

**INVESTIGATIVE**

**FILE "B"**

**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**  
488521 14197 10000851 IN:SSD EN:1 #69588 COL:UIS #44237

REPORT OF INVESTIGATION (ACTION)

31AUG06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/IIMEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

COMMAND/IIMEF (FWD)/42510

MADE AT/CALE/CAMP LEJEUNE NC/[REDACTED] SPECIAL AGENT

REFERENCE(S)

- (A) NCIS Bahrain ROI (ACTION)/23May06
- (B) NCIS Bahrain ROI (INTERIM)/09Mar06/S [REDACTED]  
USMC/CCN: [REDACTED]
- (C) NCISRA Camp Lejeune ROI (INTERIM)/15Jul06
- (D) NCISRA Camp Lejeune ROI (ACTION)/09Aug06
- (E) NCISRA Iraq ROI (CLOSED)/25Aug06
- (F) NCISRA Iraq ROI (ACTION)/25AUG06

EXHIBIT(S)

- (1) IA: Receipt of information from the MNFW Significant Events Journal/11Aug06...(Copy CALE Only)
- (2) IA: Receipt of Classified Reports from 2dBn, 2dMarRegt/22Jul06...Copy CALE Only)

NARRATIVE

1. Since the submission of Reference (d), information derived from the Multi National Force West (MNFW) [REDACTED] relative to operational activity within [REDACTED] between 28 - 31Oct05, was reviewed and analyzed, Exhibit (1) pertains. On 19Jul06, NCIS obtained the operation reports for 2dBn, 2dMarRegt, believed to reflect their operational and patrol activity in AO Raleigh from 28 - 31Oct05. The classified reports were obtained in the form of electronic media stored to a compact disc; however, attempts to access the information stored on the disc were unsuccessful, Exhibit (2) pertains.

2. Reference (f) cancels the requested lead tasking for CALE due to the closure of this investigation as identified within Reference (e). Therefore, lead tasking for CALE is complete.

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NCISHQ: 0023B  
INFO: MEIZ/MEBJ/CALE

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE** #42468

REPORT OF INVESTIGATION (ACTION)

25AUG06

DEATH (I)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

COMMAND/II MEF (FWD)/42510

MADE AT/MEIZ/CAMP FALLUJAH IZ/ [REDACTED] SPECIAL AGENT

## REFERENCE

- (A) NCISFO MIDDLE EAST ROI (ACTION)/23May06
- (B) NCISRA Camp Lejeune ROI (ACTION)/15Jul06
- (C) NCISRA Camp Lejeune ROI (ACTION)/09AUG06

## NARRATIVE

1. On 23May06 tasked CALE to Locate and interview [REDACTED] RCT-8 SJA regarding his contact with AWAD family member(s). What was their explanation for manner of death? Was [REDACTED] among the family members with whom he spoke? Did they give an approximate date of the supposed firefight between Coalition Forces and Anti-Iraqi Forces? Did they give any other pertinent information about the death of Kahar Fuzah AWAD? Obtain any after action reports concerning any engagements by 2/2 near the Nori Ismail Rowais Farm, Zaidon, Al Anbar Province, Iraq area, from 28 - 30OCT05. Identify which 2/2 members were located in the area on these dates and conduct screening interviews. Reference (B) and (C) reports review of Multi-National Forces West (MNF-W) SIPR based website was conducted to identify all reported in "AO Raleigh" which includes Zaidon area of Iraq. Due to the inability to locate and interview the AWAD family, this investigation is being closed per NCISHQ concurrence.

## ACTION

R.CALE: Tasking requested via Reference (A) is cancelled.

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ACTION: CALE  
INFO: MEBJ

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

25AUG06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA/C

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

COMMAND/2MEF (FWD)/42510

MADE AT/MEBJ/CAMP FALLUJAH IZ/ [REDACTED] SPECIAL AGENT

## EXHIBIT(S)

- (1) IA: Receipt of Information from RCT-5/24Jul06... (Copy All)
- (2) Photograph of Deceased Iraqi Male/Undated... (Copy All)
- (3) IA: Results of Attempted Phone Calls to [REDACTED]  
13May06... (Copy All)
- (4) IA: Receipt of OAFME Consultation Report/12Jun06... (Copy All)
- (5) IA: Results of Telephonic Interview - [REDACTED]  
25MAY06... (Copy All)
- (6) Sworn Statement of [REDACTED] 04JUL06... (Copy all)
- (7) IA: Results of Attempted Contact with [REDACTED]  
20JUL06... (Copy all)

## EXECUTIVE SUMMARY

1. This investigation was initiated following receipt of information from [REDACTED] USN, Staff Judge Advocate (SJA), Detainee Operations, First Marine Expeditionary Force (I MEF) concerning an allegation that American military members had murdered Kahar Fuzah AWAD. [REDACTED] of K. AWAD, alleged that on/about 28th through 30th October time frame, American military members (specific service unknown) came to the K. AWAD's farm and killed K. AWAD by cutting his throat. [REDACTED] provided command with a photograph purported to be of [REDACTED] K. AWAD with no other corroborating photographs (i.e. family photographs to include [REDACTED]). The photograph of this deceased male was forwarded to the Office of the Armed Forces Medical Examiner (OAFME) to be analyzed to determine the manner and cause of death. [REDACTED] MC, USN, Federal Medical Examiner, advised the direction of the wound, type of weapon, and exact injuries to the neck could not be determined from the photograph. [REDACTED] did indicated that the wound was most consistent with a cutting of the neck and inconsistent with a gunshot wound, however an autopsy of the victim would have to be performed to make a definitive diagnosis. Numerous efforts to locate and interview [REDACTED] and the AWAD family have met with negative results. Efforts to contact them via the cellular telephone number [REDACTED] provided command and the attorney that was present when he made the allegation to the command have been unsuccessful. Due to the lack of substantive information to support or refute [REDACTED]'s allegation, this investigation is closed. However, should [REDACTED] or his family should be located this investigation will be re-initiated.

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## NARRATIVE

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SUBJ: I/2MEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MA  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

1. This investigation was conducted regarding possible violation of UCMJ Article 118 (Murder).
2. This investigation was initiated following receipt of information from [REDACTED] concerning an allegation that American military members had murdered K. AWAD. [REDACTED] visited the Fallujah Liaison Team (FLT) and reported the incident to command. [REDACTED] alleged that an unknown number of American military members arrived in tactical vehicles at K. AWAD's farm at approximately 1700 on or about the 28th through 30th of October, 2005. The military members allegedly [REDACTED] (NEI), [REDACTED] of K. AWAD, outside in the yard and took K. AWAD inside the home. Screams and praying in Arabic were allegedly heard coming from the home by [REDACTED] who remained cuffed outside. After approximately 30 to 60 minutes, the military members exited the home, [REDACTED] and departed the area. When [REDACTED] entered the home, he found K. AWAD dead on the floor of the family room with his throat cut and an extension cord wrapped around his legs. A photo purported to be K. AWAD was provided to the command. Exhibit (1) pertains. The photo allegedly depicts a deceased male with a large, open wound to his throat area. There is no identifying information in the photograph. Exhibit (2) pertains.
3. From Apr06 - Jul06, Reporting Agent (RA), with the assistance of an interpreter, attempted on numerous occasions to make contact with [REDACTED] via the cellular phone number he provided to the command in an effort to interview him and the AWAD family relative to the allegations. When the interpreter attempted to contact [REDACTED] via cellular phone, he got a recorded message saying the phone is closed or out of the area. Exhibit (3) pertains.
4. On 23May06, the photograph of the deceased male was forwarded to the Office of the Armed Forces Medical Examiner (OAFME) for review and analysis. On 14Jun06, [REDACTED] MC, USN, OAFME, advised the photograph showed a gaping neck wound, which appears to extend from the angle of the right side of the mandible, across the midline of the neck, with the termination point uncertain due to position of the head in the photograph. [REDACTED] wrote the direction of the wound, type of weapon, and exact injuries to the structures of the neck cannot be determined from the photograph. He did indicate the wound is most consistent with a cutting wound of the neck and is not at all consistent with a gunshot wound. [REDACTED] noted that with the limited information available and poor quality of the photograph, he could not render a diagnosis to a degree of medical certainty. He indicated an autopsy would be needed to make a definitive diagnosis and even a body in an advanced state of decomposition may yield useful information. Exhibit (4) pertains.
5. On 24May06, [REDACTED], USMC, was interviewed by Participant [REDACTED] identified as the former Staff Judge Advocate (SJA) for Regimental Combat Team Eight (RCT-8), Camp Fallujah, IZ, reportedly had contact with members of the AWAD family

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SUBJ: I/2MEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MA  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

during Feb06. ██████████ related that on or about 10Feb06, he accompanied NCIS Agents and U.S. Marines to a house in Zaidon, IZ. ██████████ explained the trip was relative to locating Iraqi civilians who were believed to have been the victims of an alleged assault incident, reportedly committed by Marines from Echo Company, 2dBn, 2dMarRegt. ██████████ related that while visiting a house in the Zaidon area, one of the Iraqis began telling them about an incident involving coalition forces and led them to a near-by house to show them where the incident occurred. ██████████ related he could not recall the specifics of what the Iraqi said, but he remembered that based on the information provided by the Iraqi, to include uniform descriptions, he believed that the coalition unit involved in the incident was likely Army vice Marine Corps. ██████████ could not recall if the incident involved a shooting, stabbing or killing but stated that at the time, he was provided with enough information to make him believe that a bad incident had occurred and that coalition forces were involved. ██████████ related that based on the information, he provided the family with a claims card to be completed and filed for compensation for any injuries/damages they may have incurred. ██████████ related that during his time in Iraq, he received many allegations by Iraqi citizens reporting incidents involving coalition forces and that the issuance of a claim card was a normal practice. Exhibit (5) pertains.

6. On 04Jun06, RA interviewed ██████████ the Arabic interpreter present when ██████████ visited the FLT to receive payment for ██████████ death. ██████████ advised that he knew ██████████ lawyer, and would attempt to contact him and arrange a meeting. ██████████ identified the lawyer only by the name of ██████████ (NFI). ██████████ provided a sworn statement regarding his interaction with ██████████. Exhibit (6) pertains.

7. Attempts by ██████████ to contact ██████████ lawyer, ██████████ met with negative results. ██████████ attempted to reach ██████████ several times, but was unable to get through because the telephone number ██████████ had given was a cell phone number, and he reached a recording that said the number was not in service. Exhibit (7) pertains.

8. Efforts to travel to Zaidon to locate the family is not recommended by command due to the high and volatile insurgent activity in the area. Due to the inability to locate and interview the ██████████ and the AWAD family to obtain information pertaining to the death of K.AWAD, this investigation is closed per NCISHQ concurrence. This investigation will be re-initiated should additional information be developed or the AWAD family comes forth.

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## PARTICIPANT(S)

██████████, Special Agent, NCISRA Iraq

██████████, Special Agent, NCISRA Iraq

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13MAY06-MEBJ-0359-7HMA

SUBJ: I/2MEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MA  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

[REDACTED] Special Agent, NCISHQ 0023  
[REDACTED], Special Agent, NCISRA Camp Lejeune, NC  
Dr. Craig MALLAK, OAFME, Washington, DC

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NCISHQ: 0023

INFO: MEBJ/CALE/[REDACTED] USMC, SJA, I MEF (FWD)

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

24JUL06

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

RECEIPT OF INFORMATION FROM RCT-5

1. [REDACTED] JAGC USN, provided NCIS with information regarding the allegations made in the suspected Law of Armed Conflict Violation. He provided three memorandums and a copy of the claims card given to the family of Kahar Fuzah AWAD. The memorandums explain the allegations and subsequent contact with Kahar Fuzah AWAD's [REDACTED] Enclosures (A)-(D) pertain.

ENCLOSURE(S)

- (A) Memorandum from Staff Judge Advocate, Multi-National Force-West, to Staff Judge Advocate, Multi-National Force-Iraq/24MAR06
- (B) Claims card from [REDACTED] to the Claims JAG/10FEB06
- (C) Memorandum from [REDACTED] to Files/23MAR06
- (D) Memorandum for the Record from [REDACTED] 18MAR06

REPORTED BY: [REDACTED]  
OFFICE: NCIS CAMP FALLUJAH

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U.S. Central Command

Attn: F.O.I.A. Officer

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MacDill, AFB, FL

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U.S. Central Command

Attn: F.O.I.A. Officer

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

INVESTIGATIVE ACTION

13MAY06

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

RESULTS OF ATTEMPTED PHONE CALLS TO [REDACTED]

1. On 13MAY06 from 1401 to 1406, Reporting Agent (RA) and Regimental Combat Team Five (RCT-5) interpreter, [REDACTED] attempted to call [REDACTED] the phone number given for [REDACTED] [REDACTED] attempted to dial the number with his cellular phone numerous times and each time got a recorded message saying the phone is closed or out of the area. The screen on the front of the cell phone displayed a message that said, "Error in Connection."

2. On 13MAY06 from 1733 to 1735, RA and interpreter [REDACTED] attempted to call the above listed phone number to reach [REDACTED] [REDACTED] attempted to dial the number with his cellular phone two to three times and each time got a recorded message saying the phone is closed or out of the area. The screen on the front of the cell phone displayed a message that said, "Error in Connection."

3. On 13MAY06, interpreter [REDACTED] attempted to call the above listed phone number to reach [REDACTED] [REDACTED] attempted to dial the number with his cellular phone once each hour from 1900 until 2200 and each time got a recorded message saying the phone is closed or out of the area. The screen on the front of the cell phone displayed a message that said, "Error in Connection."

4. On 14MAY06 in the morning, [REDACTED] attempted to call the above listed phone number to reach [REDACTED] [REDACTED] attempted to dial the number with his cellular phone and got a recorded message saying the phone is closed or out of the area. The screen on the front of the cell phone displayed a message that said, "Error in Connection."

5. On 25MAY06, Al Taqaddum HET interpreter [REDACTED] attempted to call the family's cell phone number from a Thuraya phone. [REDACTED] attempted the call several times and each time got a message that the call could not be completed.

REPORTED BY: [REDACTED]  
OFFICE: NCISRA IRAQ

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

14JUN06

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

## RECEIPT OF OAFME CONSULTATION REPORT

1. On 12Jun06, the Consultation Report On Contributor Material authored by [REDACTED] after his review of the photograph of a dead male was received and reviewed.

2. [REDACTED] noted the photograph does show a gaping neck wound, which appears to extend from the angle of the right side of the mandible across the midline of the neck with the termination point uncertain due the position of the head in the picture. He noted the wound is fairly deep, exposing muscle and other soft tissue. [REDACTED] wrote the direction of the wound, type of weapon, and exact injuries to the structures of the neck cannot be determined from the photograph. He did indicate the wound is most consistent with a cutting wound of the neck, and is not at all consistent with a gunshot wound. [REDACTED] did not that with the limited information available and poor quality of the photograph, he could not render a diagnosis to a degree of medical certainty. He indicated an autopsy would be needed to make a definitive diagnosis, and even a body in an advance state of decomposition may yield useful information. Enclosure (1) provides amplifying details.

### ENCLOSURE

(1) CONSULTATION REPORT ON CONTRIBUTOR MATERIAL

REPORTED BY: [REDACTED]  
OFFICE: NCISHQ Washington, DC

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LA [REDACTED] V2 LNY

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Medical Examiner

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

25MAY06

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/IIMEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE IRAQI CIVILIAN

RESULTS OF TELEPHONIC INTERVIEW - [REDACTED]

1. On 24May06, Reporting Agent (RA) received a lead tasking from Special Agent [REDACTED] NCIS Detachment, Camp Fallujah, IZ, relative to conducting an interview of [REDACTED] USMC. [REDACTED] identified as the former Staff Judge Advocate (SJA) for Regimental Combat Team Eight (RCT-8), Camp Fallujah, IZ, reportedly had contact with members of the AWAD family during Feb06. Members of the AWAD family alleged that Kahar Fuzah AWAD was murdered by coalition forces in Oct05.

2. Record checks identified [REDACTED] is presently assigned as the SJA for Marine Forces Command (MARFORCOM) and located in Norfolk, VA.

3. On 24May06, RA contacted [REDACTED] by telephone. [REDACTED] confirmed he was assigned as the RCT-8 SJA during Feb06 and recalled meeting with Iraqi civilians at two separate residences in Zaidon, IZ during Feb06.

4. [REDACTED] related that on or about 10Feb06, he accompanied NCIS Agents and U.S. Marines to a house in Zaidon, IZ. [REDACTED] explained the trip was relative to locating Iraqi civilians who were believed to have been the victims of an alleged assault incident, reportedly committed by Marines from Echo Company, 2dBn, 2dMarRegt (Refer to NCIS CCM [REDACTED] [REDACTED] could not recall the specific location of the residence from memory but did recall that he and NCIS agents conducted a "Google Earth" search, which provided them with imagery and location of the residence they were looking for.

5. [REDACTED] stated upon arriving at residence, they briefly questioned several family members regarding any crimes or incidents they experienced with coalition forces. According to [REDACTED] all of the Iraqi personnel questioned reported they "knew nothing". [REDACTED] related at the time, he assumed that the investigative team may have identified the wrong house, so they traveled a short distance down the road to a nearby house. [REDACTED] described how to get to the second house from the first house, stating it was approximately 100 meters down the road and to the left. [REDACTED] related the "Google Earth" imagery would identify the proximity of the two houses in relationship to one another.

6. [REDACTED] recalled that they assisted the Iraqi family that lived at the second house with the birth/delivery of a baby calf. [REDACTED] related that while at the second house, one of the Iraqis began telling them about an incident involving coalition forces and led

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**SUBJ: I/IIMEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF M  
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

them to a near-by house to show them where the incident occurred. [redacted] related he could not recall the specifics of what the Iraqi said but he remembered that based on the information provided by the Iraqi to include uniform descriptions, he believed that the coalition unit involved in the incident was likely Army vice Marine Corps. [redacted] could not recall if the incident involved a shooting, stabbing or killing but stated that at the time, he was provided with enough information that made him believe that a bad incident had occurred and that coalition forces were involved. [redacted] related that based on this information, he provided the family at the second house with a claims card to compensate for any injuries/damages they may have incurred. [redacted] related that during his time in Iraq, he received many allegations by Iraqi citizens reporting incidents involving coalition forces and that the issuance of a claim card was a normal practice. [redacted] identified NCIS Special Agent [redacted] as having been present when the Iraqi male was describing the incident.

7. [redacted] stated the residents of the second house disclosed information about a separate incident, which occurred at the first house the investigative team visited. [redacted] related he and the investigative team traveled back to the first house and re-questioned the residents, upon which time they corroborated information provided by Marines of 2/2 who were questioned during the assault investigation referenced above. No additional relevant information was gleaned from the questioning of [redacted]

BIOGRAPHICAL DATA  
EMPLOYMENT: HQCO, MARFORLANT, NORFOLK, VA  
SSN: [redacted]  
DOB: [redacted]  
OTHER: OFFICE: [redacted] CELL: [redacted]  
  
REPORTED BY: [redacted] SPECIAL AGENT  
OFFICE: NCISRA, Camp Lejeune, NC

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STATEMENT

Place : NCIS Camp Fallujah

Date : July 4, 2006

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

For identification purposes, I am a [redacted] male interpreter working in Fallujah, Iraq. I am [redacted] tall and weigh [redacted] lbs. My social security number is [redacted] and my date of birth is [redacted]

In March, 2006, I was working with the 3<sup>rd</sup> Civil Affairs Group (CAG) at the Fallujah Liaison Team (FLT) office in Fallujah, Iraq. A lawyer came to the FLT and presented a claim that Kahar Fuzah AWAD had been killed by US Forces. He presented a picture of a dead body. [redacted] told the lawyer to bring the victim's [redacted] next week because the Marine Corps would have to investigate the death. [redacted] also arranged for a LtCol to be there the following week, but I do not remember the LtCol's name. [redacted]

The following Thursday, [redacted] of the victim, came to the FLT and did not have his lawyer with him. [redacted] was angry and his eyes were red. He remained angry as he told the story, but calmed down once he was paid [redacted]

[redacted] He was upset that [redacted] had many children and he did not know how they were going to be fed. Once he was paid, he was not angry at all and he shook my hand and kissed me. I think [redacted] took a photo of him at the end of the meeting before [redacted] left the FLT. [redacted]

[redacted] and I asked [redacted] to bring [redacted] who [redacted] said witnessed the murder, to the FLT, but [redacted] said he could not bring [redacted] I do not remember the reason he gave for not being able to bring [redacted]

This statement, consisting of this page and 0 other page(s) was typed for me by [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: [redacted]

Sworn to and subscribed before me this 04 day of JULY in the year 2006 at

CAMP FALLUJAH, IRAQ

Witnessed: [redacted]

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

*WLC*



**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

//23/BJ//

INVESTIGATIVE ACTION

20JUL06

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

RESULTS OF ATTEMPTED CONTACT WITH [REDACTED]

NARRATIVE

1. On 29JUN06, Aegis Interpreter [REDACTED] told Reporting Agent (RA) he had interpreted the conversation when [REDACTED] initially came to the Fallujah Liaison Team (FLT) to provide information about the death of [REDACTED], Kahar Fuzah AWAD.

2. On or about 09JUL06, [REDACTED] attempted to call the attorney of [REDACTED] to ask if [REDACTED] would come to the FLT to speak with RA. The attorney is known as [REDACTED], and [REDACTED] does not know him by any other name. When [REDACTED] attempted to call the cell phone number he has for [REDACTED] he reached a recording that said the number was not in service. [REDACTED] said cell phone service in the area is sporadic and often goes down for days and weeks at a time. On 06JUL06 and 13JUL06, RA was at the FLT to meet with [REDACTED] or his attorney, but neither came to the FLT on either of these dates. Further attempts by [REDACTED] to contact the lawyer telephonically were unsuccessful.

REPORTED BY: [REDACTED]  
OFFICE: NCIS CAMP FALLUJAH

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EXHIBIT (7)

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09AUG06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/IIMEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE IRAQI CIVILIAN

COMMAND/IIMEF (FWD)/42510

MADE AT/CALE/CAMP LEJEUNE NC [REDACTED] SPECIAL AGENT

### REFERENCE(S)

- (A) NCIS Bahrain ROI (ACTION)/23May06
- (B) NCIS Bahrain ROI (INTERIM)/09Mar06 [REDACTED]  
USMC/CCN: [REDACTED]
- (C) NCISRA CAMP LEJEUNE ROI (INTERIM)/15Jul06

### NARRATIVE

1. Previously cited in Reference (c), a review of the Multi-National Forces West (MNF-W) SIPR based website was conducted to identify all events reported in "AO Raleigh", which includes the Fallujah/Zaidon area of Iraq. The review identified activity reported to MNF-W by subordinate units to include USMC and U.S. Army units between 28-31Oct05. Lead tasking remains pending an analysis of these reports, which document the operational activities of 2dBn, 2dMarRegt (2/2) during Oct05.

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# U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

15JUN06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/IIMEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE IRAQI CIVILIAN

COMMAND/IIMEF (FWD)/42510

MADE AT/CALE/CAMP LEJEUNE NC [REDACTED] SPECIAL AGENT

### REFERENCE(S)

(A) NCIS Bahrain ROI (ACTION)/23May06

(B) NCIS Bahrain ROI (INTERIM)/09Mar06/[REDACTED]

USMC/CCN: [REDACTED]

### EXHIBIT(S)

(1) IA: Results of telephonic interview - [REDACTED]  
25May06... (Copy All)

### NARRATIVE

1. Reference (A) tasked this office with locating and interviewing [REDACTED] USMC, Staff Judge Advocate (SJA), Regimental Combat Team Eight (RCT-8), Camp Fallujah, IZ, relative to his contact with the AWAD family members during February 2006. Record checks identified [REDACTED] is presently assigned as the Staff Judge Advocate, Marine Forces Command (MARFORCOM), Norfolk, VA.

2. On 24May06, [REDACTED] was interviewed by telephone and related that on or about 10Feb06, he accompanied NCIS Agents to a farm located in Zaidon, IZ, relative to questioning the residents about an alleged assault committed by USMC personnel, identified within Reference (B). [REDACTED] said there was some confusion as to the location of the farm and that they contacted residents of an adjacent farm who provided information about a separate incident involving coalition forces. [REDACTED] related he was not sure of what exactly occurred but commented that based on the information gleaned from the family members, it was clear that an incident had occurred and that coalition forces had been involved. [REDACTED] stated the uniform descriptions of the subject coalition forces, as provided by the family members, were not consistent with uniforms worn by USMC personnel, Exhibit (1) pertains.

3. On 24May06, a review of the Multi-National Forces West (MNF-W) SIPR based website was conducted to identify all events reported in "AO Raleigh", which includes the Fallujah/Zaidon area of Iraq. The review identified activity reported to MNF-W by subordinate units to include USMC and Army units between 28-31Oct05. Due to this intelligence being classified as "Secret", the details of the reported activities will be published separately via appropriate correspondence.

4. Lead tasking remains pending receipt of reports, which document

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13MAY06-MEBJ-0359-7HMA

SUBJ: I/IIMEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF M  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

the operational activities of 2dBn, 2dMarRegt (2/2) during Oct05.

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

REPORT OF INVESTIGATION (ACTION)

14JUN06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE IRAQI CIVILIAN

COMMAND/2MEF (FWD)/42510

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

REFERENCE(S)

(A) MEBJ ROI/23MAY06

EXHIBIT(S)

(1) IA: Receipt of OAFME Consultation Report/12Jun06..(Orig MEBJ only)

NARRATIVE

1. Ref (a) requested analysis of a photograph of a deceased male be analyzed to provide any details regarding manner of death. A copy of the photograph was provided to [REDACTED], MC, USN, Armed Forces Medical Examiner for review and analysis.

2. [REDACTED] currently assigned to the Office of the Armed Forces Medical Examiner (OAFME), Armed Forces Institute of Pathology, Washington, DC, examined the photograph and provided a Consultation Report on Contributor Material, exhibit (1).

3. [REDACTED] noted the photograph does show a gaping neck wound, which appears to extend from the angle of the right side of the mandible across the midline of the neck with the termination point uncertain due the position of the head in the picture. He noted the wound is fairly deep, exposing muscle and other soft tissue. [REDACTED] wrote the direction of the wound, type of weapon, and exact injuries to the structures of the neck cannot be determined from the photograph. He did indicate the wound is most consistent with a cutting wound of the neck and is not at all consistent with a gunshot wound. [REDACTED] did note that with the limited information available and poor quality of the photograph, he could not render a diagnosis to a degree of medical certainty. He indicated an autopsy would be needed to make a definitive diagnosis, and even a body in an advanced state of decomposition may yield useful information.

4. Lead tasking at 0023 is complete.

PARTICIPANT(S)

[REDACTED] OAFME, Washington, DC

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INFO: MEBJ (M)

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

REPORT OF INVESTIGATION (ACTION)

23MAY06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/2MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE  
IRAQI CIVILIAN

COMMAND/2MEF (FWD)/42510

MADE AT/MEBJ/CAMP FALLUJAH IZ [REDACTED] SPECIAL AGENT

## EXHIBIT(S)

- (1) Photo of deceased male given by [REDACTED] UNDATED  
... (Copy 0024B14, CALE only)

## NARRATIVE

1. On 24MAR06, [REDACTED] Regimental Combat Team Five (RCT-5) contacted NCISRA Camp Fallujah, Iraq concerning a complaint made by [REDACTED] on 23MAR06 at the Fallujah Liason Team (FLT) Claims Office. [REDACTED] alleged American military members came to the farm of [REDACTED] Kahar Fuzah AWAD, and killed Kahar Fuzah AWAD by cutting his throat. [REDACTED] alleges an unknown number of American military members arrived in tactical vehicles at the farm of [REDACTED] at approximately 1700 on or about the 28th through 30th of October, 2005. The military members allegedly took Kahar Fuzah AWAD inside his home and made family members wait outside. Screams and praying in Arabic were allegedly heard from the home by [REDACTED] (nfi) who remained [REDACTED] outside. After 30 to 60 minutes, the military members left and AWAD's family went inside to find Kahar Fuzah AWAD dead from an apparent cut to the throat. His legs were bound with an extension cord. A photo was provided to the FLT Claims Office. The photo depicts a man with a large, open wound on his throat. There is no identifying information in the photograph.

2. [REDACTED] also presented to the FLT claims officer a claims card allegedly written on 10FEB06 by the RCT-8 Staff Judge Advocate, [REDACTED]. Initial queries revealed that representatives from RCT-8 and NCIS were in the area of the farm conducting an unrelated investigation on 10FEB06. They were allegedly approached by an unknown family member who advised them that he or she believed Kahar Fuzah AWAD had been killed by Coalition Forces when he was caught in the crossfire of a firefight between Coalition Forces and Anti-Iraqi Forces. The claims card was supposedly issued to pay that claim. [REDACTED] advised he knows nothing of the alleged Coalition Forces/Anti-Iraqi Forces firefight.

3. [REDACTED] told the FLT the first time he saw the body was at the mosque. It had been brought there by [REDACTED]. The body was buried at a local cemetery before sundown and there were no doctors or police involved with examining the body. There was no death certificate issued. The only means of contacting [REDACTED]

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SUBJ: I/2MEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MA  
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

[REDACTED] is his cell phone, [REDACTED] Reporting Agent (RA) has made numerous attempts to contact [REDACTED] utilizing this cell phone number, but the number is not valid and calls can not be completed.

4. [REDACTED] confirmed that Marines from 2nd Battalion, 2nd Marine Regiment (2/2) was operating in the area around this time frame along with U. S. Army units and other coalition forces. Investigation continues.

ACTION

R.23B14: Analyze photo provided by [REDACTED] and provide any details regarding manner of death of the man in the photo.

CALE: Locate and interview [REDACTED], RCT-8 SJA regarding his contact with AWAD family member(s). What was their explanation for manner of death? Was [REDACTED] among the family members with whom he spoke? Did they give an approximate date of the supposed firefight between Coalition Forces and Anti-Iraqi Forces? Did they give any other pertinent information about the death of Kahar Fuzah AWAD? Obtain any after action reports concerning any engagements by 2/2 near the Nori Ismail Rowais Farm, Zaidon, Al Anbar Province, Iraq area, from 28 - 30OCT05. Identify which 2/2 members were located in the this area on these dates and conduct screening interviews.

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ACTION: CALE (E)/23B14 (E)  
INFO: MEBJ

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**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

REPORT OF INVESTIGATION (OPEN)

18MAY06

DEATH (II)

CONTROL: 13MAY06-MEBJ-0359-7HMA

I/II MEF, ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF MALE IRAQI CIVILIAN

COMMAND/II MEF (FWD)/42510

MADE AT/MEBJ/CAMP FALLUJAH IZ [REDACTED] SPECIAL AGENT

**NARRATIVE**

1. This case will be investigated under the following UCMJ violation; Article 118 (Murder).

2. On 24MAR06, [REDACTED] USMC SJA, Regimental Combat Team Five (RCT-5), contacted NCISRA Camp Fallujah, Iraq concerning a complaint made by [REDACTED] on 23MAR06 at the Fallujah Liason Team (FLT) Claims Office. [REDACTED] alleged American military members came to the farm of [REDACTED] Kahar Fuzah AWAD, and killed Kahar Fuzah AWAD by cutting his throat.

3. [REDACTED] alleges that an unknown number of American military members arrived in tactical vehicles at the farm of [REDACTED] Kahar Fuzah AWAD at approximately 1700 on or about the 28th through 30th of October, 2005. The military members allegedly [REDACTED] of Kahar Fuzah AWAD, outside in the yard and brought Kahar Fuzah AWAD inside the home. Screams and praying in Arabic were allegedly heard from the home by [REDACTED] who remained [REDACTED] outside. After approximately 30 to 60 minutes, the military members exited the home, [REDACTED] and departed the area. [REDACTED] then entered the home and found Kahar Fuzah AWAD dead on the floor of the family room with his throat cut and an extension cord wrapped around his legs. A photo was provided to the FLT Claims Office. The photo depicts a man with a large, open wound on his throat. There is no identifying information in the photograph.

4. [REDACTED] also presented to the FLT claims officer a claims card allegedly written on 10FEB06 by the RCT-8 Judge Advocate. Initial queries revealed that representatives from RCT-8 and NCIS were in the area of the farm conducting an unrelated investigation on 10FEB06. They were allegedly approached by an unknown family member who advised them that he or she believed Kahar Fuzah AWAD had been killed by Coalition Forces when he was caught in the crossfire of a firefight between Coalition Forces and Anti-Iraqi Forces. The claims card was supposedly issued to pay that claim. [REDACTED] advised he knows nothing of the alleged Coalition Forces/Anti-Iraqi Forces firefight.

5. [REDACTED] told the FLT the first time he saw the body was at the mosque. It had been brought there by [REDACTED] The body was buried at a local cemetery before sundown and there were no doctors or police involved with examining the body. There was no

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13MAY06-MEBJ-0359-7HMI

SUBJ: I/II MEF/ZAIDON, IZ/POSSIBLE LAW OF WAR VIOLATION IN DEATH OF  
**U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE**

death certificate issued. The only means of contacting [REDACTED]  
[REDACTED] is his cell phone, [REDACTED] Efforts to contact an interview  
[REDACTED] had met with negative results. Investigation  
continues.

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