERIM)/01Oct07 (Contains Exhibits 562-564)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3BDN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly

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followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

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6. As reported under References (A)-(M), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and

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- a. IED BLAST: On 19Nov05 between 0700 and 0716, a (b)(7)(F) vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding
- b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also (b)(7)(C) walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.
- c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [redacted] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [redacted] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [redacted] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [redacted] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [redacted] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [redacted] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [redacted] recalled the fire team later returned to house #1 with [redacted] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [redacted] advised he entered a room after [redacted] Shortly thereafter, both he and [redacted] shot approximately four (4) people, none of which were standing. [redacted] explained he shot these individuals because [redacted] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [redacted] is consistent with the accounts of both [redacted] and an Iraqi woman [redacted] who survived the clearing/attack of house #1. [redacted] stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1,

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28Jan08

including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

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CONTROL: 13MAR06-MEBJ-0164-7HMA/T

28Jan08

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(M), there have no additional investigative actions. All investigative efforts and outstanding leads were completed as of 01Oct07. On 09Jan08 and 22Jan08, Reporting Agent (RA) received the status of the adjudicative schedule from trial counsel and the NCIS Marine Corps West Field office. The tentative adjudicative schedule is outlined below.

NARRATIVE

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28Jan08

1. This investigation pertains to potential violations of Article 118 (Murder) of the Uniform Code of Military Justice (UCMJ).

2. In January 2008, the Marine Corps Trial Judge Advocate prosecution team, known as "Legal Team C," requested NCIS' assistance on ground while they depose Iraqi nationals in Iraq. These depositions are reportedly being conducted in support of motions and the pending trials of (b)(6), (b)(7)(C) [redacted]. In turn, NCIS has assigned Special Agents currently deployed to Iraq to assist Legal Team Charlie during the month of February 2008. Legal Team C has advised NCIS that the General Court-Martial (GCM) for (b)(6), (b)(7)(C) [redacted] is tentatively scheduled for the first week of March 2008 and motions hearings are scheduled for 13-15Feb08 and 20-22Feb08. Currently, a trial date has not been scheduled for (b)(6), (b)(7)(C) [redacted]. This investigation remains in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

DISTRIBUTION

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL (b)(6), (b)(7)(C) [redacted] USMC, SJA, Marine Corps
Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) [redacted] USMC, Legal
Liaison Officer, I MEF (H)

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V2 LNY

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510001 08:40 20080117 IN:SSDEMAIL #46893 OUT:PEEXLIFE #38123

REPORT OF INVESTIGATION (ACTION)

07JAN08

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S)

- (A) NCISFO Marine Corps West, Camp Pendleton, CA, ROI (ACTION)/31MAY06
- (B) NCIS TSD San Diego, CA ROI (ACTION)/16NOV07

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (B), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 07JAN08, Supervisory Special Agent (SSA) (b)(6), (b)(7)(C) NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status.

DISTRIBUTION

NCISHQ (SI): 0023B
 ACTION: 0023B
 INFO: MEBJ/MWPE/24B1

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REPORT OF INVESTIGATION (ACTION)

16NOV07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) NCISFO Marine Corps West, Camp Pendleton, CA, ROI (ACTION)/31MAY06
- (B) NCIS TSD San Diego, CA ROI (ACTION)/12OCT07

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (B), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 16NOV07, Supervisory Special Agent (SSA) (b)(6), (b)(7)(C) NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment at this time.

ACTION

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NCISHQ (SI): 0023B

ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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(b)(6), V2 LNY
(b)(7)(C)

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REPORT OF INVESTIGATION (ACTION)

22OCT07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA, (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

- (A) NCISFO Marine Corps West ROI (ACTION)/31MAY06
- (B) NCISTSD San Diego, CA ROI (ACTION)/07JUN06
- (C) NCISTSD San Diego, CA ROI (ACTION)/12JUL06
- (D) NCISTSD San Diego, CA ROI (ACTION)/07AUG06
- (E) NCISTSD San Diego, CA ROI (ACTION)/05SEP06
- (F) NCISTSD San Diego, CA ROI (ACTION)/03OCT06
- (G) NCISTSD San Diego, CA ROI (ACTION)/14NOV06
- (H) NCISTSD San Diego, CA ROI (ACTION)/07DEC06
- (I) NCISTSD San Diego, CA ROI (ACTION)/08JAN07
- (J) NCISTSD San Diego, CA ROI (ACTION)/07FEB07
- (K) NCISTSD San Diego, CA ROI (ACTION)/07MAR07
- (L) NCISTSD San Diego, CA ROI (ACTION)/09APR07
- (M) NCISTSD San Diego, CA ROI (ACTION)/15MAY07
- (N) NCISTSD San Diego, CA ROI (ACTION)/20JUN07
- (O) NCISTSD San Diego, CA ROI (ACTION)/18JUL07
- (P) NCISTSD San Diego, CA ROI (ACTION)/15AUG07
- (Q) NCISTSD San Diego, CA ROI (ACTION)/21SEP07

NARRATIVE

1. Pursuant to lead tasking contained in Reference (A), and since submission of Reference (Q), no technical investigative support has been provided. The completion of the final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 10OCT07, Supervisory Special Agent (SSA) (b)(6), (b)(7)(C) NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) related to the Reporting Officer (RO) that there would be no change in status of the installed equipment at this time.

ACTION

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ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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(b)(6),
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REPORT OF INVESTIGATION (INTERIM)

01OCT07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
/AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

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M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S//HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)
- (L) NCISHQ Washington DC ROI (INTERIM)/01Aug07 (Contains Exhibits 555-561)

EXHIBITS

- (562) IA: Attempts to Locate and Interview (b)(6), (b)(7)(C) 01Aug07... (Copy MWPE/0023B Only)
- (563) IA: Results of Attempts to Re-Interview (b)(6), (b)(7)(C) 18Sep07... (Orig 0023/Copy MWPE)
- (564) IA: Results of Attempts to Locate (b)(6), (b)(7)(C) 18Sep07... (Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF)

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members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol

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through MNF-W and MNC-I.

6. As reported under References (A)-(L), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a [] vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after [] shortly thereafter, both he and [] shot approximately four (4) people, none of which were standing. [] explained he shot these individuals because [] shot them first and believed the

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SUBJ: (b)(6), (b)(7)(C)

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entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4.

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According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(L), investigative

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SUBJ: (b)(6), (b)(7)(C)

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efforts have included attempts to locate and interview potential Iraqi witnesses, attempts to locate and interview a British journalist, (b)(6), (b)(7)(C) and attempts to confirm the employment of the four adult male Iraqi victims from house #4.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines recent investigative actions.

2. Efforts to locate (b)(6), (b)(7)(C) filmmaker or journalist, have been unsuccessful as reflected in both Reference (K) and Exhibit (562). Multiple requests were forwarded to (b)(6), (b)(7)(C) production company or other associates for him to contact NCIS. To date, no response has been received.

3. As reported in Reference (K), the (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) was interviewed and described a potential witness, (b)(6), (b)(7)(C), who was reportedly employed at the Court of Haditha. NCIS coordinated with Civil Affairs Group (CAG), 5th BN 10th MAR, Detachment 1, Team 1, Haditha, Iraq, in an effort to locate and interview (b)(6), (b)(7)(C). On 18Sep07, contact with (b)(6), (b)(7)(C), CAG, Team 1, Detachment 1, revealed several trips were made to the Haditha Courthouse in attempts to locate (b)(6), (b)(7)(C). (b)(6), (b)(7)(C) stated he had exhausted all his resources and could not contact (b)(6), (b)(7)(C). This investigative lead will no longer be pursued due to the high risk involved and repetitive unproductive prior attempts. Exhibit (563) pertains.

4. In June 2007, during the Article 32 hearing held regarding (b)(6), (b)(7)(C) involvement in the events of 19Nov05, the Investigating Officer (IO), LtCol (b)(6), (b)(7)(C) USMC, requested that NCIS attempt to confirm the employment of the victims from house #4 (four brothers). As previously reported, the victims in house #4 were identified as V/AHMED, Jamal Aiad, V/AHMED, Jasib Aiad, V/AHMED Marwan Aiad, and V/AHMED Khatan Aiad. The surviving family members of house #4 reported the victims were once employed as follows: V/AHMED, Jamal Aiad was employed as a car dealer, V/AHMED; Jasib Aiad was employed as a traffic police officer for the city of Haditha, V/AHMED, Marwan Aiad was employed as a local government engineer, and V/AHMED, Khatan was employed outside the city of Haditha, reportedly near the Jordanian border. In response to (b)(6), (b)(7)(C) request, NCIS coordinated with CAG, Detachment 1, Team 1, in Haditha to confirm the victims' employment. On 24Jul07, while conducting operational activities, CW02 (b)(6), (b)(7)(C) USMC, spoke to several local Haditha towns people in an attempt to determine the occupations of the four deceased from house #4. According to CW02 (b)(6), (b)(7)(C) the townspeople confirmed their employment as noted above. On 18Sep07, CW02 (b)(6), (b)(7)(C) stated he previously made three trips to the Haditha Courthouse and the surrounding areas in attempts to locate (b)(6), (b)(7)(C) and question him regarding (b)(6), (b)(7)(C) employment. (b)(6), (b)(7)(C) stated during his trips he was not able to locate (b)(6), (b)(7)(C). CW02 (b)(6), (b)(7)(C) stated he questioned residents regarding (b)(6), (b)(7)(C) and no one was able to

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SUBJ: (b)(6), (b)(7)(C)

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provide his whereabouts. (b)(6), (b)(7)(C) advised he exhausted all his resources and could not locate (b)(6), (b)(7)(C). This investigative lead will no longer be pursued due to the high risk involved and repetitive unproductive prior attempts. Exhibit (564) pertains.

5. On 08Aug07, LTGEN (b)(6), (b)(7)(C) Commanding General, First Marine Division, dismissed the charges against (b)(6), (b)(7)(C). No further action against (b)(6), (b)(7)(C) is anticipated. This investigation remains pending the results of (b)(6), (b)(7)(C) Article 32 Investigation Hearings. This investigation will remain in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

PARTICIPANTS

- (b)(6), (b)(7)(C) Special Agent, NCIS Camp Al Asad, Iraq
- (b)(6), (b)(7)(C) Special Agent, NCISRU London, United Kingdom
- (b)(6), (b)(7)(C) Criminal Investigator, NCISFO Marine Corps West, Camp Pendleton, CA
- (b)(6), (b)(7)(C) Division Chief, Violent Crimes Division, NCISHQ Washington, DC

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL USMC, SJA, Marine Corps
 Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) USMC, Legal
 Liaison Officer, I MEF (H)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

21SEP07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) MWPE ROI (ACTION)/31MAY06

(B) NCIS TSD San Diego, CA ROI (ACTION)/15AUG07

NARRATIVE

1. Pursuant to lead tasking in Reference (A), and since submission of Reference (B), no technical investigative support has been provided. Completion of final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 12SEP07, Supervisory Special Agent (SSA) (b)(6), (b)(7)(C) NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

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ACTION: 0023B

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(b)(6),
(b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

18SEP07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF CAMP PENDLETON, CA/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ 0023B ROI (ACTION)/27JUN07
- (B) 24IZ ROI (ACTION)/01JUL07
- (C) 24IZ ROI (ACTION)/31JUL07
- (D) 24IZ ROI (ACTION)/02SEP07

EXHIBIT

- (1) IA: Results of Attempts to Locate (b)(6), (b)(7)(C) 18Sep07... (Copy All)

NARRATIVE

1. Reference (B) acknowledged receipt of lead tasking set forth in Reference (A). Reference (C) and (D) reported the original lead tasking requested via Reference (A). On 26Jul07, additional lead tasking was received from Special Agent (b)(6), (b)(7)(C) NCISHQ, requesting the attempt to locate (b)(6), (b)(7)(C) of the four victims from the Taxi Cab shooting. Chief Warrant Officer (CWO) (b)(6), (b)(7)(C) detachment 1, Team 1, Civil Affairs Group (CAG), Fifth Battalion, Tenth Marines, Haditha, Iraq provided assistance with this lead tasking.

2. CWO2 (b)(6), (b)(7)(C) stated he made three trips to the Haditha Courthouse and the surrounding areas in attempts to locate (b)(6), (b)(7)(C). CWO2 (b)(6), (b)(7)(C) stated during his trips he was not able to locate (b)(6), (b)(7)(C). CWO2 (b)(6), (b)(7)(C) stated he questioned residents regarding (b)(6), (b)(7)(C) and no one was able to provide his whereabouts. CWO2 (b)(6), (b)(7)(C) stated he exhausted all his resources and could not locate (b)(6), (b)(7)(C). Exhibit (1) pertains. Lead tasking is complete.

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REPORT OF INVESTIGATION (ACTION)

02SEP07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ/(b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ 0023B ROI (ACTION)/27JUN07
- (B) 24IZ ROI (ACTION)/01JUL07
- (C) 24IZ ROI (ACTION)/31JUL07

NARRATIVE

1. Reference (B) acknowledged receipt of lead tasking set forth in Reference (A). Reference (C) reported the original lead tasking requested via Reference (A). On 26Jul07, additional lead tasking was received from Special Agent (b)(6), (b)(7)(C) NCISHQ, requesting the attempt to locate (b)(6), (b)(7)(C) of the four victims from the Taxi Cab shooting. Assistance with this lead tasking is being provided by Warrant Officer (WO) (b)(6), (b)(7)(C) USMC, Civil Affairs Group, 5thBn, 10thMar, Detachment 1 Team 1, Haditha, Iraq. To date, (b)(6), (b)(7)(C) has not been located; however, further attempts to locate (b)(6), (b)(7)(C) are on going. Estimated date of completion is unknown at this time.

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REPORT OF INVESTIGATION (ACTION)

02SEP07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF CAMP PENDLETON, CA/11931

MADE AT/24IZ/NCISRA IRAQ AL ASAD (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/06JUL07
- (B) 24IZ ROI (ACTION)/07JUL07
- (C) 24IZ ROI (ACTION)/22JUL07
- (D) 24IZ ROI (ACTION)/30JUL07

NARRATIVE

1. Reference (B) acknowledged receipt of lead tasking set forth in Reference (A). References (C) and (D) reported results of previous lead tasking and that lead tasking was pending additional contact with (b)(6), (b)(7)(C). Assistance with this lead tasking is being provided by the Civil Affairs Group (CAG), 5thBn, 10Mar, Detachment 1 Team 1, Haditha, Iraq. To date, contact with (b)(6), (b)(7)(C) has not been made; however, additional attempts will be made. Estimated date of completion is unknown at this time.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

02SEP07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ 0023B ROI (ACTION)/27JUN07
- (B) 24IZ ROI (ACTION)/01JUL07
- (C) 24IZ ROI (ACTION)/31JUL07

NARRATIVE

1. Reference (B) acknowledged receipt of lead tasking set forth in Reference (A). Reference (C) reported the original lead tasking requested via Reference (A). On 26Jul07, additional lead tasking was received from Special Agent (b)(6), (b)(7)(C) NCISHQ, requesting the attempt to locate (b)(6), (b)(7)(C) of the four victims from the Taxi Cab shooting. Assistance with this lead tasking is being provided by Warrant Officer (WO) (b)(6), (b)(7)(C) USMC, Civil Affairs Group, 5thBn, 10thMar, Detachment 1 Team 1, Haditha, Iraq. To date, (b)(6), (b)(7)(C) has not been located; however, further attempts to locate (b)(6), (b)(7)(C) are on going. Estimated date of completion is unknown at this time.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

16AUG07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) NCISTSD San Diego, CA ROI (ACTION)/07JUN06

NARRATIVE

1. Since submission of Reference (A), no technical investigative support has been provided. Completion of final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 15AUG07, Supervisory Special Agent (b)(6), (b)(7)(C) NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

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REPORT OF INVESTIGATION (ACTION)

01AUG07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISHQ Washington DC ROI (ACTION)/01Dec06
- (B) NCISRU London UK ROI (ACTION)/03May07
- (C) NCISRU London UK ROI (ACTION)/21May07
- (D) NCISRU London UK ROI (ACTION)/28Jun07

EXHIBIT(S)

- (1) IA: Attempts to locate and interview media reporter (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Various dates... (Copy MWPE/0023B Only)

NARRATIVE

1. Original request as set forth in Reference (A) was completed by Reference (B) and evidence forwarded under cover of Reference (C). Efforts to locate (b)(6), (b)(7)(C) filmmaker or journalist, have been unsuccessful as reflected in Reference (D). Multiple requests were forward to his production company or other associates for him to contact NCIS. To date no response has been received.

2. This follow-up investigative effort was unproductive and is reported as completed. It is possible that contact may be made at a future date, if so supplemental reporting will be made.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Border and Immigration Agency, London, UK

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INFO: EUNA/EADLANT/MWPE/EURT

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REPORT OF INVESTIGATION (INTERIM)

01AUG07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
J/AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)
- (K) NCISHQ Washington DC ROI (INTERIM)/03May07 (Contains Exhibits 538-554)

EXHIBITS

- (555) IA: Results of Interview - (b)(6), (b)(7)(C) 30Apr07... (Orig 0023/Copy MWPE)
- (556) IA: Attempts to Locate and Interview (b)(6), (b)(7)(C) Various dates... (Orig 0023/Copy MWPE)
- (557) IA: Efforts to Locate (b)(6), (b)(7)(C) 07Jul07... (Orig 0023/Copy MWPE)
- (558) IA: Interview with (b)(6), (b)(7)(C) City of Haditha, Iraq/12Jul07... (Orig 0023/Copy MWPE)
- (559) Haditha Courthouse RFI Report/25Jul07... (Orig 0023/Copy MWPE)
- (560) IA: Results of Interview with (b)(6), (b)(7)(C) family/07Jul07... (Orig 0023/Copy MWPE)
- (561) IA: Results of Telephonic Interview of (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C) 09Jul07... (Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in

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Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(K), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a [] vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C), who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who

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reportedly cleared a room by firing his 9mm pistol into it. Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C). Shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness

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statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for

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transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(K), investigative efforts have included receipt of laboratory reports, interviews of Marines that participated in providing air support on 19Nov05, attempts to locate and interview potential Iraqi witnesses, (b)(6), (b)(7)(C) and an interview of Iraqi journalist, (b)(6), (b)(7)(C) who had previously claimed to have significant knowledge of the Haditha incident.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines receipt of investigative documents and recent investigative actions.

2. In May 2007, NCISHQ received the results of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) interview. As documented in Reference (K), (b)(6), (b)(7)(C) was identified as an Iraqi journalist who reportedly had relevant information regarding the Haditha incident but did not initially want to be identified or interviewed. With the assistance of the United Kingdom Border and Immigration Agency, NCIS located and interviewed (b)(6), (b)(7)(C) in April 2007. (b)(6), (b)(7)(C) reported he previously worked as a translator for BBC reporter, (b)(6), (b)(7)(C) In July 2006, (b)(6), (b)(7)(C) went with (b)(6), (b)(7)(C) to Jordan to interview witnesses from Haditha, Iraq. (b)(6), (b)(7)(C), (b)(7)(F)

(b)(6), (b)(7)(C), (b)(7)(F)

showed any actual events. (b)(6), (b)(7)(C) advised these recorded accounts have since been shown in the public domain via BBC and Al Jazeera TV. When asked, (b)(6), (b)(7)(C) refused to provide the identities of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) but (b)(7)(C) indicated one of (b)(6), (b)(7)(C) was the same individual who initially reported the incident to an Iraqi government spokesperson.

(b)(6), (b)(7)(F) reported he possessed some (b)(7)(F)

(b)(7)(F)

(b)(7)(F) From 01May07-31Jul07, several investigative efforts were made to locate and interview (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) who was later correctly identified as (b)(6), (b)(7)(C) however, all attempts to contact (b)(6), (b)(7)(C) have been met with negative results. On 01Aug07, NCISRU London, England, provided a status report on the search for (b)(6), (b)(7)(C) and advised (b)(6), (b)(7)(C) has not responded to NCIS' requests for interview. Exhibits (555)-(556)

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pertain.

3. On 06Jul07, (b)(6), (b)(7)(C) of Haditha, was located at Camp Bucca, Iraq where he is detained as a security internee. On 11Jul07, (b)(6), (b)(7)(C) was interviewed regarding his knowledge of alleged eyewitness(es) to the roadside shooting that occurred on 19Nov05. (b)(6), (b)(7)(C) confirmed he had spoken to an alleged eyewitness at the Haditha hospital after the bodies had been delivered to the morgue. Although (b)(6), (b)(7)(C) did not know the identity of the eyewitness, he provided a physical description of the individual. Additionally, (b)(6), (b)(7)(C) identified (b)(6), (b)(7)(C) an employee at the Court of Haditha, as having knowledge of multiple eyewitnesses to the roadside shooting on 19Nov05. Subsequently, NCIS coordinated with Civil Affairs Group (CAG), 5th BN 10th MAR, Detachment 1, Team 1, Haditha, Iraq, in an effort to locate and interview (b)(6), (b)(7)(C). According to (b)(6), (b)(7)(C), USMC, CAG, (b)(6), (b)(7)(C) confirmed he had a son who was killed during the 19Nov05 incidents. (b)(6), (b)(7)(C) advised he had been interviewed by investigators before and shown a photograph of his deceased son. (b)(6), (b)(7)(C) stated the discussion with (b)(6), (b)(7)(C) was halted by (b)(6), (b)(7)(C) Court of Haditha. Efforts to interview (b)(6), (b)(7)(C) are ongoing. Exhibits (557)-(559) pertain.

4. In July 2007, (b)(6), (b)(7)(C) advised trial counsel that the Marines from his squad signed the outer canvas of LCPL TERRAZAS' Camelback hydration pack to give to the family as a memento. According to (b)(6), (b)(7)(C) signed it, "1,2,3...22,23,24 We did this for you TJ." Trial counsel requested that NCIS approach the family, determine if they had received the Camelback, and seize the Camelback if it had been sent to them. On 07Jul07, (b)(6), (b)(7)(C) were interviewed and advised they had not received nor did they know of the whereabouts of LCPL TERRAZAS' Camelback. The family members noted they had received a signed banner which hangs in LCPL TERRAZAS' memorial room. A review of the banner did not reveal any writing or commentary as described by (b)(6), (b)(7)(C). Photographic images of the banner were obtained, stored on a CD, and forwarded to the NCIS Camp Pendleton Field Office for safekeeping. (b)(6), (b)(7)(C) indicated

(b)(6), (b)(7)(C) has some of possessions, but doubted she had the Camelback. (b)(6), (b)(7)(C) explained he did not know where (b)(6), (b)(7)(C) was located as they are divorced and (b)(6), (b)(7)(C) therefore, he suggested NCIS contact (b)(6), (b)(7)(C). On 09Jul07, (b)(6), (b)(7)(C) was interviewed and reported she had no knowledge of the Camelback. (b)(6), (b)(7)(C) provided potential telephone numbers for (b)(6), (b)(7)(C). NCIS attempts to locate and contact (b)(6), (b)(7)(C) were met with negative results. Exhibits (560)-(561) pertain.

5. In June 2007, during the Article 32 hearing held regarding (b)(6), (b)(7)(C); involvement in the events of 19Nov05, the Investigating Officer (IO), LtCol (b)(6), (b)(7)(C) USMC, requested that NCIS attempt to confirm the employment of the victims from house #4 (four brothers). As previously reported, the victims in house #4 were identified as V/AHMED, Jamal Aiad, V/AHMED, Jasib Aiad, V/AHMED Marwan Aiad, and

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V/AHMED Khatan Aiad. The surviving family members of house #4 reported the victims were once employed as follows: V/AHMED, Jamal Aiad was employed as a car dealer, V/AHMED, Jasib Aiad was employed as a traffic police officer for the city of Haditha, V/AHMED, Marwan Aiad was employed as a local government engineer, and V/AHMED, Khatan was employed outside the city of Haditha, reportedly near the Jordanian border. In response to (b)(6), (b)(7)(C) request, NCIS coordinated with CAG, Detachment 1, Team 1, in Haditha to confirm the victims' employment. On 24Jul07, while conducting operational activities, WO (b)(6), (b)(7)(C) USMC, spoke to several local Haditha towns people in an attempt to determine the occupations of the four deceased from house #4. According to WO (b)(6), (b)(7)(C) the townspeople confirmed their employment as noted above. On 31Jul07, NCISHQ received a status report which indicated efforts to confirm the victims' employment remain ongoing.

6. Investigation is pending efforts to interview (b)(6), (b)(7)(C) and confirm the employment of the victims from house #4. Completion of this investigative action is contingent upon operational tempo. This investigation will remain in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

PARTICIPANTS

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(b)(6), (b)(7)(C) Field Intelligence Officer, United Kingdom Border and Immigration Agency

(b)(6), (b)(7)(C) Special Agent, NCISRA Yuma, AZ
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(b)(6), (b)(7)(C) Division Chief, Violent Crimes Division, NCISHQ
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Liaison Officer, I MEF (H)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

31JUL07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISHQ 0023B ROI (ACTION)/27JUN07

(B) NCISRA IRAQ, CAMP AL ASAD, IRAQ ROI (ACTION)/01JUL07

NARRATIVE

1. Reference (B) acknowledged receipt of lead tasking set forth in Reference (A). Assistance is being provided by WO (b)(6), (b)(7)(C) USMC, Civil Affairs Group, 5th BN 10th Marines, Detachment 1 Team 1, Haditha, Iraq. On 24Jul07, while conducting operational activities in the city of Haditha, WO (b)(6), (b)(7)(C) spoke to several local towns people in an attempt to determine (b)(6), (b)(7)(C) occupations of V/AHMED, Jamal Aiad, V/AHMED, Jasib Aiad, V/AHMED, Marwan Aiad, and V/AHMED, Khatan. According to WO (b)(6), (b)(7)(C) the towns people confirmed their employment as noted in Reference (A) but told WO (b)(6), (b)(7)(C) that the four brothers have moved away and no longer reside in Haditha.

2. On 26Jul07, Reporting Agent (RA) received additional information from SA (b)(6), (b)(7)(C) NCISHQ, in the form of a (b)(6), (b)(7)(C) of the four victims named (b)(6), (b)(7)(C). RA provided this information to WO (b)(6), (b)(7)(C) who will assist with locating (b)(6), (b)(7)(C). Lead tasking is pending the interview of Yusef to further (b)(6), (b)(7)(C) confirm his brother's occupations prior to their deaths. Estimated date of completion is unknown at this time.

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(b)(6),
(b)(7)(C)

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REPORT OF INVESTIGATION (ACTION)

30JUL07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) MWPE ROI (ACTION)/06JUL07
 - (B) 24IZ ROI (ACTION)/07JUL07
 - (C) 24IZ ROI (ACTION)/22JUL07 (CONTAINS EXHIBIT 1)
- EXHIBIT(S)
- (2) HADITHA COURTHOUSE RFI REPORT/25JUL07... (COPY 023B & MWPE)

NARRATIVE

1. Reference (B) acknowledged receipt of lead tasking set forth in Reference (A) and Reference (C) provided the results of the interview of (b)(6), (b)(7)(C) stated that (b)(6), (b)(7)(C), who is employed at the court of Hadiitha, was someone who told (b)(6), (b)(7)(C) he had detailed knowledge of multiple eyewitnesses to the roadside taxi cab shooting incident.

2. Coordination with Civil Affairs Group, 5th BN 10th MAR, Detachment 1 Team 1 (CAG) resulted in the identification of an individual who works at the court of Hadiitha as (b)(6), (b)(7)(C). Further discussions by CAG with (b)(6), (b)(7)(C) indicate he is possibly the same individual identified by (b)(6), (b)(7)(C). According to SSgt (b)(6), (b)(7)(C) USMC, CAG (b)(6), (b)(7)(C) confirmed he had a son who was killed during the Nov05 incident. (b)(6), (b)(7)(C) indicated he had been contacted by investigators previously who showed him a picture of his dead son. The discussion with (b)(6), (b)(7)(C) was halted by Mr. (b)(6), (b)(7)(C) Chief Judge, Court of Hadiitha and (b)(6), (b)(7)(C) left and did not return, Exhibit (2) pertains.

3. CAG feels attempts to reestablish contact with (b)(6), (b)(7)(C) will not be difficult. Efforts to re-contact (b)(6), (b)(7)(C) based on operational activity are on-going. Lead tasking is pending the re-interview of (b)(6), (b)(7)(C) by CAG to establish the identity of any possible eyewitnesses to the taxicab shooting incident. Estimated date of completion is unknown at this time.

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INFO: 024C/24IZ/MWPE (E)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA

30Jul07

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

23JUL07

SPECIAL INQUIRY (II)

CONTROL: 02AUG06-MWPE-0185-7XMA

(b)(6), (b)(7)(C)

COMMAND/MARINE CORPS FORCES CENTRAL COMMAND/53720

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) CRIMINAL INVESTIGATOR

REFERENCE(S) (S)

- (A) NCISHQ 0023 CASE FILE: (b)(6), (b)(7)(C)
CCN: 13MAR06-MEBJ-0164-7HMA/T
- (B) NCISFO Marine Corps West ROI (INTERIM)/02Oct06 (Contains Exhibits 1-132) (U)
- (C) NCISFO Marine Corps West ROI (INTERIM)/08Dec06 (Contains Exhibits 133-202) (S)
- (D) NCISFO Marine Corps West ROI (INTERIM)/10Jan07 (Contains Exhibits 203-223) (U)
- (E) NCISFO Marine Corps West Case File: (b)(6), (b)(7)(C)
USMCR/CCN: 16NOV06-MWPE-0263-5FMA (S)
- (F) NCISFO Marine Corps West ROI (INTERIM)/02Mar07 (Contains Exhibits 224-226) (U)
- (G) NCISFO Marine Corps West ROI (INTERIM)/30Mar07 (Contains Exhibits 227-231) (S)
- (H) NCISFO Marine Corps West ROI (INTERIM)/27Apr07 (Contains Exhibits 232-238) (S)
- (I) NCISFO Marine Corps West ROI (INTERIM)/25May07 (Contains Exhibits 239-244) (S)
- (J) NCISFO Marine Corps West ROI (INTERIM)/25Jun07 (U)

EXECUTIVE SUMMARY

1. References (A) thru (J) contain the investigation into the deaths of 24 Iraqi civilians, which occurred on 19Nov05 in Haditha, Iraq, following a complex attack on 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Regiment (3/1). The attack began with an Improvised Explosive Device (IED) explosion, resulting in the death of one Marine and serious injury to others. The explosion was reportedly followed by enemy small arms fire (SAF). Several members of 1st Squad (identified as Subject and Co-subjects of Reference (A)), subsequently became involved in a series of actions over the next few hours that resulted in the deaths of 24 Iraqi civilians at multiple residences/locations in the vicinity of the IED explosion.

2. On 14Feb06, the Commander, Multi-National Corps-Iraq (MNC-I) ordered COL (b)(6), (b)(7)(C) USA, to conduct an AR 15-6 investigation

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CONTROL: 02AUG06-MWPE-0185-7XMA

23Jul07

(herein after referred to as the (b)(6), (b)(7)(C) investigation) into the events that occurred leading up to and following the IED blast on 19Nov05. Subsequent to the initiation of the investigation, and pursuant to information surfaced as a result of the investigation, Reference (A) was initiated. On 18Mar06, MGEN USA, was commissioned to conduct a separate but concurrent investigation (herein after referred to as the investigation) into the events following the IED blast, specifically the misreporting of the incident and the command's subsequent response to the events that occurred.

3. During the course of Reference (A), it was discovered there was a failure by command to accurately report the facts and circumstances regarding the deaths of the 24 Iraqi civilians. Additionally, Marine Commanders failed to order an official investigation into the events and failed to correct previous erroneous reporting regarding the incident. As a result of Reference (A) and the Investigation, the Commander, Marine Corps Forces Central Command (MARCENT), requested NCIS to expand its criminal investigation to include any intentional misrepresentation of the events. This investigation was initiated in response to that request.

4. Pursuant to the aforementioned request, numerous interviews have been conducted with personnel from Kilo Company, 3/1, Regimental Combat Team Two (RCT-2), and Second Marine Division (2dMarDiv), who may have had knowledge of the 19Nov05 incident, or had a requirement to report possible violations of the Law Of Armed Conflict (LOAC). Additionally, a large quantity of electronic media was seized and reviewed for information relevant to this investigation.

5. This investigation is pending the results of and Article 32 Investigation. Article 32 Hearings are scheduled to commence circa late Aug07.

NARRATIVE

1. This case was initiated as a reactive investigation pursuant to suspected violations of Article 92 (Dereliction of Duty), Article 134 (Obstruction of Justice), and Article 81 (Conspiracy), of the Uniform Code of Military Justice (UCMJ).

2. This investigation remains pending the results of and Article 32 Investigation Hearings. and s Article 32 Investigation Hearings are scheduled to commence circa the latter part of Aug07. Command has been fully briefed on the status of this investigation and will continue to be briefed as substantive information is developed.

DISTRIBUTION

NCISHQ (SI): 0023

INFO: MWPE/LTCOL USMC, SJA, Marine Corps
Forces Central Command (H)/LTCOL
USMC, Trial Counsel, Legal Team Charlie (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 02AUG06-MWPE-0185-7XMA

23Jul07

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

22JUL07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP FALLUAH IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) MWPE ROI (ACTION)/06JUL07
- (B) 24IZ ROI (ACTION)/07JUL07

EXHIBITS

- (1) IA: INTERVIEW OF (b)(6), (b)(7)(C)
IRAQ/12JUL07... (Copy All, less enclosure (B))

NARRATIVE

1. NCISRA Iraq acknowledged receipt of lead tasking set forth in ref (A) via ref (B) and determined (b)(6), (b)(7)(C) is a detainee at Camp Bucca, Iraq. (b)(6), (b)(7)(C) was interviewed by participant (b)(6), (b)(7)(C) on 11Jul07, exhibit (1), and identified (b)(6), (b)(7)(C) who (b)(6), (b)(7)(C) employed at the court of Haditha, Iraq as someone who told him (b)(6), (b)(7)(C) he had detailed knowledge of multiple eyewitnesses to the roadside taxi cab shooting incident. Enclosure (B) to exhibit (1) is classified secret and will be sent to MWPE and 023B via separate correspondence.

2. Investigation is pending efforts to locate and interview (b)(6), (b)(7)(C) regarding the identity of witnesses to the taxi cab shooting incident. If witnesses can be identified, further efforts will be made to locate and interview these individuals.

PARTICIPANT

(b)(6), (b)(7)(C) SPECIAL AGENT, SWND, NCIS COIN MISSION, TASK FORCE
134, THEATER INTERNMENT FACILITY, CAMP BUCCA, IRAQ

DISTRIBUTION

NCISHQ (DSI): 023B(M)
INFO: 24C(M)/MWPE(M)/24IZ

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(b)(6), (b)(7)(C)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

18JUL07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) NCISTSD San Diego, CA ROI (ACTION)/07JUN06

NARRATIVE

1. Since submission of Reference (A), no technical investigative support has been provided. Completion of final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 17JUL07, Special Agent (b)(6), (b)(7)(C) Acting SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SA (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

DISTRIBUTION

NCISHQ (SI): 0023B

ACTION: 0023B

INFO: MEBJ/MWPE/24B1

REFERENCE(S)

(A)

(B)

EXHIBIT(S)

(1)

(2)

EXECUTIVE SUMMARY

1.

NARRATIVE

1.

2.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEJ-0164-7HMA

18Jul07

3.

PARTICIPANT(S)

ACTION

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09JUL07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALAM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA

09Jul07

FOR OFFICIAL USE ONLY M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

- V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S//HADITHA, AN ALBAR PROVINCE, IRAQ
- V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF/11931

MADE AT/MWYU/YUMA AZ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISHQ 0023 Washington DC ROI(ACTION)/05Jul07

EXHIBIT(S)

- (1) IA: Results of Interview with (b)(6), (b)(7)(C) Family/07Jul07...(Copy 0023 Only)
- (2) Compact Disc containing photographs/09Jul07...(Orig 0023 Only)
- (3) IA: Results of Telephonic Interview of (b)(6), (b)(7)(C) 09Jul07 ... (Copy 0023 Only)

NARRATIVE

1. On 05Jul07, Reference (A) was received requesting the expeditious interviews of (b)(6), (b)(7)(C) Civilian, and (b)(6), (b)(7)(C) Civilian, concerning the location, and receipt of, a suspected Camelback hydration pack, which was said to possess signatures and notes from LCPL TERRAZAS' squad written upon the outer canvas of the pack.

2. On 07Jul07, contact with both (b)(6), (b)(7)(C) was made and both men stated they never heard of, seen or received any such camelback, backpack, bag or any other type pack, with signatures written upon it. (b)(6), (b)(7)(C) showed Reporting Agent (RA) a banner with signatures that hung in LCPL TERRAZAS' memorial room. RA did not find any writing relating to killing or harming anyone. (b)(6), (b)(7)(C) showed RA a red cooler but it did not have any writing on its surface, Exhibits (1) and (2) pertain.

3. On 07Jul07, (b)(6), (b)(7)(C) stated that LCPL TERRAZAS' (b)(6), (b)(7)(C) may have some things that belonged to LCPL TERRAZAS but doubts that she would have a camelback or other type of gear. Martin explained that (b)(6), (b)(7)(C) and he are divorced and that their relationship is very strained. (b)(6), (b)(7)(C) explained that (b)(6), (b)(7)(C) added that he does not have any contact with (b)(6), (b)(7)(C) but (b)(6), (b)(7)(C) might. (b)(6), (b)(7)(C) gave (b)(6), (b)(7)(C) phone number as (b)(6), (b)(7)(C) and stated that (b)(6), (b)(7)(C) may be able to contact Exhibit (1) pertains.

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CONTROL: 13MAR06-MEBJ-0164-7HMA

09Jul07

4. On 09Jul07, (b)(6), (b)(7)(C) was interviewed telephonically about her knowledge of the camelback, her mother's telephone number and her mother's whereabouts. (b)(6), (b)(7)(C) stated that she did not have any information about a camelback. (b)(6), (b)(7)(C) added that she only received letters from (b)(6), (b)(7)(C) (b)(7)(C) stated that she did not receive letters from any other Marine from (b)(6), (b)(7)(C)'s unit. (b)(6), (b)(7)(C) reported that her mother may be staying with (b)(6), (b)(7)(C) (b)(7)(C) sister. (b)(6), (b)(7)(C) gave (b)(7)(C)'s phone number as RA made several attempts to contact (b)(7)(C) utilizing the above number but the number was not operational, Exhibit (3) pertains.

5. Lead tasking at NCISRA Yuma, AZ, has been completed.

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INFO: MWFO

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REPORT OF INVESTIGATION (ACTION)

07JUL07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP FALLUJAH IRAQ, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) 0023 ROI (Action)/06Jul07

EXHIBIT

(1) IA: EFFORTS TO LOCATE (b)(6), (b)(7)(C) 07JUL07... (Copy All)

NARRATIVE

1. Lead tasking in ref (a), minus exhibits, was received by 24IZ on 06Jul07. 24IZ was tasked to locate and interview (b)(6), (b)(7)(C) regarding the eyewitness to the taxi cab incident described in ref (a). Inquiries with IIMEF (fwd), Camp Fallujah, Iraq disclosed [redacted] is a detainee at Camp Bucca, Iraq, exhibit (1). 24IZ does not have agents assigned to this location, although NCIS personnel assigned to the SCID and COIN Ops are located there. Investigation is pending receipt of exhibits to ref (a) and coordination with NCIS assets in the area for lead completion.

ACTION

0023B: Status of lead tasking set forth in ref (a).

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INFO: 024C (M)/MWPE (M)/24IZ

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(b)(6), (b)(7)(C) VZ LNY

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REPORT OF INVESTIGATION (ACTION)

06JUL07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALAM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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CONTROL: 13MAR06-MEBJ-0164-7HMA

06Jul07

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V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AN ALBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF/11931

MADE AT/0023/WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) IA: Results of Interview (b)(6), (b)(7)(C) 30Apr07... (Copy 24IZ only)
(B) Results of Interview of (b)(6), (b)(7)(C) Obtained from
(b)(6), (b)(7)(C) 30Apr06... (Copy 24IZ only)

NARRATIVE

1. On 19Nov05 at approximately 0716, members of 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Division (3/1), came under attack when an Improvised Explosive Device (IED) detonated and hit the fourth vehicle of their (b)(7)(F) vehicle convoy in Haditha, Iraq. As a result of the IED, the driver was killed, and the other (b)(7)(F) Marine occupants were injured. Following the attack on the convoy, members of 1st Squad reported they received small arms fire (SAF) from north and south of the IED blast site. Shortly before the convoy was struck by the IED, an oncoming white vehicle (taxi) was directed to pull off the roadway by Marines in the first vehicle. The white vehicle reportedly complied and the five (5) occupants from the vehicle exited the vehicle and were unarmed. Both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) reportedly shot the five (5) male Iraqi occupants of the white vehicle. After the occupants of the white vehicle were shot, two (2) maneuver elements (fire teams) were formed consisting of members of 1st Squad. The teams searched and cleared houses for insurgents. During the searches and house clearings, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) were involved in the shooting and deaths of eighteen (18) additional Iraqi civilians. Another Iraqi civilian was shot and killed after he was engaged from a rooftop observation post (OP) occupied by the same members. When totaled, the titled subject and co-subjects killed twenty-four (24) Iraqi civilians, including women and children.

2. During the course of the investigation both NCIS and Trial Team "C", Camp Pendleton, CA, have conducted interviews of witnesses in Iraq who have claimed there were eyewitness(es) to the roadside taxi cab shooting incident; however, such witnesses have not been identified despite several investigative efforts. According to an interview conducted with (b)(6), (b)(7)(C) an Iraqi interpreter for TIME magazine and the British Broadcasting Corporation (BBC), the former

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CONTROL - 13MAR06-MEBL0164-7HMA

06Jul07

(b)(6), (b)(7)(C)

reported he spoke to an eyewitness that saw the roadside shooting incident on 19Nov05. (b)(6), (b)(7)(C) indicated the eyewitness saw the Marines remove the passengers from the taxi and execute them in front of others. (b)(6), (b)(7)(C) did not identify the eyewitness in the interview wherein (b)(6), (b)(7)(C) provided translation services. (b)(6), (b)(7)(C) was also identified as the Haditha representative who advised the Commanding Officer of 3/1, LtCol (b)(6), (b)(7)(C) at a town meeting about the 19Nov05 shootings. Moreover, (b)(6), (b)(7)(C) was arrested last year by the Coalition Forces (or the USMC) and is currently a detainee in a detention facility. Trial counsel advised they did not determine which detention facility was is in, but inquiries in theater should reveal his location.

ACTION

R.24IZ: Utilizing the background information provided in References (A)-(B), locate and interview (b)(6), (b)(7)(C) and obtain a signed sworn statement identifying (or not identifying) the eyewitness to the taxi cab incident. If you have any questions please contact Violent Crimes Division Chief, SA (b)(6), (b)(7)(C) Code 0023B or SA (b)(6), (b)(7)(C) Code 0023B.

DISTRIBUTION

NCISHQ: (DSI) 0023B

ACTION: 24IZ (E)

INFO: MWPE

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REPORT OF INVESTIGATION (ACTION)

05JUL07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALAM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA

05Jul07

FOR OFFICIAL USE ONLY M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AN ALBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF/11931

MADE AT/0023/WASHINGTON DC/(b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) IA: Interview (b)(6), (b)(7)(C) Family/CIV/31May06

NARRATIVE

1. On 19Nov05 at approximately 0716, members of 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Division (3/1), came under attack when an Improvised Explosive Device (IED) detonated and hit the fourth vehicle of their [redacted] vehicle convoy in Haditha, Iraq. As a result of the IED, the driver was killed, and the other [redacted] Marine occupants were injured. Following the attack on the convoy, members of 1st Squad reported they received small arms fire (SAF) from north and south of the IED blast site. Shortly before the convoy was struck by the IED, an oncoming white vehicle (taxi) was directed to pull off the roadway by Marines in the first vehicle. The white vehicle reportedly complied and the five (5) occupants from the vehicle exited the vehicle and were unarmed. Both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) reportedly shot the five (5) male Iraqi occupants of the white vehicle. After the occupants of the white vehicle were shot, two (2) maneuver elements (fire teams) were formed consisting of members of 1st Squad. The teams searched and cleared houses for insurgents. During the searches and house clearings, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) were involved in the shooting and deaths of eighteen (18) additional Iraqi civilians. Another Iraqi civilian was shot and killed after he was engaged from a rooftop observation post (OP) occupied by the same members. When totaled, the titled subject and co-subjects killed twenty-four (24) Iraqi civilians, including women and children.
2. On 03Jul07, (b)(6), (b)(7)(C) advised trial counsel that the Marines from LCPL TERRAZAS' squad signed the outer canvas of TERRAZAS' Camelback hydration pack and sent it to the (b)(6), (b)(7)(C) family as a memento. According to (b)(6), (b)(7)(C) signed it, "1,2,3...22,23,24 We did this for you TJ." Trial counsel requested that NCIS approach the (b)(6), (b)(7)(C) family and obtain the signed Camelback prior to the commencement of the Article 32 hearing on 16Jul07.

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CONTROL: 13MAR06-MEJ-0164-7HMA

05Jul07

ACTION

R.MWYU: In May 2006, NCISRA Yuma completed and submitted reference (A). Utilizing the contact information and rapport developed with the (b)(6), (b)(7)(C) family in May 2006, re-approach them to request the Camelback described above. Upon receipt of the Camelback, forward it immediately to the Marine Corps West Field Office, Camp Pendleton, CA. If you have any questions, please contact Violent Crimes Division Chief, SA [redacted] Code 0023B or SA [redacted] Code 0023B.

DISTRIBUTION

NCISHQ: (DSI) 0023B

ACTION: MWYU

INFO: MWPE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

01JUL07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C)

SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISHQ 0023B ROI (ACTION)/27JUN07

NARRATIVE

1. Reporting Agent (RA) acknowledges receipt of lead tasking via Reference (A). Attempts to contact the Civil Affairs Group responsible for Haditha have commenced. RA can be contacted at DSN: (b)(6), (b)(7)(C) or via e-mail at if required. Estimated date of completion is unknown at this time.

DISTRIBUTION

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INFO: 024C/24IZ/MWPE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

28JUN07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISHQ Washington DC ROI (ACTION)/01Dec06
- (B) NCISRU London UK ROI (ACTION)/03May07
- (C) NCISRU London UK ROI (ACTION)/21May07

NARRATIVE

1. Follow-up investigative tasking remains pending. Original request as set forth in Reference (A) was completed by Reference (B) and evidence forwarded under cover of Reference (C). Efforts to locate (b)(6), (b)(7)(C) filmmaker or journalist, have been unsuccessful. A request has been sent to his production company for him to contact NCIS. To date no response has been received.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Border and Immigration Agency, London, UK

DISTRIBUTION

NCISHQ: (DSI) 0023B
INFO: EUNA/EADLANT/MWPE/EURT

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

27JUN07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALAM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA

27Jun07

FOR OFFICIAL USE ONLY M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AN ALBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF/11931

MADE AT/0023/WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) IA: Results of Interview/FAMILY MEMBERS OF HOUSE #4/01Apr06
- (B) IA: Results of Interview (b)(6), (b)(7)(C) Apr06
- (C) IA: Results of Interview (b)(6), (b)(7)(C) 06Apr06

NARRATIVE

1. On 19Nov05 at approximately 0716, members of 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Division (3/1), came under attack when an Improvised Explosive Device (IED) detonated and hit the fourth vehicle of their (b)(6), (b)(7)(C) vehicle convoy in Haditha, Iraq. As a result of the IED, the driver was killed, and the other (b)(7)(F) Marine occupants were injured. Following the attack on the convoy, members of 1st Squad reported they received small arms fire (SAF) from north and south of the IED blast site. Shortly before the convoy was struck by the IED, an oncoming white vehicle (taxi) was directed to pull off the roadway by Marines in the first vehicle. The white vehicle reportedly complied and the five (5) occupants from the vehicle exited the vehicle and were unarmed. Both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) reportedly shot the five (5) male Iraqi occupants of the white vehicle. After the occupants of the white vehicle were shot, two (2) maneuver elements (fire teams) were formed consisting of members of 1st Squad. The teams searched and cleared houses for insurgents. During the searches and house clearings, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) were involved in the shooting and deaths of eighteen (18) additional Iraqi civilians. Another Iraqi civilian was shot and killed after he was engaged from a rooftop observation post (OP) occupied by the same members. When totaled, the titled subject and co-subjects killed twenty-four (24) Iraqi civilians, including women and children.

2. Among the twenty four (24) victims were four (4) Iraqi adult male brothers who were killed in their family's home (hereinafter referred to as "house #4"). The victims were identified as V/AHMED, Jamal Aiad, V/AHMED, Jasib Aiad, V/AHMED Marwan Aiad, and V/AHMED Khatan Aiad. During the course of the investigation, several surviving family members of house #4 were interviewed and advised the victims were formerly employed as follows: V/AHMED, Jamal Aiad was employed

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA

27Jun07

as a car dealer, V/AHMED, Jasib Aiad was employed as a traffic police officer for the city of Haditha, V/AHMED, Marwan Aiad was employed as a local government engineer, and V/AHMED, Khatan was employed outside the city of Haditha, reportedly near the Jordanian border.

3. During a recent Article 32 hearing regarding the charges brought against (b)(6), (b)(7)(C) the Investigating Officer, LtCol (b)(6), (b)(7)(C) USMC, requested that NCIS attempt to confirm the employment of the victims listed above.

ACTION

R.24IZ: Utilizing the background information provided in References (A)-(C), contact the CAG officer for assistance in Haditha and confirm the employment of the four (4) victims listed above. If you have any questions, please contact Violent Crimes Division Chief, SA (b)(6), (b)(7)(C) Code 0023B or SA (b)(6), (b)(7)(C) Code 0023B.

DISTRIBUTION

NCISHQ: (DSI) 0023B

ACTION: 24IZ (E)

INFO: MWPE/24C

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V2 LNY

WARNING

(b)(6), (b)(7)(C)

CIV NCIS

From: PEEXLIFE [mwpe-ex@ncis.navy.mil]
Sent: Thursday, June 07, 2007 6:37 AM
To: (b)(6), (b)(7)(C)

Subject:

----- Original Message -----

From: fox@cfe-b.ncis.navy.mil [SMTP:fox@cfe-b.ncis.navy.mil]
Sent: Thursday, June 07, 2007, 5:25:05
To: MWPE-EX@NCIS.NAVY.MIL
Subject: 70991546KR.doc - (b)(6), (b)(7)(C)

735426 08:25 20070607 IN:SSDEMAIL #726 OUT:PEEXLIFE #34063

REPORT OF INVESTIGATION (ACTION)

06JUN07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S)

(A) NCISTSD San Diego, CA ROI (ACTION)/07JUN06

NARRATIVE

1. Since submission of Reference (A), no technical investigative support has been provided. Completion of final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 05JUN07, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

DIST: Please note the original transmission of this ROI contained an error in the "Header" information. Any previous transmissions of this ROI should be destroyed. This transmission supercedes all others and contains revised "Header" information.

DISTRIBUTION

NCISHQ (SI): 0023B

ACTION: 0023B

INFO: MEBJ/MWPE/24B1

(b)(6), (b)(7)(C)

CIV NCIS

From: PEEXLIFE [mwpe-ex@ncis.navy.mil]
Sent: Wednesday, May 30, 2007 2:49 AM
To: (b)(6), (b)(7)(C)

Subject:

(b)(6), (b)(7)(C)

----- Original Message -----

From: fox@cfe-b.ncis.navy.mil [SMTP:fox@cfe-b.ncis.navy.mil]
Sent: Wednesday, May 30, 2007, 1:37:37
To: MWPE-EX@NCIS.NAVY.MIL
Subject: 71411229QM.doc - (b)(6), (b)(7)(C) (ET AL)

727682 04:37 20070530 IN:SSDEMAIL #63496 OUT:PEEXLIFE #33882

REPORT OF INVESTIGATION (ACTION)

21MAY07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) NCISHQ Washington DC ROI (ACTION)/01Dec06
- (B) NCISRU London, UK ROI (ACTION)/03May07

NARRATIVE

1. Reference (A) requested the interview of a potential witness in captioned investigation. During the interview (b)(6), (b)(7)(C) provided electronic files on a compact disk which were subsequently entered into evidence by NCISRU London, UK, reference (B) pertains.

NCISHQ directed the evidence be forwarded to NCISRA Camp Pendleton, CA for evidence custody.

2. One CD of computer files representing electronic copies of death certificates obtained from (b)(6), (b)(7)(C) of victims in captioned investigation is forwarded via Registered Mail #RR 749 840 937 US.

3. This is a permanent transfer of evidence from NCISRU London to NCISRA Camp Pendleton. (b)(6), (b)(7)(C) authorized destruction of the CD when no longer needed by NCIS or other government unit. Annotation was made to the ECD.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Border and Immigration Agency, London, UK

DISTRIBUTION

NCISHQ: (DSI) 0023B
INFO: EUNA/EADLANT/MWPE (M)

(b)(6), (b)(7)(C)

CIV NCIS

From: PEEXLIFE [mwpe-ex@ncis.navy.mil]
Sent: Tuesday, May 15, 2007 1:54 PM
To:

(b)(6), (b)(7)(C)

Subject:

----- Original Message -----

From: fox@cfe-b.ncis.navy.mil [SMTP:fox@cfe-b.ncis.navy.mil]
Sent: Tuesday, May 15, 2007, 12:14:43
To: MWPE-EX@NCIS.NAVY.MIL
Subject: 70991546KR.doc - (b)(6), (b)(7)(C)

716543 15:14 20070515 IN:SSDEMAIL #60874 OUT:PEEXLIFE #33618

REPORT OF INVESTIGATION (ACTION)

15MAY07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S)

(A) NCISTSD San Diego, CA ROI (ACTION)/07JUN06

NARRATIVE

1. Since submission of Reference (A), no additional technical investigative support has been provided. Completion of final installation is being held in abeyance to safeguard and preclude unauthorized use of equipment. On 01MAY07, (b)(6), (b)(7)(C) SAC, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SAC (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

DISTRIBUTION

NCISHQ (SI): 0023
ACTION: 0023B
INFO: 24B1MEBJ/MWPE

(b)(6), (b)(7)(C)

NCIS, MWPE

From: PEEXLIFE [mwpe-ex@ncis.navy.mil]
Sent: Friday, May 11, 2007 8:08 AM
To: (b)(6), (b)(7)(C)

Subject:

----- Original Message -----

From: fox@cfe-b.ncis.navy.mil [SMTP:fox@cfe-b.ncis.navy.mil]
Sent: Friday, May 11, 2007, 6:36:47
To: MWPE-EX@NCIS.NAVY.MIL
Subject: 71282851NO.doc (b)(6), (b)(7)(C)

713495 09:36 20070511 IN:SSDEMAIL #60025 OUT:PEEXLIFE #33488

REPORT OF INVESTIGATION (ACTION)

07MAY07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV

- M/W/FNIZ/N//01JUN29/HADITHA, AL ANBAR PROVINCE, IRAQ V/ALI, KHAMISA TUEMA/CIV
- F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ V/HASAN, WALEED ABDALHAMID/CIV
- M/W/FNIZ///01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ V/HAMEED, ABDULL WALEED ABDUL/CIV
- M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ V/HASEN, GUHID ABDALHAMID/CIV
- M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ V/HASAN, RASHEED ABDALHAMID/CIV
- M/I/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ V/RASIF, ASMAA SALMAN/CIV
- F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ V/RASIF, YUNIS SALAM/CIV
- M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ V/AHMED, AIDA YASIN/CIV
- F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ V/SALIM, MOHMED YUNIS/CIV
- M/W/FNIZ/N//HADITHA, AL PROVINCE, IRAQ V/RASIF, NOOR SALIM/CIV
- F/W/FNIZ/N//01JAN92/HADITHA, ALANBAR PROVINCE, IRAQ V/SALIM, SEBEA YUNIS/CIV
- F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ V/SALIM, AISHA UNES/CIV
- F/W/FNIZ/N//19MAR02/HADITAH, AL ANBAR PROVINCE, IRAQ V/AHMED, HUDA YASIN/CIV
- F/W/FNIZ/N//01JAN66/HADITHA, ALANBAR PROVINCE, IRQU V/AHAMED, JAMAL AIAD/CIV
- M/W/FNIZ/N//16JUN66/HADITHA, AL ANBAR PROVINCE, IRAQ V/AHMED, JASIB AIAD/CIV
- M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ V/AHMED, MARWAN AIAD/CIV
- M/W/FNIZ/N//18JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ V/AHMED, KAHTAN AIAD/CIV
- M/W/FNIZ/N//18JAN84/HADITHA, ALANBAR PROVINCE, IRAQ V/MUSLEH, AHMED KHUTAR/CIV

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SUBJ: (b)(6), (b)(7)(C)

M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ V/ALZAWI, KALED AIDA /CIV
M/W/FNIZ/N//01JAN85/AL ANBAR PROVINCE, IRAQ V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF /11931

MADE AT/24B2/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) MWPE ROI (ACTION) /04MAY07

NARRATIVE

1. Authority is granted to administer a polygraph examination to (b)(6), (b)(7)(C) as requested per Reference (A).

ACTION

R.MWVD: Approval number for (b)(6), (b)(7)(C) is 2007-0206. Conduct polygraph examination of (b)(6), (b)(7)(C) and report results per 0024B2's policy and guideline.

DISTRIBUTION

NCISHQ: 0023/0024B2

ACTION: MWVD

INFO: MWPE

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PAGE 2 LAST (b)(6), (b)(7)(C) V2 LNN

----- End Of Original Message -----

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

04MAY07

DEATH (II)

CONTROL: 13MAR06-MEJB-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

CASE CONTROL	N/A
TRANSMIT	N/A
INITIALS	

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

NARRATIVE

1. This case was initiated as a reactive investigation and pertains to suspected violations of Article 118 (Murder) and Article 81 (Conspiracy), of the Uniform Code of Military Justice.

2. During the course of captioned investigation, (b)(6), (b)(7)(C) was identified as a possible subject in the shooting deaths of Iraqi civilians in Hadith, IZ on 19Nov05. (b)(6), (b)(7)(C) is currently stationed aboard Camp Pendleton, CA (CPC) and has retained civilian legal counsel in regards to possible military charges which may be pending against him. (b)(6), (b)(7)(C) has previously provided statements during the AR 15-6 inquiry and to NCIS regarding his activities on 19Nov05.

(b)(6), (b)(7)(C) via his civilian legal counsel, has agreed to undergo a polygraph examination relative to his activities on 19Nov05. Coordination of this polygraph request between Legal Services Support Team C, NCISHQ Code 24B2/23B and MWVD is ongoing/has been conducted.

ACTION

R.0024B2: Request authority to administer polygraph examination to (b)(6), (b)(7)(C)

DISTRIBUTION

NCISHQ (SI): 0023B/0024B2/0002P
INFO: MWFO/MWVD

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

03MAY07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISHQ Washington DC ROI (ACTION)/01Dec06

(B) NCISRU London, UK ROI (ACTION)/05Apr07

EXHIBIT(S)

(1) IA: Results of Interview (b)(6), (b)(7)(C) 3Apr07

NARRATIVE

1. Reference (A) tasked NCISRU London, UK with locating and interviewing (b)(6), (b)(7)(C) an Iraqi national residing in the UK who may have information related to captioned investigation. Reference (B) detailed other investigative reporting and efforts to date. (b)(6), (b)(7)(C) was located in Blackburn, England and interviewed. He furnished details as described in EXHIBIT (1) and provided supporting documentation in the form of computer files.

2. (b)(6), (b)(7)(C) interview provided details requiring further efforts to locate a news reporter, possibly with the BBC. This issue was briefed to NCISHQ and a separate request by NCISHQ was made to have NCISRU London attempt the interview of the reporter. The reporter interview is being coordinated through the American Embassy London. Investigative effort remains pending.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Field Intelligence Officer, UK Border and Immigration Agency

DISTRIBUTION

NCISHQ: (DSI) 0023B

INFO: EUNA/EADLANT

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

03MAY07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
'AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)
- (J) NCISHQ Washington DC ROI (INTERIM)/20Mar07 (Contains Exhibits 534-537)

EXHIBITS

- (538) IA: Data Base Checks Conducted by Ministry of Interior and Ministry of Transportation to Identify Two Iraqi Nationals/14Apr07...(Orig 0023/Copy MWPE)
- (539) USACIL DNA Branch Final Report/09Mar07...(Orig 0023/Copy MWPE)
- (540) USACIL Interim Laboratory Exhibit Listing/09Mar07...(Orig 0023/Copy MWPE)
- (541) USACIL Firearms Branch Final Report/13Mar07...(Orig 0023/Copy MWPE)
- (542) USACIL Final Laboratory Exhibit Listings/15Mar07...(Orig 0023/Copy MWPE)
- (543) IA: Results of Interview of (b)(6), (b)(7)(C) 16Mar07...(Orig 0023/Copy MWPE)
- (544) IA: Results of MCTFS Record Checks/21Mar07...(Orig 0023/Copy MWPE)

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- MWPE)
- (545) Statement of (b)(6), (b)(7)(C) 0Mar07... (Orig 0023/Copy MWPE)
- (546) IA: Interview of (b)(6), (b)(7)(C) 22Mar05... (Orig 0023/Copy MWPE)
- (547) Statement (b)(6), (b)(7)(C) 22Mar07... (Orig 0023/Copy MWPE)
- (548) Statement of (b)(6), (b)(7)(C) 02Apr06... (Orig 0023/Copy MWPE)
- (549) IA: Results of Interview of (b)(6), (b)(7)(C) 02Apr07... (Orig 0023/Copy MWPE)
- (550) Statement of (b)(6), (b)(7)(C) 04Apr07... (Orig 0023/Copy MWPE)
- (551) IA: Obtainment of 2DMAW(FWD) Operational Records for 19Nov05/07Apr07... (Orig 0023/Copy MWPE)
- (552) Statement of (b)(6), (b)(7)(C) 05Apr07... (Orig 0023/Copy MWPE)
- (553) IA: Results of Telephonic Contact with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 2Jun06... (Orig 0023/Copy MWPE)
- (554) IA: Results of Telephonic Contact with (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) 2Jun06... (Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(J), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a (b)(7)(F) vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding (b)(7)(F)

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot

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of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after [] Shortly thereafter, both he and [] shot approximately four (4) people, none of which were standing. [] explained he shot these individuals because [] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [] is consistent with the accounts of both [] and an Iraqi woman [] who survived the clearing/attack of house #1. [] stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by [] who was reportedly told by [] to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. [] reported hearing firing into a room and responded by joining him. Upon entering the room, [] stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, [] stated he began shooting because [] had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared,

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the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family

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SUBJ: (b)(6), (b)(7)(C)

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members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(J), investigative efforts have included receipt of laboratory reports, interviews of Marines that participated in providing air support on 19Nov05, attempts to locate and interview potential Iraqi witnesses, (b)(6), (b)(7)(C) and an interview of Iraqi journalist, (b)(6), (b)(7)(C) who had previously claimed to have significant knowledge of the Haditha incident.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines receipt of investigative documents and recent investigative actions.

2. In March 2007, Trial Counsel, Major (b)(6), (b)(7)(C) USMC, advised NCISHQ that he had identified potential witnesses in the investigation at hand via an individual associated with the Iraqi Ministry of Electricity, known as (b)(6), (b)(7)(C) (NFI). While (b)(6), (b)(7)(C) conducted prosecutorial preparation in Al Asad and Haditha, Iraq, he met with individuals such as (b)(6), (b)(7)(C). In turn, (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) of two (2) Iraqi males known as (b)(6), (b)(7)(C) who were reportedly tasked to tell Iraqi connections/relatives in London about the incident. (b)(6), (b)(7)(C) and his legal team requested that NCIS locate and interview both (b)(6), (b)(7)(C) regarding their knowledge of the incident. NCIS sought more biographical information regarding

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SUBJ: (b)(6), (b)(7)(C)

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the two (2) witnesses, and learned (b)(6), (b)(7)(C) was reportedly working at an oil refinery in Tikrit, Iraq and (b)(6), (b)(7)(C) may have left Iraq under an Iraqi government work visa to obtain employment in Malaysia. According to (b)(6), (b)(7)(C) indicated that (b)(6), (b)(7)(C) is an engineer. Attempts were made to locate and interview (b)(6), (b)(7)(C). Specifically, liaison was conducted with the Iraqi Ministry of Interior and Ministry of Transportation and database checks were conducted. Both Ministries confirmed their databases did not contain passport or visa records on (b)(6), (b)(7)(C). All efforts were met with negative results as (b)(6), (b)(7)(C) could not be located. Exhibit (538) pertains.

3. In March 2007 the United States Army Criminal Investigation Laboratory (USACIL), Forest Park, GA, provided laboratory exhibit listings and the DNA Branch Final Report regarding the swabbing of the weapons utilized by (b)(6), (b)(7)(C) and his squad. Blood was not detected using chemical analysis on the swabs. Exhibits (539)-(542) pertain.

4. From March-April 2007, several helicopter pilots and air support members were interviewed regarding their efforts on 19Nov05 in Haditha while providing air support to Marines on ground. During the process of locating the interviewees, database records were searched and inquiries were submitted with various commands. Exhibits (543)-(544) pertain.

5. On 20Mar07, (b)(6), (b)(7)(C) USMC, Marine Attack Squadron 223 (VMA-223), MAG-32, 2DMAW, was interviewed and provided a sworn statement. (b)(6), (b)(7)(C) advised he has limited knowledge regarding the events in Haditha on 19Nov05. He relayed information about his original mission that day and the air support he provided to ground troops who were reportedly under fire in the vicinity of Haditha. (b)(6), (b)(7)(C) stated he did not observe any fighting or anyone on ground and did not know anything about the IED explosion that day. (b)(6), (b)(7)(C) advised he possessed two (2) fifteen to thirty second videotape clips of the air attacks he performed on 19Nov05. Subsequently, (b)(6), (b)(7)(C) provided the videotape clips to NCIS on a compact disc. Exhibit (545) pertains.

6. On 21Mar07, (b)(6), (b)(7)(C) USMC, HMLA-267, MAG-39, 3rdMAW, Camp Pendleton, CA, was interviewed regarding his role in the air operations conducted in Haditha on 19Nov05. (b)(6), (b)(7)(C) reported his section was dispatched on 19Nov05 to support a squad of Marines on the ground, support a casualty evacuation, and assist troops at a vehicle check point which was receiving small arms fire. Although (b)(6), (b)(7)(C) could not recall the exact time he was called out on this mission, he believed it was around noon due to the position of the sun. (b)(6), (b)(7)(C) advised he was directed to two (2) or three (3) insurgents on a roof top which he and his section eliminated. (b)(6), (b)(7)(C) stated other than the insurgents on the roof top, he did not witness any other ground fighting on 19Nov05. (b)(6), (b)(7)(C) advised his aircraft did not record any of the events. Exhibit (546) pertains.

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7. On 22Mar07, (b)(6), (b)(7)(C) USMC, HMLA/T3-3, MAG-39, 3rdMAW, was interviewed and provided a sworn statement regarding this knowledge and role as a member of air support in Haditha on 19Nov05.

(b)(6), (b)(7)(C) advised he did not support or assist any ground forces in the vicinity of Routes Chestnut and Viper on 19Nov05. Exhibit (547) pertains.

8. On 02Apr07, (b)(6), (b)(7)(C) USMC, Marine Medium Helicopter Squadron 265 (Reinforced), Aviation Combat Element, 31st Marine Expeditionary Unit, was interviewed aboard the USS Essex (LHD2) regarding his role in the air operations on 19Nov05 in Haditha. (b)(6), (b)(7)(C) an AH-1W Cobra helicopter pilot, related he arrived on station in Haditha around 1000, and departed the area at approximately 1045. During this period of time, (b)(6), (b)(7)(C) observed an engagement between U.S. Marines and enemy combatants. (b)(6), (b)(7)(C) related his aircraft engaged the enemy. (b)(6), (b)(7)(C) noted his aircraft contained a videotape recording device; however, the device malfunctioned and failed to record this particular mission. Exhibit (548) pertains.

9. On 02Apr07, (b)(6), (b)(7)(C) former United States Marine, was interviewed regarding his participation in the air support on 19Nov05 in Haditha. (b)(6), (b)(7)(C) advised he did not recall providing air support in Haditha on 19Nov05. (b)(6), (b)(7)(C) reviewed his personal flight log and confirmed he did not fly on 19Nov05. Exhibit (549) pertains.

10. On 04Apr07, (b)(6), (b)(7)(C) 2D MAW (FWD), Camp Al Asad, Iraq was interviewed regarding his role in air operations in support of activity in Haditha on 19Nov05. (b)(6), (b)(7)(C) related that circa 19Nov05 he was serving as the (b)(6), (b)(7)(C) at the Tactical Air Command Center (TACC) aboard the Al Asad Air Base, and had no direct knowledge or recollection of specific activity related to that day.

(b)(6), (b)(7)(C) stated he would attempt to obtain records relating to pertinent operations for 19Nov05 and provide them to NCIS. On 07Apr07, (b)(6), (b)(7)(C) provided NCIS with hard copies of 2DMAW (FWD) operational records from 19Nov05. The records included three (3) flight Tactical Air Strike Requests (JTARS) and Assault Support Request (ASR) log for the day (19Nov05). The records did not contain any information pertaining to the deaths of twenty-four (24) Iraqi civilians and the injury of two (2) Iraqi children on 19Nov05 in Haditha, Iraq. All reports are classified at the SECRET Level and were entered into the NCISRA Iraq, Camp Al Asad, Iraq, evidence custody system under Evidence Log Number 24IZ 033-07. This evidence will be forwarded to the NCIS Marine Corps West Field Office, Camp Pendleton, CA, in the event it is required for future adjudication/prosecution purposes. Exhibits (550)-(551) pertain.

11. On 05Apr07, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Naval Air Depot, Marine Corps Air Station (MCAS), Cherry Point, NC, was interviewed and provided a sworn statement regarding his role as a member of the air support in Haditha, Iraq on 19Nov05.

(b)(6), (b)(7)(C) advised that on 19Nov05, approximately 45 minutes into a pre-planned mission to support a convoy, he was reassigned to support an

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immediate "troops in contact" JTAR in Haditha. (b)(6), (b)(7)(C) stated the target area he was assigned to a consisted of rows of multi-storied buildings with a single courtyard area in-between, which was located near the Euphrates River. (b)(6), (b)(7)(C) advised he never saw any ground fighting, nor did he see anyone on the ground near the target area, and has no knowledge of an IED explosion on the day in question.

(b)(6), (b)(7)(C) reported he has contacted his previous command, Marine Light/Attack Helicopter Squadron 167, MCAS New River, NC, regarding potential video footage, but was advised they did not have any video footage of the air attacks he performed in Haditha on 19Nov05. Exhibit (552) pertains.

12. On 05Apr07, NCISRU London, England, provided a status report on the search for (b)(6), (b)(7)(C) (the Iraqi journalist who reportedly had claimed to possess relevant investigative information) and advised they had successfully located and interviewed (b)(6), (b)(7)(C) NCISRU London relayed the investigative information obtained during the interview, as well as the items seized from (b)(6), (b)(7)(C) are currently underway and being forwarded to NCISHQ via mail. The details of (b)(6), (b)(7)(C) interview will be outlined in a subsequent report upon receipt of NCISRU London's documentation.

13. On 17Apr07, NCIS Marine Corps West Field Office, Camp Pendleton, CA provided documentation of two telephonic interviews which had been conducted in June 2006 with two (2) United States Army soldiers, (b)(6), (b)(7)(C) Exhibit (553) (554) pertains.

14. Receipt of investigative information from the interview of (b)(6), (b)(7)(C) remains pending. This investigation will remain in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

PARTICIPANTS

- (b)(6), (b)(7)(C) Special Agent, SCID Baghdad, Iraq
- (b)(6), (b)(7)(C) Advisory Special Agent, Camp Fallujah, Iraq
- (b)(6), (b)(7)(C) Special Agent, Camp Al Asad, Iraq
- (b)(6), (b)(7)(C) Special Agent, NCISRA Seoul Korea
- (b)(6), (b)(7)(C) Special Agent, NCISRU London, United Kingdom
- (b)(6), (b)(7)(C) Special Agent, NCISRA Yuma, AZ
- (b)(6), (b)(7)(C) Special Agent, NCISFO Camp Lejeune, NC
- (b)(6), (b)(7)(C) Special Agent, NCISRA Cherry Point, NC
- (b)(6), (b)(7)(C) Special Agent, NCISRA Annapolis, MD
- (b)(6), (b)(7)(C) Senior Investigator, NCISFO Marine Corps West, Camp

(b)(6), (b)(7)(C) Pendleton, CA
(b)(6), (b)(7)(C) Division Chief, Violent Crimes Division, NCISHQ
Washington, DC

DISTRIBUTION:

NCISHQ (DSI): 0023
INFO: MWPE (H) (b)(6), (b)(7)(C) USMC, SJA, Marine Corps
Forces Central Command (H) (b)(6), (b)(7)(C) USMC, Legal
Liaison Officer, I MEF (H)

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REPORT OF INVESTIGATION (ACTION)

25APR07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/24IZ/CAMP FALLUJAH IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) 0023 ROI (ACTION)/18APR07

EXHIBIT(S)

(1) IA: DATA BASE CHECKS CONDUCTED BY MINISTRY OF INTERIOR AND
MINISTRY OF TRANSPORTATION TO IDENTIFY TWO IRAQI
NATIONALS/14Apr07... (Copy 0023)

NARRATIVE

1. Ref (a) tasked 24IZ to liaison with the Iraqi Ministry of
Interior and Ministry of Transportation in an effort to locate and
interview (b)(6), (b)(7)(C) Efforts by participating
agent (b)(6), (b)(7)(C) did not result in either Iraqi being located, exhibit
(1).

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, SCID, Baghdad, Iraq

ACTION

0023...Lead tasking complete.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

17APR07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
F/W/FNIZ/N//01JUL29/HADITHA AL ANBAR CITY, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA AL ANBAR CITY, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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CASE CONTROL: 4/19/07 MAIL: NA
TRANSMIT: 4-17-07 FAX: NA
DKC

SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
 V/ALZAWI, KALED AIDA/CIV
 M/W/FNIZ/N//01JAN85/HADITHA AL ANBAR CITY, IRAQ
 V/ALZAWI, WAGDI AIDA/CIV
 M/W/FNIZ/N//01JAN79/HADITHA AL ANBAR CITY, IRAQ
 V/FLAEH, AKRAM HAMID/CIV
 M/W/FNIZ/S///HADITHA AL ALBAR CITY, IRAQ
 V/AHMED, MOHMED TABAL/CIV
 M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
 V/MUSLEH, AHMED KHUTAR/CIV
 M/W/FNIZ/N//01JAN76/HADITHA AL ANBAR CITY, IRAQ

COMMAND/I MEF/11931

MADE AT/0023/CAMP PENDLETON CA (b)(6), (b)(7)(C) CRIMINAL INVESTIGATOR

REFERENCE(S)

(A) NCISFO Marine Corps West ROI (ACTION)/27Mar07

EXHIBIT(S)

- (1) IA: Results of Telephonic Contact with (b)(6), (b)(7)(C)
12Jun06...(Copy 0023 Only)
- (2) IA; Results of Telephonic Contact with (b)(6), (b)(7)(C)
13Jun06...(Copy 0023 Only)

NARRATIVE

1. Subsequent to the completion of Reference (A), on 16Apr07, NCISHQ Code 23B conducted a review of the case file and discovered two documents had been inadvertently overlooked and not reported within the investigation. Exhibits (1) and (2) contain the telephonic interviews of two United States Army Soldiers, which were conducted in Jun06.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISFO, Camp Pendleton, CA

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INFO: 0023/MWFO

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(b)(6), (b)(7)(C)

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REPORT OF INVESTIGATION (ACTION)

11APR07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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13MAR06-MEBJ-0164-7HMA/T

11APR07

SUBJ: (b)(6), (b)(7)(C)

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/ALZAWI, KALED AIDA/CIV
 M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/ALZAWI, WAGDI AIDA/CIV
 M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/FLAEH, AKRAM HAMID/CIV
 M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
 V/AHMED, MOHMED TABAL/CIV
 M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
 V/MUSLEH, AHMED KHUTAR/CIV
 M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/CACP/NCISRA CHERRY POINT NC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

- (A) 0023 ROI (ACTION)/13MAR07
 (B) CALE ROI (ACTION)/21Mar07

EXHIBIT(S)

- (1) Sworn Statement of (b)(6), (b)(7)(C) /05Apr07...(Orig 0023B)

NARRATIVE

1. In accordance to lead tasking set forth in References (A) and (B) (b)(6), (b)(7)(C) USMC, Flight Check Officer in Charge, Naval Air Depot, Marine Corps Air Station (MCAS) Cherry point, NC, was interviewed and provided a sworn statement regarding his role as a member of the air support in Haditha, Iraq on 19Nov05. (b)(6), (b)(7)(C) advised that on 19Nov05, approximately 45 minutes into a preplanned mission to support a convoy, he was reassigned to support an immediate "troops in contact" JTAR in Haditha. (b)(6), (b)(7)(C) stated the target area he was assigned to consisted of rows of multi-storied buildings with a single courtyard area in-between, near the Euphrates River. (b)(6), (b)(7)(C) advised he never saw any ground fighting, he did not see anyone on the ground near the target area and he has no knowledge of an IED explosion on the day in question. (b)(6), (b)(7)(C) reported he has contacted his previous command, Marine Light/Attack Helicopter Squadron 167 (HML/A-167), MCAS New River, NC, and was advised they have video of the air attacks he performed in Haditha, Iraq on 19Nov05, Exhibit (1) pertains.

2. Special Agent (b)(6), (b)(7)(C) NCISFO Camp Lejeune, NC, was contacted regarding the acquisition of the video from HML/A-167. (b)(6), (b)(7)(C) advised he would assume responsibility for acquiring the video as he has individuals within HML/A-167 to interview pursuant to Reference (A).

ACTION
DIST: CACP lead tasking complete.

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PAGE 2

13MAR06-MEJ-0164-7HMA/T

11APR07

SUBJ: (b)(6), (b)(7)(C)

NCISHQ: (DSI) 0023 (M)
INFO: CALE

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PAGE ~~3~~ LAST V2 LNY
NNNN

(b)(6), (b)(7)(C)

IV NCIS

From: PEEXLIFE [mwpe-ex@ncis.navy.mil]
Sent: Wednesday, June 06, 2007 3:18 PM
To: (b)(6), (b)(7)(C)

Subject:

----- Original Message -----

From: fox@cfe-b.ncis.navy.mil [SMTP:fox@cfe-b.ncis.navy.mil]
Sent: Wednesday, June 06, 2007, 11:03:49
To: MWPE-EX@NCIS.NAVY.MIL
Subject: 70991546KR.doc - (b)(6), (b)(7)(C)

734658 14:03 20070606 IN:SSDEMAIL #559 OUT:PEEXLIFE #34056

REPORT OF INVESTIGATION (ACTION)

09APR07

DEATH (II) (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SWTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S)

(A) NCISTSD San Diego, CA ROI (ACTION)/07JUN06

NARRATIVE

1. Since submission of Reference (A), no technical investigative support has been provided. Completion of final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment. On 05JUN07, (b)(6), (b)(7)(C) SSA, NCISFO Marine Corps West, Camp Pendleton, CA was contacted regarding the installed equipment. SSA (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

DISTRIBUTION

NCISHQ (SI): 0023B
ACTION: 0023B
INFO: MEBJ/MWPE/24B1

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09APR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/FERK/SEOUL ROK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Okinawa, Japan ROI (ACTION)/29Mar07

EXHIBIT(S)

(1) Statement of (b)(6), (b)(7)(C) 02Apr07... (Orig 0023B)

NARRATIVE

1. Pursuant to the lead tasking set forth in Reference (A), on 02Apr07, (b)(6), (b)(7)(C) USMC, Marine Medium Helicopter Squadron 265 (Reinforced), Aviation Combat Element, 31st Marine Expeditionary Unit, was interviewed aboard the USS Essex (LHD 2), Exhibit (1) pertains. (b)(6), (b)(7)(C) AH-1W Cobra helicopter pilot, related he was on an air mission in Haditha, Iraq on 19Nov05. He related he arrived on station in Haditha around 1000, and departed the area at approximately 1045. During this time period he observed an engagement between U.S. Marines and enemy combatants, and related his aircraft engaged the enemy. (b)(6), (b)(7)(C) stated his aircraft contained a video tape recording device, however the device malfunctioned and failed to record this particular mission.

2. The aforementioned interview completes the lead tasking as established in Reference (A).

ACTION

FEOK: Completes Lead Tasking.

DISTRIBUTION

NCISHQ: (DSI) 0023B

ACTION: 0023B (M)

INFO: FERK/FEYK/MWPE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

07APR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON , CA/11931

MADE AT/24IZ/CAMP AL ASAD IRAQ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Cherry Point, NC ROI (ACTION)/21Mar07

EXHIBIT(S)

(1) Sworn Statement of (b)(6), (b)(7)(C) 04Apr07... (Orig 0023B, Copy 24IZ)

(2) IA: Obtainment of 2DMAW(FWD) Operational Records for 19Nov05/07Apr07... (Orig 0023B, Copy 24IZ)

NARRATIVE

1. In accordance with lead tasking set forth in Ref (A), (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) 2DMAW(FWD), was interviewed regarding his role in air operations in support of activity in Haditha, Iraq on 19Nov05. (b)(6), (b)(7)(C) related that at that time he was serving as the (b)(6), (b)(7)(C) at the Tactical Air Command Center (TACC) aboard Al Asad Air Base, and had no direct knowledge or recollection of specific activity related to that day. (b)(6), (b)(7)(C) stated he would attempt to obtain records relating to pertinent operations on that day and provide them to Reporting Agent (RA), Exhibit (1) pertains.

2. On 07Apr07, (b)(6), (b)(7)(C) provided RA with hard copies of 2DMAW(FWD) operational records from 19Nov05. The records include three flight mission reports, a copy of the significant events log, and the Joint Tactical Air Strike Requests (JTARS) and Assault Support Request (ASR) log for the day. The records were entered into NCISRA Iraq, Camp Al Asad, Iraq Evidence Custody under Log Number 033-07, and will be forwarded by USPS registered mail to NCISHQ Violent Crimes Division Chief (b)(6), (b)(7)(C) Exhibit (2) pertains.

3. Lead tasking is complete.

DISTRIBUTION

NCISHQ (DSI): 0023B (M)

INFO: 24IZ/24C/MWPE/CALE/CACP

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

05APR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISHQ Washington DC ROI(ACTION)/01Dec06
- (B) NCISRU London, UK ROI(ACTION)/15Dec06
- (C) NCISRU London, UK ROI(ACTION)/12Jan07
- (D) NCISRU London, UK ROI(ACTION)/09Feb07
- (E) NCISRU London, UK ROI(ACTION)/02Mar07

NARRATIVE

1. Lead tasking pursuant to Reference (A) remains pending but the witness identified in Reference (A) has been located and interviewed. The drafting of investigative findings and forwarding of seized evidence is underway. Other possible avenues may be explored for investigative inquiry under this tasking.

2. Status Report.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Field Intelligence Officer, UK Immigration and Metropolitan Police Joint Intelligence Unit, London, UK

DISTRIBUTION

NCISHQ: (DSI) 0023B

INFO: EUNA/EADLANT

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

04APR07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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Page 1 of 2

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

04Apr07

FOR OFFICIAL USE ONLY M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S//HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/CACP/NCISRA CHERRY POINT NC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)
(A) 0023 ROI (ACTION)/13MAR07
(B) CALE ROI (ACTION)/21MAR07

NARRATIVE

1. Pursuant to lead tasking set forth in reference (B), and received on 04Apr07, (b)(6), (b)(7)(C) USMC, HQ, Naval Air Depot, Marine Corp Air Station Cherry Point, NC, was contacted telephonically and agreed to be interviewed on 05Apr07. Lead tasking continues and is anticipated to be completed by 09Apr07.

DISTRIBUTION
NCISHQ: 0023 (DSI)
INFO: CALE

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(b)(6),
(b)(7)(C) V2 LNY

WARNING

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

29MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/FEOK/OKINAWA JAPAN/(b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) NCISHQ 0023B ROI (ACTION)/13Mar07
- (2) MWPE ROI (ACTION)/14MAR07

NARRATIVE

1. Subsequent to the receipt of lead tasking set forth via Exhibits (1) and (2), LtCol (b)(6), (b)(7)(C) USMC, Staff Judge Advocate, III Marine Expeditionary Force, Camp Courtney, Okinawa, Japan, confirmed (b)(6), (b)(7)(C) is assigned to the 31st Marine Expeditionary Unit (31st MEU), Camp Hansen, Okinawa, Japan. However, (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) is currently aboard the USS Essex (LHD-2), which is participating in Exercise Foal Eagle, Republic of Korea.

ACTION

R.FERK: Comply with lead tasking addressed to MWPE regarding the interview of (b)(6), (b)(7)(C) Exhibits (1) and (2) pertain.

DISTRIBUTION

NCISHQ: 0023B

ACTION: FERK (ATTN: SA (b)(6), (b)(7)(C) (F)

INFO: MWPE/FEYK

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~~V2 LNN~~

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

28MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
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V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

28Mar07

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- V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/CACP/NCISRA CHERRY POINT NC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) 0023 ROI (ACTION)/13MAR07
- (B) NCISRA Cherry Point, NC ROI (ACTION)/ (Contains Exhibits 1-2)

NARRATIVE

1. Pursuant to lead tasking set forth in Reference (A), a compact disk containing various video and text documents covering AV-8B action of 19Nov05 was obtained from Maj (b)(6), (b)(7)(C) USMC, Marine Attack Squadron 223 (VMA-223), Marine Aviation Group 32 (MAG-32), Second Marine Air Wing (2DMAW) on 23Mar07. The disk was entered in NCIS Cherry Point, NC, Evidence Custody under log number 023-07.

2. On 27Mar07 the compact disk was shipped via FedEx to Special Agent (b)(6), (b)(7)(C) Division Chief, NCIS Headquarters. The tracking number for this shipment is 8616-7994-1752.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISRA Cherry Point, NC

ACTION

DIST: CACP lead tasking complete.

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INFO: CALE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

27MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/IMEF, CAMP PENDLETON, CA/11931

MADE AT/MWYU/YUMA AZ, , SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISRA Camp Pendleton CA ROI(Action)/14Mar07

EXHIBIT(S)

(1) IA: Interview of (b)(6), (b)(7)(C) 2Mar07...(Copy MWPE Only)

NARRATIVE

1. Pursuant to the lead tasking set forth in Reference (A), [] was located and interviewed regarding his knowledge of the events of 19Nov05, as he was a member of the air support called out to assist Marines in the city of Haditha. Exhibit (1) pertains.

2. Lead tasking set forth for NCISRA Yuma is complete.

DISTRIBUTION

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INFO: MWFO(M)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

27MAR07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
F/W/FNIZ/N//01JUL29/HADITHA AL ANBAR CITY, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA AL ANBAR CITY, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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CASE CONTROL: 3/30/07 MAIL: 3/30/07
TRANSMIT: 3-28-07 FAX: NA
DKC

SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
 V/ALZAWI, KALED AIDA/CIV
 M/W/FNIZ/N//01JAN85/HADITHA AL ANBAR CITY, IRAQ
 V/ALZAWI, WAGDI AIDA/CIV
 M/W/FNIZ/N//01JAN79/HADITHA AL ANBAR CITY, IRAQ
 V/FLAEH, AKRAM HAMID/CIV
 M/W/FNIZ/S///HADITHA AL ALBAR CITY, IRAQ
 V/AHMED, MOHMED TABAL/CIV
 M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
 V/MUSLEH, AHMED KHUTAR/CIV
 M/W/FNIZ/N//01JAN76/HADITHA AL ANBAR CITY, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) CRIMINAL INVESTIGATOR

REFERENCE(S)

(A) MWPE ROI (ACTION)/22Mar07

EXHIBIT(S)

- (1) USACIL DNA Branch Final Report/09Mar07...(Copy 0023 Only)
- (2) USACIL Interim Laboratory Exhibit Listing/09Mar07...(Copy 0023 Only)

NARRATIVE

1. Subsequent to the submission of the lead tasking set forth in Reference (A), on 27Mar07, the United States Army Criminal Investigation Laboratory (USACIL), Forest Park, GA, provided the DNA Branch Final Report regarding the swabbing of the weapons utilized by (b)(6), (b)(7)(C) and his squad. Blood was not detected using chemical analysis on the swabs; Exhibits (1) and (2) pertain.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

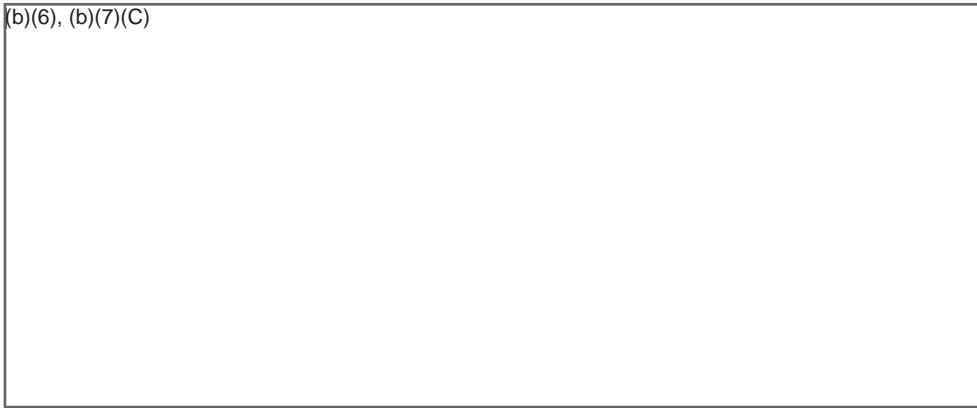
REPORT OF INVESTIGATION (ACTION)

22MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)



V/ALI, ABDUL HAMEED HUSIN/CIV
F/W/FNIZ/N//01JUL29/HADITHA AL ANBAR CITY, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA AL ANBAR CITY, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA AL ANBAR CITY, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, KAHTAN AIAD/CIV

CASE CONTROL: 3/23/07 MAIL: 3/23/07
TRANSMIT: 3-22-07 FAX: NA
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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA AL ANBAR CITY, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA AL ANBAR CITY, IRAQ
V/FLAEH, AKRAM HAMID/CIV
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V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA AL ANBAR CITY, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) CRIMINAL INVESTIGATOR

REFERENCE(S)

- (A) 0023 ROI (ACTION)/13Mar07
- (B) MWPE ROI (ACTION)/14Mar07

EXHIBIT(S)

- (1) Sworn statement of (b)(6), (b)(7)(C) 2Mar07... (Copy 0023 Only)
- (2) USACIL Firearms Branch Final Report/13Mar07... (Copy 0023 Only)
- (3) USACIL Final Laboratory Exhibit Listings/15Mar07... (Copy 0023 Only)

NARRATIVE

1. Pursuant to the tasking set forth in Reference (A), and the submission of Reference (B), on 22Mar07, (b)(6), (b)(7)(C) USMC, (b)(6), (b)(7)(C) HMLA/T-303, MAG-39, 3rdMAW, was interviewed and provided a sworn statement regarding his knowledge and role as a member of air support in Haditha, IZ, on 19Nov05. According to (b)(6), (b)(7)(C) he did not support or assist any ground forces in the vicinity of Routes Chestnut and Viper on 19Nov05. Exhibit (1) provides amplifying details.

2. Additionally, on 22Mar07, the United States Army Criminal Investigation Laboratory (USACIL), Forest Park, GA, provided the Firearms Branch Final Report pertaining to the weapons utilized by (b)(6), (b)(7)(C) and his squad members on 19Nov05. Exhibits (2) and (3) contain the results of the Firearms Report. Lead tasking is complete.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

21MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

21Mar07

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V/ALZAWI, KALED AIDA/CIV

M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, WAGDI AIDA/CIV

M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ

V/FLAEH, AKRAM HAMID/CIV

M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ

V/AHMED, MOHMED TABAL/CIV

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/MUSLEH, AHMED KHUTAR/CIV

M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/CACP/NCISRA CHERRY POINT NC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) 0023 ROI (ACTION)/13MAR07

EXHIBIT(S)

(1) Results of Interview of (b)(6), (b)(7)(C) 16Mar07... (Copy 0023B only)

(2) Sworn Statement of (b)(6), (b)(7)(C) 20Mar07... (Copy 0023B only)

NARRATIVE

1. On 19Nov05 at approximately 0716, members of 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Division (3/1), came under attack when an Improvised Explosive Device (IED) detonated and hit the fourth vehicle of their [redacted] vehicle convoy in Hiditha, Iraq. As a result of the IED, the driver was killed and the other (b)(7)(F) marine occupants were injured. Following the attack on the convoy, members of 1st Squadron reported they received small arms fire (SAF) from north and south of the IED. Shortly before the convoy was struck by the IED, an oncoming white vehicle (taxi) was directed to pull off the roadway by the Marines in the first vehicle. The white vehicle complied and the five occupants from the vehicle exited the vehicle and were unarmed. Both (b)(6), (b)(7)(C) reportedly shot the five male Iraqi occupants of the white vehicle. After the occupants of the white vehicle were shot, two maneuver elements (fire teams) were formed consisting of members of the 1st Squad. The teams searched and cleared houses for insurgents. During the searches and house clearings, (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) were involved in the shooting and deaths of eighteen additional Iraqi civilians. Another Iraqi civilian was shot and killed after he was engaged from a rooftop observation post (OP) occupied by the same members. When totaled, the titled subjects and co-subjects killed twenty-four Iraqi civilians, including women and children.

2. Lead tasking set forth in reference (A) was received on 15Mar07 and Marine Tactical Air Command Squadron 28 (MTACS-28) was contacted to determine the current status of (b)(6), (b)(7)(C) On 16Mar07, Capt (b)(6), (b)(7)(C) USMC, acting CO, MTACS-28, Marine Air Control Group 28 (MACG-28), Second Marine Air Wing (2DMAW) reported (b)(6), (b)(7)(C) was

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CONTROL: 13MAR06-MEJ-0164-7HMA/T

21Mar07

deployed to Al Asad, Iraq, until the end of 2007, Exhibit (1) pertains. The remainder of lead tasking was forwarded to 24IZ on 21Mar07 for completion.

3. On 20Mar07, (b)(6), (b)(7)(C) USMC, Marine Attack Squadron 223 (VMA-223), Marine Aviation Group 32 (MAG-32), Second Marine Air Wing (2DMAW), was interviewed and provided a sworn statement.

(b)(6), (b)(7)(C) advised he has very limited knowledge regarding the events at Haditha on 19Nov05. He relayed information about his original mission that day and on the air support he provided to ground troops who were reportedly under fire in the vicinity of Haditha. (b)(6), (b)(7)(C) stated he never saw any fighting, he didn't see anyone on the ground and he has no knowledge of an IED explosion on the day in question. (b)(6), (b)(7)(C) reported he has two 15-30 second clips of the air attacks he performed on 19Nov05, Exhibit (2) pertains. Completion of lead tasking is pending receipt of video clips. Anticipated completion date for lead tasking is 26Mar07.

ACTION

R.24IZ: Contact, interview and obtain a sworn statement from (b)(6), (b)(7)(C) USMC, MTACS-28, MACG-28, 2DMAW, regarding his knowledge and role as a member of the air support in Haditha on 19Nov07. Obtain any video, photographs or other documentation that he may possess from that day (i.e location of IED blast and shooting along Routes Chestnut and Viper, Haditha). Prior to completing lead tasking, contact SA (202) 433-9213 or DIVCHIEF for further information and guidance. Upon completion of lead tasking forward results directly to Code 0023B, Attn:

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ACTION: 24IZ
INFO: 024C/CALE

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REPORT OF INVESTIGATION (ACTION)

21MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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PAGE 1

13MAR06-MEJ-0164-7HMA/T

21MAR07

SUBJ: (b)(6), (b)(7)(C)

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV

M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV

M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV

M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV

M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/CALE/CAMP LEJEUNE NC (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT(S)

- (1) 0023 ROI (ACTION)/13MAR07...(Copy DCAN Only)
- (2) IA: Results of MCTFS Record Checks/21Mar07...(Copy DCAN/0023 Only)

NARRATIVE

1. Exhibit (1) is a lead tasking, received from Code 0023 on 19Mar07. This lead tasks CALE with conducting interviews of (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) USMC. This lead tasking also requests that CALE determine the status/location of (b)(6), (b)(7)(C) USMC; and (b)(6), (b)(7)(C) USMC.

2. Records queries conducted via the Marine Corps Total Force System (MCTFS) reflect that as of Jun06, (b)(6), (b)(7)(C) is presently assigned to HQ, Naval Aviation Depot (NADEP), Cherry Point, NC. MCTFS record checks confirm (b)(6), (b)(7)(C) are assigned to HMLA-167, MAG-26, MCAS, New River, NC. Furthermore, MCTFS record checks reflect that as of 31AUG06, (b)(6), (b)(7)(C) was discharged from active duty, Exhibit (2) pertains.

3. On 21Mar07, liaison was made, via telephone, with SA (b)(6), (b)(7)(C) Code 0023, who advised that CALE liaison with the 15th Reconnaissance Squadron, as specified within the lead tasking, was not necessary.

ACTION

R.CACP: Locate, fully identify and interview (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC, HQ, Naval Aviation Depot (NADEP), Cherry Point, NC; and complete lead tasking as specified in Exhibit (1), which was previously provided to your office by 0023. Forward all documentation and evidence to 0023 (Attn:

Division Chief (b)(6), (b)(7)(C)

R.DCAN: Utilizing the attached exhibits, Locate, fully identify and interview (b)(6), (b)(7)(C)

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PAGE 2

13MAR06-MEBJ-0164-7HMA/T

21MAR07

SUBJ: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Forward
all documentation and evidence to 0023 (Attn: Division
Chief (b)(6), (b)(7)(C) This is a DSI case, expeditious
handling is requested.

DISTRIBUTION

NCISHQ: 0023 (DSI)

ACTION: CACP (Attn: SA (b)(6), (b)(7)(C) /DCAN

INFO: 024C/24IZ/DCWA/CALE

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PAGE ~~3~~ LAST
NNNN

V2 LNY

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

20MAR07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)
- (I) NCISHQ Washington DC ROI (INTERIM)/22Jan07 (Contains Exhibits 529-533)

EXHIBITS

- (534) IA: Results of Preliminary Examination of Firearms/11Jan07...(Orig 0023/Copy MWPE)
- (535) IA: Seizure of (b)(6), (b)(7)(C) Personal Logbooks/24Jan07...(Orig 0023/Copy MWPE)
- (536) IA: Review of (b)(6), (b)(7)(C) Personal Logbooks/21Feb07...(Orig 0023/Copy MWPE)
- (537) IA: Results of Interview of (b)(6), (b)(7)(C) USMC/10Feb07...(Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

6. As reported under References (A)-(I), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a [] vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] (b)(6), (b)(7)(C) USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after [] Shortly thereafter, both he and [] shot approximately four (4) people, none of which were standing. [] explained he shot these individuals because [] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by []

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4.

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines. g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(I), investigative

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

efforts have included examination of the weapons seized in this investigation, receipt of logbooks, identification of Marine pilots as potential witnesses, and attempts to locate an Iraqi journalist, (b)(6), (b)(7)(C) who reportedly claims to possess relevant investigative information.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines receipt of investigative documents and recent investigative actions.

2. From 20Dec06 to 05Jan07, preliminary examinations of firearms seized during this investigation were conducted by SA (b)(6), (b)(7)(C) for the presence of trace amounts of blood or other biological material. All stains found on the weapons were photographed and subsequently swabbed for potential future analysis. Exhibit (534) pertains.

3. On 17Jan07, two (2) logbooks were seized from CAPT (b)(6), (b)(7)(C) USMC, Weapons Company, 3rd Battalion, 1st Marine Regiment. (b)(6), (b)(7)(C) advised the logbooks contained his personal notes and writings relative to this investigation. (b)(6), (b)(7)(C) indicated he had previously marked several of the pages that contained entries associated with the events of 19Nov05. On 20Feb07, the logbooks were reviewed for content and photocopies were made of the pages marked by (b)(6), (b)(7)(C). Further review of the remaining pages of the logbooks did not surface any additional information pertinent to this investigation. Exhibits (535 - 536) pertain.

4. On 08Feb07, CAPT (b)(6), (b)(7)(C) USMC, Marine Medium Helicopter Squadron 164 (HMT 164), 3rd Marine Aircraft Wing (3rd MAW), Camp Pendleton, CA, provided a list of Marines pilots who provided air support to Marines on ground in Haditha on 19Nov05. (b)(6), (b)(7)(C) reported he believed the pilots should be interviewed regarding the events that occurred on 19Nov05. (b)(6), (b)(7)(C) advised he did not know the time of day the pilots were called in to support Marines on ground. (b)(6), (b)(7)(C) was also unaware that the events which occurred subsequent to the IED explosion on Routes Chestnut and Viper, were separate from the events which took place in the southern part of Haditha city later that day. Exhibit (537) pertains.

5. NCISRU London, United Kingdom, has obtained approval through the U.S. Embassy London, Department of Justice Representative, to conduct the interview of (b)(6), (b)(7)(C). Subsequently, several electronic mail requests were made to schedule an interview with (b)(6), (b)(7)(C) via his known electronic mail address; however, such attempts have been met with no response from (b)(6), (b)(7)(C). Law enforcement officials in the United Kingdom have been contacted for assistance in locating (b)(6), (b)(7)(C). Efforts concerning (b)(6), (b)(7)(C) interview continue.

6. Efforts to locate and interview the potential witnesses identified by (b)(6), (b)(7)(C) continue. Efforts to obtain permission for exhumation of the victims' remains are being led by MNF-I. This investigation

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

will remain in an open status until adjudicative matters have been completed. Command has been fully briefed regarding the status of this investigation.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, Southwest Field Office, San Diego, CA
Special Agent, Marine Corps West Field Office, Camp Pendleton, California

(b)(6), (b)(7)(C) Forensic Consultant, Special Agent, Marine Corps West Field Office, Camp Pendleton, CA

(b)(6), (b)(7)(C) Special Agent, Marine Corps West Field Office, Camp Pendleton, California

(b)(6), (b)(7)(C) Special Agent, NCISRU London, United Kingdom
Link to Circuit Justice London, United Kingdom
Division Chief, Violent Crimes Division, NCISHQ
Washington, DC

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL (b)(6), (b)(7)(C) USMC, SJA, Marine Corps
Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) USMC, Legal
Liaison Officer, I MEF (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

19MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/FEOK/OKINAWA JAPAN/ (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

(A) NCISFO-Marine West, Camp Pendleton, CA ROI (ACTION)/14Mar07

NARRATIVE

1. FEOK acknowledges receipt of lead tasking as set forth in Reference (A). On 19Mar07, (b)(6), (b)(7)(C) USMC, Staff Judge Advocate, III Marine Expeditionary Force, Camp Courtney, Okinawa, Japan confirmed (b)(6), (b)(7)(C) USMC, is assigned to the 31ST Marine Expeditionary Unit, Camp Hansen, Okinawa, Japan. However, (b)(6), (b)(7)(C) related (b)(6), (b)(7)(C) is currently participating in an exercise and is tentatively scheduled to return to Okinawa, Japan on or about 08Apr07. An interview of (b)(6), (b)(7)(C) will be affected upon his return.

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INFO: MWPE/FEYK

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

14MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
F/W/FNIZ/N//01JUL29/HADITHA AL ANBAR CITY, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA AL ANBAR CITY, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA AL ANBAR CITY, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA AL ANBAR CITY, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, KAHTAN AIAD/CIV

3/15/07	3/15/07
3/15/07	3/15/07
CASE CONTROL	INITIALS
TRANSMIT	

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA AL ANBAR CITY, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA AL ANBAR CITY, IRAQ
V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S//HADITHA AL ALBAR CITY, IRAQ
V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA AL ANBAR CITY, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) CRIMINAL INVESTIGATOR

EXHIBIT(S)

- (1) 0023 ROI (ACTION)/13Mar07

NARRATIVE

- Pursuant to the tasking set forth in Exhibit (1), on 14Mar07, the Administrative Section of HMLA-267, MAG-39, 3rdMAW, confirmed that (b)(6), (b)(7)(C) is deployed to Okinawa, JP, with the 31st MEU, until Aug07.
- Command also confirmed that (b)(6), (b)(7)(C) is attending the Weapons and Tactics Instructor Course, in Yuma, AZ, until late Apr07.
- Lead tasking is pending the interview of (b)(6), (b)(7)(C) which is tentatively scheduled for 19Mar07.

ACTION

- R.FEOK: Comply with lead tasking addressed to MWPE contained in Exhibit (1), regarding the interview of (b)(6), (b)(7)(C)
- R.MWYU: Utilizing Exhibit (1), conduct the interview of (b)(6), (b)(7)(C) who is currently in your Area of Responsibility.

DISTRIBUTION

- NCISHQ: 0023B
- ACTION: 0023 (M) FEOK/MWYU (F)
- INFO: MWFO/FEYK

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(b)(6), (b)(7)(C)

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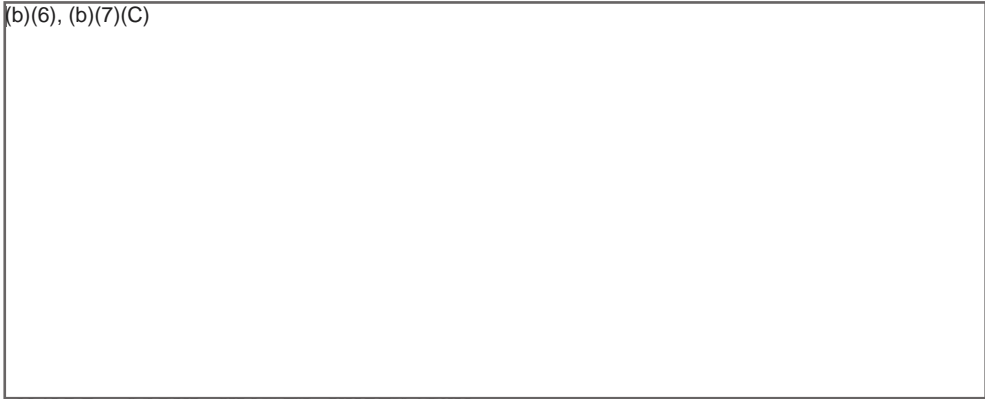
REPORT OF INVESTIGATION (ACTION)

13MAR07

DEATH (II) (II)

CONTROL: 13MAR06-MEDJ 0164-7HMA/T

(b)(6), (b)(7)(C)



V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNUS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR63/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, TASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALZAWI, KALED AIDA/CIV
- M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/ALZAWI, WAGDI AIDA/CIV
- M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/FLAEH, AKRAM HAMID/CIV
- M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
- V/AHMED, MOHMED TABAL/CIV
- M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
- V/MUSLEH, AHMED KHUTAR/CIV
- M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

EXHIBIT

(1) IA: Results of Interview of (b)(6), (b)(7)(C)
USMC/10Feb07... (Copy All)

NARRATIVE

1. On 19Nov05 at approximately 0716, members of 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion, 1st Marine Division (3/1), came under attack when an Improvised Explosive Device (IED) detonated and hit the fourth vehicle of their (b)(7)(F) vehicle convoy in Haditha, Iraq. As a result of the IED, the driver was killed, and the other (b)(7)(F) Marine occupants were injured. Following the attack on the convoy, members of 1st Squad reported they received small arms fire (SAF) from north and south of the IED blast site. Shortly before the convoy was struck by the IED, an oncoming white vehicle (taxi) was directed to pull off the roadway by Marines in the first vehicle. The white vehicle complied and the five (5) occupants from the vehicle exited the vehicle and were unarmed. Both (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) reportedly shot the five (5) male Iraqi occupants of the white vehicle. After the occupants of the white vehicle were shot, two (2) maneuver elements (fire teams) were formed consisting of members of 1st Squad. The teams searched and cleared houses for insurgents. During the searches and house clearings, (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) were involved in the shooting and deaths of eighteen (18) additional Iraqi civilians. Another Iraqi civilian was shot and killed after he was engaged from a rooftop observation post (OP) occupied by the same members. When totaled, the titled subject and co-subjects killed twenty-four (24) Iraqi civilians, including women and children.

ACTION

R.MWPE: Utilizing Exhibit (1), contact, interview and obtain a sworn statement from (b)(6), (b)(7)(C), HMT-303, regarding his knowledge and role as a member of the air support in Haditha on 19Nov05. Determine if he maintains any video, photographs or other documentation pertaining to the events of that day (i.e. location of IED blast and shootings along Routes Chester and Viper, Haditha). Contact HMLA-267 to determine the status/location of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) for the purposes of conducting similar

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

interviews. Please forward lead tasking to the appropriate office depending on status of (b)(6), (b)(7)(C) Prior to completing lead tasking, contact SA (b)(6), (b)(7)(C) or DIVCHIEF (b)(6), (b)(7)(C) for further information and guidance.

R.CALE: Utilizing Exhibit (1), contact, interview and obtain a sworn statement form HMLS-167 members (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) regarding their knowledge and roles as members of the air support in Haditha on 19Nov05. Determine if they have any video, photographs or other documentation pertaining to the events of that day (i.e. location of IED blast and shootings along Routes Chester and Viper, Haditha). Contact HMLA-167 to determine the status/location of (b)(6), (b)(7)(C) for the purposes of conducting similar interviews. Please forward lead tasking to the appropriate office depending on status of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) In addition, contact 15th Reconnaissance Squadron at Nellis AFB to determine and potentially obtain MQ-1 Predator Squadron footage captured on 19Nov05 at the Haditha Dam. Prior to completing lead tasking, contact SA (b)(6), (b)(7)(C) or DIVCHIEF (b)(6), (b)(7)(C) for further information and guidance.

R.CACP: Utilizing Exhibit (1), contact Marine Tactical Air Command Squadron 28 to determine the status/location of (b)(6), (b)(7)(C) for the purposes on interviewing and obtaining a sworn statement regarding his knowledge and role as a member of the air support in Haditha on 19Nov05. Obtain any video, photographs or other documentation that he may possess of that day (i.e. location of IED blast and shootings along Routes Chester and Viper, Haditha). Contact and conduct aforementioned lead tasking of (b)(6), (b)(7)(C) Marine Tactical Air Command Squadron 28. Prior to completing lead tasking, contact SA (b)(6), (b)(7)(C) or DIVCHIEF (b)(6), (b)(7)(C) for further information and guidance.

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ACTION: MWPE/CALE/CACP (F)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

07MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF/11931

MADE AT/SDTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) NCISTSD San Diego, CA ROI (ACTION)/06FEB07

NARRATIVE

1. Since submission of Reference (A), no additional technical investigative support has been provided in the captioned investigation. Completion of final equipment installation remains in abeyance to safeguard and preclude unauthorized use of equipment. On 07MAR07, (b)(6), (b)(7)(C) ASAC, NCISFO Camp Pendleton, CA was contacted regarding the installed equipment. SA (b)(6), (b)(7)(C) advised that there would be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

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ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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(b)(6),
(b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

02MAR07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK, (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISHQ Washington DC ROI (ACTION)/01Dec06
- (B) NCISRU London, UK ROI/15Dec06
- (C) NCISRU London, UK ROI/12Jan07
- (D) NCISRU London, UK ROI/09Feb07

NARRATIVE

1. Lead tasking pursuant to Reference (A) remains pending. Response to electronic messages sent to (b)(6), (b)(7)(C) have not had any response. Law enforcement inquiries in Manchester, UK have not been productive but remain pending. Contact with UK immigration officials revealed they have not located (b)(6), (b)(7)(C). Additional checks to determine if (b)(6), (b)(7)(C) entered/left the UK are expected during the week of 05-09Mar07.

PARTICIPANT(S)

(b)(6), (b)(7)(C) rk to Circuit Justice London, UK
Field Intelligence Officer, UK Immigration and
Metropolitan Police Joint Intelligence Unit, London, UK

DISTRIBUTION

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INFO: EUNA/EADLANT

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

//23/PE//

REPORT OF INVESTIGATION (ACTION)

22FEB07

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)

- V/ALI, ABDUL HAMEED HUSIN/CIV
F/W/FNIZ/N//01JUL29/HADITHA AL ANBAR CITY, IRAQ
- V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA AL ANBAR CITY, IRAQ
- V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA AL ANBAR CITY, IRAQ
- V/HAMEED, ABDULLAH WALEED ABDUL /CIV
M/W/FNIZ/N//06AUG01/HADITHA AL ANBAR CITY, IRAQ
- V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
- V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
- V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
- V/RASIF, YUNIS SALAM/CIV
M/W/FNIZ/N//01JAN62/HADITHA AL ANBAR CITY, IRAQ
- V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA AL ANBAR CITY, IRAQ
- V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA AL ANBAR CITY, IRAQ
- V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA AL ANBAR CITY, IRAQ
- V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA AL ANBAR CITY, IRAQ
- V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA AL ANBAR CITY, IRAQ
- V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA AL ANBAR CITY, IRAQ
- V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA AL ANBAR CITY, IRAQ
- V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA AL ANBAR CITY, IRAQ
- V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA AL ANBAR CITY, IRAQ
- V/AHMED, MARWAN AIAD/CIV

CASE CONTROL: 24/25/07 MAIL: 2/23/07
 TRANSMIT: 2/23/07 FAX: NA

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN78/HADITHA AL ANBAR CITY, IRAQ
V/AHMED, KAHTAN AIAD/CIV
M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
V/ALZAWI, KALED AIDA/CIV

M/W/FNIZ/N//01JAN85/HADITHA AL ANBAR CITY, IRAQ
V/ALZAWI, WAGDI AIDA/CIV

M/W/FNIZ/N//01JAN79/HADITHA AL ANBAR CITY, IRAQ
V/FLAEH, AKRAM HAMID/CIV

M/W/FNIZ/S//HADITHA AN ALBAR CITY, IRAQ
V/AHMED, MOHMED TABAL/CIV

M/W/FNIZ/N//01JAN84/HADITHA AL ANBAR CITY, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV

M/W/FNIZ/N//01JAN76/HADITHA AL ANBAR CITY, IRAQ

COMMAND/I MEF/11931

MADE AT/MWPE/CAMP PENDLETON CA (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S)

(A) NCISFO Marine Corps West ROI (ACTION)/23Oct06

EXHIBIT(S)

- (1) IA: Results of Preliminary Examination of Firearms/11Jan07... (Orig 0023B only)
- (2) IA: Seizure of (b)(6), (b)(7)(C)'s Personal Logbooks/24Jan07... (Orig 0023B only)
- (3) IA: Review of (b)(6), (b)(7)(C) Personal Logbooks/21Feb07... (Orig 0023B only)
- (4) IA: Results of Interview of (b)(6), (b)(7)(C) USMC/10Feb07... (Orig 0023B only)

NARRATIVE

1. Subsequent to the submission of Reference (A), additional investigative effort has been completed by agents at NCISFO Marine Corps West Field Office, Camp Pendleton, CA (CPC) in support of this investigation.

2. Between 20Dec06 and 05Jan07, preliminary examinations of firearms seized during this investigation were conducted by Participating Agent (PA) (b)(6), (b)(7)(C) for the presence of trace amounts of blood or other biological material. All stains, which were found on the weapons, were photographed and subsequently swabbed for possible future analysis; Exhibit (1) pertains.

3. On 17Jan07, PAs (b)(6), (b)(7)(C) seized two logbooks from (b)(6), (b)(7)(C) USMC, WPNS Co, 3rd Battalion, 1st Marine Regiment (3/1), CPC. According to (b)(6), (b)(7)(C) the logbooks contained his personal notes and writings relative to this investigation; Exhibit (2) pertains. Prior to the seizure of these logbooks, (b)(6), (b)(7)(C) marked several pages, where he indicated entries, which were associated with the events of 19Nov05. On 20Feb07, the logbooks were reviewed for content and photocopies were

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made of the pages previously marked by (b)(6), (b)(7)(C) Further review of the remaining pages of the logbooks did not surface any additional information pertinent to this investigation; Exhibit (3) pertains.

4. On 08Feb07, (b)(6), (b)(7)(C) USMC, Marine Medium Helicopter Squadron 164 (HMMT 164), 3rd Marine Aircraft Wing (3rd MAW), CPC provided a list of Marine pilots, who provided air support to Marines in Haditha, Iraq on 19Nov05. (b)(6), (b)(7)(C) related that the pilots were concerned that they had not been interviewed regarding this investigation. (b)(6), (b)(7)(C) stated he did not know what time during that day the pilots were called in to support the Marines. (b)(6), (b)(7)(C) was not aware, however, that the events, which took place subsequent to the IED explosion on Routes Chestnut and Viper, were separate from the events, which took place in the southern part of the city later that day; Exhibit (4) pertains.

PARTICIPANT(S)

- (b)(6), (b)(7)(C) Special Agent, Southwest Field Office, San Diego, CA
- (b)(6), (b)(7)(C) Special Agent, Marine Corps West Field Office, CPC
- (b)(6), (b)(7)(C) Forensic Consultant, Marine Corps West Field Office, CPC

DISTRIBUTION

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INFO: MWFO

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09FEB07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

(b)(6), (b)(7)(C)

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE(S) (S)

- (A) NCISHQ Washington DC ROI (ACTION)/01Dec06
- (B) NCISRU London, UK ROI/15Dec06
- (C) NCISRU London, UK ROI/12Jan07

NARRATIVE

1. Lead tasking pursuant to Reference (A) remains pending. NCISRU London, UK has obtained approval through the U.S. Embassy London, Department of Justice Representative, to conduct the interview of (b)(6), (b)(7)(C). UK Immigration officials will participate as host nation representative and to assist in assuaging (b)(6), (b)(7)(C) concerns over asylum and immigration. Thus far no response has been received from (b)(6), (b)(7)(C) to electronic mail requests for the interview. Law enforcement officials in the Manchester area have been contacted to assist in locating (b)(6), (b)(7)(C).

PARTICIPANT

(b)(6), (b)(7)(C) Clerk to Circuit Justice (b)(6), (b)(7)(C) London, UK

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INFO: EUNA/EADLANT

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(b)(6), (b)(7)(C) V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

06FEB07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA

COMMAND/I MEF/11931

MADE AT/SDTC/SAN DIEGO CA (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) NCISTSD San Diego, CA ROI (ACTION)/15DEC06

NARRATIVE

1. Since submission of Reference (A), no additional technical investigative support has been provided in captioned investigation. Completion of final equipment installation remains in abeyance to safeguard and preclude unauthorized use of equipment. On 06FEB07, (b)(6), (b)(7)(C) NCISFO Camp Pendleton, CA was contacted regarding the installed equipment. (b)(6), (b)(7)(C) stated that there will be no change in status of the installed equipment at this time.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

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ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

22JAN07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N///HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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SUBJ:

(b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV

M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV

M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV

M/W/FNIZ/S//HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV

M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)
- (H) NCISHQ Washington DC ROI (INTERIM)/03Jan07 (Contains Exhibits 525-528)

EXHIBITS

- (529) Regional Computer Forensics Lab San Diego Examination Report/05-08May06...(Orig 0023/Copy MWPE)
- (530) Regional Computer Forensics Lab San Diego Examination Report/26Jun06...(Orig 0023/Copy MWPE)
- (531) IA: Attempts to Meet With (b)(6), (b)(7)(C) Nov06...(Orig 0023/Copy MWPE)
- (532) IA: Contact With UK Immigration/15Dec06...(Orig 0023/Copy MWPE)
- (533) IA: Translation of Iraqi Ministry of Health Report/18Dec06...(Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly

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SUBJ: (b)(6), (b)(7)(C)

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ollowed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) JSMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(H), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and

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SUBJ: (b)(6), (b)(7)(C)

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Interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a [] vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding (b)(7)(F)

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by (b)(6), (b)(7)(C) USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from (b)(6), (b)(7)(C) that SAF was observed coming from the vicinity of a nearby home (house #1), (b)(6), (b)(7)(C) instructed a fire team to "take the house." First, (b)(6), (b)(7)(C) fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of (b)(6), (b)(7)(C) conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. (b)(6), (b)(7)(C) conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. (b)(6), (b)(7)(C) then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. (b)(6), (b)(7)(C) recalled the fire team later returned to house #1 with (b)(6), (b)(7)(C) who reportedly cleared a room by firing his 9mm pistol into it. Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C) Shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2.

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

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SUBJ: (b)(6), (b)(7)(C)

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. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submissions of References (A)-(H), investigative efforts have included receipt of Regional Computer Forensic Lab (RCFL) San Diego reports, contact with the United Kingdom Immigration National Intelligence Unit regarding a potential Iraqi witness that resides in the United Kingdom, and translation of an Iraqi Health Report authored by the Iraqi Ministry of Health.

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**NARRATIVE**

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines receipt of investigative documents and recent investigative actions.

2. On 05May06, SA (b)(6), (b)(7)(C) NCIS Pacific Cyber Division, met with (b)(6), (b)(7)(C) civilian, and obtained an image of (b)(6), (b)(7)(C) computer for forensic analysis. As previously reported in Reference (B), (b)(6), (b)(7)(C) advised he had received photographic images of dead bodies from his friend, (b)(6), (b)(7)(C) USMC. Subsequently, (b)(6), (b)(7)(C) signed a Search Computer Equipment/Electronic Data form and provided consent for the imaging and search of his computer. Exhibit (529) pertains.

3. On 26Jun06, SA [] processed electronic mail (e-mail) data obtained from [] USMC, hotmail account which was related to the events that occurred in Haditha, Iraq on 19Nov05. SA [] found e-mails from media reporters, articles on the Haditha incident, and a Kilo Company holiday newsletter. SA [] documented the results of the examination in a Regional Computer Forensics Lab Examination Report. Exhibit (530) pertains.

4. During the course of Reference (F), on 29Oct06, (b)(6), (b)(7)(C) civilian, a Fellow of the New America Foundation, Washington, DC, contacted, via e-mail, the Office of Communication, NCISHQ, Washington, DC, to report he had an Iraqi friend who was in possession of "evidence" that the United States does not have relative to the "Haditha incident." Through a series of e-mail dialogues/messages covering an approximately 4-week period, (b)(6), (b)(7)(C) introduced NCIS Division Chief [] to his friend, (b)(6), (b)(7)(C) civilian, who claimed he possessed information regarding the Haditha incident such as [] reportedly sought to exchange such information for political asylum. Although several attempts were made to contact [] and arrange an interview, (b)(6), (b)(7)(C) advised he was living in the United Kingdom under a student visa and could not risk his life to assist NCIS with the investigation. As of 28Nov06, [] has not responded to NCIS inquiries and attempts to meet him. On 12Dec06, NCIS met with [] a representative of the United Kingdom Immigration National Intelligence Unit. [] confirmed []'s status as a free lance journalist from Iraq currently studying in the United Kingdom on a student visa. Exhibits (531) - (532) pertain.

5. As reported in Reference (E), Exhibit (469), NCIS received documents and a compact disc that LTCOL [] Chief, Operational Law Unit, MNF-I, had obtained from [] the Iraqi Minister of Human Rights (IMH). The documents consisted of an IMH report written in Arabic and copy of IMH report translated in English. For verification purposes, NCIS had [] an Arabic linguist with the Department of Defense Counterintelligence Field Activity (CIFA), review both reports and authenticate the English

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SUBJ: (b)(6), (b)(7)(C)

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translation. (b)(6), (b)(7)(C) advised the translation of the IMH report is accurate in detail. Exhibit (533) pertains.

6. Attempts to locate and interview (b)(6), (b)(7)(C) through the American Embassy in London continue. Efforts to obtain permission for exhumation of the victims' remains are being led by MNF-I. This investigation is pending review for prosecutorial merit and potential adjudication. Command has been fully briefed regarding the status of this investigation.

PARTICIPANTS

(b)(6), (b)(7)(C) Special Agent, Computer Forensic Examiner, Pacific Cyber Division, San Diego, CA

(b)(6), (b)(7)(C) Special Agent, NCISRU London, United Kingdom
Special Agent, NCISHQ Washington, DC
Linguist, DOD CIFA, Crystal City, VA
Division Chief, Violent Crimes Division, NCISHQ
Washington, DC

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL (b)(6), (b)(7)(C) USMC, SJA, Marine Corps
Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) USMC, Legal
Liaison Officer, I MEF (H)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

12JAN07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)
...

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCE

(A) NCISHQ Washington DC ROI (ACTION)/01Dec06

NARRATIVE

1. Pursuant to Reference (A), UK Immigration and Naturalization was contacted regarding witness (b)(6), (b)(7)(C) has been determined to be an Iraqi national residing in the UK under a student visa. (b)(6), (b)(7)(C) has authority to remain in the UK until Jan08. A request to interview (b)(6), (b)(7)(C) has been forwarded to the UK authorities through the U.S. Embassy (b)(6), (b)(7)(C) London, UK. To date no response has been received but an offer of expeditious handling was extended. UK Immigration official has agreed to participate with NCIS during the interview. Lead remains pending.

PARTICIPANT(S)

(b)(6), (b)(7)(C) Special Agent, NCISRU London, UK

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INFO: EUNA/EADLANT

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(b)(6), (b)(7)(C) V2 LNY

...

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

03JAN07

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S//HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-105)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)
- (G) NCISHQ Washington DC ROI (INTERIM)/16Nov06 (Contains Exhibits 516-524)

EXHIBITS

- (525) IA: Results of Contact with 3RD MAW Communications Section/23May06... (Orig 0023/Copy MWPE)
- (526) IA: Attempted Re-Interview of (b)(6), (b)(7)(C) USMC/20Oct06... (Orig 0023/Copy MWPE)
- (527) IA: Hand Drawn Map Marked By (b)(6), (b)(7)(C) Indicating His Movements on 19Nov05 in Haditha, IZ/18-19Oct06... (Orig 0023/Copy MWPE)
- (528) Statement of (b)(6), (b)(7)(C) 25Oct06... (Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F)

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

friendly wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C), USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(G), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

a. IED BLAST: On 19Nov05 between 0700 and 0716, a vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, [] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [] recalled the fire team later returned to house #1 with [] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [] advised he entered a room after [] Shortly thereafter, both he and [] shot approximately four (4) people, none of which were standing. [] explained he shot these individuals because [] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [] is consistent with the accounts of both [] and an Iraqi woman [] who survived the clearing/attack of house #1. [] stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submission of References (A)-(G), investigative efforts have included receipt of reports regarding the re-interviews of 3/1 Marines.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines the re-interviews of Marines.

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SUBJ: (b)(6), (b)(7)(C)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

numbering of exhibits as noted above.

7. All significant investigative activity has been completed. Efforts to obtain permission for exhumation of the victims' remains are being led by MNF-I. This investigation is pending review for prosecutorial merit and potential adjudication. Command has been fully briefed regarding the status of this investigation.

PARTICIPANTS

- (b)(6), (b)(7)(C) Special Agent, NCIS Al Asad, Iraq
- al Agent NCISFO Hawaii
- cial Agent NCISFO Hawaii
- Agent NCISFO Marine Corps West, Camp Pendleton, CA
- Special Agent, NCISFO Marine Corps West, Camp Pendleton, CA
- (b)(6), (b)(7)(C) Special Agent, NCIS Marine Corps West, Camp Pendleton, CA
- (b)(6), (b)(7)(C) Special Agent, NCIS Marine Corps West, Camp Pendleton, CA
- (b)(6), (b)(7)(C) Division Chief, Violent Crimes Division, NCISHQ Washington, DC

DISTRIBUTION:

NCISHQ (DSI): 0023

INFO: MWPE (H)/LTCOL (b)(6), (b)(7)(C) USMC, SJA, Marine Corps Forces Central Command (H)/LTCOL (b)(6), (b)(7)(C) SMC, Legal Liaison Officer, I MEF (H)



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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

15DEC06

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA

(b)(6), (b)(7)(C)
...

COMMAND/I MEF/11931

MADE AT/SDTC/SAN DIEGO CA, (b)(6), (b)(7)(C) TECH ENFORCEMENT OFFICER

REFERENCE(S) (S)

(A) NCISTSD San Diego, CA ROI (ACTION)/14NOV06

NARRATIVE

1. Since submission of Reference (A), no additional technical investigative support has been provided in captioned investigation. Pending oral/wire intercept authority, final installation has been held in abeyance to safeguard and preclude unauthorized use of equipment.

ACTION

0023B: Provided for status. Lead tasking remains pending oral/wire intercept authority for completion of installation and operational turnover to MWPE for monitoring.

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ACTION: 0023B

INFO: MEBJ/MWPE/24B1

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

15DEC06

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)
...

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/EULN/LONDON UK (b)(6), (b)(7)(C) SPECIAL AGENT
...

REFERENCE

(A) NCISHQ Washington DC ROI (ACTION)/01DEC06

EXHIBIT(S)

(1) IA: Contact with UK Immigration/12DEC06...(Original 0023/Copy EUNA)

NARRATIVE

1. As requested via Reference (A), UK Immigration was contacted regarding (b)(6), (b)(7)(C) is an Iraqi national currently in the UK with a student visa. Although his student visa expires in DEC06, he has extant to leave status until 01JAN08 which means he can legally remain in the UK until then. Exhibit (1) provides details.

2. EULN is coordinating attempts to locate and interview (b)(6), (b)(7)(C) through the Legal Attach=E9, American Embassy, London. Lead coverage continues.

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INFO: EUNA (M)/EADLANT

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

01DEC06

DEATH (II)

CONTROL: 13MAR06-MEBJ-0164-7HMA/T

(b)(6), (b)(7)(C)

...

V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, ASMAA SALMAN/CIV
F/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, YUNIS SALIM/CIV
M/W/FNIZ/N//01JAN62/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, AIDA YASIN/CIV
F/W/FNIZ/N//01MAR65/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, MOHMED YUNIS/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/RASIF, NOOR SALIM/CIV
F/W/FNIZ/N//01JAN92/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, SEBEA YUNIS/CIV
F/W/FNIZ/N//03APR95/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, ZAINAB UNES/CIV
F/W/FNIZ/N//17JUN00/HADITHA, AL ANBAR PROVINCE, IRAQ
V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, HUDA YASIN/CIV
F/W/FNIZ/N//01JAN66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JAMAL AIAD/CIV
M/W/FNIZ/N//16JUL66/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, JASIB AIAD/CIV
M/W/FNIZ/N//01JAN77/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MARWAN AIAD/CIV
M/W/FNIZ/N//01JAN78/HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, KAHTAN AIAD/CIV

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FOR OFFICIAL USE ONLY M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ

V/ALZAWI, KALED AIDA/CIV
M/W/FNIZ/N//01JAN85/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALZAWI, WAGDI AIDA/CIV
M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
M/W/FNIZ/S///HADITHA, AL ANBAR PROVINCE, IRAQ
V/AHMED, MOHMED TABAL/CIV
M/W/FNIZ/N//01JAN84/HADITHA, AL ANBAR PROVINCE, IRAQ
V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/WASHINGTON DC/(b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

- (A) NCISHQ Washington DC ROI (INTERIM)/12Apr06 (Contains Exhibits 1-57)
- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-107)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
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- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)

EXHIBITS

- (1) IA: Attempts to Meet with (b)(6), (b)(7)(C) /NOV06...(Copy EULN)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF) members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital

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morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol through MNF-W and MNC-I.

6. As reported under References (A)-(F), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a (b)(7)(F) vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding (b)(7)(F)

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and

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according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by [redacted] USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from [redacted] that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First [redacted] fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of [redacted] conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. [redacted] conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. [redacted] then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. [redacted] recalled the fire team later returned to house #1 with [redacted] who reportedly cleared a room by firing his 9mm pistol into it. Additionally, [redacted] advised he entered a room after [redacted] Shortly thereafter, both he and [redacted] shot approximately four (4) people, none of which were standing. [redacted] explained he shot these individuals because [redacted] shot them first and believed the entire house was "hostile." The re-entry of house #1 reported by [redacted] is consistent with the accounts of both [redacted] and an Iraqi woman [redacted] who survived the clearing/attack of house #1. [redacted] stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by [redacted] who was reportedly told by [redacted] to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. [redacted] reported hearing firing into a room and responded by joining him. Upon entering the room, [redacted] stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, [redacted] stated he began

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shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as "a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945 (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and ... proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4. According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines.

g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three

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(3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a Battle Damage Assessment (BDA). LCPLs (b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submission of References (A)-(F), investigative efforts have included receipt of reports for electronic media seized from witnesses, re-interviews of 3/1 Marines, and receipt of the Bureau of Alcohol Tobacco and Firearm's (ATF) report on their analysis of the fire damage in house #1.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ).

2. During the course of Reference (F), on 29Oct06, (b)(6), (b)(7)(C) Civilian, a Fellow of the New America Foundation, Washington, DC, contacted, via electronic mail (e-mail), the Office of Communication, NCISHQ, Washington, DC, to report he had an Iraqi friend who was in possession of "evidence" that the United States does not have relative to the "Haditha incident." Through a series of e-mail dialogues/messages covering an approximately 4-week period, (b)(6), (b)(6), (b)(7)(C) (b)(7)(C) Civilian, who claimed he possesses:

(b)(7)(F)

...

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(b)(7)(F)
...
[Redacted]

He is very concerned for his safety and is willing to exchange the information he possesses for political asylum.

3. In (b)(6), (b)(7)(C) e-mail messages to RA, he disclosed the following personal information:

(b)(7)(F)
...
[Redacted]

3. RA attempted to arrange a "face to face" meeting with (b)(6), (b)(7)(C) in the UK, but was unsuccessful. (b)(6), (b)(7)(C) declined to meet with (b)(6), (b)(7)(C) stating he was a target of Iraqi militia groups and did not want to risk his life to help the case (Haditha investigation). He stated there were many reasons to get killed and he did not want to add another reason. (b)(6), (b)(7)(C) advised he would be back in Iraq in January (2007) and he will try his best to stay alive. Details regarding RA's e-mail dialogues with (b)(6), (b)(7)(C) are contained in exhibit (1). Additionally, background information on (b)(6), (b)(7)(C) is reported in exhibit (1).
...

4. Criminal history indices and Fusion Data Base (Terrorist/Insurgent) inquiries were conducted on (b)(6), (b)(7)(C) in the United States, United Kingdom and Iraq, and produced negative results. An "Internet" search of the name (b)(6), (b)(7)(C) found news articles (mostly for TIME magazine) that contained his byline (unconfirmed without further identifying data).

5. A NCISHQ Cyber Department search of (b)(6), (b)(7)(C) e-mail addresses

(b)(6), (b)(7)(C)
...
[Redacted]

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revealed the Internet Protocol (IP) addresses resolve to the United Kingdom.

ACTION

R.EULN: Utilizing exhibit (1), attempt to accomplish below lead taskings:

Please check with UK/British Government law enforcement counterparts/contacts (i.e., Customs-Immigration, Criminal Investigations, Counterintelligence, Counterterrorism agencies, etc.) and determine if (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) is in fact an Iraqi or Middle Eastern citizen currently residing and attending school in the UK on a student visa.

With current terrorism alerts in the UK, is (b)(6), (b)(7)(C) (or his AKAs) being looked at as a possible terrorist, insurgent or sympathizer of Jihad or Al Qaeda?

If (b)(6), (b)(7)(C) is in fact in the UK, is he a student attempting to complete a master's degree in computer science?

(b)(6), (b)(7)(C) claimed he is [] years old and has been in UK, for "two months and a year." Is this in fact true?

Obtain as much identifying data on [] His e-mail addresses indicate he may use several AKA's:

Based on information from Agents who have deployed to the Middle East, most Middle Eastern names have three entries...First Name, Family Name & Tribal Name. It appears [] last name may be [] but unconfirmed. It is not know if [] is a tribal name. If possible obtain full name and conduct appropriate history checks.

6. If available, obtain a photograph of []
7. If available, obtain [] s rolled fingerprints from British counterparts. These fingerprints can be compared with Biometric data base.
8. If [] is on a student visa in the UK, does it expire at the end of the year?
9. NCISHQ has conducted "fusion" data base check (for terrorists/insurgents/insurgency history) on [] with MTAC, CT, and Iraq (Baghdad & Fallujah) and obtained negative results. Please conduct UK "fusion" and criminal history checks on Meitham and his AKA's.
10. Please conduct any other inquiries you deem appropriate.
11. If able to locate [] attempt to conduct interview on the issues he disclosed above and in exhibit (1). Be systematic in your interview starting with IED blast site, Taxi Cab site, House #1, House #2, Observation Post, House #3, House #4, Witness Interviews, Hospital Records, Hospital Morgue, Autopsy Reports, Medical Staff Interviews, etc.

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12. If is willing to relinquish his "evidence": Recover any audio/video/documentary evidence he may possess regarding the Haditha investigation.

If you have any questions, please contact RA at: Office: (202) 433-
/ Cellular Phone:

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NCISHQ (DSI): 0023

ACTION: EULN (M) Attn: SA's

INFO: EUFO/MWPE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

16NOV06

DEATH (II)

CONTROL: 13MAR06-MEJ-0164-7HMA/T

(b)(6), (b)(7)(C)



V/ALI, ABDUL HAMEED HUSIN/CIV
M/W/FNIZ/N//01JUL29/HADITHA, AL ANBAR PROVINCE, IRAQ
V/ALI, KHAMISA TUEMA/CIV
F/W/FNIZ/N//01JAN39/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, WALEED ABDALHAMID/CIV
M/W/FNIZ/N//01JAN68/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HAMEED, ABDULLAH WALEED ABDUL/CIV
M/W/FNIZ/N//06AUG01/HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, GUHID ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
V/HASAN, RASHEED ABDALHAMID/CIV
M/W/FNIZ/N//HADITHA, AL ANBAR PROVINCE, IRAQ
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V/SALIM, AISHA UNES/CIV
F/W/FNIZ/N//19MAR02/HADITHA, AL ANBAR PROVINCE, IRAQ
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V/AHMED, JAMAL AIAD/CIV
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V/AHMED, JASIB AIAD/CIV
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V/AHMED, KAHTAN AIAD/CIV

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SUBJ: (b)(6), (b)(7)(C)

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V/ALZAWI, KALED AIDA/CIV
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M/W/FNIZ/N//01JAN79/HADITHA, AL ANBAR PROVINCE, IRAQ
V/FLAEH, AKRAM HAMID/CIV
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V/MUSLEH, AHMED KHUTAR/CIV
M/W/FNIZ/N//01JAN76/HADITHA, AL ANBAR PROVINCE, IRAQ

COMMAND/I MEF, CAMP PENDLETON, CA/11931

MADE AT/0023/NCISHQ WASHINGTON DC (b)(6), (b)(7)(C) SPECIAL AGENT

REFERENCES

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- (B) NCISHQ Washington DC ROI (INTERIM)/05Jun06 (Contains Exhibits 58-107)
- (C) NCISHQ Washington DC ROI (INTERIM)/20Jun06 (Contains Exhibits 108-227)
- (D) NCISHQ Washington DC ROI (INTERIM)/03Aug06 (Contains Exhibits 228-380)
- (E) NCISHQ Washington DC ROI (INTERIM)/12Sep06 (Contains Exhibits 381-491)
- (F) NCISHQ Washington DC ROI (INTERIM)/09Nov06 (Contains Exhibits 492-515)

EXHIBITS

- (516) IA: Results of Forensic Reconstruction and Pathology Consultation - Roadside/16Oct06... (Orig 0023/Copy MWPE)
- (517) IA: Results of Forensic Reconstruction and Pathology Consultation - House #1/16Oct06... (Orig 0023/Copy MWPE)
- (518) IA: Results of Forensic Reconstruction and Pathology Consultation - House #2/16Oct06... (Orig 0023/Copy MWPE)
- (519) IA: Results of Forensic Reconstruction and Pathology Consultation - House #4/16Oct06... (Orig 0023/Copy MWPE)
- (520) IA: Results of Forensic Analysis, Roadside/15Nov06... (Orig 0023/Copy MWPE)
- (521) IA: Results of Forensic Analysis, House #1/15Nov06... (Orig 0023/Copy MWPE)
- (522) IA: Results of Forensic Analysis, House #2/15Nov06... (Orig 0023/Copy MWPE)
- (523) IA: Results of Forensic Analysis, House #4/15Nov06... (Orig 0023/Copy MWPE)
- (524) IA: Receipt of Original USACIL Reports/16Nov06... (Orig 0023/Copy MWPE)

EXECUTIVE SUMMARY

1. On 19Nov05 at approximately 0716, 1st Squad, 3rd Platoon, Kilo Company, 3rd Battalion (3DBN), 1st Marine Division (MARDIV), I Marine Expeditionary Force (MEF) (3/1), and four Iraqi Security Forces (ISF)

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members were traveling in a convoy on Route "Chestnut" in Haditha, Al Anbar Province, Iraq, when they received a complex attack (i.e., an attack wherein the enemy strikes in more than one manner). Specifically, the fourth High Mobility Multi-Wheel Vehicle (HMMWV) was struck by an improvised explosive device (IED) reportedly followed by small arms fire (SAF) from the south. The complex attack resulted in one (1) friendly killed in action (FKIA) and (b)(7)(F) friendlies wounded in action (FWIA). The Marines in the convoy immediately responded to the explosion by dismounting their vehicles, attending to the injured, and securing the perimeter. According to the Marines involved, they received SAF after the explosion. Consequently, they broke into fire teams, searched/cleared homes in the area, and identified detainees. Over a period of several hours, (b)(6), (b)(7)(C) and co-subjects' actions resulted in the deaths of twenty-four (24) Iraqi civilians and two (2) injured Iraqi children. In the evening hours of 19Nov05, Marines from 3/1 conducted a battle damage assessment (BDA) and transported the dead to the Haditha hospital morgue.

2. On 20Nov05, the 2d Marine Division issued a press release that reported the attack on 19Nov05 as resulting in the deaths of one (1) Marine, fifteen (15) Iraqi civilians, and eight (8) insurgents. On 10Feb06, a TIME magazine reporter contacted the Multi-National Corps-Iraq (MNC-I) regarding information he received from a Sunni-based group that alleged Marines from 3/1 wrongfully killed twenty-four (24) Iraqi civilians on 19Nov05. The Sunni group supported the allegation with video footage that contained images of the dead at the Haditha hospital morgue before the bodies were released to family members on 20Nov05.

3. On 14Feb06, Lieutenant General (b)(6), (b)(7)(C) USA, MNC-I directed a U.S. Army administrative inquiry (AR 15-6) and appointed COL (b)(6), (b)(7)(C) USA, as the Investigating Officer (IO). On 03Mar06, COL (b)(6), (b)(7)(C) submitted the results of the investigation, revealing that as a result of the 19Nov05 incident, Iraqi civilians (men, women, and children) were killed. MNC-I in turn recommended further investigation by the Army's Criminal Investigation Division (CID) or the Naval Criminal Investigative Service (NCIS).

4. On 12Mar06, Major General (b)(6), (b)(7)(C) USMC, Commanding General, I MEF (Forward) and MNF-W, requested NCIS conduct a criminal investigation regarding the Iraqi civilians killed by Kilo Company Marines of 3/1 on 19Nov05. On 13Mar06, NCIS initiated the investigation and a team of agents traveled to the Forward Operating Base (FOB) Haditha Dam, Iraq.

5. On 17Mar06, Multi-National Force-Iraq (MNF-I) issued a press release announcing there would be a second AR 15-6 investigation regarding potential misconduct by the Marines after the IED attack in Haditha. On 19Mar06, Lieutenant General (b)(6), (b)(7)(C) appointed Major General (b)(6), (b)(7)(C) USA, as the IO for the second AR 15-6 investigation. Emphasis was to be on the training and preparation of the Marines prior to engagement and the reporting of information concerning 19Nov05 at all levels of the chain-of-command from patrol

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through MNF-W and MNC-I.

6. As reported under References (A)-(F), initial investigative efforts included a preliminary death scene examination; interviews, interrogations, re-interrogations of several 3/1 Marines; and interviews of numerous Iraqi witnesses. The results of the foregoing investigative efforts are as follows:

a. IED BLAST: On 19Nov05 between 0700 and 0716, a (b)(7)(F) vehicle convoy of Kilo Company, 3/1, was ambushed in Haditha, Iraq, in a coordinated attack involving an IED and reported SAF while traveling with ISF personnel, killing one (1) Marine and wounding

b. TAXI (5 killed): Moments before the attack, the lead vehicle in the convoy motioned an approaching taxi to the side of the road. When the IED detonated soon thereafter, the Marines dismounted, prepared a defensive position, and began to render aid to the wounded. The taxi's five (5) occupants exited the vehicle and according to U.S. and Iraqi witnesses, were shot by (b)(6), (b)(7)(C) as they stood, unarmed, next to the vehicle approximately ten (10) feet in front of him. (b)(6), (b)(7)(C) later told (b)(6), (b)(7)(C) who witnessed the shooting, to say, if questioned, that the Iraqis had attempted to flee and were shot by ISF personnel. (b)(6), (b)(7)(C) admits to shooting the five (5) bodies on the ground after (b)(6), (b)(7)(C) initially shot them. (b)(6), (b)(7)(C) advised (b)(6), (b)(7)(C) also walked over to the bodies and shot the five (5) Iraqi males again, while standing within a foot of them.

c. HOUSE #1 (6 killed): A quick reaction force (QRF), led by (b)(6), (b)(7)(C) USMC, arrived at the IED blast site within fifteen (15) minutes (between approximately 0715 - 0730). The QRF attended to the casualties and prepared to remove them from the scene. After receiving a report from (b)(6), (b)(7)(C) that SAF was observed coming from the vicinity of a nearby home (house #1), instructed a fire team to "take the house." First, (b)(6), (b)(7)(C) fired rounds with a M203 grenade launcher toward house #1. Then a fire team consisting of (b)(6), (b)(7)(C) conducted a forced entry into house #1. All members of the fire team reported they were not receiving SAF upon their approach to house #1. (b)(6), (b)(7)(C) conducted a forced entry into house #1 and shot and killed an unarmed Iraqi adult female in the hallway. Certain members of the fire team reported hearing the sound of an AK-47 "racking" and two (2) fragmentation grenades were thrown into a room on the left, but only one (1) exploded. (b)(6), (b)(7)(C) then cleared a room on the right of the hallway, killing an unarmed Iraqi male adult. At that time, an unidentified Marine reportedly yelled that there was someone running from the house. This caused the fire team to cease the clearing operation and immediately exit house #1 toward house #2. (b)(6), (b)(7)(C) recalled the fire team later returned to house #1 with (b)(6), (b)(7)(C) who reportedly cleared a room by firing his 9mm pistol into it. Additionally, (b)(6), (b)(7)(C) advised he entered a room after (b)(6), (b)(7)(C) Shortly thereafter, both he and (b)(6), (b)(7)(C) shot approximately four (4) people, none of which were standing. (b)(6), (b)(7)(C) explained he shot these individuals because (b)(6), (b)(7)(C) shot them first and believed the

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entire house was "hostile." The re-entry of house #1 reported by (b)(6), (b)(7)(C) is consistent with the accounts of both (b)(6), (b)(7)(C) and an (b)(6), (b)(7)(C) Iraqi woman (b)(6), (b)(7)(C) who survived the clearing/attack of house #1. (b)(6), (b)(7)(C) stated she fled the house in the brief period when the Marines initially departed toward house #2. A total of six (6) Iraqis were killed in house #1, including two (2) women and one (1) child. No weapons were found.

d. HOUSE #2 (8 killed): Prior to entering house #2, an unarmed Iraqi adult male was observed standing inside the front door of the house facing out. This individual was shot and killed by (b)(6), (b)(7)(C) who was reportedly told by (b)(6), (b)(7)(C) to treat the house as "hostile." Upon entering the house, the fire team used three (3) fragmentation grenades in two (2) unoccupied rooms but according to statements, only two (2) of those exploded. (b)(6), (b)(7)(C) reported hearing (b)(6), (b)(7)(C) firing into a room and responded by joining him. Upon entering the room, (b)(6), (b)(7)(C) stated he observed a body in the doorway, and then positively identified an unarmed woman and children on or around the bed before shooting. Similar to house #1, (b)(6), (b)(7)(C) stated he began shooting because (b)(6), (b)(7)(C) had already engaged the individuals with gunfire and he felt this meant there was a threat. A total of eight (8) Iraqi civilians, including five (5) children, were killed. No weapons were recovered in house #2.

e. OBSERVATION POST (1 killed): After houses #1 and #2 were cleared, the fire team cleared two (2) additional unoccupied homes in the area before moving to the observation post (OP) site. The OP was established around 0830. Some members of the fire team posted themselves on the rooftop of the OP. At approximately 0845, Marines manning the OP reportedly observed an unarmed Iraqi male running on a ridgeline in the vicinity of house #1. (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) fired shot(s), killing the individual (later identified as a household member of house #1). Some time later, the OP observed one (1) or two (2) unidentified Iraqi males looking at them from another nearby house, hereafter referred to as house #4. At approximately 0945, (b)(6), (b)(7)(C) decided to approach the house and investigate.

f. HOUSE #3 (0 killed): The events surrounding houses #3 and #4 are less clear as witness and survivor statements differ significantly from those provided by the Marines. According to Marine accounts, they approached houses #3 and #4 because they observed male(s) outside of houses #3 and/or #4 watching them while the Marines were at the OP. Prior to arriving at house #4, the Marines passed by house #3 where the Marines reportedly encountered women and children. The Marines stated they asked the women where the men were and the women directed the Marines next door to house #4. Subsequently, (b)(6), (b)(7)(C) remained at house #3 with the women while (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) proceeded to house #4. In contrast, Iraqi witness statements indicate that only a man, woman, and their fourteen year-old son occupied house #3. The Marines questioned the three (3) family members of house #3 about the IED and about the occupants of house #4. The three (3) Marines then reportedly removed the three (3) family members and escorted them to the adjacent home, house #4.

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According to Iraqi witnesses, an AK-47 was voluntarily retrieved from house #3 after the Marines questioned them while standing in front of house #4. No one was killed in house #3. According to Marines, no weapons were recovered from house #3. However, the Iraqi witnesses related one (1) AK-47 from house #3 was handed over to the Marines. g. HOUSE #4 (4 killed): (b)(6), (b)(7)(C) reported entering house #4 and encountering four (4) Iraqi males, at least one of which was armed with an AK-47. (b)(6), (b)(7)(C) killed the armed Iraqi male when he allegedly raised the weapon in the direction of (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C). Additionally, (b)(6), (b)(7)(C) reportedly shot and killed the three (3) other men with his 9mm pistol in the clearing operation. (b)(6), (b)(7)(C) subsequently shot into the four (4) bodies with his M-16 rifle. Iraqi witnesses/surviving family members from house #3 and #4 provide different accounts. The key difference surrounds the Marines' approach to house #3 and interaction with the occupants of house #4. Iraqi witnesses indicate the three (3) family members from house #3 (one (1) adult male, one (1) adult female, and one (1) teenage male) were escorted to an area in front of house #4. Shortly thereafter, the occupants of house #4 (four (4) adult males, three (3) adult females, and one (1) infant) were brought out of the house to the same area in front of house #4. The Marines reportedly separated four (4) of the adult males from the group of family members and directed them into house #4. The remaining family members were directed into house #3. Subsequently, the family members in house #3 reported hearing shots fired in house #4 and observed the Marines leaving the area. After the Marines departed, family members reported finding the four (4) adult males dead in house #4. Marine reports regarding the number of weapons recovered from house #4 vary, ranging from one (1) to three (3) AK-47s. Iraqi witness statements indicate that there was one (1) AK-47 in house #4 but said it was surrendered to the Marines after they questioned the family members in front of house #4 (at or about the same time the AK-47 from house #3 was provided to the Marines).

h. At approximately 1245, SGT (b)(6), (b)(7)(C) USMC, Human Intelligence Exploitation Team (HET) arrived at the scene with the 2nd QRF and began to collect potential intelligence, take photographs of the deceased, and interview detainees.

i. During the late afternoon, Marines were directed to document the scene and conduct what has been characterized as a BDA. LCPLs (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) USMC were instructed to mark/count and take photographs of the deceased. These photographs were later provided to Kilo Company's Combat Operations Center (COC) where an unidentified Marine reportedly downloaded them.

j. In the late evening hours, Marines removed the deceased from the five (5) different locations (Route Chestnut, house #1, ridgeline, house #2, and house #4) and loaded them into HMMWVs for transportation to the Firmbase located within Haditha, and later to the Haditha hospital morgue.

7. Since the submission of References (A)-(F), investigative efforts have included receipt of reports for the forensic reconstruction and

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analysis, and the forensic laboratory examinations pertaining to deoxyribonucleic acid (DNA) and firearms evidence.

NARRATIVE

1. This investigation pertains to potential violations of Article 118 (Murder) and Article 81 (Conspiracy) of the Uniform Code of Military Justice (UCMJ). The remainder of this report outlines the examination results for physical evidence submitted to the United States Army Criminal Investigation Laboratory (USACIL), Fort Gillem, Forest Park, GA, and provides the Forensic Reconstruction findings of the death scenes.

2. In September 2006, NCIS Forensic Consultants completed the Forensic Reconstructions of the four (4) main locations where Iraqi deaths occurred on 19Nov05. Incorporated with each of the Forensic Reconstruction reports is a Pathology Consultation completed by the Office of the Armed Forces Medical Examiner. Exhibits (516)-(519) pertain.

3. In November 2006, NCIS Forensic Consultants completed a detailed Forensic Analysis of the four (4) main locations where Iraqi deaths occurred on 19Nov05. The analysis supports the conclusions outlined in the Forensic Reconstruction efforts. Exhibits (520)-(523) pertain. Additionally, attached to Exhibit (521) is a report submitted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), Jacksonville, Florida, wherein an analysis of the fire damage in house #1 was conducted.

4. On 16Nov06, the original USACIL reports detailing the analysis of DNA and firearms evidence were provided to NCIS. Exhibit (524) pertains.

5. All significant investigative activity has been completed. Efforts to obtain permission for exhumation of the victims' remains are being led by MNF-I and are ongoing. This investigation is pending review for prosecutorial merit and potential adjudication. Command has been fully briefed regarding the status of this investigation.

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