

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: I/1FSSG CAMP PENDLETON, CA/ALLEGED EXECUTION OF IRAQI PRISONERS OF WAR
CCN: 13JUN03-SDPE-0125-7XMA

INVESTIGATIVE ACTION: RESULTS OF POLYGRAPH EXAM [REDACTED]
USMC

On 18Jun03, after executing enclosures (1) and (2), [REDACTED] USMC, was administered a polygraph examination in conjunction with this investigation. The following are the relevant questions utilized and [REDACTED] spones thereto:

- (a) Did you shoot any Iraqi EPW's?....No
- (b) Did you shoot any Iraqi EPW's while in Iraq?....No

Following chart evaluation, and prior to NCISHQ Quality Control Review, no opinion could be rendered by the examiner. During the post-test interview, [REDACTED] did not provide any explanation for the test results.

On the same date, [REDACTED] was administered a second polygraph in an attempt to resolve the no opinion results. The following are the relevant questions utilized and his responses thereto:

- (c) Did you shoot any Iraqi EPW's?....No
- (d) Did you shoot any Iraqi EPW's while in Iraq?....No

Following chart evaluation, and prior to NCISHQ Quality Control Review, in the opinion of the examiner [REDACTED] was being truthful when responding to these relevant questions.

ENCLOSURES

- (1) Military Suspect's Acknowledgement and Waiver of Rights form-[REDACTED] 18Jun03
- (2) Polygraph Examination Waiver form-[REDACTED] 18Jun03

BIOGRAPHICAL DATA

EMPLOYMENT: Combat Service Support Compan 135, Ft. Lewis

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: MCB CAMP PENDLETON, CA

OTHER: race [REDACTED] ex: male

Reported By: [REDACTED] Polygraph Examiner
Office: NCISPS MCAS MIRAMAR, CA

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3613

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

McB

Place: NCISRA CAMP PENDLETON, CA

Date : June 18, 2003 : 0926 - [redacted]

[redacted] have been advised by Special Agent [redacted] that I am suspected of false official statements and homicide. [redacted]

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I make can be used against me in a trial by court-martial or other judicial or administrative proceeding;
- (3) I have the right to consult with a lawyer prior to any questioning. This lawyer may be a civilian lawyer retained by me at no cost to the United States, a military lawyer appointed to act as my counsel at no cost to me, or both;
- (4) I have the right to have my retained lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

b7c

I understand my rights as related to me and as set forth above. With that understanding, I have decided that I do not desire to remain silent, consult with a retained or appointed lawyer, or have a lawyer present at this time. I make this decision freely and voluntarily. No threats or promises have been made to me. [redacted]

Signature

[redacted signature]

Date & Time: 20030618 0929

Witnessed:

[redacted witness signature]

POLYGRAPH EXAMINATION WAIVER

Place : NCISRA MCB CAMP PENDLETON, CA

Date : June 18, 2003, 0929- [redacted]

[redacted] have been requested by Special Agent [redacted] of the Naval Criminal Investigative Service to submit to a polygraph examination relative to my knowledge of and/or participation in: false official statements and homicide. [redacted]

With respect to that request, I have been advised that:

- (a) I have the right to consult with a lawyer prior to making any decision concerning the examination; [redacted]
- (b) the polygraph examination will only be conducted with my prior written consent; [redacted]
- (c) no adverse action will be taken against me solely on the grounds that I refuse to consent to the examination; [redacted]
- (d) the area in which the examination is to be conducted (does) (~~does not~~) contain a two-way mirror or similar device; [redacted]
- (e) the area in which the examination is to be conducted (does) (~~does not~~) contain a camera; [redacted]
- (f) the area in which the examination is to be conducted (~~does~~) (does not) contain an audio recording device and the polygraph examination may be monitored. [redacted]

b7c

With an understanding of the above conditions, I have decided that I do not desire to consult with a lawyer at this time. I freely consent to be examined by polygraph and I agree to cooperate fully with the examiner during the examination. I make these decisions freely and voluntarily, and they are made with no threats having been made or promises extended to me [redacted]

Signature : [redacted]

Date/Time : 20030618 0932

Witnessed: [redacted]

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

340922 05:24 20030620 J:23HQ #3711 OUT:CIS #30284

ACTION/LEAD SHEET (RUC)

19JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA

I/1FSSG CAMP PENDLETON, CA/ALLEGED EXECUTION OF IRAQI PRISONERS OF WAR

COMMAND/CAMP PENDLETON, CA/28300

MADE AT/23CP/NCISHQ WASHINGTON, DC/[REDACTED] SPECIAL AGENT

REFERENCE

(A) SDPE ALS/17JUN03

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CASE SUMMARY

1. Authority is granted to administer a polygraph examination as requested by Reference (A). Approval number for [REDACTED] is 2003-0330.

ACTION/LEAD

A.SPVD...Provide services of polygraph examiner.

I.DIST...For Information

DISTRIBUTION

NCISHQ: 0023

ACTION: SDVD

INFO: 0023CP/SDND/SDPE

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PAGE 1 LAST

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2616 24

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

ACTION/LEAD SHEET (OPEN)

17JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA

I/1FSSG CAMP PENDLETON, CA/ALLEGED EXECUTION OF IRAQI PRISONERS OF WAR

COMMAND/1FSSG, CAMP PENDLETON, CA/28300

MADE AT/SDPE/CAMP PENDLETON, CA/[REDACTED] SPECIAL AGENT

CASE SUMMARY

1. Investigation was initiated on 13Jun03 following notification from [REDACTED] USMCR, Combat Services Support Company 135, 1st FSSG, that on the morning of 13Jun03, he was approached by a member of his unit, [REDACTED] USMCR, [REDACTED] reported that on the previous evening (12Jun03) at a unit party, a member of the unit named [REDACTED] told several other unit members (including [REDACTED] that he and two other Marines had been ordered by his former [REDACTED] USMCR, to execute three Iraqi enemy prisoners of war (EPWs). The executions allegedly took place in early Apr03 while [REDACTED] unit was temporarily residing at an abandoned Iraqi pharmaceutical factory south of Baghdad. [REDACTED] stated that [REDACTED] threatened to kill him if he did not carry out the executions. [REDACTED] also claimed that after executing the EPWs, the bodies were disposed of in an eight foot deep hole. [REDACTED] stated after hearing [REDACTED] story, he called in the Marines who allegedly heard [REDACTED] make these statements. [REDACTED] said each of the (three) other Marines who were present confirmed hearing [REDACTED] statements, and believed they were credible. b7c

2. Following initial reporting of the incident, interviews were conducted with the five individuals present when [REDACTED] made the aforementioned statements. In addition to [REDACTED] USMCR, who initially reported the incident, the following individuals were interviewed; [REDACTED] Civilian, [REDACTED] USMCR, [REDACTED] USMCR, [REDACTED] and [REDACTED] USMCR. All of the aforementioned persons confirmed [REDACTED] version of [REDACTED] statements, exhibits (1) through (5) pertain.

3. On 13Jun03, [REDACTED] USMCR, [REDACTED] was interviewed. Following advisement of rights and signing of a waiver, [REDACTED] provided an explanation concerning his statements the previous night, exhibits (6) and (7) pertain. [REDACTED] stated that the alleged executions of EPWs never took place, and stated it was a story he made up. [REDACTED] stated he made up the story to tell his friends. [REDACTED] stated unlike his colleagues, he didn't have good stories to tell about his deployment to Iraq. [REDACTED] stated he was intoxicated, and thought up the story while at the party.

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PAGE 1

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3617 25

I/1FSSG CAMP PENDLETON, CA/ALLEGED EXECUTION OF IRAQI PRISONERS OF U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

4. Polygraph authorization is requested for [redacted] to accurately determine the validity of his version of events.

EXHIBITS

- (1) Statement of [redacted] 13Jun03... (Copy all less SDND)
- (2) Statement of [redacted] 13Jun03... (Copy all less SDND)
- (3) Statement of [redacted] 13Jun03... (Copy all less SDND)
- (4) Statement of [redacted] 13Jun03... (Copy all less SDND)
- (5) Statement of [redacted] 13Jun03... (Copy all less SDND)
- (6) Rights Waiver/[redacted] 13Jun03... (Copy all less SDND)
- (7) Statement of [redacted] 13Jun03... (Copy all less SDND)

See...
ROI (crossed)

ACTION/LEAD

- A. 0023CP...Request authorization to polygraph [redacted]
- I. SDVD.....Provided for information

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DISTRIBUTION

NCISHQ: 0023B
 ACTION: 0023CP (F)
 INFO: SDND/SDVD

CASE CONTROL

6/17/03 MAIL NA

TRANSMIT

6/17/03 FAX 6/17/03

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SUBJECT OF BASIC CASE

II/1/ESG Camp Population Classified as Hostage & Iraqi Prisoners of War

EXAMINER

**POLYGRAPH EXAMINER
NCIS**

SSN

DOB

CCN:

13Jun03-SDPE-0125-7KMA

DOSSIER

EXAMINEE:

[REDACTED] U.S.M.C

SSN:

DOB:

POLYGRAPH EXAMINATION REPORT

[Handwritten Signature]

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[Handwritten mark]

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: W1FSSG CAMP PENDLETON, CA/ALLEGED EXECUTION OF IRAQI PRISONERS OF WAR

CCN: 13JUN03-SDPE-0125-7XMA

INVESTIGATIVE ACTION: RESULTS OF POLYGRAPH EXAM [REDACTED] USMC

On 18Jun03, after executing enclosures (1) and (2), [REDACTED] USMC, was administered a polygraph examination in conjunction with this investigation. The following are the relevant questions utilized and [REDACTED] responses thereto:

- (a) Did you shoot any Iraqi EPW's?....No
- (b) Did you shoot any Iraqi EPW's while in Iraq?....No

Following chart evaluation, and prior to NCISHQ Quality Control Review, no opinion could be rendered by the examiner. During the post-test interview, [REDACTED] did not provide any explanation for the test results.

On the same date, [REDACTED] was administered a second polygraph in an attempt to resolve the no opinion results. The following are the relevant questions utilized and his responses thereto:

- (c) Did you shoot any Iraqi EPW's?....No
- (d) Did you shoot any Iraqi EPW's while in Iraq?....No

Following chart evaluation, and prior to NCISHQ Quality Control Review, in the opinion of the examiner [REDACTED] was being truthful when responding to these relevant questions.

ENCLOSURES

- (1) Military Suspect's Acknowledgement and Waiver of Rights form-[REDACTED] 18Jun03
- (2) Polygraph Examination Waiver form-[REDACTED] 18Jun03

BIOGRAPHICAL DATA

EMPLOYMENT: Combat Service Support Company 135, Ft. Lewis

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: MCB CAMP PENDLETON, CA

OTHER: race: [REDACTED] sex: male

Reported By: [REDACTED] Polygraph Examiner

Office: NCISPS MCAS MIRAMAR, CA

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3620
28

NAVAL CRIMINAL INVESTIGATIVE SERVICE
POLYGRAPH EXAMINATION TECHNICAL DATA SHEET

CN: 13JUN03-0125-7XMA

EXAMINEE:

RANK/TITLE : [REDACTED] USMC
SSN : [REDACTED]

EXCULPATORY?: N

AUTHORIZED : 06/19/2003

APPROVAL # : 2003-0330

TESTED : 06/18/2003

[REDACTED]

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SUMMARY OF EXAMINATION

Investigation was initiated after Command reported the examinee spontaneously admitted to command members that he had been ordered to execute three Iraqi enemy prisoners of war (EPW) while in Iraq. Witness interviews disclosed the following information. While the examinee was consuming alcohol with fellow command members he alleged his former [REDACTED] USMCR, ordered him to execute Iraqi EPW's. According to the examinee when he protested [REDACTED] threatened to have him executed also. The examinee explained he shot the Iraqi EPW's and buried their bodies near a pharmaceutical factory in Iraqi. During interrogation the examinee advised he had fabricated the entire incident for purposes of impressing his fellow command members. The examinee agreed to undergo a polygraph examination to confirm the veracity of his denials.

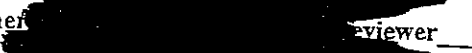
[REDACTED] addressing the single issue of shooting Iraqi EPW's was administered. Upon completion, the examiner could not render an opinion. During the post-test interview the examinee did not provide any explanation for the test results.

On the same date, [REDACTED] addressing the same issue, was administered. Upon completion, in the opinion of the examiner no deception was indicated at the relevant questions. [REDACTED] as terminated prior to completion due to distortions in pneumograph tracings. The examinee was counseled regarding controlled respiration and the in-test process was resumed. Subsequently, [REDACTED] was

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b7E
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terminated for the same reason. The examinee was counseled again regarding controlled respiration and agreed to comply with instructions. Improvement was noted in subsequent tracings.

Examiner  Reviewer _____ Date _____

HQ Reviewer  Date 009 7/2 Jul 03

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POLYGRAPH EXAMINATION QUESTION LIST

Subject: [REDACTED] Date: 6/18/03

Did you shoot any Iraqi EPW's?

NO

Did you shoot any Iraqi EPW's while in Iraq?

NO

[REDACTED] b7c
Signature of Subject

[REDACTED] b7c
Examiner/Signature

b2/b7E/b7C

NAVAL CRIMINAL INVESTIGATIVE SERVICE
DELETED PAGE INFORMATION SHEET

Page(s) 32-34

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Comments: Polygraph evaluation sheets

POLYGRAPH EXAMINATION QUESTION LIST

Subject: [REDACTED] Date: 6/18/03

Did you shoot any Iraqi EPW's?

NO

Did you shoot any Iraqi EPW's while in Iraq?

NO

Signature

Examiner/Signature

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b7E

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NAVAL CRIMINAL INVESTIGATIVE SERVICE
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Page(s) 36-39

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Comments: Polycraph evaluation sheets

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POLYGRAPH EXAMINATION WAIVER

Place : NCISRA MCB CAMP PENDLETON, CA

Date : June 18, 2003, 0929 - [REDACTED]

[REDACTED] have been requested by Special Agent [REDACTED] of the Naval Criminal Investigative Service to submit to a polygraph examination relative to my knowledge of and/or participation in: false official statements and homicide. [REDACTED]

With respect to that request, I have been advised that:

- (a) I have the right to consult with a lawyer prior to making any decision concerning the examination; [REDACTED]
- (b) the polygraph examination will only be conducted with my prior written consent; [REDACTED]
- (c) no adverse action will be taken against me solely on the grounds that I refuse to consent to the examination; [REDACTED]
- (d) the area in which the examination is to be conducted (does) (does not) contain a two-way mirror or similar device; [REDACTED]
- (e) the area in which the examination is to be conducted (does) (does not) contain a camera; [REDACTED]
- (f) the area in which the examination is to be conducted (does) (does not) contain an audio recording device and the polygraph examination may be monitored. [REDACTED]

b7c

With an understanding of the above conditions, I have decided that I do not desire to consult with a lawyer at this time. I freely consent to be examined by polygraph and I agree to cooperate fully with the examiner during the examination. I make these decisions freely and voluntarily, and they are made with no threats having been made or promises extended to me. [REDACTED]

Signature : [REDACTED]

Date/Time : 20030618 / 0932

Witnessed: [REDACTED]

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NAVAL CRIMINAL INVESTIGATIVE SERVICE
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Page(s) 41-43

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Comments: Paragraph Personal data sheet,
chart and interview log

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I/FIRST FSSG, CAMP PENDLETON, CA/ALLEGED
EXECUTION OF IRAQI EPW

13JUN03-SDPE-0125-7XMA

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44