

INVESTIGATIVE

FILE "G"

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (SUPP)

07FEB06

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA/C

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/MEBJ/AL ASAD AB IRAQ [REDACTED] SPECIAL AGENT

REFERENCE

(A) GCMT ROI (ACTION)/30JAN06

NARRATIVE

1. Previous tasking requested the interview of [REDACTED] in Ohio. Subsequent to that request, it has been determined the interview of [REDACTED] is no longer required.

ACTION

GCMT: Cancel all previous tasking concerning this investigation.

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NCISHQ: 0023B

ACTION: GCMT

INFO: CALE/MEBJ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

30JAN06

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/GCMT/MEMPHIS TN [REDACTED] SPECIAL AGENT

REFERENCE(S)

- (A) CALE ROI (ACTION)/19DEC05
- (B) GCGL ROI (ACTION)/22DEC05

NARRATIVE

1. Reference (A) forwarded lead tasking to GCGL to interview [REDACTED] formerly assigned to Lima Company, 3dBn, 25th MarRegt, 4th MarDiv regarding this investigation.
2. Reference (B) transferred lead to NCISRA Memphis for lead coverage by Reporting Agent in Ohio. Exhibits contained in Reference (A) were received on 10JAN06.
3. Interview of [REDACTED] in Columbus, OH will be completed the week of 30JAN06.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

15JAN06

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA/C

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/MEBJ/NCIS AL ASAD AB IZ/ [REDACTED] SPECIAL AGENT

REFERENCES

- (A) NCIS AL ASAD, IZ ROI/09Sep05 (Contains Exhibits 1-39)
- (B) NCIS AL ASAD, IZ ROI/04Oct05 (Contains Exhibits 40-46)
- (C) NCIS AL ASAD, IZ ROI/27Oct05 (Contains Exhibits 47-53)
- (D) NCIS AL ASAD, IZ ROI/06Nov05 (Contains Exhibits 54-55)
- (E) NCIS AL ASAD, IZ ROI/28Nov05
- (F) NCIS AL ASAD, IZ ROI/20Dec05

EXHIBITS

- (56) STMT of [REDACTED] 18Nov05... (Copy all)
- (57) STMT of [REDACTED] /09Dec05... (Copy all)
- (58) IA: Polygraph examination/[REDACTED] 09Dec05... (Copy all)
- (59) IA: Death Scene Exam/Photo Coverage/SUMAIDAIE Residence/27Dec05
... (Copy all)
- (60) IA: Interview of [REDACTED] /27Dec05... (Copy all)
- (61) IA: Interview of [REDACTED] /27Dec05... (Copy all)
- (62) IA: Interview of [REDACTED] /27Dec05... (Copy all)
- (63) IA: Interview of [REDACTED] /13Jan06... (Copy all)

EXECUTIVE SUMMARY

1. This investigation was initiated after [REDACTED] MNC-I, National Command Element, Baghdad, IZ, requested NCIS to review prior investigations (Reportable Incident Assessment Team, and AR 15-6) to determine whether criminal culpability was involved regarding the death of V/SUMAIDAIE. On 25Jun05, V/SUMAIDAIE was shot and killed by [REDACTED] USMC, Weapons Platoon, Lima Company, 3DBN, 25th Marine Regiment (3/25), during Cordon and Knock (C&K) Operations in Haditha, IZ.

2. Subsequent investigative efforts by NCIS involved approximately forty-six interviews of 3/25 personnel present during the incident, responders to the event, fellow command members, as well as family members of V/SUMAIDAIE. Members of V/SUMAIDAIE's family present on 25Jun05, were interviewed and assert that V/SUMAIDAIE met the 3/25 search team at the door of the residence, advised them there was a non-firing weapon in the house, and directly led them to it, before he was subsequently shot and killed. The 3/25 personnel present, continued to report that V/SUMAIDAIE did not lead them to the weapon, nor was he observed by any of their four-man search team until encountered by [REDACTED] in the back bedroom. V/SUMAIDAIE, reportedly holding an AK-47 pointed directly at [REDACTED] was then shot and killed (by [REDACTED] a member of the 3/25 search team on 25Jun05, agreed to undergo a polygraph examination regarding this incident. Subsequent examination determined [REDACTED]

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SUBJ: V/SUMAIDAIE, MAMMED/CIV

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was truthful when he advised he had not observed V/SUMAIDAIE in the residence nor did he observe V/SUMAIDAIE lead the search team down the hallway prior to the shooting. A 27Dec05 scene examination, although presumptive due to the length of time since the event, provided evidence to support the belief that V/SUMAIDAIE was indeed present in the room before he was encountered by [REDACTED] and that he was possibly facing the doorway when shot. All pertinent investigative leads have been conducted. After consultation with the NCISHQ Criminal Investigations Directorate and Forensic Division Chief, this investigation is closed.

NARRATIVE

1. Subsequent investigative efforts by NCIS included approximately forty-six interviews and a death scene examination in an attempt to discern between statements provided by USMC personnel present on 25Jun05, with a conflicting statement provided by one military member not present during the search, and conflicting statements provided by members of V/SUMAIDAIE's family also present on that date.

2. NCIS investigation disclosed that on 25Jun05, [REDACTED], USMC, [REDACTED] USN, [REDACTED] USMC, and [REDACTED] [REDACTED] 3/25, conducted C&K operations in Al Shaikh Hadid, Iraq. As they entered the last home on 25Jun05, the SUMAIDAIE residence, the aforementioned C&K Team encountered members of the SUMAIDAIE family in the "Family Room" of the residence.

3. As an Arabic speaking interpreter was not available, [REDACTED] who reported limited Arabic vocabulary, attempted to determine from family members in the room, in Arabic, who/where the eldest male was. According to [REDACTED], an elder female later identified as V/SUMAIDAIE's [REDACTED], responded to [REDACTED] in Arabic. [REDACTED] reported that he interpreted [REDACTED] response to mean that the eldest family male was not present. [REDACTED] then asked the family to step outside of the family room into an area outside of the residence front door, commonly referred to as the "courtyard". In the ensuing activity, [REDACTED] speaking Arabic, attempted several times to ascertain from the family whether there were any weapons in the home. In addition, because he was unaware of the Arabic phrase for "other people" or "family members", [REDACTED] recalled using hand gestures to attempt to determine whether there were any other persons within the residence. [REDACTED] reportedly gestured, waving her hands in a manner that [REDACTED] interpreted to mean that there were no other persons present within the residence.

4. [REDACTED] believing his questions had been answered, then ordered [REDACTED] and [REDACTED] to begin searching the residence. It is uncertain based upon inconsistencies in statements acquired during this investigation, when compared to statements acquired in support of the RIAT and AR 15-6 investigations, the order of the search team as they left the Family Room and proceeded into the hallway. As [REDACTED] proceeded through the Family Room and into the hallway, he advised [REDACTED] had already entered the first bedroom. [REDACTED] reported he continued to observe the hallway as [REDACTED] and [REDACTED] continued down the hallway to the next bedroom. [REDACTED] indicated he did not observe V/SUMAIDAIE in the hallway as [REDACTED] and [REDACTED]

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continued down the hallway, nor were they following V/SUMAIDAIE into the bedroom. [REDACTED] was administered a polygraph examination and was deemed non-deceptive when questioned concerning these observations. [REDACTED] then entered a room off of the main hallway where a computer was present, as [REDACTED] cleared and searched an adjoining bedroom. [REDACTED] and [REDACTED] proceeded down the hallway to the next bedroom that [REDACTED] entered. [REDACTED] stated that as he entered the bedroom, he encountered V/SUMAIDAIE in possession of an AK-47, the weapon "pointed directly" at him. "Startled", [REDACTED] advised he fired his M-16, striking and killing V/SUMAIDAIE.

5. As has been previously reported during the course of this investigation, all search team personnel present in the SUMAIDAIE residence when this incident occurred were re-interviewed. All [REDACTED] [REDACTED] [REDACTED] reported they did not observe V/SUMAIDAIE in the residence until he was encountered by [REDACTED]. Interviews conducted with persons who later responded to the scene on 25Jun05, and/or acquaintances of [REDACTED] [REDACTED] and [REDACTED] were conducted. Of these, [REDACTED] who responded to the residence after the shooting, provided a conflicting account. When interviewed on 12Aug05, [REDACTED] recalled he engaged in conversation with a "Corpsman" in the home (on 25Jun05), believed to be [REDACTED]. [REDACTED] recalled that the "Corpsman" reported that the search team had encountered a "Military Aged Male" (MAM) in the hallway, and when questioned concerning the presence of any weapons, (the MAM) responded that there was and that he would escort the search team to the weapon. According to [REDACTED] the Corpsman advised he continued into the computer room and shortly thereafter, heard the weapon discharge. [REDACTED] stated, "He just thought, somehow the MAM startled [REDACTED] when he brought the weapon out or presented a situation in which [REDACTED] felt threatened, forcing him to defend himself". When again interviewed on 04Sep05, [REDACTED] indicated he was uncertain that the person with whom he engaged in this conversation was in fact a Corpsman.

6. Based upon [REDACTED] 12Aug05 recollection that the individual he talked with indicated they continued from the hallway into the "computer room", it is believed that he [REDACTED] was referring to [REDACTED]. When interviewed on 09Dec05, [REDACTED] recalled engaging in brief conversation with [REDACTED] but advised that he [REDACTED] appeared "shocked after seeing the body" and may have been "confused about what he thought he heard." When interviewed again on 13Jan06, [REDACTED] advised that his very brief conversation with [REDACTED] occurred less than five minutes after V/SUMAIDAIE was killed; and he reiterated that the subject matter was limited to [REDACTED] well-being. At the time, [REDACTED] reported he was unaware that the family would allege that their son led the search team down the hallway and into the bedroom. [REDACTED] again stated that he observed no male in the hallway, and had he observed anyone, he would not have turned and entered the "computer room".

7. On 27Dec05, V/SUMAIDAIE's [REDACTED] and two [REDACTED] who were present in their residence when the C&K occurred, were interviewed by NCIS in Haditha, IZ. Each reported

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SUBJ: V/SUMAIDAIE, M AMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

that V/SUMAIDAIE met the Marines at the front door of the residence, spoke to them in English, advising a non-firing (ceremonial) weapon was in the home, and led the search team to a back bedroom (to retrieve it for them), where they claimed he was unjustly killed. When interviewed on 27Dec05, [REDACTED] further reported that she was in the hallway of the residence, approximately ten feet from the bedroom doorway, sitting on a bench, however, [REDACTED] and [REDACTED] both reported the entire family was not in the hallway but gathered in the Family Room when the shooting occurred. [REDACTED] and [REDACTED] [REDACTED] also denied being assaulted by USMC personnel on scene (in deference to a previous investigation which reported [REDACTED] age 15, was dragged down a hallway by the hair).

8. In addition, on 27Dec05, a scene examination was conducted at the SUMAIDAIE residence. This examination, along with information provided by family members, revealed what is thought to be the path of the round as it exited V/SUMAIDAIE and subsequently passed through a nearby closet door and embedded in the ceiling of that closet. Through trajectory analysis conducted on scene and based upon statements provided by [REDACTED] and V/SUMAIDAIE's family, it is believed that V/SUMAIDAIE was standing in a position near the closet with all four of its doors closed and facing the room entrance, when he was shot. [REDACTED] reportedly stood just inside the bedroom doorway when he engaged V/SUMAIDAIE. The AK-47 reported to have been held by V/SUMAIDAIE was according to the family, located inside the four door closet within the bedroom. It could be presumed, based upon scene analysis and information provided by the 3/25 search team that V/SUMAIDAIE entered the bedroom unobserved, had time to retrieve the weapon then close the door, before he was encountered by [REDACTED] entering the bedroom.

9. This investigation was conducted at the request of the [REDACTED] USA, MNC-I. All logical investigative leads have been completed. Criminal culpability cannot be established. Exhibits (56) through (63) pertain to investigative efforts since last reporting period. Subsequent to consultation with NCISHQ Criminal Intelligence Directorate and the NCISHQ Forensic Consultant Division Chief, this investigation is closed.

PARTICIPANTS

[REDACTED] MSA, NCISFO Camp Lejeune, NC
 [REDACTED] SA, NCIS Polygraph Site, Pensacola, FL
 [REDACTED], RAC, NCIS Camp Fallujah, IZ
 [REDACTED] SSA, NCIS Camp Fallujah, IZ

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STATEMENT

Place : NCIS, Washington Navy Yard, Washington, D.C.

Date : November 18, 2005

[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 the shooting which took place in Dam Village near Haditha on 25Jun05.

[redacted] am providing this statement to do my best in clarifying information that I have provided in previous statements regarding the shooting of an Iraqi male in a house at Dam Village on 25Jun05. Having said that, I do not remember all the details of events that took place as well as I did when I provided my first statement to [redacted]

[redacted] On the day of the shooting, I did not know the names of the Marines involved who entered that house. When I say this, I mean that I did not know [redacted]'s name, [redacted] name or [redacted]'s name at the time of the shooting. I believe I learned of their names when I was questioned by [redacted] and by NCIS Agents. But I am positive that at the time of the shooting I did not know the names of the Marines or Corpsman involved other than [redacted] who was with me the whole day and [redacted] who I sat next to on the plane when we flew to Iraq. This might seem unusual since we are in the same Battalion but you have to understand that I am an S-4 Officer *logistics officer* assigned to the Headquarters Staff and these are enlisted Marines working at the Company level. My position as an officer and my billet to the Headquarters staff does not afford me much opportunity to interact with junior Marines at the Company level. 25Jun05 was the first time I went out with Weapons Platoon on a patrol of this nature.

[redacted] Regarding the issue of houses being marked for identification with a Diamond symbol or any other type of symbol; I don't know if this was done or not. I don't recall seeing [redacted] and I don't know if the Battalions SOP required [redacted] that had been searched. I would assume that if anything, this would be a Company level SOP but regardless, I don't have any knowledge of this being done and I don't recall seeing a [redacted] on the house where the shooting occurred or on any of the other houses.

[redacted] As stated before, I did in fact enter the bedroom where the shooting occurred and I did sit down on the bed. I don't recall seeing any brass (shell casings) on the floor and I don't recall seeing anyone in the house picking up brass.

[redacted] In regards to ^{whether} weather or not pictures were taken at the scene, I am absolutely positive that Marines from that patrol took pictures. I sat on the bed and watched them do it. I recall seeing the flash go off and I am pretty certain I heard the person taking the pictures state something like "Got it" or "Good to go" indicating he had successfully taken the pictures. I do not recall anyone stating they were having difficulties with getting the camera to work. In my opinion, and I cannot provide any evidence to support this, I would not be surprised if the pictures had been deleted at the direction of [redacted] because the Marines have been told numerous times by higher authority that they were not

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Continuation of voluntary sworn statement of
[REDACTED]
on November 18, 2005

allowed to take pictures of bodies. Now in this instance, I believe they were told by higher to take pictures of the body because of the circumstances of the shooting but it's possible the pictures were deleted because someone who was unaware of higher's direction believed that the taking of the pictures was not authorized. I want to make it clear however, that no one has told me this and I am simply stating my personal opinion of what I believed might have happened to the pictures that I saw taken at the scene. [REDACTED]

Regarding the 1 page E-mail addressed from me to [REDACTED] on 16Jul05, I personally typed this e-mail and the words in that statement are my own. In that statement I related that during a conversation I had with the Corpsman who was on the patrol, he stated that the MAM was taking to the Marines to a weapon in the bedroom and moments later he was shot. In a subsequent statement that was prepared for me on 23Jul05, Later in a statement that I provided to [REDACTED] Dated 23Jul05, I again confirmed that the Corpsman said the Marines following the MAM to retrieve a weapon. I also said the Corpsman told me he was standing behind the Marine ([REDACTED] who entered the room but that only [REDACTED] and the MAM were in the room when the shooting occurred. Later in a statement prepared for me by Special Agent [REDACTED] of NCIS, I stated the Corpsman told me he was going to check out a computer when he heard a shot and ran to investigate. As I sit here now, I cannot say for sure that the Corpsman told me he was going to check out a computer in the house. I know this conflicts with what I originally typed in my e-mail and in the stated prepared by [REDACTED]. [REDACTED] I did not intentionally lie or provide false information. It is possible the details about the computer were provided to me by Special Agent [REDACTED] and I confused this with what the Corpsman actually told me. It's also possible that it was not the Corpsman that I had the conversation with, although at the time, I felt very confident he was the person I was talking to while sitting on the stairs in the house. The bottom line is that I know I had a conversation with either the Corpsman or a marine regarding how the MAM was shot. I don't remember now exactly what was told to me since it's been 5 months since the shooting and I have been questioned several times about this incident and have been told a lot of information about the details of the shooting. I believe the details in my e-mail describing how the MAM was shot, since I prepared this e-mail in my own words, prior to being questioned by investigators, and I wrote this e-mail only 3 weeks after the shooting occurred.

In that E-mail to [REDACTED] I referred to a number of reasons that led me to disclose to him that I felt something was not right about the shooting incident. One of the reasons I referred to was "The reputation of the unit". What I meant by that was that in my opinion, Weapons Platoon of Lima Company was not as disciplined as the other platoons in Lima Company. My roommates at the time I was at Haditha Dam were [REDACTED] and [REDACTED], who were both [REDACTED] with 3/25. There were times when I would be in the room with them and they would discuss issues about Weapons Platoon. I cannot recall specific conversations or details but overall, the impression I got was that [REDACTED] had a cowboy like attitude and was not as disciplined as the other commanders. That Platoon did not have an officer assigned to it because 3/25 was short on officers. So [REDACTED] was it. It was Marines from his platoon that were making the rude, unprofessional comments while on that patrol, as I described in previous statements. So that is what I meant when I referred to the "Unit's reputation." I would assume that [REDACTED] and [REDACTED] would be good points of contact if investigators wanted to follow up on this issue.

Continuation of voluntary sworn statement of
[REDACTED]
on November 18, 2005

[REDACTED] I have drawn a rough sketch of the house from memory and I have appended it to this statement as Enclosure (A). I am certain the MAM I saw dead in the bedroom was laying face down, not face up. I never say anyone treat the body with disrespect or handle inappropriately. When they took the pictures, the Marines were not posing or acting inappropriately [REDACTED]

[REDACTED] At no time while I was in the house did I hear anyone state that the MAM was shot accidentally. Although I did not know [REDACTED] name at the time, I know he was the one who shot the MAM and I saw how shook up he looked after the shooting. I remember [REDACTED] reassuring him telling him he did the right thing and had to do what he had to do. No one was celebrating or "high fiving" each other for shooting the MAM. [REDACTED] appeared and acted genuinely upset over what happened [REDACTED]

[REDACTED] I have provided accurate information as best as I can remember. At no time have I intentionally provided false information regarding this incident. It is possible I have confused the identity of the person that I had the conversation with while sitting on the stairs in the house. I am not positive that whoever I spoke to told me they were going to check out the computer in the house. This information could have been "fed" to me during question and I simply confused it with what I was told [REDACTED]

[REDACTED] This statement, consisting of this page and 2 other page(s) was typed for me by [REDACTED] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief [REDACTED]

Signature: [REDACTED] BZB 18 Nov 05

Sworn to and subscribed before me this 18 day of NOVEMBER in the year 2005 at

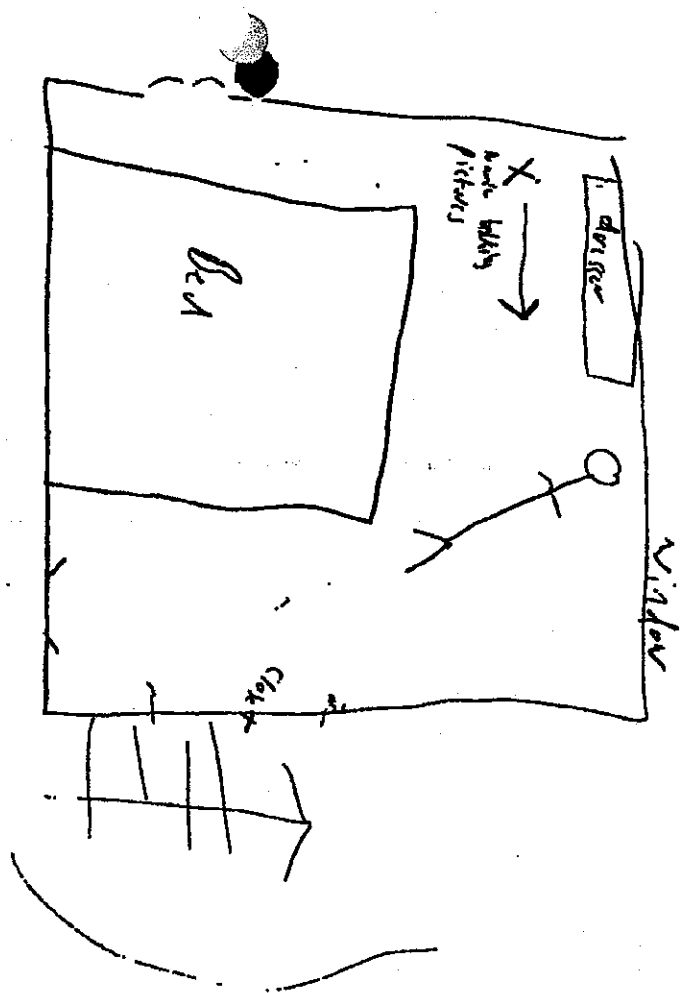
NCIS, WASHINGTON LODGE YARD, D.C.

Witnessed: _____

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

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ENCLOSURE (A)

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STATEMENT

Place: Naval Criminal Investigative Service, Bldg 2, Naval Station Great Lakes, IL

Date: 09Dec2005

I, [REDACTED] USN, 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 without any threats made against me or promises extended. I fully understand that this statement is given concerning my knowledge of the shooting of an Iraqi male on 25Jun05 in Haditha, Iraq. [REDACTED]

For purposes of identification, I am a [REDACTED] in the U.S. Navy. I am presently assigned to the Naval Hospital Great Lakes (NHGL), [REDACTED] Great Lakes, IL. My work telephone number is [REDACTED] ext: [REDACTED]. My Social Security Number is [REDACTED]. I was born on [REDACTED] in [REDACTED]. I can best be described as an [REDACTED] colored male, [REDACTED] tall, weighing about [REDACTED] pounds. I have [REDACTED] eyes and [REDACTED] hair. [REDACTED]

I am providing the following information in response to specific questions that were asked of me by Special Agent [REDACTED].

I was assigned to Lima Company as one their Corpsman from April 05 until the end of June05. After that, I was re-assigned to India Company. During the time I was attached to Lima Company, I participated in numerous patrols, some of which involved Cordon and knock operations. While with Lima I would estimate I participated in somewhere between 10-20 Condon and Knock operations. These were conducted in and around Barwanah, Haditha and Haqliniyah. [REDACTED]

When we would conduct Cordon and Knock operations, [REDACTED] we just searched, to inform other Marine search teams that that particular house had been searched that day. The purpose of this was to prevent Marines from searching the same house twice during the same patrol. We did not want to be perceived as unfairly harassing the families. I myself have [REDACTED] were searched by my team and I did so while on patrol the day of the shooting. The [REDACTED] itself can best be described as a [REDACTED]. [REDACTED]

I want to make it clear that [REDACTED] was not intended to prevent Marines from searching the same house on later days. It was simply to let Marines know that the house had been searched on that specific patrol during that specific day. We never assumed that just because a house had been searched previously that it was safe. We all understood the possibility that we could be attacked at any time on any patrol or operation. During the

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Continuation of Voluntary Sworn Statement of [REDACTED]

Created by: SA [REDACTED]

12/8/2005

25Jun05 patrol, I did not see any [REDACTED] where the shooting occurred. [REDACTED]

[REDACTED] When we arrived at the house, I believe the front door was shut and [REDACTED] knocked on the door. I believe it was the mother who answered the door. I remember all of the family, with the exception of the Iraqi male who was shot) was located together in the family room, which is the room that the front door is located at. I am sure that their family knew we were coming, as did most of the families. From my own personal experiences in Iraq, I believe the families can usually hear us coming and most of the families having their own standard operating procedure where they will round up all the family members into one room for safety purposes. Most of the time when show up at a house, the family members have already been rounded up in one room. That was the case when we arrived at the house where the shooting occurred. All the family was located in the family room. After [REDACTED] asked them if there were any other people or weapons in the house and the family responded no, we had the family come outside into the courtyard. The male who was shot was not in the family room when we arrive and did not come out into the courtyard with the family. If he had, I would have seen him. I would estimate that [REDACTED] spent no more than 5 minutes asking the mother questions before we entered the house). [REDACTED]

[REDACTED] As best as I can recall the order in which myself and the three Marines on my team entered the house occurred in the following order: [REDACTED] and then myself. I am always the last one to enter the house because I am the only [REDACTED] for the patrol. When they entered, I did not immediately follow inside the house. I waited at the front of the door until they entered the hallway. At that point I proceeded and cleared a bedroom, which had a computer in it. I went to this room because the Marines had already walked past it without incident and therefore, seemed the safest place to establish a casualty collection point (CCP). A CCP is a room in the house that is designated as "safe", since it was cleared. If things go bad in the house and we take casualties, we can move the wounded to the room while the situation is figured out. That was the reason I went into the room. Although I did not immediately enter the house, I was standing at the entrance of the front door and I could see inside the house as the Marines entered. It was not more than a few seconds before I then entered the house behind the Marines. I could see [REDACTED] and [REDACTED] in the hallway as I entered the bedroom with the computer. I don't recall seeing [REDACTED] at that point and I assume he was clearing another room. I did not see any Iraqi family members enter or exit the house while I stood at the doorway nor did I see any Iraqi personnel in the hallway with [REDACTED] and [REDACTED].

[REDACTED] Once I entered the CCP, I noticed there was a computer was in the room. This is the first

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12/8/2005

time I became aware there was a computer in the room. I decided to check out the computer to see what websites had been accessed. I have done this before on other patrols and I do it to see if the Iraqi people have been accessing military sites like the USMC website. I believe the insurgents use the internet to access military websites to educate themselves on our SOP's. On a previous occasion, we seized a computer because I saw they had accessed some military websites to include the Marine Corps website. [REDACTED]

[REDACTED] I sat down at the computer station and turned it on. While it was booting up I heard a single gunshot resonate within the house. It was only one shot that I heard and it sounded like an M-16. I did not hear anyone yell or shout "Gun". In fact, I did not hear any yelling or shouting at all before the shot. My first reaction was that I thought it was an accidental discharge. About the same time the shot went off, the Marines began calling [REDACTED] I ran out of the hallway to the room where [REDACTED] and [REDACTED] were. I saw an Iraqi male lying face down in a pool of blood. His feet were more or less pointing towards the door of the room and his head was more or less pointing towards the window in the room. There was an AK-47 rifle on the floor but I can't remember if it was in his hands or where exactly it was positioned. I did not clear the rifle and did not witness anyone clear the rifle. I checked the Iraqi male for a pulse but did not find one. He had bled out very quickly and I rolled him over and while checking him I saw two wounds in his head. One wound was located on the side of his head, just above or behind his ear. I think it was above the right ear but it's been several months since I saw the male so I cannot be positive it was on the right side. I am sure the wound was somewhere on the temporal lobe. This wound was very small and based on my experience at assessing gunshot wounds in Iraq, it seemed to be the size of a 5.56 round. The other wound was larger and located on the center back of the neck about level where a shirt collar would rest on the neck. This wound was larger than the wound on the lobe but not much larger, maybe a quarter inch in diameter. I did not see any wounds on the front of his neck, throat or face. I have demonstrated for Special Agent [REDACTED] where I saw the wounds as best as I can recall. There are two photos attached to this statement, which depict me showing where I saw the location of the wounds. [REDACTED]

[REDACTED] The first time I ever saw the Iraqi male who had been shot was when I ran into the room and saw him lying face down in a pool of blood. I never saw him before then. I did not see him speak to the Marines or escort the Marines in the house. [REDACTED]

[REDACTED] I remember [REDACTED] being in the house after the shooting. I remember him being in the room where the male was shot. What I distinctly remember was [REDACTED] reaction. He looked shocked. I think it was the first time he saw a dead body like that. He eyes teared up and he left the room and sat down on the stairs in

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Continuation of Voluntary Sworn Statement of [REDACTED]

Created by: SA [REDACTED]

12/8/2005

the hallway. I do recall at one point asking him if he was "OK" and he was sitting on the stairs when I asked him this. I don't recall having any substantive conversation and I damn sure know I did not tell him that we saw the Iraqi male in the hallway and had him escort us to a weapon. This is simply not true. I'm not accusing the [REDACTED] of lying, but I believe he seemed shocked after seeing the body so maybe he's confused about what he thought he heard. This was the first patrol that I had been on where I saw the [REDACTED] with us. [REDACTED]

[REDACTED] Regarding the pictures that were supposedly taken, I can attest to this: When I was in the room, I did in fact witness [REDACTED] attempt to take pictures using a digital camera. He went to take a picture, he said that there was no flash and he said that the pic was not registering on the screen (LED screen). I took the camera from him and fiddled with it and saw the LED screen said something like either "No MEMORY" "CARD FULL". I did not see any images at all that showed the body. I assumed the memory card was full and I gave it back to [REDACTED]. I did not see a flash go off when [REDACTED] tried to take the picture. I did not see anyone else attempt to take pictures. I don't know whose camera [REDACTED] used to try and take the pictures. [REDACTED]

[REDACTED] Special Agent [REDACTED] showed me a picture from [REDACTED] investigation. The picture shows a man holding up some type of head scarf. I never saw this scarf on the body in the room. [REDACTED] us put that scarf on the body to try and make it seem like he was an insurgent. [REDACTED]

[REDACTED] This 4 page statement was typed for me by Special Agent [REDACTED] as we discussed the contents. I have read and made any changes or corrections that I desired. This statement is true and correct to the best of my knowledge and belief. [REDACTED]

Signature [REDACTED]

09 DEC 05
1158

Sworn to and subscribed before me this 9th Day of December in the year 2005 at NCIS, Naval Station Great Lakes, IL.

Witnessed: _____

[REDACTED] *ESTD*
Representative, Naval Criminal Investigative Service
AUTH: DERIVED FROM ARTICLE 136, UCMJ
(10 U.S.C 936) and 5 U.S.C 303

Page 4/Last

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

TITLE: V/SUMAIDAI, MOHAMMED/CIV
CCN: 10AUG05-MEBJ-0533-7HMA

**INVESTIGATIVE ACTION: POLYGRAPH EXAMINATION OF [REDACTED]
[REDACTED]//USN**

On 09DEC05, [REDACTED] was administered a polygraph examination regarding his knowledge to the Iraqi military aged male (MAM) that was shot inside his home in the town of Al Shaikh Hadid, Iraq on 25JUN05. [REDACTED] was assigned to the entry team (as a [REDACTED] with the 3/25 Marines, 4th MARDIV [REDACTED] denied the allegations that the Iraqi male was escorted inside the house and stated that he did not know that the Iraqi military aged male was inside the house. [REDACTED] requested to undergo a polygraph examination to support his statements. The following were the relevant questions utilized and [REDACTED] responses thereto:

- (A) Did you see that military aged male before you entered that house?...No
- (B) Did those Marines follow that military aged male into that room?...No

After evaluation of the test charts, it was the opinion of the examiner that [REDACTED] depicted No deception in his responses to relevant questions (A) and (B).

ENCLOSURE(S)

- (a) Military Suspect's Rights Waiver/09 DEC 2005.
- (b) Polygraph Examination Waiver/09 DEC 2005

Reported By: [REDACTED] Special Agent
Office: NCIS Polygraph Site, Pensacola, FL

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EXHIBIT (58)

GTS

MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NCTSRA BENTONVILLE

09DEC05 0754

I, [REDACTED] have been advised by Special Agent(s) [REDACTED] of NCTS

that I am suspected of FALSE OFFICIAL STATEMENTS

I have also been advised that:

- (1) I have the right to remain silent and make no statement at all;
- (2) Any statement I do 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 civilian lawyer and/or appointed military lawyer present during this interview; and
- (5) I may terminate this interview at any time, for any reason.

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.

Signature: [REDACTED]

Date & Time: 09DEC05/0754

Witnessed: [REDACTED]

Date & Time: _____

At this time, I, _____ desire to make the following voluntary statement. This statement is made with an understanding of my rights as set forth above. It is made with no threats or promises having been extended to me.

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ENCLOSURE (A)

G16

POLYGRAPH EXAMINATION WAIVER

Place: NCISRA GREAT LAKES, IL

Date-Time: December 8 2005/ 0900

I, [REDACTED] have agreed to submit to a polygraph examination to be administered by SA [REDACTED] of the Naval Criminal Investigative Service relative to my knowledge of and or participation in:

FALSE OFFICIAL STATEMENTS

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) [REDACTED] (does not) contain a two-way mirror or similar device; [REDACTED]
- (e) the area in which the examination is to be conducted (does) [REDACTED] (does not) contain a camera; [REDACTED]
- (f) the area in which the examination is to be conducted (does) [REDACTED] (does not) contain an audio recording device and the polygraph examination may be monitored. [REDACTED]

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.

Signature: [REDACTED]

Date-Time: 090005 0810

Witnessed: [REDACTED]

Examiner: _____

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

11JAN06

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

DEATH SCENE EXAM AND PHOTOGRAPHIC COVERAGE OF SUMAIDAIE RESIDENCE

1. On 27Dec05, Reporting and Participating Agents conducted an examination of the SUMAIDAIE residence located in Haditha, IZ, relative to the death of V/SUMAIDAIE on 25Jun05. As background, V/SUMAIDAIE was shot and killed during Cordon and Knock Operations conducted by 3/25 in the town of Haditha on that date. NCIS was later specifically requested to re-examine the facts of previous USMC and Army investigations, and conduct any necessary steps to determine possible criminality. During this examination, NCIS SAs were supported by USMC convoy and perimeter security elements. Due to possible insurgent activity in the town of Haditha, this examination was limited to 65 minutes. Upon arrival at the SUMAIDAIE residence, NCIS SAs were greeted by V/SUMAIDAIE's [REDACTED] and [REDACTED]. Both were very receptive to NCIS presence and provided their full cooperation in allowing NCIS to conduct an examination of their residence.

2. The SUMAIDAIE residence is a single story, mason constructed building, enclosed on the front and left side by a wall approximately 7 feet in height. It is a single dwelling, typical of other houses within close proximity. There are two entrance ways accessible through the exterior wall. The first entry point into the courtyard is to the front right of the building and appears to be meant for pedestrian traffic, Enclosure (A) pertains.

3. The second entry is near the left corner of the front portion of the lot, and appears to be designed for a vehicle to be parked along the left side of the building. A wall with a gate extends from the brick wall facing the front street to the front left corner of the residence. This design defines the front courtyard and obstructs the view from the left side of the house, Enclosure (B) pertains.

4. There are a number of windows and doors accessible to the front of the residence which allows entrance into the structure. Enclosure (C) depicts the view from inside the Courtyard facing the Family Room window and Family Room front door. During this examination, information was obtained from [REDACTED] that the view from the Family Room windows to the Courtyard was obscured by drapes covering the window.

5. Enclosure (D) depicts the view from the Family Room front door into the center hallway of the residence located in the background.

6. Enclosure (E) depicts the view from Family Room hallway door to the bedroom door of the room where V/SUMAIDAIE was shot and killed. The measured distance was approximately 12'2".

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EXHIBIT (59)

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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SUBJ: V/SUMAIDAIE, HAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

7. Enclosure (F) depicts the view from the Death Scene (bedroom door entrance) to the closet that V/SUMAIDAIE was reportedly standing in front of when shot by [REDACTED] (based on information obtained during the course of this investigation to include information provided by [REDACTED] during this examination). According to V/SUMAIDAIE's [REDACTED] the weapon they had in their residence was always stored within a 4-door closet within the Death Scene (bedroom). As one faces the closet, the weapon (AK-47) was stored in the area behind the door third from the left. This photo also depicts a black metal rod that was inserted by Reporting and Participating Agents (as one faces the closet) into a hole in the door furthest left, in order to show trajectory of the round that struck, then exited V/SUMAIDAIE, based on information provided by the [REDACTED] during this exam. As background, [REDACTED] directed SAs to the hole in this door as well as a hole in the ceiling of the closet directly behind this door as one opens it. They further reported finding the round that struck their son within the hole in the ceiling, which they provided investigators during a previous investigation.

8. Based upon trajectory analysis on scene (through use of the rod inserted in both holes in the closet), information provided by [REDACTED] as to which area of the closet V/SUMAIDAIE retrieved the weapon from, and to where [REDACTED] reported observing a wound on [REDACTED] (left neck area just below chin), strongly suggests V/SUMAIDAIE was facing the entrance to the bedroom when he was shot. Distance from the entrance of the bedroom to where V/SUMAIDAIE was believed to be standing when shot measures approximately 11'9".

9. Enclosure (G) is a close up of the trajectory rod with a right angle applied. It was noted that [REDACTED] stated there were no other suspected bullet holes in the closet. Examination of the entire closet area did not reveal any other damage (or holes). The only thing observed on the far left closet door (as one faces it) was a scratch/indentation, which [REDACTED] said was present before [REDACTED] was shot.

10. Enclosure (H) is a Rough Sketch of the SUMAIDAIE residence. The civilian GPS location for the above structure was [REDACTED]. The military GPS location was [REDACTED]. An Olympus "Camedia" digital D-435 camera, 5.1 mega pixels, with a 6.1mm 1:2.8 lens was utilized to photograph the scene. A CD of all images taken at the scene on 27Dec05 was made and placed into the case file.

ENCLOSURES

- (A) Front right of residence exterior/27Dec05
- (B) Front left of residence exterior/27Dec05
- (C) Exterior side to Family room door and window/27Dec05
- (D) View looking into Family room exterior door/27Dec05
- (E) View from Family room door toward Death Scene bedroom door

27Dec05

- (F) View from Death Scene bedroom door to closet/27Dec05
- (G) Close up of trajectory into closet door/27Dec05

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10AUG05-MEJ-0533-7HM

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

(H) Rough Sketch of residence/27Dec05

PARTICIPANTS

[REDACTED] RAC, NCIS Camp Fallujah, IZ
[REDACTED] SSA, NCIS Camp Fallujah, IZ

REPORTED BY: [REDACTED] Special Agent
OFFICE: NCIS Al Asad AB, IZ

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LAST [REDACTED] V2.LNY

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE	CCN	AGENT'S NAME
V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)	10AUG05-MEBJ-0533-7HMA	NCIS b7C
SUMMARY Photo of residence taken from exterior right side when facing residence Photo 1 of 7		DATE PHOTO TAKEN 27DEC05

ENCLOSURE (A)

G21
~~200~~



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE	CCN	AGENT'S NAME
V/SUMAIDAE, MOHAMMED/CIV (DECEASED)	10AUG05-MEJ-0533-7HMA	NCIS b7C
SUMMARY		DATE PHOTO TAKEN
Photo of exterior side of residence front from left corner facing residence Photo 2 of 7		27DEC05

ENCLOSURE (B)

G22
~~2~~



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE	CCN	AGENT'S NAME
V/SUMAIDAI, MOHAMMED/CIV (DECEASED)	10AUG05-MEJ-0533-7HMA	NCIS b7C
SUMMARY		DATE PHOTO TAKEN
Photo depicting view from court yard at front door and family room window. Photo 3 of 7		27DEC05

ENCLOSURE (C)

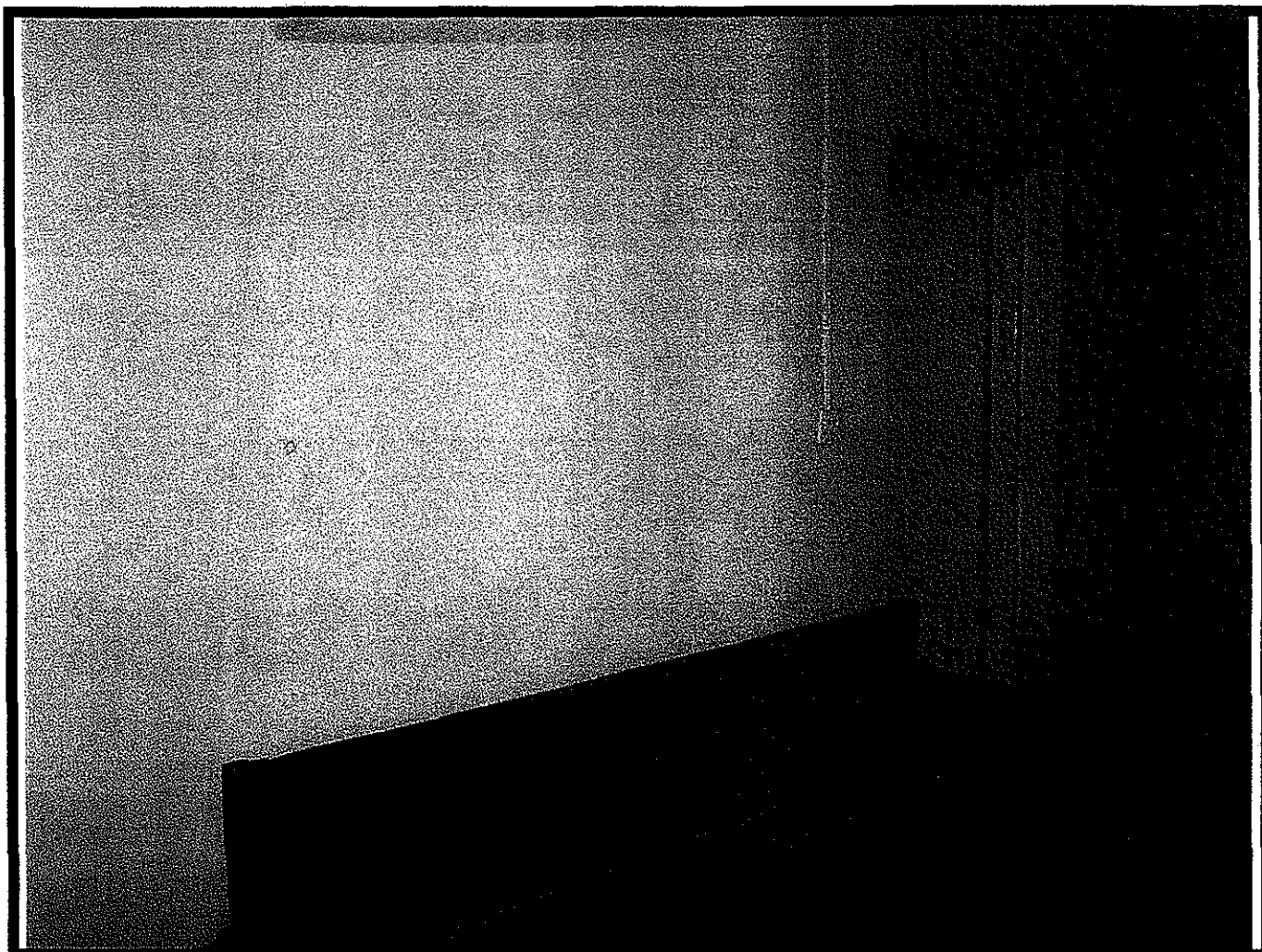
G23



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE V/SUMAIDAIE, MOHAMMED/CIV	CCN 10AUG05-MEBJ-0533-7HMA	AGENT'S NAME NCIS b7c
SUMMARY View of Front Door from front door entry court yard (A) Photo 4 of 7		DATE PHOTO TAKEN 27DEC06

ENCLOSURE (D) G24
~~XXXXXXXXXX~~



**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE V/SUMAIDAE, MOHAMMED/CIV	CCN 10AUG05-MEBJ-0533-7HMA	AGENT'S NAME NCIS b7C
SUMMARY View of Hallway (G) from Family Room door (C) to Death Scene (H) bedroom door. Photo 5 of 7		DATE PHOTO TAKEN 27DEC05

ENCLOSURE (E)

G-25
~~XXXXXXXXXX~~

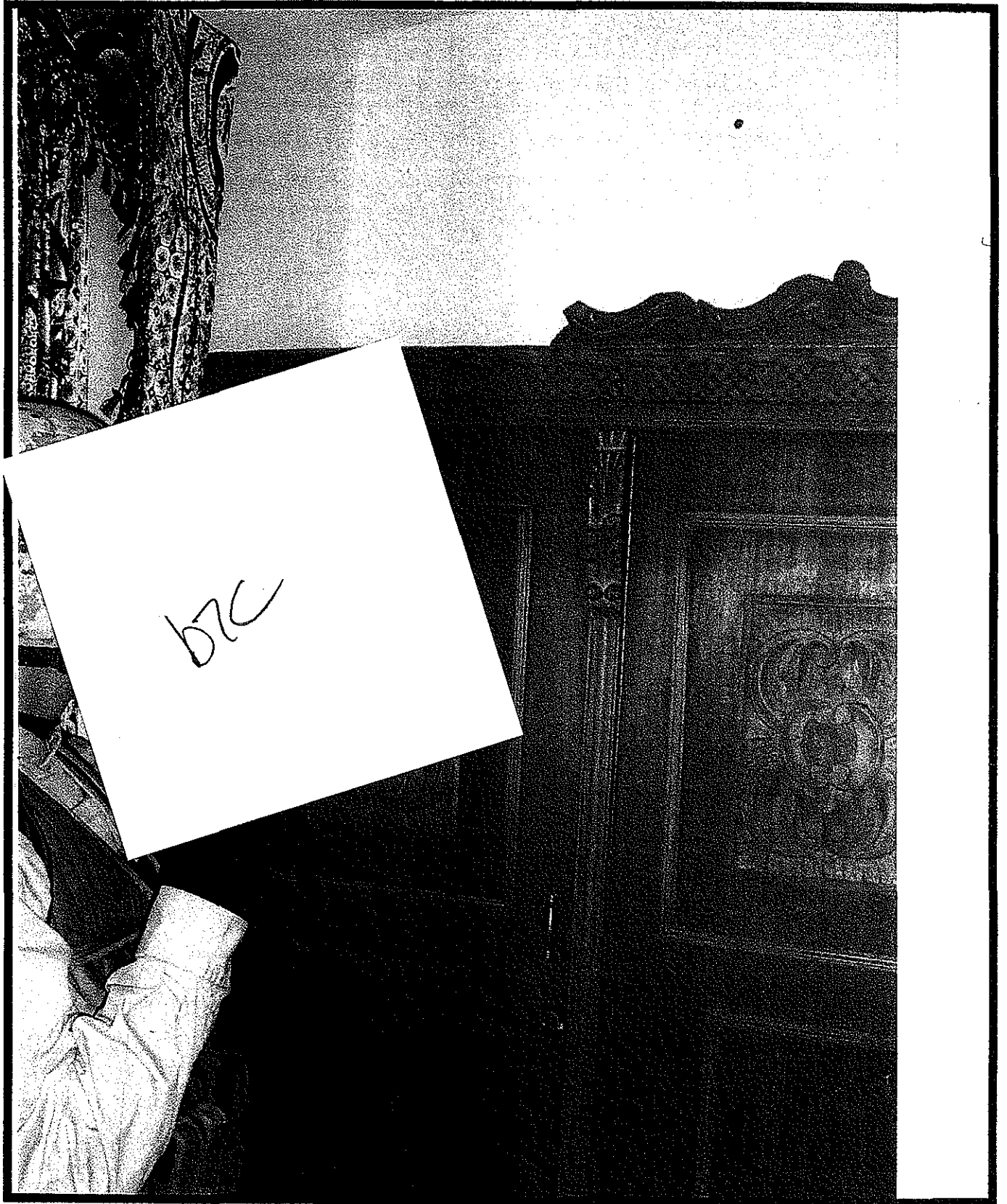


**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE	CCN	AGENT'S NAME
V/SUMAIDAIE, MOHAMMED/CIV	10AUG05-MEBJ-0533-7HMA	NCIS b7c
SUMMARY		DATE PHOTO TAKEN
View from doorway into Death Scene bedroom. Black rod inserted into suspected bullet hole of closet in order to illustrate trajectory. Photo 6 of 7		27DEC05

ENCLOSURE (F)

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EXHIBIT

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**NAVAL CRIMINAL INVESTIGATIVE SERVICE
AL ASAD, IRAQ**

TITLE	CCN	AGENT'S NAME
V/SUMAIDAIE, MOHAMMED/CIV	10AUG05-MEBJ-0533-7HMA	
SUMMARY		DATE PHOTO TAKEN
Bedroom closet showing impact and trajectory. Photo 7 of 7		27DEC05

ENCLOSURE (6)

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Continuation from page 1 of: V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
CCN: 10AUG05-MEBJ-0533-7HMA Rough Sketch/Not to scale of V/SUMAIDAIE's
Residence at GPS coordinates [REDACTED] Haditha, IZ/27DEC05/RAM

Legend:

Residence was a one story brick and block structure which was a yellowish color. The structure was a single family dwelling set in a neighborhood with similar buildings and walled in yards.

- (A) Walled in courtyard in front of dwelling
- (B) Kitchen
- (C) Family room (V/SUMAIDAIE's [REDACTED] stated window drapes were drawn during on 25JUN05 when the marines searched her residence).
- (D) Living room with computer
- (E) Computer
- (F) Bedroom
- (G) Hallway which was approximately 27'3" long and 8'3" wide
- (H) Bedroom where reported shooting occurred.
- (I) Stairs to roof
- (J) Toilet
- (K) Shower
- (L) Sliding Kitchen door
- (M) Reported position in bedroom next to closet where V/SUMAIDAIE was shot.
- (N) Reported position [REDACTED] was at time of shooting. Distance between doorway and reported position of V/SUMAIDAIE along with bullet hole in closet was approximately 11'9". Distance from (N) to hallway door leading into family room (C) was 12'2".
- (O) Represents windows.

ENCLOSURE (H)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

11JAN06

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

INTERVIEW OF [REDACTED]

1. On 27Dec05, Reporting and Participating Agent interviewed [REDACTED] the [REDACTED] of V/SUMAIDAIE, regarding her knowledge of the events surrounding the death of [REDACTED] on 25Jun05. The interview was conducted at Firm Base Sparta, in the town of Haditha, IZ, and an interpreter from USMC command 3/1 identified as [REDACTED] was utilized to conduct the interview as [REDACTED] does not speak English.

2. [REDACTED] reported that two searches have been conducted of her home in the past, but that during the previous search, V/SUMAIDAIE was not present because he was away at school in Baghdad. [REDACTED] advised that during the previous search, her family was located in the Family Room of their residence, but that on 25Jun05, when Marines arrived to search her house, she and the rest of her family, to include V/SUMAIDAIE, were seated on benches in the hallway of the residence. [REDACTED] reported greeting the Marines with the words "Welcome, welcome", when they entered her home. [REDACTED] was shown a hand drawn sketch of her residence in an effort to clarify where her family was when the Marines entered, and she again stated her family was in the hallway, seated on benches. For information, this would have put the family members within approximately ten feet of the bedroom where V/SUMAIDAIE was killed.

3. [REDACTED] said that when the Marines who entered her home asked if there were any weapons present, V/SUMAIDAIE told the Marines, "flash", meaning they had a weapon in the house. [REDACTED] claimed [REDACTED] spoke English to the Marines but did not further elaborate. She continued by saying the Marines then took [REDACTED] into one of their bedrooms and that they later heard a shot. After the shot, the Marines instructed the family to leave the house and to go outside into the Courtyard, which they did. [REDACTED] complained that the Marines made her go outside in her bare feet. [REDACTED] said V/SUMAIDAIE remained in the house for about 1 1/2 hours after the shot. When questioned about the shot, [REDACTED] stated she was not concerned when she first heard it and at that time, didn't think [REDACTED] had been killed.

4. [REDACTED] claimed that when [REDACTED] stated "flash", many Marines went into the bedroom. She further said that some climbed the stairs to the roof of her home, and some entered other bedrooms. [REDACTED] stated two Marines entered the bedroom from the hallway, and that the first Marine who entered the bedroom then exited and moved the family out of the house and into the courtyard.

5. [REDACTED] then stated that after the shooting, an Egyptian

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EXHIBIT (60)

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G31

SUBJ: V/SUMAIDAIE, MAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

interpreter and more Marines arrived. The Marines questioned the family concerning where they had acquired the weapon. [REDACTED] informed them that it had belonged to the school. She further commented that she did not hear any conversation before the shooting of [REDACTED]. [REDACTED] said that after her family had been in the Courtyard about 1 1/2 hours, a translator approached her and asked if she heard the shot earlier and she responded yes. The translator then told her the Marines had killed [REDACTED]. [REDACTED] claimed the Marines were laughing then and she began to scream and they continued to laugh. Her screams brought a neighbor over and they eventually went into the house and found [REDACTED] dead. She further accused the Marines of placing a Shemagh (head wrap) on V/SUMAIDAIE after he was killed and photographing him appearing as an apparent terrorist.

6. When asked how many Marines entered her residence on 25Jun05, [REDACTED] said she was unsure of the exact amount, but that there were many. She added that she was afraid of the Marines because they had pointed their weapons at civilians. [REDACTED] concluded by saying that [REDACTED] was in his second year of college studying technology. No further pertinent information was obtained and the interview was terminated.

PARTICIPANTS

[REDACTED] NCIS Camp Fallujah, IZ

REPORTED BY: [REDACTED]
OFFICE: NCIS Al Asad, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

11JAN06

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

INTERVIEW OF [REDACTED]

1. On 27Dec05, Reporting and Participating Agent interviewed [REDACTED] V/SUMAIDAIE's [REDACTED] regarding his knowledge of the events surrounding the death of [REDACTED] on 25Jun05. The interview was conducted at Firm Base Sparta, in the town of Haditha, IZ, and an interpreter from USMC command 3/1 identified as [REDACTED] was utilized to conduct the interview as [REDACTED] does not speak English. [REDACTED] stated he was at his families' Haditha home on 25Jun05, the day [REDACTED] was killed. [REDACTED] said everyone to include V/SUMAIDAIE, knew the Marines were searching houses in Haditha, and waited in the Family Room of the home until the Marines arrived.

2. [REDACTED] estimated that about 7-8 Marines arrived at his house to search it and that upon their arrival, the Marines asked if there were any weapons in the house. [REDACTED] said V/SUMAIDAIE spoke a little English and wanted to use it with the Marines so V/SUMAIDAIE responded "yes, one AK". [REDACTED] also said V/SUMAIADIE explained to the Marines that the weapon wouldn't fire, and used the words "flash flash", to indicate that meant the weapon was inoperable. [REDACTED] said the Marines then told V/SUMAIDAIE to "come here", at which time V/SUMAIDAIE walked over to them, and one Marine took hold of V/SUMAIDAIE's elbow and asked him to take them to where the weapon was, which V/SUMAIDAIE did.

3. [REDACTED] said that after V/SUMAIDAIE left the room, he and the rest of his family stayed in the Family Room. [REDACTED] stated that sometime thereafter, the Marines ordered everyone in the Family Room to go outside into the Courtyard, which they did. Later, they found out V/SUMAIDAIE had been shot and killed. [REDACTED] said he eventually went to one of the bedrooms within the house and found [REDACTED] lying on the floor in a pool of blood. [REDACTED] said he did not see where the wound on [REDACTED] was. [REDACTED] later added that [REDACTED] is buried in a cemetery close to their home.

4. When asked how many times his home had been searched by Marines in the past, [REDACTED] advised there had been two searches. He said V/SUMAIDAIE was not present for the first search as he was away at school in Baghdad. [REDACTED] advised after being questioned, that during the previous search of his house, his family was also escorted outside to the Courtyard while the search was conducted. [REDACTED] also advised that during the previous search, that group of Marines were shown the AK they owned which doesn't fire, but it was not seized by them.

5. When asked if he or any of his family were assaulted by the Marines as previously reported, [REDACTED] said they were not assaulted.

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10AUG05-MEBJ-0533-7HM

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

██████████ further did not make any comments about hearing a gunshot which was consistent with the Marines initial report of the event. No further information was obtained.

PARTICIPANT

██████████ RAC, NCIS Camp Fallujah, IZ

REPORTED BY: ██████████ Special Agent
OFFICE: NCIS Camp Fallujah, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

30DEC05

CONTROL: 10AUG05-MEJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

INTERVIEW OF [REDACTED]

1. On 27Dec05, Reporting Agent interviewed V/SUMAIDAIE's [REDACTED] concerning the death of V/SUMAIDAIE. Translating for the below interview was a Titan employee identified as [REDACTED]
2. [REDACTED] stated sometime during the morning of 25JUN05, himself, his [REDACTED] his [REDACTED] identified as V/SUMAIDAIE, [REDACTED], his [REDACTED] (his [REDACTED] years old) and [REDACTED] (his [REDACTED] years old), and their neighbor who is also a [REDACTED] were all sitting in the room marked "Family Room" on the accompanying death scene sketch marked as Enclosure (A).
3. [REDACTED] said they were sitting in the Family Room in anticipation of the arrival of U.S. Marines who were conducting interviews and searches of neighbor residences. [REDACTED] first stated 15 Marines entered his residence on 25Jun05, and asked if there were any weapons in the house. [REDACTED] said V/SUMAIDAIE answered the Marines by stating they only had "Flash", which he meant as an AK-47 rifle that was ceremonial and meant to fire blanks.
4. At this point, Reporting Agent pointed out that there were not 15 Marines available to initially enter the building. [REDACTED] was asked to be more accurate on how many Marines there initially were and was asked if it the number was actually four Marines who first entered the building. [REDACTED] then agreed it was initially four. He continued that there was one Marine who spoke to V/SUMAIDAIE and that Marine then had V/SUMAIDAIE lead him to the back bedroom where the AK-47 rifle was located. [REDACTED] stated a second Marine remained in the doorway of the Family Room and hallway, while a third marine was near the Family Room's front door, and the fourth Marine had stepped outside the house somewhere in the front Courtyard.
5. [REDACTED] said V/SUMAIDAIE was gone only for a moment when the family, who all were gathered in the in the Family Room heard a sound that later turned out to be a gunshot. [REDACTED] who cannot speak English, asked the Marine standing in the hallway door what had happened. The Marine stepped into the hallway and away from view for a moment then returned to the Family Room and indicated that they had to step outside the residence and into the front Courtyard. Three Marines then performed the task of taking the family towards the Courtyard entrance way. After performing this task, the same Marine who had been standing in the hallway door earlier, took [REDACTED] their [REDACTED] back into the residence from the Courtyard.
6. [REDACTED] was asked why the Marines would take a 15 year old instead of [REDACTED] back into the residence. [REDACTED] responded

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SUBJ: V/SUMAIDAIE, MAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

through the interpreter that he was dressed in work clothes and probably did not look important to the Marines at the time. [REDACTED] claimed [REDACTED] was dressed nice, therefore probably looked more important to the Marines. [REDACTED] claimed that [REDACTED] was inside the residence for about five minutes before he was returned to the family. Then [REDACTED] and [REDACTED] were ordered to stand in the Courtyard and face the cement wall which enclosed the above courtyard. Reporting Agent asked [REDACTED] what the Marines did to the females in his family and said nothing as they were allowed to remain seated in the Courtyard.

7. [REDACTED] further stated that [REDACTED] claimed while he was in the residence, the Marines brought him into the hallway and showed him V/SUMAIDAIE's picture identification and asked who he was. [REDACTED] said he told them he was [REDACTED]. The Marines then asked who was their father and [REDACTED] responded that his father was the principal at a local school.

8. [REDACTED] stated [REDACTED] was unable to speak English, so at one point a Marine grabbed [REDACTED] by the shirt collar and shoved him up against the hallway wall. Then the Marine brought [REDACTED] back to the courtyard where he and [REDACTED] stood facing the wall. [REDACTED] never explained how [REDACTED] knew what the Marines were saying to him. Reporting Agent then asked [REDACTED] if he ever saw anyone pulling [REDACTED] or anyone else by the hair. [REDACTED] responded no. (During the same evening of this interview, Reporting Agent saw [REDACTED] and asked [REDACTED] via Titian interpreter [REDACTED] "if anyone ever grabbed him by the hair or did anything else to him on 25Jun05. [REDACTED] responded no, he was only grabbed by the collar and shoved up against the wall.)

9. [REDACTED] then said the Marines brought [REDACTED] back into the Courtyard and got more Marines and a translator. The Marines and translator then spoke to V/SUMAIDAIE's [REDACTED]. They showed her the AK-47 rifle and she explained that it was the ceremonial rifle for the school that her husband worked at. [REDACTED] stated they were in the Courtyard for about an hour and half before the Marines started to leave. At that point, the translator told V/SUMAIDAIE's [REDACTED] that they had shot and killed V/SUMAIDAIE. V/SUMAIDAIE's [REDACTED] began to cry and the last Marine leaving the residence smiled at V/SUMAIDAIE's [REDACTED]. At some point during this part of the conversation [REDACTED] started to say the Marines were laughing, however, the interpreter [REDACTED] asked [REDACTED] to be specific and as accurate as possible. It was at that point that [REDACTED] stated only the last Marine leaving the residence smiled at V/SUMAIDAIE's [REDACTED]. [REDACTED] further stated no one laughed at the family and when the Marines left, [REDACTED] and his family entered the residence and went into the back bedroom where the shooting occurred.

10. [REDACTED] claimed that he was the first one in his family to see the body. [REDACTED] stated V/SUMAIDAIE was lying on his back, head toward the wall and feet toward the bedroom door. His arms were at his side and there was what appeared to be a bullet hole right in the Adams apple area of the throat. [REDACTED] claimed that his mother said there was an exit hole in the back of V/SUMAIDAIE's neck. [REDACTED] claimed that his mother saw the wound when the family was bathing the body

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

for burial. No further pertinent information was obtained during this interview.

Enclosure

(A) Rough sketch of V/SUMAIDAIE's residence/27Dec05

REPORTED BY: [REDACTED] Special Agent

OFFICE: NCIS Al Asad AB, IZ

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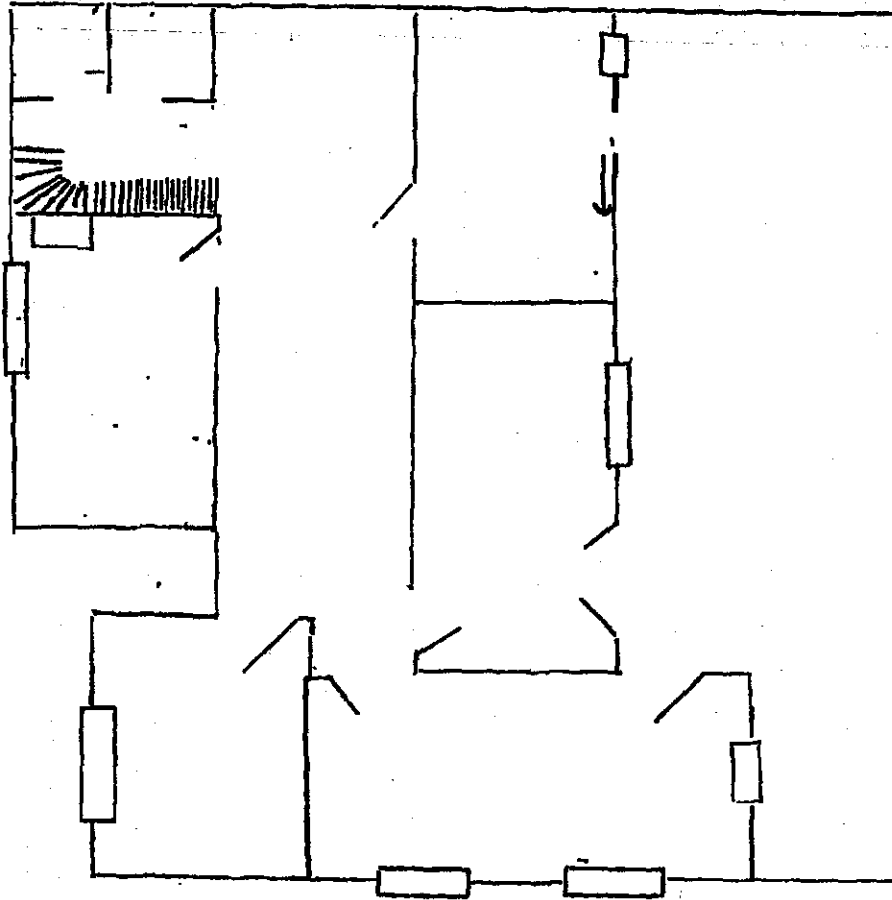
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GP

V/SUMAIDAI, MOHAMMED/CIV (DECEASED)

CCN: 10AUG05-MEJ-0533-7HMA Rough Sketch/Not to scale of V/SUMAIDAI's
Residence at GPS coordinates [REDACTED] in Haditha, IZ./27DEC05/RAM



U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

14JAN06

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MUHAMMED/CIVILIAN
M/W/FNIZ/N///IRAQ

RESULTS OF TELEPHONIC INTERVIEW WITH [REDACTED]

On 13Jan06, at approximately 2234, Reporting Agent received a telephone call from Special Agent [REDACTED] NCISRA Great Lakes, IL. Previously, Reporting Agent had requested that a NCISRA Great Lakes Special Agent contact [REDACTED] USN, assigned to the Naval Hospital Great Lakes. Special Agent [REDACTED] advised he was with [REDACTED] for contact and interview with Reporting Agent.

Reporting Agent identified himself and advised that the telephonic interview was necessary to amplify information provided in his statement provided to NCIS on 09Dec05, specifically regarding his 25Jun05 conversation with [REDACTED] USMC, which occurred at the residence of [REDACTED] in Hadithah, Iraq.

[REDACTED] indicated that he recalled responding to the bedroom and assessed the condition of Mohammed Sumaidaie. He stated [REDACTED] was present in the room also. They exited the room, and within the next five minutes, engaged in a brief conversation. [REDACTED] reiterated (his 09Dec05 NCIS statement) that [REDACTED] appeared to be extremely upset, or shocked, after observing Mohammed Sumaidaie in the bedroom. [REDACTED] advised the conversation on the stairs with [REDACTED] was limited to a question concerning his [REDACTED] well-being. [REDACTED] advised he asked [REDACTED] if he was "ok". [REDACTED] recalled that [REDACTED] "shrugged and looked down". [REDACTED] advised that he and [REDACTED] engaged in no other conversation. [REDACTED] contact with the family and the interpreter, who responded well after this conversation, occurred well after his brief conversation with [REDACTED]

[REDACTED] advised at the time, he was unaware that the family would later allege that Mohammed Sumaidaie led he search team down the hallway and into the bedroom. [REDACTED] advised that at no time did he engage in discussion with [REDACTED] concerning this allegation, as in fact, he wasn't aware of the claim at that time. [REDACTED] further advised that the allegation was untrue. He recalled observing the hallway as [REDACTED] and [REDACTED] moved toward the far bedroom. [REDACTED] again reiterated (his 09Dec05 NCIS statement) that Muhammed Sumaidaie was not present in the hallway, nor did he lead anyone from the hallway into the bedroom. [REDACTED] stated had he observed a "male" in the hallway, to include Mohammed Sumaidaie, he would have stopped, and not turned in to and entered the "computer room". [REDACTED] stated Mohammed Sumaidaie was not present in the hallway.

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10AUG05-MEBJ-0533-7HM

SUBJ: V/SUMAIDAIE, MOHAMMED/CIVILIAN

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

[REDACTED] could not explain why [REDACTED] would make the statement that he has concerning their conversation, other than to comment that he [REDACTED] was confused. [REDACTED] reiterated that [REDACTED] statements are not accurate.

REPORTED BY: [REDACTED]
OFFICE: NCIS DETACHMENT IRAQ

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Handwritten initials/signature

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

11JAN06

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

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

REFERENCES

- (A) NCISHQ Washington, DC ROI (Action)/15Aug05
- (B) GEN 23B-0035: Special Interest Investigations/23Oct03
- (C) NCIS 1, Chapter 25-10, Special Interest "SI" Investigations

NARRATIVE

1. Reference (A) designated this case as "Special Interest" (SI) by NCISHQ. On 10Jan06, Deputy Assistant Director of the General Crimes Department, [REDACTED] advised this investigation no longer merited a "SI" status. Therefore, this investigation has been reverted to a standard status.

ACTION

MEBJ: As per guidance provided in References (B) and (C), this case is returned to a standard status for reporting writing and briefing requirements.

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ACTION: MEBJ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

22DEC05

DEATH (II).

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDALE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/GCGL/GREAT LAKES IL/[REDACTED] INVESTIGATOR

REFERENCE(S)

(A) NCIS CAMP LEJEUNE NC ROI (ACTION)/19DEC05 (Contains Exhibits 1
-4)

NARRATIVE

1. Lead tasking, minus exhibits in Reference (A) has been received. Upon review, NCISRA Memphis related information they will provide an agent to complete lead in Columbus, Oh. Lead will be transferred to NCISRA Memphis for completion.

ACTION

R.CALE: Reference (A) is being transferred to GCMT for completion. Please send/FAX exhibits (1) through (4) to GCMT.

R.GCMT: Upon receipt of Reference (A) with exhibits, complete lead tasking assigned via Reference (A) to GCGL. Report results directly to the NCIS Detachment, Camp Fallujah, IZ, Attn: RAC [REDACTED] via MEBJ. This investigation is designated "Special Interest".

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//23B/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

20DEC05

DEATH (II)

CONTROL: 10AUG05-MEJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/MEJ/AL ASAD IRAQ [REDACTED] SPECIAL AGENT

REFERENCES

- (A) NCIS AL ASAD, IZ ROI/09Sep05 (Contains Exhibits 1-39)
- (B) NCIS AL ASAD, IZ ROI/04Oct05 (Contains Exhibits 40-46)
- (C) NCIS AL ASAD, IZ ROI/27Oct05 (Contains Exhibits 47-53)
- (D) NCIS AL ASAD, IZ ROI/06Nov05 (Contains Exhibits 54-55)
- (F) NCIS AL ASAD, IZ ROI/28Nov05

EXECUTIVE SUMMARY

1. Investigation is based on a specific recommendation from [REDACTED] Group [REDACTED] Multi-National Corps Iraq Central Command Element, for NCIS to conduct an investigation into the circumstances of V/SUMAIDAIE's death to determine if foul play was involved. As background, on 25Jun05, Marines from Weapons Platoon, Lima Company, 3DBN, 25th Marine Regiment (3/25), were conducting Cordon and Knock (C&K) operations in Al Shaikh Hadid, Iraq. The Marines reportedly entered the home of V/SUMAIDAIE's family, attempted to ascertain if any weapons or other persons were in the house, and were told no. While searching the house, [REDACTED] USMC, unexpectedly encountered V/SUMAIDAIE in a back bedroom brandishing an AK-47 Assault Rifle and shot him, striking V/SUMAIDAIE in the neck and killing him. Relatives of V/SUMAIDAIE who were present at the house during this incident reported the Marines met V/SUMAIDAIE at the door when they arrived and instructed him to lead them to the back bedroom to show them a ceremonial AK-47, and subsequently murdered him. V/SUMAIDAIE is the cousin of [REDACTED]

[REDACTED] Reportable Incident Assessment Team (RIAT) Inquiry was conducted by the USMC followed by a USA AR 15-6 Command Investigation, however, [REDACTED] felt unanswered questions remained and requested NCIS investigate the matter due to the discrepancies.

2. An attempt was made by NCIS to travel via military convoy to the location of this incident to conduct a death scene examination, family interviews, and a possible exhumation of V/SUMAIDAIE, however, the convoy was suspended enroute due to numerous Improvised Explosive Devices (IEDs) discovered along the route. Evidence germane to this investigation to include the AK-47, bullet fragments recovered during the RIAT investigation, and the weapons utilized by [REDACTED] and [REDACTED] has been seized. The rifles, AK-47, and bullet fragments were sent to the United States Army Criminal Investigations Laboratory (USACIL) for processing. Attempts to contact a family member of the SUMAIDAIE's in Iraq to schedule interviews on several occasions met with negative results. To date, NCIS has conducted thirty-five interviews and/or interrogations in connection with this

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

investigation. [REDACTED] the purported shooter, was interrogated and denied wrongfully shooting V/SUMAIDAIE. Efforts continue to schedule interviews of V/SUMAIDAIE's family members present on 25Jun05.

3. This investigation is conducted pursuant to SECNAVINST 5520.3b. There are no specific statutes or UCMJ Articles that pertain at this time.

NARRATIVE

1. Subsequent to References (D) and (E), [REDACTED] and [REDACTED] were informally contacted in early Dec05 by Participating Agent [REDACTED] but refused to be re-interviewed concerning this investigation.

2. On 09Dec05, [REDACTED] USN, who participated in the C&K operation of V/SUMAIDAIE's residence, was re-interviewed concerning this matter and reiterated the fact that he did not see V/SUMAIDAIE in the residence until after he had been fatally shot by [REDACTED] [REDACTED] was subsequently administered a polygraph examination and was considered non-deceptive in his responses.

3. Contact has been established with [REDACTED] relative to scheduling interviews with family members present on 25Jun05, and [REDACTED] reported the family has agreed to be interviewed. Efforts continue with RCT-2, Al Asad, relative to scheduling a flight for NCIS personnel to the Haditha Dam area to interview the family. Currently, these interviews are tentatively scheduled for 27-28Dec05. Additionally, a death scene examination and possible exhumation of V/SUMAIDAIE are being considered.

PARTICIPATING AGENT(S)

[REDACTED], SA, NCISFO Camp Lejeune, NC
[REDACTED] SA, NCISFO Gulf Coast, FL

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

19DEC05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

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

REFERENCE(S)

(A) NCIS DET, AL ASAD, IZ ROI/06NOV05

- (1) Sworn statement of [REDACTED] 18Nov05... (ORIG MEBJ/Copy GCGL)
- (2) Sworn statement of [REDACTED] 09Dec05... (ORIG MEBJ/Copy GCGL)
- (3) IA: Polygraph Examination of [REDACTED] 09Dec05... (ORIG MEBJ/Copy GCGL)
- (4) Interview Questionnaire for [REDACTED] 19Dec05... (Copy GCGL Only)

NARRATIVE

1. Reference (A) requested the re-interviews of [REDACTED] USMCR; [REDACTED] USMCR; [REDACTED] USMCR; and [REDACTED] USMCR, regarding the circumstances surrounding the death of V/SUMAIDAIE. Reference (A) further requested the consideration of scientific investigative aids during the conduct of the interviews.

2. On 18Nov05, [REDACTED] was interviewed at the NCIS Field Office, Washington, D.C. [REDACTED] was asked to clarify a discrepancy in his statements, specifically to clarify what the Corpsman had told him in regards to the Corpsman's location within the house when V/SUMAIDAIE was reportedly discovered in the house. According to an e-mail message, typed by [REDACTED] on 16Jul05, addressed to [REDACTED] Executive Officer, [REDACTED] reported the Corpsman told him V/SUMAIDAIE was taking the Marines to a weapon and that he (Corpsman) was standing in the hallway right behind [REDACTED] when the shooting occurred. [REDACTED] confirmed this report in a sworn statement provided to [REDACTED] on 23Jul05. However, in a sworn statement provided by [REDACTED] to NCIS Agents on 12Sep05, [REDACTED] reported the Corpsman told him that he (Corpsman) was examining a computer in another room when the shooting occurred. [REDACTED] stated he was no longer certain that the Corpsman told him that he was examining a computer and offered it was possible this information was provided to him by the NCIS agent who questioned him on 12Sep05. [REDACTED] further stated it was possible it could have been a Marine and not the Corpsman that he spoke with in the house where the shooting occurred. [REDACTED] denied intentionally providing false information and related he believed the details contained within his e-mail were the most reliable because he typed the e-mail himself within a few days after the shooting. [REDACTED] maintained he was absolutely positive that he witnessed Marines

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

photograph the body of V/SUMAIDAIE after he was shot, Exhibit (1) pertains.

3. On 06Dec05, Reporting and Participating Agents met with [REDACTED] USMCR, Company 1stSgt, Lima Company, 3dBn, 25thMarRegt, 4thMardDiv, at the USMC Reserve Center, Rickenbacker Airfield, Columbus, OH. [REDACTED] advised that [REDACTED] and [REDACTED] had been demobilized and were presently in a civilian status. Both [REDACTED] and [REDACTED] were subsequently contacted and declined to report to the Reserve Center or to meet with NCIS Agents or answer further questions. Requests by NCIS Agents to interview [REDACTED] and [REDACTED] at their residences or at any location of their choosing were also declined.

4. On 06Dec05, [REDACTED] was contacted by telephone and advised he was presently on vacation in Florida. [REDACTED] was advised that NCIS would contact him upon his return from vacation.

5. On 09Dec05, [REDACTED] USN was interviewed at the NCIS Office, Naval Station Great Lakes, IL. [REDACTED] maintained he never told [REDACTED] or anyone else that he, [REDACTED] or [REDACTED] encountered V/SUMAIDAIE in the hallway of the residence or that V/SUMAIDAIE escorted them inside the residence. [REDACTED] related he never saw V/SUMAIDAIE until after he had been shot. [REDACTED] consented to a polygraph, which indicated he gave truthful responses regarding when he first saw V/SUMAIDAIE and regarding he [REDACTED] and [REDACTED] not following V/SUMAIDAIE inside the house, Exhibits (2) and (3) pertain.

6. [REDACTED] consented to the administration of a polygraph, which upon further consideration by NCIS, was not implemented. Lead tasking remains pending the anticipated re-interview of [REDACTED]

ACTION

R.GCGL: Locate, fully identify and attempt to re-interview [REDACTED] USMCR, [REDACTED] regarding his knowledge of the shooting of V/SUMAIDAIE. Specifically attempt to determine if [REDACTED] actually witnessed [REDACTED] and [REDACTED] in the hallway outside the bedroom where the shooting occurred prior to the shooting; and if he actually witnessed [REDACTED] enter the bedroom where the shooting occurred. Attempt to identify how much time had passed from the time [REDACTED] entered the second bedroom to the time he heard the gunshot. Utilize Exhibit (4) to aid in the questioning of [REDACTED]. Attempt to determine if [REDACTED] saw V/SUMAIDAIE prior to the shooting and consider the use of a scientific investigative aid in the interview of [REDACTED]. Conduct any additional investigative leads deemed appropriate and forward all documentation to the NCIS Detachment, Camp Fallujah, IZ (Attn: RAC [REDACTED] via MEBJ.

PARTICIPATING AGENT(S)

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G46

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

Special Agent, NCIS, Pensacola, FL

DISTRIBUTION

NCISHQ: 0023B (SI)

ACTION: GCGL

INFO: MEBJ/0024B4/GCPF

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6047

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09DEC05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MARINE EXPEDITIONARY FORCE (FWD) /20361

MADE AT/24B2/NCISHQ WASHINGTON DC [REDACTED] SPECIAL AGENT

REFERENCE

(A) CALE ROI (ACTION)/09DEC05

NARRATIVE

1. Authority is granted to administer a polygraph examination to [REDACTED] as requested per Reference (A).

ACTION

R.GCVP: Approval number for [REDACTED] is 2006-0094.
Conduct polygraph examination of [REDACTED]
and report results per 0024B2's policy and guideline.

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NCISHQ: 0023/0024B2
ACTION: GCVP
INFO: GCPF/CALE/MEBJ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09DEC05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MARINE EXPEDITIONARY FORCE (FWD)/20361

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

REFERENCE(S)

(A) NCIS DET AL ASAD, IZ ROI (INTERIM)/06NOV05

NARRATIVE

1. Reference (A) requested NCIS, Camp Lejeune, NC locate and attempt to re-interview [REDACTED] USN and consider the use of a scientific investigative aid to determine the veracity of his statements. On 07Dec05, [REDACTED] who is presently assigned to the United States Naval Hospital, Naval Station Great Lakes, IL, was contacted and agreed to be re-interviewed.

ACTION

R.24B4...With the use of a scientific investigative aid, request the re-interview of [REDACTED] USN, [REDACTED] United States Naval Hospital, Naval Station Great Lakes, IL; concerning his knowledge of the circumstances surrounding the shooting of V/SUMAIDAIE.

R.GCPF...Upon approval provide polygraph support.

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ACTION: 0024B4/GCPF
INFO: MEBJ/CALE

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//23B/BJ/LE/24B/PF//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

28NOV05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/MEBJ/NCIS DET AL ASAD IRAQ/ [REDACTED] SPECIAL AGENT

REFERENCE(S)

- (A) NCIS DET AL ASAD, IZ ROI/09SEP05 (Contains Exhibits 1-39)
- (B) NCIS DET AL ASAD, IZ ROI/04OCT05 (Contains Exhibits 40-46)
- (C) NCIS DET AL ASAD, IZ ROI/27OCT05 (Contains Exhibits 47-53)
- (D) NCIS DET AL ASAD, IZ ROI/06NOV05 (Contains Exhibits 54-55)

EXECUTIVE SUMMARY

1. Investigation is based on a specific recommendation from [REDACTED] Group [REDACTED] for Multi-National Corps Iraq Central Command Element, for the Naval Criminal Investigative Service to conduct an investigation into the circumstances of V/SUMAIDAIE's death and to determine if foul play was involved. A Reportable Incident Assessment Team (RIAT) Inquiry, and an AR 15-6 Command Investigation were previously conducted, however [REDACTED] indicated unanswered questions remained, warranted additional inquiry. As background, on 25Jun05, Marines from Weapons Platoon, Lima Company, 3rd Battalion, 25th Marine Regiment were conducting cordon and knock operations in the town of Al Shaikh Hadid, Iraq, just south of Haditha Dam. The Marines reported they entered the home of V/SUMAIDAIE's family and encountered V/SUMAIDAIE in a back bedroom, brandishing an AK-47 Assault Rifle. [REDACTED] USMC, L 3/25, the first person to enter the room, fired his M16; purportedly striking V/SUMAIDAIE in the neck and killing him. Relatives of V/SUMAIDAIE, who were present at the house during the shooting, reported the Marines requested V/SUMAIDAIE lead them to the back bedroom to show them a ceremonial AK-47, which reportedly fired blanks only, and the Marines killed V/SUMAIDAIE in cold blood. V/SUMAIDAIE is reportedly a 21 year-old Iraqi national [REDACTED]

Based on the discrepancies in the statements from the relatives and the Marines, and based on unanswered questions in the previous command inquiries, NCIS was tasked to conduct a formal investigation into the shooting death of V/SUMAIDAIE.

2. During an attempt to conduct several investigative leads germane to the shooting death, which was to include a death scene examination at the residence, family interviews, and a possible exhumation of V/SUMAIDAIE, the military convoy transporting NCIS Special Agents to the SUMAIDAIE residence was suspended. While the convoy was enroute numerous Improvised Explosive Devices (IEDs) were discovered along on the roadway. At that time, the NCIS team was being escorted by more than 100 military security personnel with supporting vehicle and air assets from 3/25. Previously, during the RIAT Inquiry, the AK-47 and bullet fragments were recovered by the RAIT Investigating Officer,

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SUBJ: V/SUMAIDAIE, MOHAMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

██████████. Those items were subsequently seized by NCIS. The rifles of ██████████ and ██████████ were also seized as potential evidence. The rifles, AK-47, and bullet fragments were sent to the United States Army Criminal Investigations Laboratory (USACIL) for processing. Attempts to contact a family member of the SUMAIDAIE's in Iraq on several occasions met with negative results. Criminal history inquiries on the 3/25 personnel, specifically ██████████, ██████████, ██████████, and ██████████ met with negative results. To date, NCIS has conducted thirty-five interviews and/or interrogations in connection to this investigation. ██████████, the purported shooter, was interrogated and denied wrongfully shooting V/SUMAIDAIE.

3. This investigation is conducted pursuant to SECNAVINST 5520.3b. There are no specific statutes or UCMJ Articles that pertain at this time.

NARRATIVE

1. Reference (D) reflected this investigation was pending interviews of V/SUMAIDAIE'S family, the possible exhumation of V/SUMAIDAIE and autopsy by the Armed Force Institute of Pathology (AFIP), Rockville, MD and the re-interview/re-interrogation of Marines and Sailor by CALE. Liaison has been made with CALE who are conducting lead tasking, however lead tasking has not been completed at this time. ██████████ has agreed to submit to a re-interview with the use of a technical investigative aid. To date, this investigation is pending completion of the aforementioned re-interviews and re-interrogations by CALE, interviews of the family, death scene examination, the exhumation of V/SUMAIDAIE if deemed appropriate and feasible.

ACTION

R.24B4: Request the re-interview of ██████████ ██████████ USMCR, ██████████ H & S Co, 3/25, Fourth Marine Division (4th MARDIV), Brooke Park, Oh, concerning his knowledge of the shooting of V/SUMAIDAIE with a technical investigative aid.

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NCISHQ: 0023B (SI)
ACTION: 0024B4
INFO: MEBJ/GCPF/CALE

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

09NOV05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

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

REFERENCE(S)

(A) NCIS DET, AL ASAD, IZ ROI/06NOV05

NARRATIVE

1. Effective 09Nov05, CALE acknowledges receipt of Reference (A). A query of the Marine Corps Personnel Locator System reflects effective 09Oct05, [REDACTED] USMCR, [REDACTED] is presently assigned to the U.S. Marine Corps Office of Legislative Affairs, HQMC, Washington, D.C.; and presently resides in Fairfax, VA. The re-interview of [REDACTED] has been tentatively scheduled for the week of 21Nov05. Due to the potential for numerous additional interviews/interrogations of personnel residing in the Ohio and Illinois area, the estimated completion date for lead tasking cannot be determined at this time.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

06NOV05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

COMMAND/II MEF (FWD)/20361

MADE AT/MEBJ/NCIS DET AL ASAD IRAQ [REDACTED] SPECIAL AGENT

REFERENCE(S)

- (A) NCIS DET AL ASAD, IZ ROI/09SEP05 (Contains Exhibits 1-39)
- (B) NCIS DET AL ASAD, IZ ROI/04OCT05 (Contains Exhibits 40-46)
- (C) NCIS DET AL ASAD, IZ ROI/27OCT05 (Contains Exhibits 47-53)

EXHIBITS

- (54) IA: Email Contact with [REDACTED] and [REDACTED] /03Nov05
... (Copy CALE, 0023B, MEBJ)
- (55) IA: Declassification of Army 15-6 Report and Reportable Incident
Assessment Team Inquiry/05Nov05... (Copy CALE, 0023B, MEBJ)

EXECUTIVE SUMMARY

1. Investigation is based on a specific recommendation from [REDACTED], Group [REDACTED] for Multi-National Corps Iraq Central Command Element, for the Naval Criminal Investigative Service to conduct an investigation into the circumstances of V/SUMAIDAIE's death and to determine if foul play was involved. A Reportable Incident Assessment Team (RIAT) Inquiry, and an AR 15-6 Command Investigation were previously conducted, however [REDACTED] indicated unanswered questions remained, warranted additional inquiry. As background, on 25Jun05, Marines from Weapons Platoon, Lima Company, 3rd Battalion, 25th Marine Regiment were conducting cordon and knock operations in the town of Al Shaikh Hadid, Iraq, just south of Haditha Dam. The Marines reported they entered the home of V/SUMAIDAIE's family and encountered V/SUMAIDAIE in a back bedroom, brandishing an AK-47 Assault Rifle. [REDACTED], USMC, L 3/25, the first person to enter the room, fired his M16, purportedly striking V/SUMAIDAIE in the neck and killing him. Relatives of V/SUMAIDAIE, who were present at the house during the shooting, reported the Marines requested V/SUMAIDAIE lead them to the back bedroom to show them a ceremonial AK-47, which reportedly fired blanks only, and the Marines killed V/SUMAIDAIE in cold blood. V/SUMAIDAIE is reportedly a 21 year-old Iraqi national of [REDACTED]

Based on the discrepancies in the statements from the relatives and the Marines, and based on unanswered questions in the previous command inquiries, NCIS was tasked to conduct a formal investigation into the shooting death of V/SUMAIDAIE.

2. During an attempt to conduct several investigative leads germane to the shooting death, which was to include a death scene examination at the residence, family interviews, and a possible exhumation of V/SUMAIDAIE, the military convoy transporting NCIS Special Agents to the SUMAIDAIE residence was suspended. While the convoy was enroute

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SUBJ: V/SUMAIDAIE, MOHAMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

numerous Improvised Explosive Devices (IEDs) were discovered along on the roadway. At that time, the NCIS team was being escorted by more than 100 military security personnel with supporting vehicle and air assets from 3/25. Previously, during the RIAT Inquiry, the AK-47 and bullet fragments were recovered by the RAIT Investigating Officer, [REDACTED]. Those items were subsequently seized by NCIS. The rifles of [REDACTED] and [REDACTED] were also seized as potential evidence. The rifles, AK-47, and bullet fragments were sent to the United States Army Criminal Investigations Laboratory (USACIL) for processing. Attempts to contact a family member of the SUMAIDAIE's in Iraq on several occasions met with negative results. Criminal history inquiries on the 3/25 personnel, specifically [REDACTED] [REDACTED] and [REDACTED] met with negative results. To date, NCIS has conducted thirty-five interviews and/or interrogations in connection to this investigation. [REDACTED], the purported shooter, was interrogated and denied wrongfully shooting V/SUMAIDAIE.

3. This investigation is conducted pursuant to SECNAVINST 5520.3b. There are no specific statutes or UCMJ Articles that pertain at this time.

NARRATIVE

1. Reference (C) reflected this investigation was pending interviews of V/SUMAIDAIE'S family, the possible exhumation of V/SUMAIDAIE and autopsy by the Armed Force Institute of Pathology (AFIP), Rockville, MD.

2. On 03Nov05, email contact between NCIS, [REDACTED] and a family member in Iraq revealed the situation in Haditha had improved and it was safer for the family to travel to Baghdad, IZ, Exhibit (54) pertains; however, the EID holiday prevented the immediate travel of the family. On 05Nov05, liaison with NCIS and various other Military personnel resulted in the declassification of both the Army 15-6 investigation and the RIAT investigation, which are enclosures contained within Exhibit (55).

3. This investigation is pending the interviews of the family, death scene examination, the exhumation of V/SUMAIDAIE if deemed appropriate and feasible, and the re-interview/re-interrogation of the Marines and a Sailor by the NCIS Camp Lejeune, NC Field Office.

PARTICIPANTS

[REDACTED], Supervisory Special Agent, Camp Fallujah, IZ

ACTION

R.CALE: Obtain full report from 0023B. Liaison with 24B4 regarding the possible use of Technical Investigative Aids during the re-interviews/re-interrogations outlined below. Request the re-interview of [REDACTED] [REDACTED] USMCR, [REDACTED] H & S Co, 3/25, Fourth Marine Division (4th MARDIV), Brooke Park, Oh, concerning his

knowledge of the shooting of V/SUMAIDAIE. Dependant upon results of interview of [REDACTED] make liaison with 4th MARDIV SJA's in order to consider the applicability

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10AUG05-MEBJ-0533-7HMA

SUBJ: V/SUMAIDAIE, MOHAMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

of immunity for [REDACTED], USN, [REDACTED], Great Lakes, Il or others germane to this investigation. Attempt to re-interview [REDACTED] concerning the shooting of V/SUMAIDAIE and the Marines actions after the incident. Attempt to Re-interview [REDACTED] USMCR, [REDACTED] 3/25, 4th MARDIV, concerning his knowledge of the incident. Attempt to re-interrogate [REDACTED] USMCR, 3/25, 4th MARDIV, concerning his accounts of the shooting of V/SUMAIDAIE, specifically ascertain how many rounds he fired, and the position of the AK-47 when he first saw V/SUMAIDAIE. Attempt to re-interview [REDACTED] USMCR, [REDACTED] Consider the request and use of Technical Investigative Aids in all re-interviews/re-interrogations mentioned supra. Provide results to MEBJ, Al Asad Detachment. Point of Contact for this investigation is Special Agent [REDACTED] Al Asad Detachment, Iraq at DSN 318-341-1303.

DIST For Information: The respective SAC's for CAFO and GCFO have been apprised of this investigation and necessity to have SA [REDACTED] perform lead coverage in their AOR with the support the FO's as deemed necessary.

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NCISHQ: 0023B (SI)
ACTION: CALE (Attn: SA [REDACTED])
INFO: MEBJ/0024B4/GCPF

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//23B/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

03NOV05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

EMAIL CONTACT WITH [REDACTED] AND [REDACTED]

1. On 29Oct05, Participating Agent (PA) received an email response from [REDACTED] who related the situation in Haditha, IZ had changed and it was now possible for a family member to come to Baghdad to be interviewed. [REDACTED] related this would be more preferable to a meeting in Al Asad or Fallujah. [REDACTED] also related he would be traveling out of the country in the coming week and asked to copy his brother, [REDACTED] at his email address.
2. On 30Oct05, PA responded and informed [REDACTED] two NCIS investigators would be in Baghdad and asked how much advance notice he would need to get the family to Baghdad. A copy of this message was also sent to [REDACTED]
3. On 31Oct05, PA emailed [REDACTED] again requesting to know about plans. On 31Oct05, [REDACTED] replied stating he believed [REDACTED] had left for Dubai earlier in the day and should be back in Baghdad in about a week. [REDACTED] asked to contact him directly and provided his New York, NY cellular phone number of [REDACTED]. [REDACTED] further related that the family observes a special routine and ritual in the first Eid after bereavement.
4. On 31Oct05, PA responded to [REDACTED] relating his thanks for the prompt response. The PA also related his sorrow over not being able to facilitate the meeting between NCIS and the family and provided the case agent's name as a point of contact and for [REDACTED] to go direct with the Case Agent. A copy of the entire email dialogue is appended to this document as Enclosure (A).

ENCLOSURES

(A) Email messages/Various dates

PARTICIPATING AGENT

[REDACTED], Supervisory Special Agent, Fallujah, IZ

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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056

[REDACTED] (ACE NCIS SPECIAL AGENT)

From: [REDACTED]
Sent: Monday, October 31, 2005 7:35 PM
To: [REDACTED]
Cc: [REDACTED] (ACE NCIS SPECIAL AGENT)
Subject: RE: [U] Telephone Call Earlier this Afternoon/17Oct05
Categories: UNCLASSIFIED, FOR OFFICIAL USE ONLY
Classification Caveat: FOR OFFICIAL USE ONLY
Classification Classification: UNCLASSIFIED

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Dear [REDACTED]

I send my warmest greetings. I appreciate the prompt notification. I did in fact receive [REDACTED] e-mail, which you kindly quoted. I assumed from the language in the e-mail that he would be in Baghdad for a portion of this week. I should have realized Eid was approaching, as I have lived in Bahrain a few years back and I am ware of the holiday, following Ramadan.

I'm sorry we missed this opportunity for [REDACTED] to facilitate the meeting between our Agents and the family. We have agents in [REDACTED] so those locations are just as well as a safe venue to meet in the future. The lead investigator in this investigation is Special Agent [REDACTED] who is based at [REDACTED] until December. In December, SA [REDACTED] returns to the U.S. and another agent will replace him as the lead investigator.

In your and [REDACTED]'s future correspondence by e-mail, both of you feel free to go direct with Special Agent [REDACTED] with regard to scheduling a meeting with family members in Baghdad or another safe or neutral venue. If I can assist please do not hesitate to contact me as well.

Enjoy your holiday and Best Regards -

b7c / b7F

DSN 318 3401-226

NIPR: [REDACTED]

SIPR: [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@gmail.com]
Sent: Monday, October 31, 2005 5:58 PM
To: [REDACTED]

11/2/2005

19568

ENCLOSURE (A) to EXHIBIT (54)

657

Subject: Re: [U] Telephone Call Earlier this Afternoon/17Oct05

Dear [REDACTED]

I believe [REDACTED] has left to Dubai today with his family to spend the Eid holiday, and I expect he will be back to Baghdad in about a week. He should have already sent you a message to say that the circumstances have changed. The message was as quoted below:

Dear [REDACTED]

Thank you for your letter of 17th of October sent to me by email and for your kind remarks.

When [REDACTED] spoke to me, Haditha was under siege and the family was not able to leave. In the last few days restrictions were lifted and now it is possible for members of the family can come to Baghdad if an interview is arranged. This would be preferable to a meeting in Al-Sad or Falloujeh.

I shall be traveling out of the country in the coming week. Please contact me via email and copy my brother [REDACTED] or [REDACTED]@gmail.com.

Best regards
[REDACTED]

It might be that you have not received it. Please take that into account and contact me directly (I am in New York cell-phone number [REDACTED], or via email to both [REDACTED] and myself.

Best regards
[REDACTED]

PS It is customary that the family observes special routine and ritual in the first Eid after a bereavement.

On 10/31/05, [REDACTED]
[REDACTED]@usmc.mil wrote:

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[REDACTED] Very anxious to hear from you regarding my response that is reflected below. Our investigative personnel will be in Baghdad out at the International Airport. I need to know as soon as possible about your plans.
Thank you.

[REDACTED]
[REDACTED]
[REDACTED]
DSN 318 3401-226

NIPR [REDACTED]@usmc.mil

11/2/2005

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SIPR: [REDACTED]

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From: [REDACTED]
Sent: Sunday, October 30, 2005 12:55 PM
To: [REDACTED]
Cc: [REDACTED]@gmail.com
Subject: RE: [U] Telephone Call Earlier this Afternoon/17Oct05

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[REDACTED] Two of our investigators will be in Baghdad Wed and Thursday. I do not have a specific location. It may be out at the International Airport or in the International Zone. I hope to have more information within 24 hours. There names are [REDACTED] and [REDACTED]

How much advance notice do you need to get the family members moved to Baghdad? I will need their names, relationship (mother, father, etc) and date of birth of each family member to ensure their passage at the military camps, as well as a specific time. I suspect your Cellular phone [REDACTED] is the best way to contact you just prior to the meeting. A few hours will be needed to do the interviews.

Your assistance is appreciated.

[REDACTED]

DSN 318 3401-226

NIPR: [REDACTED]

SIPR: [REDACTED]

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From: [REDACTED] [mailto:[REDACTED]@yahoo.com]
Sent: Saturday, October 29, 2005 4:12 PM
To: [REDACTED]
Subject: [U] Telephone Call Earlier this Afternoon/17Oct05

Dear [REDACTED]

959

Thank you for your letter of 17th of October sent to me by email and for your kind remarks.

When [REDACTED] spoke to me, Haditha was under siege and the family was not able to leave. In the last few days restrictions were lifted and now it is possible for member of the family can come to Baghdad if an interview is arranged. This would be preferable to a meeting in Al-Sad or Falloujeh.

I shall be traveling out of the country in the coming week. Please contact me via email and copy my brother [REDACTED] on [REDACTED]@gmail.com.

Best regards
[REDACTED]

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Yahoo! FareChase - Search multiple travel sites in one click.

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//23B/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

05NOV05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

DECLASSIFICATION OF ARMY 15-6 REPORT AND REPORTABLE INCIDENT
ASSESSMENT TEAM INQUIRY

1. On 09Oct05, Reporting Agent (RA) interviewed [REDACTED] who conducted the Army 15-6 investigation regarding the death of V/SUMAIDAIE. [REDACTED] related his report was not classified Secret and if done so would have been at a higher level. Since [REDACTED] is the originator of the report, he can classify or declassify its contents. [REDACTED] related there was nothing Secret in his report and did not have a problem including it with the NCTIS investigation. An email from [REDACTED] was received 26Oct05 relating he had no classified information in his report and in his view was not classified, Enclosure (A) The Army 15-6 report is appended to this document as Enclosure (B).

2. On 04Nov05, RA spoke with [REDACTED] for the Reportable Incident Assessment Team Inquiry (RIAT) who disclosed only Enclosure (15) of his report was classified and that all other enclosures could be utilized and noted as For Official Use Only (FOUO). This phone conversation was needed in order to clear up miscommunications between [REDACTED] RA, and the MEF SJA in Camp Blue Diamond, IZ in email messages enclosed as Enclosure (C). The RIAT report is hereby appended to this document as Enclosure (D) with the Secret classification markings being superseded by FOUO.

ENCLOSURE

- (A) Email from [REDACTED]/26Oct05
- (B) Army 15-6 Investigation/Various dates
- (C) Email Messages/various dates
- (D) RIAT report/various dates

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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Page 1

LAST

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Exhibit (55)

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NAVAL CRIMINAL INVESTIGATIVE SERVICE

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Page(s) G63 - G129, Encl. (A) + (B) to
Exh (55)

withheld entirely at this location. One or more of the following explain this decision:

Deleted under exemption(s)

Documents originated with other government agency(ies).
Referred for review and direct response to you.

Pages contain information furnished by other government agency(ies). We will advise you of releasability of information following consultation with agency(ies).

Comments: To: Commander, U.S. Central
Command, Attn: F.O.I.A. Officer,
7115 South Boundary Blvd.,
MacDill AFB, FL 33621-5101

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NAVAL CRIMINAL INVESTIGATIVE SERVICE

DELETED PAGE INFORMATION SHEET

Page(s) G-130-G-228, Encl (C) & (D) to
Exh. (55)

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Pages contain information furnished by other government agency(ies). We will advise you of releasability of information following consultation with agency(ies).

Comments: To: Commanding General,
II Marine Expeditionary Force,
Attn: Adjutant F.O.I.A.,
PSC Box 20080, MCB Camp
Lejeune, NC 28542-0080

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//23B/WA/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

27OCT05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

MADE AT/MEBJ/NCIS DET AL ASAD IRAQ/ [REDACTED] SPECIAL AGENT

REFERENCE

- (A) NCIS DET AL ASAD, IZ ROI/09SEP05 (Contains Exhibits 1-39)
- (B) NCIS DET AL ASAD, IZ ROI/04OCT05 (Contains Exhibits 40-46)

EXHIBITS

- (47) IA: Results of Interview for [REDACTED] 12Oct05... (Copy all)
- (48) IA: Additional attempts to Contact SUMIDAIE Family/ 09Oct05... (Copy all)
- (49) IA: Results of Laboratory Analysis/17Oct05... (Copy all)
- (50) IA: Contact with [REDACTED] / 17Oct05... (Copy all)
- (51) IA: Results of State Department Meeting/24Aug05... (Copy all)
- (52) IA: Liaison with Former Case Agent/26Oct05... (Copy all)
- (53) IA: [REDACTED] 27Oct05... (Copy all)

EXECUTIVE SUMMARY

1. Investigation is based on a specific recommendation from [REDACTED] Group [REDACTED] for Multi-National Corps Iraq Central Command Element, for the Naval Criminal Investigative Service to conduct an investigation into the circumstances of V/SUMIDAIE's death and to determine if foul play was involved. A Reportable Incident Assessment Team (RIAT) Inquiry, and an AR 15-6 Command Investigation were previously conducted, however [REDACTED] indicated unanswered questions remain, warranting additional inquiry. As background, on 25Jun05, Marines from Weapons Platoon, Lima Company, 3rd Battalion, 25th Marine Regiment were conducting cordon and knock operations in the town of Al Shaikh Hadid, Iraq, just south of Haditha Dam. The Marines reported they entered the home of V/SUMIDAIE's family and encountered V/SUMIDAIE in a back bedroom, brandishing an AK-47 Assault Rifle. [REDACTED] USMC, L 3/25, the first person to enter the room, fired a single round, striking V/SUMIDAIE in the neck and killing him. Relatives of V/SUMIDAIE, who were present at the house during the shooting, reported the Marines requested V/SUMIDAIE lead them to the back bedroom to show them a ceremonial AK-47, rigged to fire blanks only, and the Marines killed V/SUMIDAIE in cold blood. V/SUMIDAIE is reportedly a 21 year-old Iraqi national, who happens to be the cousin of [REDACTED]

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[REDACTED] Based on the discrepancies in the statements from the relatives and the Marines, and based on unanswered questions in the previous command inquiries, NCIS has been tasked to conduct a formal

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G-229

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

investigation in the shooting death of V/SUMAIDAIE.

2. An attempt to conduct a death scene examination of the residence, to conduct family interviews, and to request authorization for exhumation, was suspended enroute when IEDs were discovered along on the roadway. At that time, the NCIS team was being escorted by more than 100 security personnel with supporting vehicle and air assets from 3/25. The AK-47, and bullet fragment were seized from [REDACTED]

[REDACTED] The rifles of [REDACTED] and [REDACTED] were also seized as evidence and the rifles, AK-47, and bullet fragment were sent to the United States Army Criminal Investigations Laboratory for processing. Attempts to contact a family member of the [REDACTED]s in Iraq on several occasions met with negative results. Criminal history inquiries for [REDACTED], [REDACTED], and [REDACTED] met with negative results. To date, NCIS has conducted thirty-five interviews/interrogations in connection to this investigation. [REDACTED] was interrogated and denied wrongfully shooting V/SUMAIDAIE.

3. This investigation is conducted pursuant to SECNAVINST 5520.3b. There are no specific statutes or UCMJ Articles that pertain at this time.

NARRATIVE

1. Reference (B) reflected this investigation was pending interviews of V/SUMAIDAIE'S family, the possible exhumation of V/SUMAIDAIE and autopsy by the Armed Force Institute of Pathology, Rockville, MD and results of laboratory analysis.

2. On 09Oct05, [REDACTED] USA, was interviewed at the Al-Faw Palace, Camp Victory, Baghdad, IZ, Exhibit (47) pertains. [REDACTED] was the appointed Investigating Officer for the Army 15-6 Investigation. [REDACTED] related he learned about [REDACTED] account while conducting the Army 15-6 at Haditha Dam at which time he decided to re-interview the Marines and Sailor. [REDACTED] related when he advised the Marines and Sailor of their Article 31 Rights, each invoked, and [REDACTED] suspected command interference in the matter.

3. On 09Oct05, additional attempts to contact the [REDACTED] family met with negative results, Exhibit (48) pertains. On 17Oct05, the results of laboratory analysis was obtained which related the Ak-47 was functional, and the bullet fragment could not be matched to either [REDACTED] or [REDACTED] M-16 rifles, Exhibit (49) pertains.

4. On 17Oct05, contact was made with [REDACTED] who advised he was most interested in facilitating the meeting between NCIS and the family, however now was not a good time as there were too many operations on-going in Haditha, IZ and would not be safe for family to travel, Exhibit (50) pertains.

5. On 23Aug05, there was a meeting with the State Department and NCIS in New York, NY in order to discuss the investigation with State Department Officials and make arrangements for the interview of the

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G 230

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

[REDACTED] that had inadvertently been omitted from previous reporting, Exhibit (51) pertains. Contained within the aforementioned Exhibit is an email from [REDACTED] detailing his accounts of events he received from the SUMAIDAIE family.

6. On 26Oct05, liaison with former case agent, Special Agent [REDACTED] revealed he knew the Marines and Sailors had invoked for the Army-15-6, but to remain silent and that liaison was made between NCIS and the Staff Judge Advocates Office, Second Marine Expeditionary Force who decided enough time had elapsed since the Army 15-6 that they could be interviewed/interrogated again, Exhibit (52) pertains. On 13Sep05, an Intel summary was obtained for Haditha, IZ that revealed the area was infested with insurgents who had instituted Islamic Law, Exhibit (53) pertains.

7. This investigation is pending the interviews of the family by NCIS, crime scene examination, the exhumation of V/SUMAIDAIE if deemed appropriate and when feasible, and the re-interview/re-interrogation of Marines in Sailors in the United States. Attempts are still on-going in order to declassify the RIAT and Army 15-6 reports.

PARTICIPANTS

[REDACTED], Supervisory Special Agent, Camp Fallujah, IZ [REDACTED]
[REDACTED] Special Agent, New York, NY
[REDACTED] Special Agent, Al Asad, IZ

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//23/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

12OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW FOR [REDACTED]

1. On 09Oct05, Reporting Agent interviewed [REDACTED] at Al-Faw Place, Camp Victory, Baghdad, IZ concerning the Army 15-6 Investigation conducted by [REDACTED] regarding the shooting of V/SUMAIDAIE. [REDACTED] related the investigation was appointed to [REDACTED] USMC, and himself in order to answer questions [REDACTED] had regarding the Responsible Assessment Inquiry Team (RIAT) investigation conducted by [REDACTED] RCT-2, Al Asad, IZ that he believed needed further attention and clarification. [REDACTED] further related his report was never Secret and was unclassified, and if had been classified it had been done at a higher level.

2. [REDACTED] related while conducting the investigation at Haditha Dam he learned about [REDACTED]'s accounts about how it did not happen the way the Marines said it happened. [REDACTED] related to the Col that he was in the residence after the shooting and a Corpsman told him "Sir, this isn't the way this happened". [REDACTED] further related the Lt was not in the house at the time of the shooting. [REDACTED] related at that time they decided to bring the Marines and Corpsman back in and re-interview them. When they were interviewing the Marines and Corpsman and advised them of their Article 31 Rights, each invoked. [REDACTED] related he believed the Platoon Gunnery Sergeant had talked to the Marines prior to their second interview. [REDACTED] further related [REDACTED] told the Executive Officer (XO) for the Battalion, [REDACTED] about what the Corpsman had told him at the residence in an email he had sent to the XO. [REDACTED] further related the XO even interrupted one of the second interviews and wanted to argue with the Col about the Marines and Corpsman being interviewed a second time. The Col advised the Corpsman was close to telling what happened, but due to command influence and support he might have been holding back the truth.

3. [REDACTED] further stated the [REDACTED] were interviewed in a secure location at Haditha Dam. The family included the Victim's mother, father, two brothers, and a friend of the family. [REDACTED] related the family knew the Marines were coming that day and the father told his oldest son, V/SUMAIDAIE, the Marines would be coming today and to meet them at the front and show them the house and the ceremonial AK-47. The Col related the families' discussion of events was logical and is in accordance with Muslim traditions. The family also told the Col the body was posed and a headdress was discovered adjacent to his body that was not his. [REDACTED] could provide no further information.

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10AUG05-MEBJ-0533-7H

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

BIOGRAPHICAL DATA

EMPLOYMENT: ██████████, MULTI-NATIONAL FORCES IRAQ, U.S. ARMY

SSN: ██████████

DOB: ██████████

POB: ██████████

REPORTED BY: ██████████ SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

09OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W//N///

ADDITIONAL ATTEMPTS TO CONTACT [REDACTED]

1. On 09Oct05, several efforts we made to establish telephonic contact with family members of V/SUMAIDAIE, to include [REDACTED] in an effort to arrange future interviews of family members germane to this investigation. These efforts were made with the utilization of a contract interpreter known as [REDACTED]

2. Three unproductive attempts were made to establish contact with family members by calling a telephone number [REDACTED], which purportedly goes to a telephone in Al Shaikh Hadid, IZ. SA [REDACTED] NCISRA New York, previously provided the telephone number to Reporting Agent by internal correspondence, subsequent to the interview of [REDACTED]. On each attempt a pre-recorded message indicated that the telephone number was not a working number.

3. A follow-up telephone call was placed to a previously supplied telephone number (mobile/cellular) located in Baghdad, IZ [REDACTED]. The subscriber identified himself as [REDACTED], a Head Master to a college. [REDACTED] related that since RA's previous conversation, several days prior, he was unable to identify or locate any [REDACTED] who was either a staff or student at the college, who also had any association with the SUMAIDAI family. He expressed his willingness to assist if further information became available. He added that he was unsure why his cellular telephone had been listed as a point of contact for [REDACTED] since he was not familiar with the SUMAIDAI family.

4. A call was placed to Baghdad number [REDACTED] which according to previous reporting was a residential number for [REDACTED]. A female, who appeared to be either Pakistani or Indian according to the Interpreter, answered the telephone. When asked to speak to [REDACTED] the female referred the interpreter to another telephone number for [REDACTED], which was alleged to a company (NFI). The number was [REDACTED]. The interpreter placed a call to the aforementioned telephone number. The person (NFI) who answered stated that he was not acquainted with [REDACTED] and the number was to a residence and not a company. An immediate return call back to [REDACTED] was made to clarify the telephone number supplied by the previously discussed female. The interpreter reiterated the phone number she supplied and she confirmed that this was the number she had for [REDACTED]. A second call was placed to [REDACTED]; however, no one answered the telephone. Two further attempts to establish contact at the telephone number were made during the course of the day; however, no contact was established.

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Exhibit (40) Q234

10AUG05-MEBJ-0533-7

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORTED BY: [REDACTED], SUPERVISORY SPECIAL AGENT
OFFICE: MEBJ/NCIS DET FALLUJAH, IZ

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LAS [REDACTED]

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

17OCT05

CONTROL: 10AUG05-MEJB-0533-7HMA

V/SUMALDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

RESULTS OF LABORATORY ANALYSIS

1. On 17Oct05, Reporting Agent (RA) received the results of laboratory analysis from the United States Army Criminal Investigation Laboratory (USACIL), Enclosure (A). The report disclosed the AK-47 was functional. The report also indicated the M-16 were also functional. The bullet fragment could not be matched to either M-16 due to insufficient class and individual characteristics.

ENCLOSURES

(A) USACIL Report/06Oct05

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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Exhibit (49) / 236



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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-EP

6 October 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, NAVAL CRIMINAL
INVESTIGATIVE SERVICE, MWHS-2DET A (NCIS), BLDG 104 ROOM 10,
UIC 78092, FPO AE 09502-5500

SUBJECT: Forensic Branch Report(s)
USACIL Case Number 2005-CID131-1770
Submitter Case Number 10AUG05-MEBJ-0533-7HMA

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1. Enclosed are the Final Laboratory Exhibit List and Final Branch Report for the Firearms Branch.
2. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the forensic examiner(s) assigned to the case. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. One original report is enclosed and the other is kept in the official files of this laboratory and maintained IAW AR 25-400-2 and CIDR 195-1.
3. All items received in the laboratory for examination are returned to the submitting agency upon completion of laboratory testing.
4. IAW AR 195-2, requests and fund cites for court appearances of Laboratory Examiners will be made at least 10 working days prior to the date of court proceedings.
5. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.

Encl



Deputy Records Custodian



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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ENCLOSURE (A) to EXHIBIT (4A)

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CILA-FA

SUBJECT: Forensic Branch Report(s)
USACIL Case Number 2005-CID131-1770
Submitter Case Number 10AUG05-MEBJ-0533-7HMA

RETURN EVIDENCE TO: SPECIAL AGENT IN CHARGE, NAVAL CRIMINAL
INVESTIGATIVE SERVICE, FIELD OFFICE MIDDLE EAST BAHRAIN,
PSC 451 BOX 32, FPO AE 09834-2800

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DEPARTMENT OF THE ARMY
US ARMY CRIMINAL INVESTIGATION LABORATORY
4553 N 2ND STREET
FOREST PARK, GA 30297-5122

CILA-F

5 October 2005

MEMORANDUM FOR SPECIAL AGENT IN CHARGE, NAVAL CRIMINAL
INVESTIGATIVE SERVICE, MWHS-2DET A (NCIS), BLDG 104 ROOM 10,
UIC 78092, FPO AE 09502-5500

SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2005-CID131-1770
Submitter Case Number 10AUG05-MEBJ-0533-7HMA

EXHIBITS:

- 1 - M16A1 rifle SN# 10159154 (Item A, Log 263-05).
- 2 - M16A1 rifle SN# 10158976 (Item B, Log 263-05).
- 3 - AKM rifle SN# 31703428 (Item B, Log 257-05).
- 4(1-4) - Magazines (Item C, Log 257-05).
- 5 - Bullet fragment (Item D, Log 257-05).

FINDINGS:

- 1. Examination of Exhibits 1, 2 and 3 (rifles) disclosed that they are functional with their incorporated safety features working properly. Their trigger pulls are within standard specifications.
- 2. Examination of Exhibit 4(1-4) (magazines) disclosed that they are operational and designed to work with Exhibit 3.
- 3. Examination of Exhibit 5 (fragment) disclosed that it is a fired 5.56mm NATO bullet. Microscopic examination disclosed that there is insufficient class and individual characteristics for a comparison examination.



AN ASCLD/LAB ACCREDITED LABORATORY (SINCE 1985)

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1 of 2

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CILA-FA

SUBJECT: Firearms Branch - Final Report
USACIL Case Number 2005-CID131-1770
Submitter Case Number 10AUG05-MEBJ-0533-7HMA

4. Two original reports have been produced. These reports were completed at or near the time of the forensic examination(s) and prepared in the ordinary course of business by the undersigned. These reports were made by the regularly conducted activity as a regular practice of the United States Army Criminal Investigation Laboratory. Point of contact is the Evidence Processing Branch, DSN 797-7082/7109/7110, Commercial (404) 469-7082/7109/7110, Fax DSN 797-7112, or Email: usacil@usacil.army.mil.


Forensic Firearms Examiner

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

17OCT05

CONTROL: 10AUG05-MEJB-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W//N///

CONTACT WITH [REDACTED]

1. At approximately 1355, 17Oct05, telephonic contact was established with [REDACTED] at Iraqna cellular phone number [REDACTED]. The cellular phone number had been provided by separate correspondence from [REDACTED] since the last attempt. The conversation with [REDACTED] was accomplished with the aid of an interpreter identified as [REDACTED] AKA [REDACTED].

2. [REDACTED] related he is the brother to [REDACTED] while V/SUMAIDA'IE was [REDACTED] advised he was most interested in facilitating the meeting of V/SUMAIDA'IE's family with NCIS, whereby he would communicate with the family and ensure their travel to a safe location for subsequent interviews. He professed that the current time was not a good time for any meetings or interviews. [REDACTED] explained that there were "too many operations on-going in and around Haddithah" and it was not safe for the family to travel and or meet with Americans.

3. [REDACTED] was provided the telephone number of the interpreter, [REDACTED] to use to contact NCIS and to advise when the time was safe for the family to travel and meet with NCIS Agents. [REDACTED] provided his e-mail address, which would be another form of communication between himself and NCIS to arrange any future meetings with the family. The e-mail address was provided to Case Agent [REDACTED] by separate correspondence. Nothing additional came from the telephonic contact with [REDACTED].

REPORTED BY: [REDACTED], SUPERVISORY SPECIAL AGENT
OFFICE: MEBJ/NCIS DET. FALLUJAH, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF STATE DEPARTMENT MEETING

1. On 23 August 2005 a meeting was held at the U.S. Mission to the United Nations. The purpose of the meeting was to brief State Department officials on this investigation and to coordinate the interview of [REDACTED]

[REDACTED] Present at the meeting was S/A [REDACTED] NCIS; SSA [REDACTED], Department of State, Diplomatic Security Section; [REDACTED] host country officer U.S. Mission to the United Nations and [REDACTED] U.S. Mission to the United Nations. Special Agent [REDACTED] briefed the investigation and discussed the desire to interview [REDACTED]. A sample of some questions [REDACTED] would be asked was provided to the group. [REDACTED] expressed support for NCIS efforts and while he advised the State Department would cooperate he did raise "diplomatic concerns" relative to the types of questions to be asked the [REDACTED]. In stating that [REDACTED] enjoyed full diplomatic status as the [REDACTED] he questioned the need for a sworn statement. [REDACTED] opined that since [REDACTED] was not an eye-witness and had only second or third hand information a sworn statement was not necessary. He also voiced concern over a statement being produced in the future that may cause embarrassment to the ambassador or the United States. [REDACTED] also expressed concern over questions as to what, if any, indications V/SUMAIDAIE might have had regarding Operation Iraqi Freedom and the U.S. Military's role while in Iraq. [REDACTED] thought such questioning might suggest that [REDACTED] support was being questioned. [REDACTED] produced a copy of an e-mail, with an attachment, from [REDACTED] to [REDACTED] the Deputy U.S. Permanent Representative to the United Nations, wherein he describes events leading to the death of V/SUMAIDAIE and requests assistance in having the incident investigated. After Special Agent [REDACTED] read the e-mail and attachment he raised questions as to who had provided the information to the Ambassador and when it was provided. [REDACTED] could not answer those questions and suggested the interview of [REDACTED] be an "information gathering" type of interview. [REDACTED] was also concerned that the interview might be confrontational. He was assured that it would not be and that Special Agent [REDACTED] would be sensitive to the method and manner in which questions were asked. Special Agent [REDACTED] advised [REDACTED] that he would take the provided e-mails and attachments back to the office and thoroughly review them and would re-contact him to make arrangements for the interview of [REDACTED]. [REDACTED] advised that he and some of his staff would be on leave until the first week of September 05. Consequently Special Agent [REDACTED] advised that he would contact him upon his return. The e-mail

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EXHIBIT 51

Q242

10AUG05-MEBJ-0533-7

SUBJ: V/SUMIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

provided by [REDACTED] are appended as enclosure (A)

ENCLOSURE

(A) Three page e-mail from [REDACTED] 01 July 05... (M)

REPORTED BY: SPECIAL AGENT [REDACTED]
OFFICE: NCISRU NEW YORK, NY

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Page 2

[REDACTED]

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8/25
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G243

[REDACTED]

From: [REDACTED]
Sent: Friday, July 01, 2005 3:51 PM
To: [REDACTED]
Subject: FW: A Tragic Event in My Family

[REDACTED] look at this. I was going to ask [REDACTED] to do a brief front cable so this gets into the system and give the documents to others. Any other suggestions.

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

From: [REDACTED] [mailto:[REDACTED]@gmail.com]
Sent: Friday, July 01, 2005 2:33 PM
To: [REDACTED]
Subject: Fwd: A Tragic Event in My Family

Dear [REDACTED]

On 25th June a young [REDACTED] of mine was shot dead by American Marines at the home of his father in Haditha in Al-Anbar, our ancestral land. The circumstances of his killing are outlined in the attached short document.

If that account is broadly accurate, and I have no doubt that it is because I took care to check it out, a serious crime has been committed. A crime that may be repeated up and down Al-Anbar. The ramifications of this fact are enormous. Apart from the personal tragedy, and sense of loss and grief, there is the damage to the Iraq Project.

We are all striving to defeat the terrorists and go forward with the help of our friends and allies led by the United States, to build a country on the basis of freedom, democracy, and respect for human rights and the rule of law. This crime represents a betrayal of all these values and aspirations. It is a betrayal of the American people who are making huge sacrifices to bring this about, and a betrayal of Iraq and all Iraqi patriots who have put their trust in the United States.

Faced with such an event, and others like it, we can do one of two things. We can either sweep them under the carpet, close ranks and defend the perpetrators, or investigate them and get to the truth and punish any criminal act we find. Of course the first course of action, apart from being counterproductive and damaging in itself, can easily back-fire badly as happened in Abu-Ghraib if and when it becomes public. The multiple faceted damage such a crime causes is profound.

I believe this killing must be investigated in a credible and convincingly fair way to ensure that justice is done, and the sense of grievance is mitigated, and to deter similar actions in the future. It should be investigated quickly, and not be dragged over many weeks until the trail runs cold.

[REDACTED] I am sorry to trouble you with this and I know only too well how busy you are, but this goes to the heart of what we are trying to achieve in Iraq, and threatens everything we have fought for. I would appreciate your perspective on this and your help to get this properly, thoroughly and speedily investigated, by the highest authority possible, so that the right steps are taken and the right lessons are learnt.

Happy Fourth!

8/23/2005

19591

ENCLOSURE (A) to EXHIBIT (S 1)

G244

The Killing of Young Mohammed Al-Sumaida'ie

In the morning of 25th June 05, in the village of Al-Shaikh Hadid, the ancestral home of Al-Sumaida'ies, situated between the Al-Anbar town of Haditha and the American Military base at the Haditha Dam, a raid took place which resulted in the death of Mohammed the son of [REDACTED]. The circumstances of the raid and the death, based on a reliable account, were as follows:

Mohammed (21) was a promising second-year engineering student at the University of Technology in Baghdad. He was on a visit to his father's home in Al-Shaikh Hadid. He was the eldest of seven, and was well brought up and relatively shy, very far removed from any culture of violence.

Military units made up of American Marines and Iraqi Army units were conducting house to house raids presumably looking for weapons and terrorists. At around ten o'clock in the morning, they knocked on the door of [REDACTED]'s house. It was already warm outside and the family (the mother and her four sons and three sisters) was assembled in the living room (referred to as the hall). The [REDACTED] who is the local school headmaster, was at the school. Mohammed rushed to open the front door, and it was a group of American Marines. He greeted them pleasantly, happy to exercise some of his English. About ten marines accompanied by an interpreter – apparently Egyptian - trooped in. They asked Mohammed if there were any weapons in the house. Mohammed replied: Yes, only one rifle which belonged to the school in the old days. It has no live ammunition; only some blanks. He led some of the marines into his father's bedroom where the rifle was, while the others dispersed in the house and some went up to mount the flat roof. The rest of the family was kept in the hall.

A short time after going into the bedroom a thud was heard. Mohammed's younger sister asked: "What is that?" Her mother said "Something must have fallen down". The mood of the family was generally relaxed and assured as they had nothing to hide and, as they thought, nothing to fear.

[REDACTED] Mohammed's younger brother was dragged by the hair by a marine into the corridor leading to the bedroom and was beaten. The Marine was shouting at him in English, and [REDACTED] kept saying: "No English", and then broke down crying and fell to the ground. The mother started sobbing.

While the family was waiting, there was a lot of toing and froing. At one stage a Marine went out and came back with a camera, and went into the bedroom.

After a while, the family was told to go out of the house and wait outside in the porch, which they did. More than one hour later, the soldiers left. As they were going they took the mother with them outside the house. She was barefoot. The interpreter asked her, in Arabic:

G-2485

- "Was that your son, in there?"
- "Yes", she said.
- "They killed him!"
- She cried in disbelief "You mean he is dead?"
- "Yes, he is dead".

And turned to leave.

The mother let off a deafening cry of anguish, but the Marines were smiling at each other as they were leaving.

In the bedroom, Mohammed was found dead and laying in a clotted pool of his blood. A single bullet had penetrated his neck. A "Yashmagh" or Koffiyeh (the red and white Arab head-dress) had been taken off the coat hanger and dropped into the pool and a pair of dark gloves were taken from the cupboard and placed on his chest. They marines had taken the old rifle with them.

[REDACTED] house was the last to be searched that morning. The searches had started in the neighboring village of Thamania at around six in the morning. People started coming out of their houses and rushing towards the scene but were prevented until all the units were withdrawn.

The inhabitants of Al Shaikh Hadid are well known and respected in the area as "Sayids". They generally keep to themselves and avoided trouble. None of them is involved with insurgents or terrorists. At the centre of the village on a prominent hill, is the shrine of the famous ancestor Shaikh Hadid, a structure with a distinctive conical dome whose design dates back to the 12th century. The terrorists had blown it up a few months ago. It is now just a pile of rubble. It is not known whether that incredible act of vandalism was a punishment for my involvement in the politics of the New Iraq or simply the result of a Talaban-like ideology of destruction.

The village is within firing range from the American base at Haditha Dam. Marauding gangs of insurgents often come into the village and fire mortar rounds at the base. Villagers (men and women) remonstrate with them but only get abused and threatened. The armed gangs are strangers not from the area. Americans come and rough up the youths in the village demanding information which they simply do not have. The village, like other villages nearby is terrified. The cycle continues.

The killing of Mohammed has shocked and outraged the community; he was one of the most loved and most accomplished of the young men. All indications point to a killing of an unarmed innocent civilian - a cold blooded murder.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

26OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDALE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

LIAISON WITH FORMER CASE AGENT

1. On 26Oct05, Reporting Agent via correspondence via email made contact with Special Agent (SA) [REDACTED] initial Case Agent who initiated this investigation in order to clarify issues concerning the initial stages of this investigation. SA [REDACTED] related he had explained to [REDACTED] Forensic Consultant, NCIS Headquarters, Washington, DC about conducting the death scene examination and exhumation in which [REDACTED] said no, that it was not worth getting someone killed to try to get to the house.

2.. SA [REDACTED] was advised that [REDACTED], [REDACTED] [REDACTED] And [REDACTED] invoked their rights during the Army 15-6 but they invoked their right to remain silent and not for an attorney. SA [REDACTED] related the only person that invoked their right to an attorney was the Sgt, but SA [REDACTED] could not remember his name. SA [REDACTED] further stated they had invoked at the 15-6 due to the treatment they were receiving from the Army 15-6 investigators. SA [REDACTED] related given the date of the Army 15-6, and discussing it with higher ups and SJA and determined sufficient time had elapsed since the Army 15-6 that they now could be questioned again.

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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Page 1 LAST [REDACTED] V2 LNY

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Exhibit (52) G-247

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

27OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

1. On 13Sep05, Reporting Agent (RA) received email correspondence via SIPR from [REDACTED] Third Battalion (3rdBN), first Marine Regiment (1STMAR), First Marine Division (1stMARDIV), who

[REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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Page 1 LAST [REDACTED] V2 LNY

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Exhibit (53) *GA*

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

04OCT05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)

M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

MADE AT/MEBJ/NCIS, DET AL ASAD IRAQ [REDACTED] SPECIAL AGENT

REFERENCE

(A) NCIS DET AL ASAD, IZ ROI/09SEP05 (Contains Exhibits 1-39)

EXHIBITS

- (40) IA: Results of Interview for the [REDACTED] 9Sep05... (Copy all)
- (41) IA: Attempts to Contact [REDACTED] 02Oct05... (Copy all)
- (42) IA: Acquisition of Investigations/02Oct05... (Copy all)
- (43) IA: Attempts to Contact Family Member in Iraq... (Copy all)
- (44) IA: Results of Criminal History Queries/03Oct05... (Copy all)
- (45) IA: Acquisition of Evidence/03Oct05... (Copy all)
- (46) IA: Acquisition of Evidence/04Oct05... (Copy all)

EXECUTIVE SUMMARY

1. Investigation is based on a specific recommendation from [REDACTED] Group [REDACTED] for Multi-National Corps Iraq Central Command Element, for the Naval Criminal Investigative Service to conduct an investigation into the circumstances of V/SUMAIDAIE's death and to determine if foul play was involved. A Reportable Incident Assessment Team (RIAT) Inquiry, and an AR 15-6 Command Investigation were previously conducted, however [REDACTED] indicated unanswered questions remain, warranting additional inquiry. As background, on 25Jun05, Marines from Weapons Platoon, Lima Company, 3rd Battalion, 25th Marine Regiment were conducting cordon and knock operations in the town of Al Shaikh Hadid, Iraq, just south of Haditha Dam. The Marines reported they entered the home of V/SUMAIDAIE's family and encountered V/SUMAIDAIE in a back bedroom, brandishing an AK-47 Assault Rifle. [REDACTED] USMC, L 3/25, the first person to enter the room, fired a single round, striking V/SUMAIDAIE in the neck and killing him. Relatives of V/SUMAIDAIE, who were present at the house during the shooting, reported the Marines requested V/SUMAIDAIE lead them to the back bedroom to show them a ceremonial AK-47, rigged to fire blanks only, and the Marines killed V/SUMAIDAIE in cold blood. V/SUMAIDAIE is reportedly a 21 year-old Iraqi national, who happens to be the cousin of [REDACTED]

[REDACTED] Based on the discrepancies in the statements from the relatives and the Marines, and based on unanswered questions in the previous command inquiries, NCIS has been tasked to conduct a formal investigation in the shooting death of V/SUMAIDAIE.

2. This investigation is conducted pursuant to SECNAVINST 5520.3b.

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SUBJ: V/SUMAIDAIE, [REDACTED] MMED/CIV (DECEASED)
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

There are no specific statutes or UCMJ Articles that pertain at this time.

NARRATIVE

1. Reference (A) reflected this investigation was pending the interview of the [REDACTED]

[REDACTED] V/SUMALDAIES' family, the exhumation and autopsy of V/SUMAIDA'IE, and analysis results from USACIL.

2. On 29Sep05, [REDACTED] was interviewed at the Iraqi Mission, 14 East 79th Street, Manhattan, NY, Exhibit (40) pertains. [REDACTED] related the information from his family indicated the area, referring to Al-Shaikh, Iraq, was infested with terrorists and is not safe. [REDACTED] further related the family informed him terrorists have been publicly executing individuals believed to be dealing with Americans. [REDACTED] also suggested the family could be met in Baghdad, and advised his brother, [REDACTED] (NFI), would assist in setting up the meeting. [REDACTED] further related he was informed of [REDACTED] death on 26Jun05. [REDACTED] stated he asked his brother [REDACTED] for information regarding the incident and his brother told him there were many stories and he did not know all the facts. [REDACTED] further related that while exhumation is against their religion and customs, he had mentioned to the family that this course of action may be necessary; and the family and he were in agreement, if it would get to the truth.

3. On 01Oct05, attempts to contact [REDACTED] were unsuccessful, exhibit (41) pertains. Further investigative endeavors revealed local Iraqi phone numbers cannot be conducted from Al Asad, IZ due to a lack of local Iraqi communications.

4. On 02Oct05, an Army 15-6 investigation and a Reportable Incident Assessment Team (RIAT) Inquiry were obtained from Second Marine Division Staff Judge Advocate, Camp Blue Diamond, IZ, Exhibit (42) pertains. Both investigations are classified and attempts are under way to declassify these reports in order to make them exhibits in this investigation.

5. On 02Oct05, attempts to make contact with [REDACTED] met with negative results, exhibit (43). Telephonic contact was made with an unidentified individual who related he was the [REDACTED] of the Al Mose Tensberg College. The [REDACTED] related he knew several people who go by [REDACTED] and he would try to find him and have him contact NCIS. No calls have been received from the [REDACTED]. The second attempted telephonic contact was made with an Iraqi male who would not confirm his name was [REDACTED] however, he implied he was related to V/SUMAIDAIE, but referred to V/SUMAIDAIE as "Mohammad ABDALHIDY". He appeared to be acquainted with the shooting death of V/SUMAIDAIE. When informed that NCIS wanted to meet with the family in pursuit of finding the truth, the Iraqi professed he did not want

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SUBJ: V/SUMAIDAIE, [REDACTED] MMED/CIV (DECEASED)

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

anything from the Americans. When the purpose for this was re-iterated to the Iraqi, he again insisted he did not want anything from the Americans and terminated the phone call by hanging up.

6. On 13Aug05, Criminal History inquiries were conducted of [REDACTED] and [REDACTED] which revealed no criminal history for the aforementioned individuals, exhibit (44) pertains. On 12Aug05, NCIS seized evidence to include an AK-47, (4) AK-47 magazines, a bullet fragment, (48) 7.2 rounds, and (1) cassette tape of an interview of V/SUMAIDAIES' [REDACTED] exhibit (45) pertains. On 20Aug05, NCIS seized the M16A4's assigned to [REDACTED] and [REDACTED] from the RCT-2 Armory, Al Asad, IZ, exhibit (46) pertains. Items collected have been sent for laboratory analysis. Due to an administrative oversight by the previous case agent, the aforementioned was not included in previous reporting.

7. To date, this investigation is pending interviews V/SUMAIDAIES' family, the possible exhumation of V/SUMAIDAIES and autopsy by the Armed Force Institute of Pathology, Rockville, MD and results of laboratory analysis.

PARTICIPANTS

- [REDACTED] Special Agent, Camp Fallujah, IZ [REDACTED]
- [REDACTED] Special Agent, Camp Blue Diamond, IZ [REDACTED]
- [REDACTED] Special Agent, New York, NY
- [REDACTED] Special Agent, Al Asad, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

03OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDALE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

RESULTS OF INTERVIEW WITH [REDACTED]

On 29 September 2005 [REDACTED] was interviewed by Special Agent [REDACTED] at the Iraqi Mission, 14 East 79th Street, Manhattan, New York. Also present during the interview was [REDACTED] of the U.S. Mission to the United Nations. S/A [REDACTED] displayed his credentials to [REDACTED] and informed him the Naval Criminal Investigative Service was conducting an official investigation into the shooting death of [REDACTED] V/SUMAIDALE by U.S. Marines in Iraq on 25 Jun 05. [REDACTED] asked if the interview was an official interview and he was informed that it was an official interview to be made a part of the investigation. [REDACTED] then voiced concern over getting to the truth with time passing. He also expressed concern that his family had not yet been interviewed regarding this incident. He stated that he had provided a telephone number to NCIS S/A [REDACTED] who was in Iraq investigating this matter. When asked via what means he had provided this number, [REDACTED] responded via an e-mail on 22 Aug 05. S/A [REDACTED] mentioned an increase in insurgent activity in the area and that NCIS had made attempts to travel to the scene but had been turned back due to dangerous conditions along the route. [REDACTED] who was receptive, cooperative and appreciated the efforts of the NCIS confirmed the report of increased insurgent activity. He stated that information from his family indicated the surrounding area is infested with terrorists and not safe. He added terrorists have publicly executed individuals who are accused of dealing with the Americans. [REDACTED] advised that his family would cooperate with the NCIS and suggested a meeting in Baghdad. He further advised that his brother [REDACTED] would assist in setting up such a meeting. He provided local Baghdad telephone numbers for his brother as [REDACTED] and [REDACTED]. [REDACTED] was further informed that as he had reportedly been contacted by family members following this incident, the NCIS was attempting to establish a time line which would assist in the investigation. [REDACTED] immediately advised S/A [REDACTED] that he had no first hand knowledge and could only state what he had been told about the incident. A detailed accounting of what [REDACTED] was told was reported previously via separate correspondence. He went on to say that he had been attending an international conference in Brussels and had returned to the United States on 26 Jun 05. He was met at JFK airport by his personal security aide and when he inquired as to "what's news" he was informed by the unidentified aide that [REDACTED] had been killed in Iraq. [REDACTED] stated that he was shocked and puzzled upon hearing this news and the next morning telephoned his brother [REDACTED] in Baghdad. [REDACTED] asked his brother for information on the incident and his brother told him

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EXHIBIT (10)

6252

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

there were many stories and he did not know all the facts. [redacted] directed his brother to speak with the victim's mother, as she was the coherent and consistent member of the family. [redacted] related that V/SUMAIDAIE'S [redacted] was very emotional as he had reportedly convinced V/SUMAIDAIE to stay at the house for a few days longer rather than return to Baghdad as V/SUMAIDAIE had planned. V/ SUMAIDAIE was reportedly on holiday visiting his family when the incident occurred. When asked when was the last time he had seen V/ SUMAIDAIE, [redacted] stated that he had been very busy while he was [redacted] and as such, was inaccessible. When pressed if it had been a few years [redacted] stated "you must understand how busy I was". That line of questioning was not pursued, as [redacted] appeared uncomfortable with this topic.

It was then delicately explained to [redacted] that in these types of investigations, sometimes exhumation of the body is considered for forensic evaluation. It was further explained that such investigative steps might yield beneficial results. Reporting agent briefly described what might be gained from such a forensic analysis. It was emphasized that this course of action was only something to be considered. [redacted] responded that while it is against their religion and custom, he had in fact mentioned to the family that this course of action may be necessary. When queried as to the family response, [redacted] stated they were in agreement if it would get to the truth. He quickly added "as a last resort". [redacted] was then asked if he knew where V/SUMAIDAIE might be buried and if he would have been buried in the clothing he was wearing when shot. [redacted] replied that in all likelihood V/SUMAIDAIE is buried in the village at his ancestor's tomb where [redacted] father and grandfather are buried. He added the tomb is 500 yards from the house. He further advised that the custom is to dispose of clothing immediately; however, he had instructed the family to keep the clothing. He did not believe V/SUMAIDAIE was buried in the clothing he was wearing when shot. [redacted] thought it highly unlikely any kind of autopsy was performed. He also did not think any kind of death certificate would have been published. He added that unlike in the United States there is no formal chain to document such things. He also advised that the family would be the authorizing authority, as there was no department or agency that needed to be consulted.

[redacted] advised that he had retained counsel to advise him on this matter and that his attorney is an "expert" in military law. He identified his attorney as [redacted] of [redacted]. They are located at [redacted]. Telephone number [redacted].

REPORTED BY: SPECIAL AGENT [redacted]
OFFICE: NCISRU NEW YORK, NY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

02OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

ATTEMPTS TO CONTACT [REDACTED]

1. On 01Oct05, Reporting Agent (RA) attempted to contact [REDACTED] brother of [REDACTED] in order to start communications between NCIS and the family in order to arrange for the interview of V/SUMAIDAIES' family. The purpose of the phone call would have been to arrange where NCIS and family could meet safely. RA had obtained the services of a Category two interpreter, [REDACTED] from the Human Intelligence Team at Al Asad, IZ. RA dialed the phone number using the country code and number provided as [REDACTED] that did not go through. A second attempt was made with negative results.

2. RA then researched the provided telephone number using investigative means and discovered the Iraqi phone number is an Iraqnaphone number and is inaccessible through the Satellite phone and DSN phones. RA then contacted the NCIS Multi-Threat Alert Center (MTAC) in order to place an International call to the number through MTAC. MTAC was able to dial the number and get through, however could not link the RA to the call.

3. No local Iraqi cell phones are available at Al Asad, IZ due to a lack of cell towers and cellular telephone infrastructure. All available assets to make the phone call here at Al Asad have been utilized with no success.

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

02OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

ACQUISITION OF INVESTIGATIONS

1. On 02Oct05, Reporting Agent received a brown folder at the AGDAG, Al Asad, IZ that had been couriered from Camp Blue Diamond, IZ. The folder contained two investigations concerning the shooting death of V/SUMIDAIE that had been obtained from the Second Marine Division Staff Judge Advocates Office, Camp Blue Diamond, Iraq by Participating Agent. One investigation was titled Army Regulation 15-6 Investigation, Hadithah Dam Village, 25 June 2005, Multi-National Force-West conducted by [REDACTED] Army Staff Judge Advocates Office, Camp Victory, Iraq, conducted in late July 2005. The second report was titled: Results of Reportable Incident Assessment Team (RIAT) Inquiry into the shooting of Mohammed Al-Sumaidaie on 25 June 2005 in the village of Al-Shaikh, Iraq conducted by [REDACTED] Staff Judge Advocates Office, RCT-2, Camp Ripper, Al Asad, IZ, dated 07Jul05. Both reports however are classified Secret and are not yet reportable at this time, however attempts are underway to declassify these reports.

PARTICIPATING AGENT

[REDACTED], Special Agent, Camp Blue Diamond, IZ

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

134508 01:50 20051011 IN:SSDEMAIL #43811 OUT:CIS #22347

INVESTIGATIVE ACTION

02OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMDAIAE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

ATTEMPTS TO CONTACT FAMILY MEMBER IN IRAQ

1. Based on information gleaned from the interview of [REDACTED] which is reported in a separate Investigative Action by Participating Agent [REDACTED], Reporting Agent (RA) made several attempts to contact family member [REDACTED] at the following telephone numbers, purportedly in Baghdad, Iraq: [REDACTED] and [REDACTED]. The assistance of a U.S. Government contract interpreter employed by Titan Inc was utilized: [REDACTED] Titan ID [REDACTED]

2. At approximately 1620, 02Oct05, telephonic contact was established with the person who answered the mobile/cellar telephone [REDACTED]. The connection was poor, meaning that on several occasions transmission/reception signal was disrupted. The subscriber stated he was [REDACTED] of the Al Mose Tenserg College, which is purported to be a college for persons pursuing a teaching degree. The interpreter was not able to acquire the name of the subscriber or [REDACTED] spoke English, thus RA proceeded with a conversation with the [REDACTED]. A brief prelude included the purpose of the telephone call followed by an effort to locate [REDACTED] a direct relative of the Iraqi Ambassador to the United Nations. [REDACTED] stated he was not acquainted with anyone with this particular background and added that he knew several people who go by [REDACTED]. Upon conclusion of the eight-minute conversation, the [REDACTED] stated he would assist in trying to locate [REDACTED], as described by RA, and attempt to re-contact RA later that day. By the close of the day, no incoming calls from [REDACTED] were received; however, RA will follow-up with additional calls to [REDACTED] germane to this investigation.

3. Again with the assistance of the aforementioned interpreter, a telephone call was placed to [REDACTED], at 1700, 02Oct05. An Iraqi male answered the telephone, at which time the interpreter mentioned that he was calling on behalf of RA, who was an American Police Officer investigating the shooting death of V/SUMDAIAE. The male who answered the telephone would not confirm he was [REDACTED] however, he implied he was related to V/SUMDAIAE, but referred to V/SUMDAIAE as "Mohammed ABDALHIDY." By comments he made, he appeared acquainted with the shooting death of V/SUMDAIAE, by referring to a family home near Hadithah, the shooting involved U.S. Marines and the incident occurred in July 2005. The Iraqi male was informed that the American's were investigating the shooting death of V/SUMDAIAE and that they needed to meet with family members in pursuit of finding the truth. The Iraqi male professed that neither he nor the family wanted anything from the Americans. The interpreter tried to reiterate to the Iraqi male that the American Police wanted to meet with family members in a safe haven, and mentioned Baghdad, Al Asad or Hadithah Dam. The Iraqi male again insisted he did not want anything from the Americans and he terminated the call by hanging up. Several attempts to re-establish contact with the person(s) at the aforementioned telephone number, between 1710 and 1740 met with negative results.

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10AUG05-MEBJ-0533-7HMA

02OCT05

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

4. At approximately 1745, RA telephonically contacted PA [REDACTED] in New York and apprised him of the aforementioned results. PA [REDACTED] related he would attempt to re-establish contact with [REDACTED] regarding the aforementioned actions and further attempt to glean other means to contact family members in Iraq.

BIOGRAPHICAL DATA

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: NCIS DET FALLUJAH, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

03OCT05

CONTROL: 10AUG05-MEJB-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/ENIZ/N///IRAQ

RESULTS OF CRIMINAL HISTORY QUERIES

1. On 13Aug05, Participating Agent (PA), conducted Criminal History inquiries of [REDACTED] and [REDACTED] utilizing the Multi-Threat Alert Center, which queried the National Crime Information Center and DCII. The results of the searches disclosed no criminal history for any of the aforementioned individuals.

PARTICIPATING AGENT

[REDACTED], Special Agent

REPORTED BY: [REDACTED] SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

03OCT05

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV (DECEASED)
M/W/FNIZ/N///IRAQ

ACQUISITION OF EVIDENCE

1. On 12Aug05, Participating Agent (PA) seized (48) live 7.62 rounds, (1) AK-47, Serial number 31703428, (4) empty AK-47 magazines, (1) 5.56mm fragmented round, and (1) cassette tape of interview of V/SUMAIDAIES' [REDACTED] from the hands of [REDACTED] RCT-2 SJA at the SJA Office, Camp Ripper, Al Asad, IZ. The items of evidence were recorded on an evidence custody document and entered into the MEFO Evidence Repository under log number 257-05. The AK-47, bullet fragment, and magazines were sent to the United States Army Criminal Investigative Laboratory, Forrest Park, GA. The cassette tape and rounds are being maintained at the NCIS Al Asad, IZ Evidence Vault.

PARTICIPATING AGENT

[REDACTED], Special Agent, NCIS, Al Asad, IZ

REPORTED BY: [REDACTED], SPECIAL AGENT
OFFICE: AL ASAD AIRBASE, IRAQ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

04OCT05

CONTROL: 10AUG05-MEJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

ACQUISITION OF EVIDENCE

1. On 20Aug05, Participating Agent seized two M16A4 rifles from the RCT-2 Armory, Al Asad, IZ assigned to [REDACTED] and [REDACTED] from the hands of [REDACTED] armorer. The rifles were recorded onto an NCIS Evidence Custody Receipt and entered into the MEBJ Evidence Vault under log number 263-05. [REDACTED] rifle serial number is 10159134 and [REDACTED] rifle serial number is 10158976.

PARTICIPATING AGENT

[REDACTED], Special Agent, Al Asad, IZ

REPORTED BY: SPECIAL AGENT [REDACTED]
OFFICE: AL ASAD AIRBASE, IZ

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EXHIBIT (176)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (ACTION)

03OCT05

DEATH (II)

CONTROL: 10AUG05-MEBJ-0533-7HMA

V/SUMAIDAIE, MOHAMMED/CIV
M/W/FNIZ/N///IRAQ

COMMAND/II MEF, IRAQ/20361

MADE AT/NENY/NEW YORK NY/ [REDACTED] SPECIAL AGENT

EXHIBIT(S)

- (1) IA: Results of Interview with [REDACTED]
29Sep05... (copy all)

NARRATIVE

1. [REDACTED] was interviewed at the Iraqi Mission in Manhattan New York. He provided background data relative to his knowledge of the shooting incident, a point of contact in Baghdad and appropriate telephone numbers. He also furnished information for consideration during investigative planning. Amplifying details are contained in exhibit (1).

2. This completes lead tasking for New York, NY.

PARTICIPANT

[REDACTED] U.S. Mission to United Nations

Distribution

NCISHQ: 0023B (M) SI
INFO: MEBJ (M)/NENP (M)/NEEA (M)/EADPAC (M)

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