

//23B/WA/BJ//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

09SEP05

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

EXHIBITS

- (1) IA: Attempt to Conduct DSE and Family Interviews/20AUG05...(Copy All)
- (2) Sworn Statement of [REDACTED]/15AUG05...(Copy All)
- (3) Sworn Statement of [REDACTED] 21AUG05...(Copy All)
- (4) IA: Results of Interview of [REDACTED] 21AUG05...(Copy All)
- (5) IA: Results of Interview - [REDACTED]/21AUG05...(Copy All)
- (6) IA: Results of Interview of [REDACTED] 21AUG05...(Copy All)
- (7) Sworn Statement of [REDACTED] 22AUG05...(Copy All)
- (8) IA: Results of Interview - [REDACTED]/22AUG05...(Copy All)
- (9) IA: Results of Interview of [REDACTED] 23AUG05...(Copy All)
- (10) IA: Results of Interview of [REDACTED] 23AUG05...(Copy All)
- (11) IA: Results of Interview of [REDACTED] 23AUG05...(Copy All)
- (12) Sworn Statement of [REDACTED] 23AUG05...(Copy All)
- (13) Sworn Statement of [REDACTED] 23AUG05...(Copy All)
- (14) IA: Results of Interview - [REDACTED] 24AUG05...
(Copy All)
- (15) IA: Results of Interview of [REDACTED] 24AUG05...(Copy All)
- (16) Sworn Statement of [REDACTED] 24AUG05...(Copy All)
- (17) Sworn Statement of [REDACTED] 24AUG05...(Copy All)
- (18) IA: Results of Interview - [REDACTED] 24AUG05...(Copy All)
- (19) Sworn Statement of [REDACTED] 24AUG05...(Copy All)
- (20) IA: Results of Interview of [REDACTED] 24AUG05...(Copy All)
- (21) Sworn Statement of [REDACTED] 25AUG05...(Copy All)
- (22) IA: Results of Interview of [REDACTED] 25AUG05...(Copy All)
- (23) IA: Results of Interview - [REDACTED] 25AUG05...(Copy All)
- (24) IA: Results of Interview - [REDACTED] 25AUG05...(Copy All)
- (25) IA: Results of Interview - [REDACTED] 25AUG05...(Copy All)
- (26) IA: Results of Interview - [REDACTED] 27AUG05...
(Copy All)
- (27) Sworn Statement of [REDACTED] 26AUG05...(Copy All)
- (28) IA: Results of Interview of [REDACTED] 27AUG05...
(Copy All)
- (29) IA: Results of Interview - [REDACTED] 27AUG05...
(Copy All)
- (30) IA: Results of Interview - [REDACTED] 27AUG05...
(Copy All)
- (31) IA: Results of Interview - [REDACTED] 27AUG05...(Copy All)
- (32) IA: Results of Interview - [REDACTED] 30AUG05...
(Copy All)
- (33) Sworn Statement of [REDACTED] 30AUG05...(Copy All)
- (34) Sworn Statement of [REDACTED] 30AUG05...(Copy All)

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- (35) Sworn Statement of [REDACTED] /31AUG05... (Copy All)
- (36) Sworn Statement of [REDACTED] /01SEP05... (Copy All)
- (37) Military Suspect's Acknowledgement and Waiver of Rights for [REDACTED] /01SEP05... (Copy All)
- (38) Sworn Statement of [REDACTED] /04SEP05... (Copy All)
- (39) IA: Evidence to USACIL for Analysis/30AUG05... (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, [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.

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NARRATIVE

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

2. On 15Aug05, Reporting Agent (RA) and Participating Agents (PA) [REDACTED] and [REDACTED] attempted to conduct a death scene examination and interviews of V/SUMAIDAIE's family members in the town of Al Shaikh Hadid, IZ; Exhibit (1) pertains.

3. On 15Aug05, RA and SA [REDACTED] interviewed [REDACTED] regarding his recollection of the events surrounding the shooting death of V/SUMAIDAIE; Exhibit (2) pertains. In his statement, [REDACTED] stated he was told by the Corpsman on the mission, V/SUMAIDAIE met their fire team in the hallway leading to the bedroom and agreed to show them where the weapon was. V/SUMAIDAIE was then shot while in the bedroom. [REDACTED] stated when he read

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the SPOT report the following day, it did not reflect what the Corpsman had told him, so he felt obligated to inform [REDACTED] the Battalion [REDACTED], the incident needed looking into.

4. On 21Aug05, SA [REDACTED] interviewed [REDACTED] 3/25 regarding his recollection of the incident; Exhibit (3) pertains.

5. On 21Aug05, SA [REDACTED] interviewed [REDACTED] 3/25 regarding his knowledge of events relevant to this investigation; Exhibit (4) pertains.

6. On 21Aug05, SA [REDACTED] interviewed [REDACTED] 3/25 regarding his knowledge of the death of V/SUMAIDA'IE; Exhibit (5) pertains.

7. On 21Aug05, [REDACTED] interviewed [REDACTED] 3/25 in regards to the incident that took place on 25Jun05; Exhibit (6) pertains.

8. On 22Aug05, SA [REDACTED] interviewed [REDACTED], 3/25 regarding his knowledge of the shooting of V/SUMAIDA'IE during a Cordon and Knock Mission on 25Jun05; Exhibit (7) pertains.

9. On 22Aug05, SA [REDACTED] interviewed [REDACTED] 3/25 regarding the death of V/SUMAIDA'IE, who was killed on 25Jun05; Exhibit (8) pertains.

10. On 22Aug05, SA [REDACTED] interviewed [REDACTED] 3/25 regarding his knowledge of V/SUMAIDA'IE's death; Exhibit (9) pertains.

11. On 22Aug05, RA interviewed [REDACTED] USN Corpsman, 3/25 regarding his knowledge of V/SUMAIDA'IE's death on 25Jun05; Exhibit (10) pertains.

12. On 22Aug05, [REDACTED] interviewed [REDACTED] in regards to the incident that took place on 25Jun05 near Haditha Dam, IZ; Exhibit (11) pertains.

13. On 23Aug05, SA [REDACTED] interviewed [REDACTED], 3/25 concerning his knowledge of the shooting of V/SUMAIDA'IE during a Cordon and Knock mission on 25Jun05; Exhibit (12) pertains. [REDACTED] indicated he observed V/SUMAIDA'IE's entry wound through the front of his neck and the exit wound at the rear of his head. He also observed the Marines pull a head dress out of a bureau in order to move the body and V/SUMAIDA'IE being slippery due to all the blood. [REDACTED] indicated he did not see a camera or any flashes of photos being taken, but remembered people talking about moving the body for better shots.

14. On 23Aug05, SA [REDACTED] interviewed [REDACTED], 3/25 concerning his knowledge of 3/25's mission on 25Jun05 in which an Iraqi was shot; Exhibit (13) pertains.

15. On 23Aug05, SA [REDACTED] interviewed [REDACTED] 3/25 regarding the death of V/SUMAIDA'IE, who was killed on 25Jun05, during the search

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of his parent's residence by Marines of 3/25; Exhibit (14) pertains. [redacted] stated [redacted], asked him to perform gunshot residue analysis on V/SUMAIDA'IE's hands. He stated he asked [redacted] to assist. [redacted] stated while he was in the room, [redacted] entered with a camera, however he could not get the camera to work, and was sure he did not take any photos of V/SUMAIDA'IE.

16. On 23Aug05, [redacted] interviewed [redacted] in regards to the incident that took place on 25Jun05; Exhibit (15) pertains.

17. On 24Aug05, SA [redacted] interviewed [redacted] USN Corpsman, 3/25 concerning his knowledge of the shooting of an Iraqi during a 25Jun05 mission in the vicinity of Haditha, IZ; Exhibit (16) pertains.

18. On 24Aug05, SA [redacted] interviewed [redacted] USN Corpsman, 3/25 concerning his knowledge of the shooting of V/SUMAIDA'IE on 25Jun05; Exhibit (17) pertains.

19. On 24Aug05, RA interviewed [redacted] S-2, 3/25 regarding his knowledge of the circumstances surrounding the shooting death of V/SUMAIDA'IE on 25Jun05; Exhibit (18) pertains. [redacted] indicated he was the [redacted] and conducted the debrief of [redacted] the [redacted] and [redacted] after the incident. [redacted] stated he did not hear any discrepancies in the debrief and specifically asked [redacted] in photos were taken, and he indicated that none were.

20. On 24Aug05, SA [redacted] interviewed [redacted] concerning his knowledge of the shooting of an Iraqi male during a Cordon and Knock Patrol in Haditha on 25Jun05; Exhibit (19) pertains. [redacted] indicated he was in the house and talked to the Corpsman immediately after the shooting. The Doc informed him that [redacted] entered a room and saw a male standing in the room holding an AK-47 and he was turning towards [redacted] with the weapon by his hip as he was turning. [redacted] shot him as he was turning towards him with the weapon.

21. On 24Aug05, [redacted] interviewed [redacted] 3/25 in regards to the incident that took place on 25Jun05; Exhibit (20) pertains.

22. On 25Aug05, SA [redacted] interviewed [redacted] 3/25 concerning his knowledge of the shooting that occurred on 25Jun05 in the Haditha Dam Village; Exhibit (21) pertains.

23. On 25Aug05, SA [redacted] interviewed [redacted], 3/25 regarding the Lima Company mission on 25Jun05 that resulted in V/SUMAIDA'IE's death; Exhibit (22) pertains.

24. On 25Aug05, RA interviewed [redacted] 3/25 [redacted] regarding his knowledge of the circumstances surrounding the shooting death of V/SUMAIDA'IE on 25Jun05; Exhibit (23) pertains. [redacted] stated he generated the SPOT report sent to Regiment regarding the shooting, and it was based on his debrief of [redacted] after they arrived back at the Dam. [redacted] stated he specifically asked [redacted]

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to take photos while at the scene, and even if he did not ask, Squad Leaders usually know to take photos of an incident such as this.

██████████ stated he did not know why ██████████ did not have photos of the incident when he returned to the Dam.

25. On 25Aug05, RA interviewed ██████████ 3/25 ██████████ regarding his knowledge of the shooting death of V/SUMAIDA'IE; Exhibit (24) pertains.

26. On 25Aug05, RA interviewed ██████████, 3/25 regarding the shooting death of V/SUMAIDA'IE, shot and killed by US Marines on 25Jun05; Exhibit (25) pertains.

27. On 25Aug05, SA ██████████ interviewed ██████████ 3/25 concerning the death of V/SUMAIDA'IE on 25Jun05; Exhibit (26) pertains. ██████████ stated he had his personal camera in his vehicle, however it had been broken for approximately 3 months and he never removed it from the vehicle to use it. He stated the lens would not extend and the camera would immediately power off. He stated he did not think the camera stayed on long enough for the flash to go off. When he heard ██████████ had attempted to use the camera to take photos of the incident, he went to inform him it did not work. The camera was then placed back in his vehicle, and he never saw photos of the incident on the camera.

28. On 26Aug05, RA interviewed ██████████ HET Team, 3/25 concerning his knowledge of the shooting death of V/SUMAIDA'IE; Exhibit (27) pertains. ██████████ stated he was asked by ██████████ to investigate the incident since he had the only interpreter on the scene. ██████████ stated when he first asked the family if anyone else was in the house, they stated "No". When he retrieved the ID card from V/SUMAIDA'IE and showed the elder woman the picture, it was only then that she stated V/SUMAIDA'IE was in the house with the Marines, and he was showing the Marines a weapon.

29. On 26Aug05, SA ██████████ interviewed ██████████ USN Corpsman, 3/25 concerning the death of V/SUMAIDA'IE; Exhibit (28) pertains.

30. On 26Aug05, SA ██████████ interviewed ██████████ USN Corpsman, 3/25 to determine if he had any knowledge regarding the death of V/SUMAIDA'IE; Exhibit (29) pertains.

31. On 27Aug05, RA interviewed ██████████ USN Corpsman, 3/25 regarding the shooting death of V/SUMAIDA'IE, killed on 25Jun05; Exhibit (30) pertains.

32. On 27Aug05, SA ██████████ interviewed ██████████ USN Corpsman, 3/25 to determine if he had any relevant information regarding the death of V/SUMAIDA'IE; Exhibit (31) pertains.

33. On 28Aug05, RA interviewed ██████████ 3/25 ██████████ regarding his knowledge of the circumstances surrounding the shooting death of V/SUMAIDA'IE on 25Jun05; Exhibit (32) pertains.

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34. On 30Aug5, RA interviewed [REDACTED] USN Corpsman, 3/25 concerning his knowledge of the shooting death of V/SUMAIDA'IE; Exhibit (33) pertains. [REDACTED] stated his team entered the house and he saw a computer in the first room so he went to analyze it. Before he could turn it on, however he heard the shot from an M16, then heard [REDACTED] call out, [REDACTED]. He checked V/SUMAIDA'IE's vitals however found none. He located an exit wound in the back of V/SUMAIDA'IE's head, however could not locate an entry wound due to all the blood. [REDACTED] specifically stated they did not encounter anyone in the hallway after the family was taken outside, and no Iraqi led them to a back bedroom. [REDACTED] stated he observed [REDACTED] attempt to take photos of V/SUMAIDA'IE, however the camera did not work. [REDACTED] also stated he did not have any conversations with [REDACTED] and specifically never told him they had encountered V/SUMAIDA'IE in the hallway prior to him being shot.

35. On 30Aug05, RA and interviewed [REDACTED] 3/25 concerning his knowledge of the shooting death of V/SUMAIDA'IE; Exhibit (34) pertains. [REDACTED] stated he entered the first bedroom off the hallway and never encountered an Iraqi in the hallway. He stated he heard [REDACTED] yell out something just prior to hearing a gunshot, and then saw [REDACTED] run past the room he was searching. He initially thought [REDACTED] was shot, however when he arrived at the back bedroom, saw V/SUMAIDA'IE on the floor in a pool of blood. He was then ordered to the roof to provide security.

36. On 31Aug05, RA and SA [REDACTED] interviewed [REDACTED] 3/25 concerning his knowledge of the shooting death of V/SUMAIDA'IE on 25Jun05; Exhibit (35) pertains. [REDACTED] stated he questioned the family prior to entering the house, and specifically asked them several times if there were any weapons in the house or any additional people in the house, and to each question received a negative response. [REDACTED] stated he did not see V/SUMAIDA'IE with the rest of the family prior to being shot in a back bedroom. [REDACTED] stated he was in the hallway just prior to [REDACTED] shooting his weapon and turned the corner into the bedroom just in time to see the round strike V/SUMAIDA'IE, which spun him around, and he landed on the floor on his stomach. [REDACTED] stated he saw an AK-47 in his left hand, and ordered [REDACTED] to clear it after the shoot, to make sure it was safe. He saw [REDACTED] remove a magazine from the weapon. [REDACTED] further stated [REDACTED] tasked him to take photos of the scene, so he grabbed [REDACTED] camera from his vehicle. When he attempted to take photos with the camera, he remembered seeing the flash go off, but did not see photos in the digital display, and when he brought the camera outside to show [REDACTED] he could not locate the photos he had just taken. At that time HET arrived, and he and [REDACTED] agreed that HET would probably take photos of the scene, so he did not return to the house to attempt more photos.

37. On 01Sep05, RA and SA [REDACTED] interviewed [REDACTED] regarding his knowledge of the death of an Iraqi male on 25Jun05; Exhibit (36) pertains. [REDACTED] was first advised of his Article 31B rights, to which he waived; Exhibit (37) pertains. [REDACTED] stated [REDACTED] asked

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the family if there were any weapons or people in the house, and they all said "No". He did not see V/SUMAIDA'IE with the rest of the family. [redacted] stated he began searching the house and was third in line. [redacted] entered the first room to the left to analyze a computer. [redacted] then entered the second room on the left and [redacted] stated he turned right down a hallway toward the last bedroom. When he turned the corner into the room he saw an Iraqi Male standing there with an AK-47 pointed directly at him. He stated he reacted by raising his own weapon, shouting "Gun, gun, gun" and then firing. He turned to exit the room, and [redacted] told him to go and clear the AK. He removed the magazine from the AK and found it was empty. He then checked the chamber and it was also empty. He was then ordered out to talk to [redacted] and that was the last of his involvement.

38. On 04Sep05, RA and SA [redacted] re-interviewed [redacted] regarding his previous statement, where he indicated [redacted] told him V/SUMAIDA'IE met them in the hallway prior to leading them to the weapon; Exhibit (38) pertains. During this interview [redacted] could not specifically remember with whom he talked, and was not sure if it was the Corpsman or [redacted] the person who entered the room right after [redacted]. Regarding photographs, [redacted] stated he was confident pictures were taken in the room to recreate the shooting, however he is not sure who took them.

39. On 28Aug05, RA submitted evidentiary items to the US Army Criminal Investigation Laboratory, for ballistic analysis and comparison; Exhibit (39) pertains.

40. Attempts are currently underway to interview the [redacted] the [redacted]. Through [redacted] RA is also attempting to schedule an interview with the SUMAIDA'IE family, however they have communicated that the atmosphere in their village is that of fear and intimidation, and insurgents have executed local Iraqi suspected of dealing with the Americans.

41. This investigation is still pending the interview of both [redacted] and his family, obtaining authorization for the exhumation and autopsy of V/SUMAIDA'IE, and analysis results from USACIL.

PARTICIPANTS

- [redacted] NCIS Special Agent, Camp Taqaddum, IZ
- [redacted] NCIS Special Agent, Camp Fallujah, IZ
- [redacted] NCIS Special Agent, Al Asad Airbase, IZ
- [redacted] Criminal Investigator, 2ndMP Battalion, Al Asad, IZ

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INVESTIGATIVE ACTION

20AUG05

CONTROL: 10AUG05-MEEJ-0533-7HMA

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

ATTEMPT TO CONDUCT DSE AND FAMILY INTERVIEWS

1. On 15Aug05, an attempt was made to conduct a death scene examination and conduct interviews of V/SUMAIDA'IE's family members who were present at the residence at the time V/SUMAIDA'IE was killed. Reporting Agent (RA) and Participating Agents met with Command personnel from 3rd Battalion, 25th Marines (3/25), at their firm base at Haditha Dam, Iraq. The Command personnel included

[REDACTED] Battalion [REDACTED] 3/25; [REDACTED]

[REDACTED] Lima Co, 3/25; [REDACTED]

[REDACTED] Civil Affairs Group, 3/25; [REDACTED]

[REDACTED] Lima Co, 3/25 and [REDACTED]

[REDACTED], 3/25.

2. As background, the NCIS mission objectives were to conduct a death scene examination of the residence to include:

- a. Verify the location of the residence.
- b. Prepare a detailed sketch of the residence and of the room where the shooting occurred.
- c. Take documentary photographs of the scene.
- d. Obtain measurements of the room.
- e. Tri-angulate the location of the "dresser" where the family members claim a bullet fragment was recovered.
- f. Locate and tri-angulate any suspected bullet holes found in the dresser or anywhere else in the room, for trajectory analysis.
- g. Attempt to locate and recover any additional bullet fragments.

3. Additional NCIS mission objectives were to conduct interviews with all family members on scene to attempt to clarify previously reported information and to solicit the family's permission, in the presence of appropriate Iraqi judicial personnel, to conduct an exhumation of V/SUMAIDA'IE. The final mission objective was to attempt to verify the location of V/SUMAIDA'IE's grave. It was estimated that NCIS personnel would need approximately three hours at the residence to accomplish the objectives.

4. [REDACTED] conducted an Operations Brief, which identified the route of travel to the objective, scheme of maneuver to securing the objective and relevant threats in the area. [REDACTED] then conducted an intelligence brief, detailing significant threat information including static Improvised Explosive Devices (IED) and suspected Vehicle Borne IED's (VBIED), operating in the area. Additionally, Indirect Fire (IDF) from mortars and rockets were a

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EXHIBIT (1)

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significant threat in the Haditha area. The road leading from the Haditha Dam into the town of Haditha was identified as being extremely hazardous due to the continuous emplacements of IED's, therefore alternate routes to the objective were explored.

5. Delay in air support caused a delay in the NCIS Agents arriving at Haditha Dam on time. This caused a delay in departing from Haditha Dam to the objective. At approximately 1445, 15Aug05, 3/25 Assets and NCIS personnel departed Haditha Dam for the objective. 3/25 provided over 100 personnel and supporting vehicles in varying roles for the execution of the NCIS mission.

6. At approximately 1515, 15AUG05, Marine Engineers began sweeping the travel route and encountered a suspected IED, identified as 155mm artillery round with wires protruding from it. The Explosive Ordnance Disposal (EOD) team was summoned from the 3/25 firm base at Haditha Dam, which consisted of a security team and an additional 20 personnel to support their mission.

7. EOD Personnel successfully blew the IED in place at approximately 1700, however, engineers would still have to sweep an additional 700 meters to the objective. It was estimated this evolution would take a minimum of 45 minutes before the team would reach the objective, assuming no additional suspect devices were encountered. USMC and Iraqi personnel would then have to secure a perimeter around the objective and clear the residence before NCIS personnel could begin their mission. This would leave less than one hour for NCIS personnel to conduct the death scene examination and complete interviews of family members. Due to the time constraints, the decision was made to return to Haditha Dam at 1725, to ensure the patrol could make it back before nightfall, as the risk of hostile contact with increased significantly.

8. Upon returning to base, [REDACTED] 3/25, informed RA and Participant Agent [REDACTED] of a vehicle which parked on the main road to the Dam, possibly in anticipation of the patrol's return trip. The vehicle parked in such a manner that it partially blocked the road and would have caused traffic to slow. [REDACTED] explained this vehicle road had been scanned earlier in the day and was clear of obstructions. [REDACTED] related they suspected this vehicle was a VBIED that was placed on the road after insurgent forces observed the NCIS patrol halted outside the town, and had the patrol not taken an alternate route back to the Dam, would have likely encountered this VBIED.

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PARTICIPATING AGENTS

- [REDACTED], Special Agent, NCIS, Al Asad, IZ
- [REDACTED], Special Agent, NCIS, Camp Fallujah, IZ
- [REDACTED], Criminal Investigator, 2dMPBn, Al Asad, IZ

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G270

STATEMENT

Place: H&S Company, S-4 Shop, Camp Haditha Dam, Iraq
Date: 15AUG05

I, [REDACTED] USMC, 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 against me or promises extended. I fully understand that this statement is given concerning my knowledge of: the shooting incident on 25Jun05, in Haditha Dam City, Iraq [REDACTED]

For purposes of identification, I am a [REDACTED] currently assigned to Headquarters and Support Company, 3rd Battalion, 25th Marine Regiment, forward deployed to Al Asad Airbase, Iraq in support of Operation Iraqi Freedom. My social security number is [REDACTED] my date of birth is [REDACTED] and my place of birth is [REDACTED]

On 25Jun05, I was the S-4 representative tasked to photograph the barriers at the elementary school in Haditha, so that we could eventually relocate them to Camp Hit. Because 3/25 did not have the assets for two separate missions, I augmented with a Cordon and Knock mission operating on River Road in Haditha Dam City. I remember I was on one side of River Road, accompanied by a Fire Team of Marines, one of whom was [REDACTED]. This team was very professional in the way they related to the Iraqis. [REDACTED] would knock on the house, introduce himself, let the Iraqis know that we were part of patrol in their neighborhood, and that we would like to search their house for insurgents and weapons caches. We were always well received. At one point during the patrol, however our paths crossed with the patrol operating on the other side of the street, and I overheard that patrol being very disrespectful to the Iraqis. For instance, on one occasion, we encountered two Iraqi Males, and the US Patrol made the comment, "Oh, are you two gay lovers?" and began making hand gestures as if they were sleeping with each other. On another occasion, we encountered females, and the same Marines would make comments like, "Hey, do you want to have a threesome?" I am sure the Iraqis did not understand the Marines, but still it seemed amateurish and disrespectful to me. [REDACTED]

Later, we eventually made our way to the last two houses on River Road North, adjacent to an alley. My patrol cleared one house, and the other patrol cleared the other. When we emerged from our house, we observed a commotion at the other house, and someone came across the street and said, "Did you hear, we shot an Iraqi." [REDACTED] overheard this and made the comment, "Oh, shit." We all walked across the street to investigate. [REDACTED] contacted HET and his interpreter and they went to question the family. At no time did I observe anyone either the HET or his interpreter put his hands on anyone [REDACTED]

At that point, [REDACTED] indicated that we needed to do a gun residue test on the hands of the victim, so he and I went into the room where the dead Iraqi lay. When we entered the room, I remember he was lying on his stomach, his head away from us toward the window, his face turned toward the left side of his body and one arm tucked underneath. He had completely bled out, because there was blood covering the entire cement floor. I do not remember seeing the weapon he reportedly pointed at [REDACTED] [REDACTED] and I were the only two people in the room at that time. I was sitting on a bed adjacent to the body, while [REDACTED] performed the gun residue test. He did not need to roll the body over, he simply positioned the hands to where he could administer the test, and only moved the body slightly to get one arm from underneath [REDACTED]

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Continuation of Voluntary Sworn Statement of [REDACTED]
Created by SA [REDACTED]
8/16/2005

[REDACTED] While the test was being conducted, several Marines entered the room. I do not remember their names, and to this day if I saw them, I would not remember them. After [REDACTED] completed the gun residue test, which had negative results for gun residue, the Marines that had entered the room, began taking photographs of the dead Iraqi. I remember they indicated they were instructed to re-create the situation as [REDACTED] observed at the time of the shooting, so they placed the AK-47 in the hands of the Iraqi and then took 3 or 4 photos. They rolled the body on its side at one point to try to photograph the wound in his neck, but they did not roll him completely over. I remember the Marine who was taking the photos stood up looking at the digital camera, and said, "Got it." I do not remember where the weapon came from, but I do not remember seeing it in the room when we entered. I also do not know who the Marine was that took the photos, but I am absolutely sure photos were taken, because I was sitting in the room while they were being taken. The Marines who took the pictures handled the body respectfully and I did not see them do or say anything that I would consider to be inappropriate. [REDACTED]

[REDACTED] then departed the room and sat on the stairwell adjacent to the bedroom. While I was sitting there, one of [REDACTED] on our patrol approached me and we began talking about our day leading up to the shooting. I do not recall the name of [REDACTED] who approached me but I think he was the only [REDACTED] assigned to our patrol. I remember it was a casual conversation, and [REDACTED] did not approach me as if something seemed off in the way the shooting went down, but I remember his recollection of the event was different than the SPOT Report that came out later. [REDACTED] told me he was a part of the patrol that entered this house. Upon entering, they encountered the family sitting in the living room. They introduced themselves and asked everyone to exit onto the patio while they conducted a search for insurgents and weapons. Once the family was out on the patio, [REDACTED] asked them if there were any more people or any weapons inside the house, to which they received a "no" reply to both questions. They then asked the family to stay there on the patio, while they searched the house. Upon entering the house, they passed through the living room, which leads into a hallway. Upon entering the hallway they encountered a Military-Aged Male (MAM) in the hallway, and they stopped him and asked him what he was doing. They asked him if there were any weapons in the house, and he replied, yes there is one weapon in the house, and he indicated he would take us to it. According to what the [REDACTED] told me, [REDACTED] and [REDACTED] followed the MAM down the hallway and into a room, while the [REDACTED] was entering the living room to analyze a computer in there. The [REDACTED] told me he had just entered the living room, when he heard the shot from the bedroom and he ran to investigate. Again, at the time the [REDACTED] was telling me this information, I did not think anything was wrong with the shoot. I 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. [REDACTED]

[REDACTED] All the Marines in the house eventually cleared out, and I was outside when the HET team walked with the mother into the alley, away from the family, to inform her that her son was dead. The mother became hysterical, screaming and pulling at her clothes and clawing at her face, and then the family began doing the same. I have never seen anything like that before. The Marines loaded up at that time and returned to base. Later, I happened upon the SPOT Report detailing the encounter and it did not reflect what [REDACTED] had told me earlier. The SPOT Report indicated [REDACTED] happened upon the MAM already in the room with the AK-47 leveled at him, and he fired in self-defense. I contacted [REDACTED] the [REDACTED] in the Command Operations Center (COC) during the incident and asked about the differing reports. [REDACTED] informed me there were other anomalies, in that when he asked for the parties to the incident to come to COC for a debrief immediately upon their return, [REDACTED]

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G-272

Continuation of Voluntary Sworn Statement of [REDACTED]
Created by SA [REDACTED]
8/16/2005

[REDACTED] they did not come forward for approximately 6 hours after returning to base. When they did finally show, the only Marines present were [REDACTED] and [REDACTED] (now GySgt), the [REDACTED], and not the shooter or the other witnesses. [REDACTED] also informed me that he spoke to [REDACTED] the [REDACTED] about looking deeper into the incident. Since only [REDACTED] and [REDACTED] were the only two Marines being debriefed, it's possible they did not know of the [REDACTED]'s account of what occurred, which could explain why the SPOT report was different from the [REDACTED]'s account.

The next day, I personally contacted [REDACTED] the battalion [REDACTED] and related what I had heard about the incident and that it was different from what was reported in the SPOT Report. [REDACTED] told me he would take care of it. Around mid-July, [REDACTED] asked me to write a statement regarding the incident, so I sent him an email detailing what I observed and what [REDACTED] told me about the incident, and shortly thereafter a full-blown command investigation was initiated.

I serve as the [REDACTED] in the S-4 and I do not normally go out on patrol. I myself have personally not been involved in any shootings out here. I have not spoken to the [REDACTED] about this incident since the first time we spoke outside the house the night of the shooting. I am positive I witnessed Marines from Lima 3/25 take photos of the victim. The camera I saw was definitely a digital camera. It was a small snap and shoot camera but I don't know what kind. I would assume those pictures would have been turned into the COG [REDACTED].

I am absolutely confident about what the [REDACTED] told me happened in the house. On a scale of 1 - 10, with 10 being the most positive, I rate my confidence as a 9 in that I heard the [REDACTED] tell me they encountered the male alone in the house after they made entry and that he was escorting them to a room with a weapon.

This statement was prepared for me by Special Agent [REDACTED] as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 2 other pages. I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief.

Signature [REDACTED]

Sworn to and subscribed before me, this 16 day of AUGUST, in the year 2005 at CAMP HADITHA DAM, IRAQ

Witness _____

[REDACTED]
Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 36 of the UCMJ,
(10 U.S.C. 936) and 5 U.S.C. 303

b7c

G273

STATEMENT

Place: Naval Criminal Investigative Service, Bldg 104, Al Asad Airbase, Iraq
Date: 21 Aug 05

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

For purposes of identification, I am a [redacted] currently assigned to Weapons Platoon Lima Co 325, which is forward deployed to Haditha Dam, Iraq in support of Operation Iraqi Freedom. My social security number is [redacted], my date of birth is [redacted] and my place of birth is [redacted]. I am [redacted] inches tall and [redacted] pounds, with [redacted] eyes and [redacted] hair.

I have been in the reserves since October, 2004. I was active duty from 1986-1990. My last duty station was Camp Lejeune, I was with 1st Battalion 8th Marines. After I got off active duty I eventually became a Firefighter/Paramedic in Columbus, OH. My MOS is assault man. It is infantry plus explosives and anti-tank and things like that. I didn't have a secondary MOS. This is my first tour in Iraq and I got here the first week of March and am scheduled to leave the last week of September. During my deployment I have been on approximately 30-50 combat missions. When we go out with the Humvees I usually drive. There have been occasions when we don't take the humvees that I don't drive. I am a ³⁰⁰⁰gunner on those occasions. I have shot at insurgent while here, but I don't know if I have killed anyone. The majority of the missions I have been on are cordon and knock, where we search houses. I don't know the exact number. [redacted]
 or cordon search

On a cordon and knock we generally knock on the door and ask all the people in the house to come out of the house and we will go in and search their house. We look for weapons, false ID,s, anything that would lead us to find insurgents, but mainly weapons. The standard is that every house is allowed one AK-47 ^{adult} per man in the household. Most houses we don't know until we talk to them if they have a weapon or adult male living in the house. Usually we have an interpreter for each platoon or section. We usually use hand signals to communicate with the local Iraqi's. We knew how to ask for the things we need and they know what we are asking for because they have been through it before. For the most part we fumble through it. When the family is brought out there is usually one guy watching the family while the team enters and searches the house. When they let us know that there is a weapon in the house they show us where it is by pointing to the closet or room or wherever it is. Sometimes we have the Iraqi Army there so when they are there we use them to communicate. [redacted]

[redacted] and [redacted] are all in my platoon. I am good friends with all them. I didn't know [redacted] that well and he has left since the incident to go to Hit, IZ. Usually, but not all the time, we are all on missions together. [redacted] and [redacted] were in a different Humvee than mine. I had [redacted] and two more, but I don't remember who else. I don't know of any of those guys having any problems in the past. I think they are all really good Marines and [redacted] is a really good Corpsman. I don't think they would do anything illegal or wrong. [redacted]

The day of the incident we had a warning order the morning before we left. It is the brief before we leave. I'm not sure who gave it, but it is normally [redacted] or [redacted]. The Rules of Engagements were discussed, they always are. The ROE's are the rule of 2. If they have a weapon [redacted]

G274

Continuation of Voluntary Sworn Statement of
Created by [REDACTED]
8/21/2005

[REDACTED] and point it at you, if they have an RPG or Mortar, if they have a cell phone on the roof and observing us. Sometimes they change, but those are the normal ones. I know that [REDACTED] went out on the mission, but [REDACTED] didn't. I was assigned to the light section. Our platoon was divided into two sections one is heavy and one is light. I was in the light section. I have worked with [REDACTED] before, but the others I don't think so. Normally I drive and they would go out into the houses. So I never noticed anything about how [REDACTED] works. I never went into the house after the shooting. I found out about an hour after it happen, I'm not sure what time it actually happened so I am guessing it was about an hour. I found out when [REDACTED] got into my Humvee. I thought he was a heat case and needed a break. He didn't say anything about the incident. He was in there about a half hour. We were pretty much done with our mission because we left right afterward. [REDACTED] sat right behind me for the most part. [REDACTED] was at the Humvee and giving a Situation report to the COC over the radio. He was standing outside the Humvee when he was doing this so I don't remember anyone talking. I didn't see any pictures that were taken of the scene. I didn't hear anyone talking about the pictures. I didn't ever know that pictures were taken. When the incident occurred I was on River Road north of where the house was. I don't think I ever saw the house, I never heard the shot. Even at the time [REDACTED] was in my Humvee I was ahead of the house and didn't see anything. From the time the shooting occurred and when we left was approximately an hour, maybe less. [REDACTED]

[REDACTED] I'm sure there was a debrief with the section, because there normally is, but I don't remember any one specific. Most people are saying that we shouldn't talk about it. ^{have not talked much} Most of us just want to know when it is going to be over with. The only people who have spoken to me about the incident or questioned me is [REDACTED] and [REDACTED]. I thought it was over with and didn't anticipate coming to give a statement. I don't know [REDACTED] well enough to tell who he is closest with. We all live on the second deck, so I guess we are all his roommate. We all get along and goof off together so he is friends with just about everyone. [REDACTED]

[REDACTED] I have not heard of anyone trying to stop anyone from helping with the investigation. The command's overall attitude has been the same. Most everyone just wants it to be over with. [REDACTED]

[REDACTED] This statement was prepared for me by Special Agent [REDACTED], as we discussed its contents. No threats or promises have been made to me. This statement consists of this and 1 other page(s). I have read and understood the above statement. I have been given the opportunity to make any changes or corrections I desired, and have placed my initials over the changes or corrections. This statement is the truth, to the best of my knowledge, recollection and belief. [REDACTED]

Signature [REDACTED]

Sworn to and subscribed before me, this 21 day of August, in the year 2005 at
Camp Al-Asad, Iraq 20410

Witness _____

[REDACTED]
[REDACTED] Representative, Naval Criminal Investigative Service
AUTHORITY: Derived from Article 136 of the UCMJ,
(10 U.S.C. 936) and 5 U.S.C. 303

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G-275

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

21AUG05

CONTROL: 10AUG05-MEJ-0533-7HMA

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

RESULTS OF INTERVIEW OF [REDACTED]

1. On 21Aug05, [REDACTED] was interviewed at Al Asad Airbase, Iraq regarding his knowledge of events relevant to this investigation.

2. [REDACTED] reported that on 25Jun05, he was working a cordon and knock mission in the vicinity of Haditha, Iraq, and was assigned as the only American with a fire team of Iraqi forces. [REDACTED] reported having been involved in hundreds of missions, many of which were cordon and knock operations since arriving in March in Iraq. [REDACTED] said there is always a brief before each mission, though he doesn't remember who gave the brief on 25Jun05. [REDACTED] conveyed he did not remember being briefed about any particular house prior to the 25Jun05 mission.

3. [REDACTED] stated he did not know about the shooting on 25Jun05 until leaving the area some time afterwards. [REDACTED] indicated he was providing security several houses away in the street. [REDACTED] said he saw no pictures regarding the shooting, and didn't know whether photographs were taken.

4. [REDACTED] stated that each mission is debriefed after completion, but he doesn't remember the debrief about the 25Jun05 mission. [REDACTED] said he recalled many weapons and some intelligence information were gathered.

5. [REDACTED] indicated that procedures for cordon and knock missions include: encircling a house; asking for entry; asking whether there are weapons in the house (1 AK-47 is permitted); separating women and children from military-aged males; and thanking the residents upon completion.

BIOGRAPHICAL DATA

EMPLOYMENT: 3/25 LIMA CO. WEAPONS PLATOON

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

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

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LAST [REDACTED] V2 LNY

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EXHIBIT (4) *B27e*

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

21AUG05

CONTROL: 10AUG05-MEJ-0533-7HMA

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

RESULTS OF INTERVIEW - [REDACTED]

1. On 21Aug05, Reporting Agent (RA) questioned [REDACTED] USMCR, regarding his knowledge of the death of V/SUMAIDAIE. As background, [REDACTED] was identified as having been a member of the patrol that conducted a Cordon and Knock operation on 25Jun05, which resulted in the shooting of V/SUMAIDAIE.

2. The interview was conducted at the USMC Criminal Investigation Division Office aboard the Task Force Ripper Compound, Al Asad, IZ. The interview began at approximately 1815, 21Aug05 and lasted approximately 90 minutes.

3. [REDACTED] related he was ordered to active duty on 05Jan05 and reported with Lima Company, 3/25 for follow-on training at MCAGCC, Twenty-nine Palms, CA. [REDACTED] stated this was where he first met [REDACTED]. [REDACTED] related he reported to Iraq on or about 05Mar05, where he was initially sent to the firm base at Haditha Dam. [REDACTED] related that approximately three days later, he reported to Forward Operating Base (FOB) Hit, where his primary mission was to train Iraqi National Guardsman. [REDACTED] stated he remained at FOB Hit for about three months and that [REDACTED] remained at Haditha Dam during that time. [REDACTED] stated he returned to Haditha Dam on or about 05Jun05 and approximately three days later his platoon was sent to Al Qaim to support 3dBn, 2dMarines with an operation in that area. [REDACTED] related that during his time in Iraq he had participated in numerous Cordon and Knock operations and estimated he had searched well over 100 houses during these operations.

4. [REDACTED] recalled the 25Jun05 Cordon and Knock operation in Haditha. He stated it was a morning operation and said prior to leaving the dam for the operation, a mission brief was given by [REDACTED]. [REDACTED] explained that Weapons Platoon was divided into Light Section and Heavy Section. [REDACTED] normally "ran with" Light Section and [REDACTED], the [REDACTED] normally "ran with" Heavy Section. [REDACTED] stated he did not believe [REDACTED] was with their patrol on 25Jun05. [REDACTED] further stated to his knowledge, there had never been a commissioned officer assigned as the weapons platoon commander for Lima 3/25.

5. [REDACTED] related he was assigned as the "Up Gunner" for the fourth and last vehicle in the patrol for the 25Jun05 mission. [REDACTED] explained there were a total of 4 vehicles in the patrol and his vehicle was a high back HMMWV with an M-240G Machine Gun mounted on it. [REDACTED] served as the Machine Gunner for that HMMWV and his primary responsibility was to provide rear area security for the

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EXHIBIT (S)

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

patrol. [REDACTED] related his duties for that mission did not permit him to participate in searching houses. [REDACTED] related he never dismounted the vehicle during that mission. [REDACTED] related the driver of his HMMWV was [REDACTED] and he believed [REDACTED] had been assigned to his vehicle, but was actually a part of the dismount team and participated in the actual searching of residence. [REDACTED] stated he thought there were also two or three Iraqi Army personnel assigned to ride in his vehicle. [REDACTED] could not recall who had been assigned to his HMMWV as the vehicle commander.

6. [REDACTED] stated he became aware during that mission that a shooting had occurred but stated at the time he had little information and did not know if the person shot had been a Marine or Iraqi.

7. Regarding the details of the shooting, [REDACTED] stated he did not witness the incident. [REDACTED] further stated he never spoke to [REDACTED] or [REDACTED] regarding the shooting. [REDACTED] acknowledged he knew both [REDACTED] and [REDACTED] and that he vaguely knew [REDACTED]. [REDACTED] denied knowing what had occurred in the house when the shooting occurred and when asked to relate what he had heard happened, [REDACTED] stated he preferred to speak with a attorney before discussing what he has heard since it was rumors and he did not actually know what happened. [REDACTED] further stated he did not want to make any statements that would incriminate himself or anyone else. When asked to explain why he thought he would incriminate himself, [REDACTED] related that he had already prepared a hand written statement regarding this incident. [REDACTED] said the Marines in his platoon had been told to write statements about what happened about two weeks after the shooting occurred. [REDACTED] related he wrote a statement, which he submitted to his Squad Leader, [REDACTED]. [REDACTED] related his platoon was at FOB Hit, when he wrote the statement. [REDACTED] said he did not know where the statement went but assumed it had been passed on "to higher". [REDACTED] related since he had already wrote a statement, which was not available for him to review, he did not wish to discuss what he heard happened since he might contradict what he wrote in his statement and therefore incriminate him for making false statements.

8. [REDACTED] was willing to talk about information that he could personally attest to. [REDACTED] related no one had ever told him the person who had been shot was escorting the Marines inside the house. [REDACTED] stated he never heard [REDACTED] or [REDACTED] make statements in his presence regarding what took place in the residence when the shooting occurred.

9. Regarding the issue of photographs taken at the scene, [REDACTED] related he had not witnessed anyone take pictures at the scene, nor did he ever view pictures of the scene. [REDACTED] further stated he had no knowledge of any of the Marines stating they had actually taken pictures at the scene. When asked if it was SOP to take pictures at a situation like the shooting that occurred, [REDACTED] stated he did not know.

10. Regarding the SOP for Cordon and Knock Operations, [REDACTED] related

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

there were different ways to conduct this type of operation and platoons sometimes varied SOP's. When asked to explain his own experiences with Cordon and Knock Operations, [REDACTED] stated that normally, the Marines would knock on the door and the head of the household would usually answer. [REDACTED] stated the families usually knew the procedures because they had been through house searches before. [REDACTED] stated if an interpreter was present, they would have him communicate with the family. If not, there was usually a Marine who knew enough Arabic to communicate simple phrases to the family. [REDACTED] stated the Marines would normally ask the head of household who was in the house and if they had any weapons in the house. [REDACTED] said the family members were usually already gathered in one room waiting for the Marines because they would usually know when the Marines were coming. [REDACTED] stated if the family indicated there was a weapon in the house, the Marines would have the family member escort at least two Marines to where the weapon was located. [REDACTED] stated they would have the family member point out the location of where the weapon was but the Iraqi would not be permitted to touch it. When asked if he had ever participated in operations where Marines went and retrieved the weapons themselves without a family escort, [REDACTED] replied yes and explained that if they could not find the weapon, they would ask the family member to point it out. [REDACTED] further explained that it was not unusual to have the Iraqi Soldiers conduct house searching because they were good at finding hiding spots.

11. [REDACTED] was asked by RA if he ever recalled instances where he came across people inside a house he was searching after the family told him there were no other persons in the house. [REDACTED] replied that he had experienced this before. [REDACTED] explained he believed sometimes the family would forget someone in the house.

12. [REDACTED] related the standing rule in the unit was that no one would ever enter a room alone and stated sometimes two Marines would clear a room, sometimes a Marine and Iraqi Soldier would clear a room or sometimes the Iraqi Soldiers would clear the rooms. [REDACTED] stated it depended on the size and type of the house and available personnel. [REDACTED] related that although no Marine was supposed to search a room by himself, he was not going to say that it never occurred.

13. [REDACTED] related he had never been involved with searching a house with [REDACTED] and related he had never observed [REDACTED] in this situation. [REDACTED] related the he was normally assigned to Truck 4 and [REDACTED] to truck 3. [REDACTED] described [REDACTED] as a good Marine and said he was not aware of any disciplinary issues or personal problems [REDACTED] was experiencing prior to the 25Jun05 incident.

14. When asked if [REDACTED] knew why there was an investigation into this shooting, he replied he heard the person who was shot had been the nephew of an Iraqi diplomat from the UN. When asked if he was aware that the weapon the victim was allegedly holding when he was shot was a non-operational ceremonial rifle, [REDACTED] replied "No". No additional relevant information was obtained from the questioning of [REDACTED]

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G279

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

BIOGRAPHICAL DATA

EMPLOYMENT: WEAPONS PLT, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: PHONE [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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G280

U.S. MARINE CORPS

Criminal Investigation Division

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

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]

On 21Aug05, [REDACTED] Lima Company, 3rd Battalion, 25th Marine Regiment, 2d Marine Division, Regimental Combat Team - 2, Haditha, IZ, was interviewed in regards to the incident that took place on 25Jun05.

As background, [REDACTED] is a Reservist from Mansfield, OH. [REDACTED] entered the Marine Corps Reserve in Dec04. [REDACTED]'s Military Occupational Specialty (MOS) is that of a 0331, Machine Gunner. [REDACTED] stated that he arrived in Iraq during the month of Mar05, for his first tour of duty in the country. [REDACTED] estimated that he has taken part in 18 to 20 missions in the Haditha area. The incident on 25Jun05 and an Escalation of Force incident are the only two incidents that he has been involved with. [REDACTED] advised that he is always a machine gunner and has been in the HMMWV on every mission and has never been involved with the Cordon & Knock (CK) missions other than for security. [REDACTED] and [REDACTED] are squad members of [REDACTED]. [REDACTED] describes both as being "Good Marines". [REDACTED] has had no problems with either [REDACTED] or [REDACTED].

[REDACTED] stated that there was a Mission Brief prior to the mission on 25Jun05, and that the Platoon Sergeant, [REDACTED] gave the Mission Brief, to include reviewing the Rules of Engagement (ROE). [REDACTED] advised that [REDACTED] was the Platoon Commander on 25Jun05. [REDACTED] related that no particular information was passed in reference to the houses that were going to be searched or how many houses were going to be searched. [REDACTED] stated that his mission was security, he never left the HMMWV and manned his machine gun the entire time. [REDACTED] stated that while providing security, he did not see the Marines enter many of the houses, as he is monitoring the roads for both vehicular and foot traffic, not watching the Marines.

[REDACTED] stated that he first heard of the shooting from his driver, [REDACTED], who had heard the information over the radio. [REDACTED] stated that he does not know if pictures were taken of the scene. [REDACTED] also stated that he has not witnessed any pictures. When questioned in reference to the debrief, [REDACTED] stated that a de-brief was given by [REDACTED] immediately

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**U.S. MARINE CORPS
Criminal Investigation Division**

after the platoon returned to the Dam. [REDACTED] was unable to remember what information was passed at the de-brief.

[REDACTED] stated that he has not heard anything in reference to the incident other than the fact that it is being investigated for what he believes is the third time. [REDACTED] related that this is the first time that he was spoken to directly about the incident on 25Jun05. [REDACTED] has no first hand knowledge of any of the events that resulted in the incident on 25Jun05.

[REDACTED] indicates that [REDACTED] and [REDACTED] are very good friends. [REDACTED] also stated that [REDACTED] and [REDACTED] are bunkmates in the Lima Company birthing area at the Dam.

[REDACTED] stated that he has never heard of photographs being taken in reference to the incident on 25Jun05, and he stated that he has never witnessed any photographs depicting the 25Jun05 incident. [REDACTED] was unable to provide any further information in reference to the incident that occurred on 25Jun05.

Reported by: Investigator [REDACTED] CID, Al Asad, Iraq
Date Reported: 21Aug05

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STATEMENT

Place : Al-Asad, IZ
Date : August 22, 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 of Mr. Sumadaie during a Cordon and Knock on 25 Jun05. [REDACTED]

For identification purposes only I am a [REDACTED] male [REDACTED] inches tall, weighing [REDACTED] pounds born in [REDACTED] on [REDACTED]. My Social Security Number is [REDACTED]. Currently I am assigned to Lima Company, 325 at Haditha Dam. I have been with the Marine Corps for 4 years and one month. My MOS is a mortar man. As a civilian I was a landscaper in Mason, Ohio before being activated on 04Jan05. I have no wife or kids. I have been in Iraq since 04 March 05 and don't know when I will be leaving, but anticipate it will be around the end of September [REDACTED]

Since I have been in Iraq I estimate that I have been on around 30 combat missions. During the missions I have two confirmed kills. I am in the light section and my job is dismount. I clear houses and walks on the side of the trucks for IEDs and other threats. The majority of the combat missions are either cordon and knock or cordon and search missions. I have been on mostly cordon and search missions. The normal SOP for a cordon and knock is that a team does perimeter security they try to get on higher ground to make sure no one comes out the back and a team goes into the house to search it. Normally there approximately 4 Marines. There are no less than for Marines, but sometimes there are more. We knock on the door and ask everyone into one room or get everyone in the house outside. We clear the house first and then we search the house. When we clear the house we search for people and when we search we start looking for weapons. In order to communicate with the residents we use an interpreter when available. Sometimes they speak English, sometimes we know enough Arabic to communicate. There are some hand signals we use, but lately we have been using the Iraqi's to tell the residents what we need. When we ask if there is a weapon in the house, and we didn't find it on the search, we ask them to show us where it is. I know how to ask in Arabic for them to point out the weapon. We will take them into the house and they will point to the location of the weapon. We don't know which houses have weapons and which houses don't. I know that each household can have one AK-47. [REDACTED]

I know [REDACTED] and [REDACTED]. I am probably closest to [REDACTED]. I believe that everyone in the platoon is an outstanding Marine. I believe that these guys are outstanding Marines. I have not provided a statement before today. I have not written anything about the incident or that day to any member of my command. The only thing that I have heard about the investigation it that it is bull shit. The incident wasn't bull shit, but the investigation is bull shit. If this investigation was involving anyone except the Ambassador's nephew it wouldn't be going on [REDACTED]

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Continuation of voluntary sworn statement of

on August 22, 2005

On 25Jun05 I was on the roof of the house across the street providing security for the vehicles coming down the road. I didn't hear the shot. I was aware that there was a shooting when [redacted] heard it on the radio and relayed it to me. [redacted] was on the roof with me and heard the radio. I stayed up on the roof until we left the area. I did not go into the house, see the body, or the weapon involved. I never saw any pictures that were taken. I never heard anyone talk about pictures being taken.

There was a mission briefing given by [redacted] before the mission on the 25th. The Rules of Engagements were discussed. We have the rules of two. Two strikes and we can engage, or if our life feels threatened we can engage. The strikes are out past curfew, digging on the side of the road, mortar, RPG, weapon, shooting at us, a cell phone and binoculars on top of a roof, escalation of force, within 50 meters, stuff like that. The platoon commander is [redacted] and the Sgt is [redacted]. [redacted] runs heavy section and [redacted] runs light section and light section was the only one out that day. They did add some guys from heavy, but mostly it was light section, so [redacted] wasn't out. I don't remember if we were focusing on a particular house. There seems to always be an area of interest when we go out, but I am not sure right now.

There were a few teams searching houses and so we would bound from house to house to keep watch. I think we were somewhere from 50-100 houses. We would be on top of the house that the team previously searched and cleared and we would move as they moved. The house the shooting took place was about 500 meters south of my location and I was watching north. I didn't see any of the activity around the house. I did not hear of anyone getting assaulted at the house and I couldn't see anything at the house. We were there on top of the house for about 45 minutes after we found out there was a shooting.

We usually always have a mission debrief. [redacted] always gives it. I don't remember the debrief specifically, but I would have noted if we didn't have one so I am pretty sure we had one. [redacted] hangs out with [redacted]. They are the closest I think. [redacted] hangs out with [redacted]. [redacted] hangs out with [redacted] and [redacted] came to us for about a month, but maybe [redacted]. I'm not sure of the spelling on the last one.

The only thing I can say is that we have had people killed before when we bust into a house and they are just there. I know it is a fear to enter a room and there is a guy standing there with a weapon. I heard that [redacted] went into a room and the guy pointed a weapon at [redacted] and [redacted] shot him. I have heard that it was a ceremonial rifle before but I don't know if that is true.

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.

Signature [redacted]

Sworn to and subscribed before me this 27 day of August in the year 2005 at

Al Asad, IL 2028

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Continuation of voluntary sworn statement of

[REDACTED]
on August 22, 2005

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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G285

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

22AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

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

RESULTS OF INTERVIEW - [REDACTED]

1. On 22Aug05, Reporting Agent (RA) questioned [REDACTED] USMCR, regarding the death of V/SUMAIDAIE, who was killed on 25Jun05, after he was shot during a search of his parent's residence. As background, [REDACTED] was identified as a member of the Marine patrol that searched the residence when V/SUMAIDAIE was shot and killed.

2. The interview was conducted at the USMC Criminal Investigation Division (CID) Office within the Task Force Ripper compound, Al Asad Airbase, IZ. The interview began at about 1813 and lasted approximately and 90 minutes.

3. [REDACTED] confirmed he was part of the patrol that was involved in the search of the residence at the time V/SUMAIDAIE was killed. [REDACTED] related he was assigned as a driver fro vehicle #4, which he stated was a hardback HMMWV. [REDACTED] identified the other Marines assigned to his vehicle as [REDACTED] (Vehicle Commander), [REDACTED] (Gunner), [REDACTED] and [REDACTED] (Dismounts). [REDACTED] related his vehicle was equipped with a mounted radio and believed they were operating on the company frequency, which allowed communication between vehicles. [REDACTED] further stated [REDACTED] had a portable radio with him, which allowed him to communicate on the Company and Battalion frequencies. [REDACTED] further stated each vehicle commander had a portable radio, which allowed them to communicate with each other.

4. [REDACTED] did not know the exact day of the shooting incident but acknowledged he was on the patrol when the shooting occurred. When asked if the patrol received a mission brief prior to going on mission [REDACTED] responded that they received a mission brief every time before going on a mission. [REDACTED] could not remember the specifics of the 25Jun05, mission brief but stated he believed [REDACTED] gave the brief.

5. [REDACTED] stated Weapons Platoon was divided into Light Section and Heavy Section. [REDACTED] related that [REDACTED] was the Platoon Sergeant but stayed with Light Section and that [REDACTED] was the Platoon Commander but stayed with Heavy Section. [REDACTED] related [REDACTED] was not present on the 25Jun05, mission because this only involved the Marines assigned to Light Section.

6. Regarding the shooting, [REDACTED] stated he was in his vehicle at the time of the shooting and did not witness what happened. [REDACTED] stated at no time did he ever enter the residence or the courtyard and explained he was with his vehicle the entire time. [REDACTED]

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

further stated he could not identify which house the shooting occurred at.

7. When asked when he first learned that [REDACTED] had shot someone, [REDACTED] stated he believed it was when the patrol had returned to the vehicles. When asked if he spoke to [REDACTED] about what happened, [REDACTED] stated he asked [REDACTED] if he was OK and [REDACTED] responded that he would be all right. When asked if he had since spoken to [REDACTED] about the details of the shooting, [REDACTED] responded that they (meaning the Marines in the platoon) did not talk about stuff like that. [REDACTED] explained that the Marines had experienced a lot (meaning combat) since being in Iraq and that when they were back at the dam (Haditha Dam), they would watch movies or do other things to try and unwind and did not like to discuss or worry about things in the world outside the dam.

8. RA explained to [REDACTED] that there were discrepancies between what Marines in his platoon stated occurred and what V/SUMAIDAIE's family said occurred. [REDACTED] stated the only version he had ever heard from the other Marines in the platoon was that [REDACTED] had shot V/SUMAIDAIE after [REDACTED] entered a room in the house and saw V/SUMAIDAIE standing there holding a rifle in his hand. [REDACTED] stated he believed it may have been [REDACTED] he heard this from. [REDACTED] stated he never heard any of the Marines in his platoon state V/SUMAIDAIE had been escorting the Marines in the house when he was shot.

9. Regarding the issue of photos being taken at the scene, [REDACTED] stated he never saw anyone take pictures at the scene, nor did he ever view pictures of the scene and further said he did not know if pictures had been taken. [REDACTED] stated the Marines on the patrol had been questioned about the picture issue before and that they all provided written statements regarding the picture issue. [REDACTED] acknowledged that he hand wrote a statement about the picture issue while he was at Forward Operating Base (FOB) Hit. [REDACTED] was not sure of the date he did this or who collected his statement.

10. [REDACTED] described [REDACTED] as "a funny kid" and said he thought [REDACTED] might have been the newest Marine to join the platoon. [REDACTED] stated [REDACTED] was quiet and the Marines of the platoon regarded him as their kid brother. [REDACTED] stated he did not believe that [REDACTED] would murder anyone and believed that [REDACTED]'s actions were justified because he encountered an Iraqi male with a weapon while on patrol and [REDACTED] considered the shooting to be a justified combat related shoot. [REDACTED] stated he knew of at least one Marine from 3/25 who was killed when entering a house while on patrol.

11. [REDACTED] related he saw the rifle in question that V/SUMAIDAIE had when he was shot and stated "the weapon looked legit". [REDACTED] stated he saw the weapon after it had been brought back to the dam and was aware upon close examination that there was a cap on the end of it. [REDACTED] related it was unlikely [REDACTED] or anyone else in his situation would have had time to examine the rifle to see the cap on it at the time [REDACTED] first encountered V/SUMAIDAIE in the room.

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SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

12. Regarding the Standard Operating Procedures for Cordon and Knock operations, [REDACTED] acknowledged that normally the family of the house were familiar with search procedures and cooperated by gathering into one room of the house so the Marines could conduct the search.

[REDACTED] related the families were usually very cooperative. [REDACTED] stated if the family indicated there was a weapon in the house, the head of the household would normally escort the Marines to the weapon and point it out. [REDACTED] stated the Iraqi would not be permitted to handle the weapon or hand it to the Marines but would simply point out where it was located. [REDACTED] stated if the family members indicated there were no weapons in the house, the Marines would search the house, usually always accompanied by a family member. However, [REDACTED] stated he did not witness this particular search because he was in the truck. [REDACTED] estimated he had conducted approximately 500 house searches since arriving in Iraq.

13. [REDACTED] was asked if he was aware of the victim's relation to the Iraqi Ambassador to the United Nations. [REDACTED] stated he was aware the victim had been related to "A diplomat". [REDACTED] stated he was not sure when he first became aware of this information but said he knew of this before providing the statement about the photos. [REDACTED] could not remember if he knew of the victim's relation to a diplomat on the night the victim was shot.

14. [REDACTED] stated at no time did he witness Marine or Iraqi soldiers assault or mistreat anyone during the mission. No additional information was gleaned from the questioning of [REDACTED]

BIOGRAPHICAL DATA

EMPLOYMENT: WEAPONS PLT, L CO, 3DBN, 25THMAR, 4THMARDIV

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

OTHER: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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G288

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23AUG05

CONTROL: 10AUG05-MEJ-0533-7HMA

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

RESULTS OF INTERVIEW OF [REDACTED]

1. On 22Aug05, [REDACTED] was interviewed regarding his knowledge of V/SUMAIDAIE's death. [REDACTED] advised he was assigned as a turret gunner on a High Mobility Multi-Wheeled Vehicle (HMMWV), and maintained security during his unit's mission on 25Jun05. [REDACTED] stated he was positioned in the furthest vehicle south on River Road in Haditha, Iraq, and was assigned to watch for approaching threats. [REDACTED] said he therefore had his back to the house being searched in the cordon and knock operation.

2. [REDACTED] indicated he first found out about V/SUMAIDAIE's death at the mission debrief after returning with his unit to Haditha Dam. [REDACTED] reported he was practically certain the debrief was given by his platoon sergeant, [REDACTED] USMCR. [REDACTED] conveyed he was similarly sure [REDACTED] briefed the mission beforehand. [REDACTED] said he did not recall being told of any houses that posed known threats in the brief. [REDACTED] stated [REDACTED] gives complete mission briefs, and always briefs rules of engagement.

3. [REDACTED] reported that sometime after the mission, his [REDACTED] [REDACTED] asked him what his role was in the 25Jun05 mission. [REDACTED] said he did not recall the time or place when [REDACTED] asked him.

4. [REDACTED] stated that in mid-July 2005, [REDACTED] directed him to write a statement regarding whether he knew of any photographs that were taken in conjunction with the mission on 25Jun05. [REDACTED] said he knew of no photographs, and he provided a statement that reflected that.

BIOGRAPHICAL DATA

EMPLOYMENT: 3/25 LIMA CO.

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED] Special Agent

OFFICE: NCIS Det Al Asad, IZ

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EXHIBIT (9) 1281

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

23AUG05

CONTROL: 10AUG05-MEBJ-0533-7HMA

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

RESULTS OF INTERVIEW OF [REDACTED]

1. On 22Aug05, [REDACTED] was interviewed regarding his knowledge of V/SUMAIDAIE's death. [REDACTED] advised he was assigned as a Navy Corpsman assigned to Lima Company, 3rd Battalion, 25th Marine Regiment, forward deployed to Haditha Dam, Iraq, and has been so billeted since 06Jan05. [REDACTED] stated he did not participate in the 25Jun05 Cordon and Knock (C&K) Operation in the town of Al Shaikh Hadid, IZ, however he has participated in well over 100 C&K Ops since deploying to Iraq. [REDACTED] stated Tactics, Techniques and Procedures (TTP) change daily based on safety issues and past events, which have resulting in the loss American lives.

2. [REDACTED] stated, during C&Ks, they will knock on the door, ask the family to exit the house and then ask, using hand signals or basic Arabic, whether any individuals remain inside or whether there are any weapons in the house. [REDACTED] stated he has personally encountered additional individuals in a house, even after the family has assured them everyone was outside. These individuals are normally little kids, or mentally retarded individuals. [REDACTED] stated the family is allowed one (1) weapon per Military-Aged Male (MAM) in the house, and if there are additional weapons the Marines will seize them. If weapons caches are located or if any incident occurs while in the house, it is also Military policy to photograph and document as deemed appropriate. [REDACTED] stated their procedures are to have a MAM escort them to the weapon, however they are not supposed to touch it, just point to it's location. [REDACTED] also stated there have been instances where a MAM will get to a weapon and grab it prior to being told not to, but the MAMs are usually smart enough to grab the weapon by the barrel and not hold it in a threatening manner.

3. [REDACTED] stated his general equipment when conducting C&K Ops, will be his small trauma bag which is attached to his Flack Jacket, and contains various immediate treatment items, like an IV, tourniquets, Ace bandages, morphine, tape and gloves. For most combat injuries, these items will suffice. If additional medical equipment is needed, he keeps a 50-pound bag of items on the back of his vehicle, which is easily accessible.

4. [REDACTED] indicated he first heard about V/SUMAIDAIE's death during Operation Sword while he was stationed in Hit, Iraq. He stated he remembered several 3/25 Marines being pulled away from the Operation to answer questions regarding the incident. [REDACTED] stated no one in his platoon was ever questioned during the investigation, as they were not present during the C&K operation. [REDACTED] stated he has

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EXHIBIT (10) *ad*

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

never been asked to write a statement regarding the incident.

5. [REDACTED] was asked if he knew [REDACTED] a [REDACTED] present in the house during the incident, and had [REDACTED] ever confided in him regarding the shooting. [REDACTED] stated he knew [REDACTED] as one of the new [REDACTED] in the unit, as he arrived a few months after the main 3/25 group. [REDACTED] stated [REDACTED] never discussed the event with him, nor had he ever overheard [REDACTED] or anyone else talk about the incident. He stated lots of people have been killed during his deployment, and the Marines and Corpsman generally don't discuss it.

BIOGRAPHICAL DATA

EMPLOYMENT: NAVY CORPSMAN FOR "L" CO, 3/25 .

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED] SPECIAL AGENT

OFFICE: NCISRU AL ASAD AIRBASE, IRAQ

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LAST [REDACTED] V2 LNY

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**U.S. MARINE CORPS
Criminal Investigation Division**

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

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]

On 22Aug05, [REDACTED] Lima Company, 3rd Battalion, 25th Marine Regiment, 2d Marine Division, Regimental Combat Team - 2, Haditha, IZ, was interviewed in regards to the incident that took place on 25Jun05.

As background, [REDACTED] is a Reservist from Columbus, OH. [REDACTED] entered the Marine Corps Reserve in Jun03. [REDACTED]'s Military Occupational Specialty (MOS) is that of a 0331, Machine Gunner. [REDACTED] stated that he arrived in Iraq during the month of Mar05, for his first tour of duty in the country. [REDACTED] estimated that he has taken part in 28 to 30 missions in the Haditha area. [REDACTED] stated that he discharged his weapon during five incidents his unit has been involved in. [REDACTED] advised that he has been on the both the entry teams for Cordon & Knock missions and that of security, where he would remain in the HMMWV and man the machine gun. [REDACTED] and [REDACTED] are squad members of [REDACTED]; [REDACTED] describes both as being "Good Marines". [REDACTED] has had no problems with either [REDACTED] or [REDACTED].

[REDACTED] stated that there was a Mission Brief prior to the mission on 25Jun05, and that the Platoon Sergeant, [REDACTED] gave the Mission Brief, to include reviewing the Rules of Engagement (ROE). [REDACTED] advised that [REDACTED] was the [REDACTED] on 25Jun05, but [REDACTED] works primarily with the "Heavy" section and was not present for the mission. [REDACTED] related that no particular information was passed in reference to the houses that were going to be searched or how many houses were going to be searched. [REDACTED] stated that his mission was security, he never left the HMMWV and manned his machine gun the entire time.

[REDACTED] stated that he first heard of the shooting after the debrief when the unit returned to the Dam.

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EXHIBIT (11)

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**U.S. MARINE CORPS
Criminal Investigation Division**

CCN:

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED] (Cont.)

[REDACTED] was unaware if pictures were taken at the scene. [REDACTED] also stated that he has not witnessed any pictures. When questioned in reference to the debrief, [REDACTED] stated that a de-brief was given by [REDACTED] immediately after the platoon returned to the Dam. [REDACTED] was unable to remember what information was passed at the de-brief.

[REDACTED] stated that he has heard [REDACTED] relate story, and [REDACTED] has not asked any question's of [REDACTED]. [REDACTED] related that this is the first time that he was spoken to directly about the incident on 25Jun05. [REDACTED] has no first hand knowledge of any of the events that resulted in the incident on 25Jun05.

[REDACTED] states that he play's the game of "Risk" with [REDACTED] often while at the DAM. [REDACTED] also advised that [REDACTED] is almost in the same truck as [REDACTED] on the missions. [REDACTED] opined that [REDACTED] has been in his truck on every mission.

[REDACTED] again states that he has never heard of photographs being taken in reference to the incident on 25Jun05, and he stated that he has never witnessed any photographs depicting the 25Jun05 incident. [REDACTED] was unable to provide any further information in reference to the incident that occurred on 25Jun05.

Reported by: Investigator [REDACTED] CID, Al Asad, Iraq
Date Reported: 23Aug05

b7c

PAGE 1 OF 2 PAGES (Last)
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19640

G293

STATEMENT

b7c

Place : Al-Asad, IZ
Date : August 23, 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 of Mr. Sumadaie during a Cordon and Knock on 25 Jun05 [redacted]

For identification purposes only I am a [redacted] male [redacted] inches tall, weighing [redacted] pounds born in [redacted] My Social Security Number is [redacted] Currently I am assigned to 1st Platoon Bravo Company CEB at Haditha Dam. I have been with the Marine Corps for 14 years. My MOS is a Combat Engineer. As a civilian I was a Civil Engineer Technician in Chattanooga, TN. I deployed to South American in Feb 2004 and returned in August of 2004 and was deployed to Iraq for the first time. I am divorced with 2 children. I have been in Iraq since the beginning of March 05 and anticipate leaving around the end of September [redacted]

Since I have been to Iraq I have been on approximately 6-7 operations and about 20-30 combat mission. I have had two confirmed kills since I have been in Iraq. In my billet I am a Platoon Sgt. I send my squads to support a rifle company. I have actually been present on 5-10 cordon and knock missions. The normal SOP for the cordon and knock is that you establish the outer perimeter, establish the inner perimeter facing in towards the target perimeter. This is to provide security for the team going in. Then the team knocks on the door and asks the residents to come into the home. Normally there are anywhere from 4-6 Marines on the entry team, but it depends on the environment and the type of mission. The Marines normally communicate with the residents by using some of the Arabic that they have picked up along the way. Sometimes there is an interpreter and hand gestures that we communicate. Normally when I would get a positive response that there is a weapon in the house being searched I would have someone walk into the house with me to show me where the weapon was. The resident would normally point to where the weapon was and I would tell them to show it to me. I wouldn't let them grab it, I would just have them show it to me [redacted]

On the 25Jun05 incident I just didn't have a good feeling about it. The whole morning had gone so well. I was added to the mission the night before and added some of my guys to the mission. We knew that we were going to do a cordon and knock of about 60 or so houses. I was suppose to take pictures of the barriers around the school in the area because it had already been used for a polling place and I was suppose to take pictures of the barriers to do recon on them to see if they could be used again in HIT. I also needed account to see how many were there. We rolled down to our start point and myself, [redacted] and [redacted] tagged along with [redacted]'s crowd and started knocking on doors. I mean that it was a bad deal because everything went so well until the point that the guy got shot. We saw a lot of smiles that day and people were receptive to us being there. There were only like 3 houses of over 30 houses that we went into that were not as welcoming and they didn't even have anything to hide. The section of the city we were clearing (the northern section) were on the west [redacted]

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Continuation of voluntary sworn statement of

on August 22, 2005

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side of river road. The other half of [redacted] team were on the east side of River Road. ISF were going back and forth. I know I was on the west side and the house the shooting occurred was on the East side. We didn't even hear the shot. I was about 75 meter from the house where the shooting took place. We were parallel with the house [redacted]

I found out there was a shooting when we were leaving the last house that we cleared. We stepped out of the house and a Marine from another group told a Marine in our group that [redacted] had just shot a guy. [redacted] and I started walking toward the house. When we were walking toward the house the Marines were setting security on the roof and forming perimeters around the house. ISF was forming perimeters as well. As we crossed the main street I saw a male Marine that I believe to be [redacted] was talking to another male Sgt. They were on the main street in the back of one of the vehicle. As we walked passed I overheard the Sgt telling [redacted] to calm down. The kid was shook up and I didn't hear him say anything. Neither one had blood on them. The Sgt told him that the didn't do anything wrong and that the guy turned with the weapon, that kind of stuff. [redacted]

[redacted] and I walked to the courtyard of the house and the family was outside in the courtyard. The family was calm and they were not letting on like they knew that someone had just gotten killed inside the house. We wanted to go over there and take a look because we were the senior officer and enlisted on the mission so we felt we should go to the house. The people in the courtyard were 1 older woman who was apparently the mother. I think there were about 12 people. There were 3 females probably anywhere from 12-16, there were two young males between 16-19 years old, the rest were children anywhere from 3-12 years of age both male and female. As we were approaching the courtyard the Lt and I stand there for a few minutes. [redacted] went inside and I stayed outside. The Marine watching the family asked if I would watch them for a few minutes so he could relieve himself around the corner. So I watched the family. While I was with them they were squatting against the wall and [redacted] motioned at me and pointed in the doorway and there was a pot on the stove. Through hand signals I was able to figure out that the stove was on and she wanted me to turn it off. I turned off the stove and she said, "Shukran" (which means "thank you"). That reinforced that they probably didn't know yet about the shooting. After a few minutes the Marine came back and I went into the house. I went through the kitchen and went into the back hallway and saw where the other Marines were. I went to the room and I saw the Marines [redacted] and [redacted]. The weapon was on the floor with the magazine in, the Iraqi male was lying there and appeared to be dead. The Iraqi was lying on his side like he had been hit and fell back and then rolled. I didn't go into the room because it was so crowded. There was a dresser, a bed and a bureau. The Bureau was up against the wall as you come into the room. There was space between the body and the bureau and the doors to the bureau were open. The people in the room were [redacted] and one or two other Marines I can't identify. The Iraqi male on the ground was lying with his hips flat on the ground, but his upper torso was twisted a bit. It had been about 5-10 minutes since the shooting that I finally got into the room. There was a lot of blood on the floor. I would say almost all this guys blood was on the floor and it had started to thicken. I think Doc was trying to get a better view of the entry and exit wounds. They were talking about moving the body so they could see the wounds. I saw that the male had a neck wound, but since I didn't actually go into the room, I didn't get a good look. They turned his head and moved him around a little to look at the wounds. If I remember correctly the entry was through the front of his neck and the exit was at the rear. I remember hearing the Doc talk about brain matter. When the Marines were trying to move the body they pulled a head dress out of the bureau and [redacted]

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Continuation of voluntary sworn statement of [REDACTED]

on August 22, 2005
23

[REDACTED] used it to help grab the body. No one wanted to get the blood on them. They were turning him face up and face down to see the wounds. One of the unidentified Marines was asking were the male had been standing. The Marine was asking the Doc the questions. Basically he said that the Male reached into the bureau grabbed the weapon and turned around and [REDACTED] shot him. I believe even though the magazine was still in the weapon the weapon had already been cleared. I noticed that the weapon on the ground was green. The first time I had seen one of these weapons was about a month earlier. It was a green AK-47. On these weapons there is a blank firing adapter on the weapon. I thought it was a special modified AK-47 used to fire rifle grenades and uses a blank 762 cartridge. I have also heard that these green weapons are ceremonial weapons [REDACTED]

After they looked and the Iraqis wounds I heard someone yell for me outside. I went outside and met with [REDACTED]. He wanted to figure out where I was to pull the team together. I was outside with [REDACTED] for a couple minutes and to tell the team to sit tight and I would be back. I re-entered the house and the same Marines were in the room and taking pictures. I don't remember the camera or the flash, I just remember hearing them talking about moving him in order to get different shots. I am pretty sure [REDACTED] was still in the room when the pictures were being taken. [REDACTED] was coming in and out. He had been outside on the radio talking to [REDACTED]. When [REDACTED] came in the second time he told everyone we had to leave [REDACTED]

HET came after we were leaving and they were in the courtyard with the family. We had gathered them and took [REDACTED] into the street and the translator told her that her son had pointed a weapon at a Marine and she made a motion like she didn't want to believe that he did. So the HET translator told her that her son did point the weapon and that the shot was from an M-16 and her son was dead. She started screaming and beating herself on the forehead. When the other family heard her start screaming the family started screaming. You know, when we first got there both the teenage males were facing the wall with their foreheads on the wall with their hands behind their back. I don't know why they were like that. Neither of the males were injured, crying, bleeding, or hurt in any way. The children were being hushed by the mother if they weren't still, but those guys were against the wall [REDACTED]

There was a mission brief before we left by [REDACTED]. I do not recall a mission debrief. I kept expecting to get a call for a debrief, but it didn't come. I thought that this mission would have been debriefed by the S-2, XO and S-3, but I was never called. Once we loaded up the vehicles and left the city we stopped at a school to take pictures of the barriers and a count. We came back to the dam and when we came back to the gate my group and Lima company went our separate ways. We keep our vehicles in a different spot than Lima so if [REDACTED] gave the men a debrief than I wouldn't have been there. [REDACTED]

On the 22nd of July or around that date I was in Camp Hit and I had just returned from a mission in the city. I got on a convoy to go back to the dam in order to give a statement about the shooting in Haditha. That was the first time anyone asked me to make a statement. It was from a Col at MNFI. The statement was typed and recorded. The day after the shooting was the day we left to participate in Operation Sword. No one had talked to me or asked for anything about that day until late July. [REDACTED] and I talked about it when we were returning on the day of the shooting. We said that we thought [REDACTED] would get hung for the shooting even though it was a good shoot. I guess we thought that because he was only a PFC [REDACTED]

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G296

Continuation of voluntary sworn statement of

on August ~~22~~₂₃, 2005

This statement, consisting of this page and 3 other page(s) was typed for me by [redacted] as we discussed its contents. I have read and understand the above statement. I have been given the opportunity to make any changes or corrections I desire to make and have placed my initials over the changes or corrections. This statement is the truth to the best of my knowledge and belief.

Signature: [redacted]

Sworn to and subscribed before me this 23 day of Aug in the year 2005 at

A1-Asad 1833

Witnessed: [redacted]

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

b7c

G297

STATEMENT

Place: Al Asad Airbase, Iraq [REDACTED]

Date: August 23, 2005 [REDACTED]

[REDACTED] make the following free and voluntary statement to [REDACTED] whom I know to be a representative of the 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 3/25's mission on 25Jun05 in which an Iraqi was shot. [REDACTED]

For purposes of identification, I am a [REDACTED] in the U.S. Marine Corps Reserve serving with Lima Company 3/25, currently working out of Haditha, Iraq. I was born on [REDACTED] and my Social Security number is [REDACTED]

On 25Jun05, prior to going out, Lima Company Weapons Platoon Light Section was given a brief by our platoon sergeant, [REDACTED] for a cordon and knock presence patrol. He always covers rules of engagement, and did on this day as well. [REDACTED]

I was in a hummer. I believe it was Vehicle 3. I was the driver and remained in the vehicle with the engine running for the entire mission. There was a radio in the truck, but I did not hear any unusual radio traffic or any communication about a shooting during the mission. From my vantage point, I did not know where the shooting happened and did not see anything about the incident. [REDACTED]

I first found out about the shooting when I returned with my section to Haditha Dam. [REDACTED] gave a debrief, and said [REDACTED] shot an Iraqi. I didn't know the Iraqi was killed until the first investigation started. I found out then that the person killed was the relative of an U.N. ambassador. [REDACTED]

[REDACTED] asked me in Hit what my role was on the mission, and I told him I was the driver of the vehicle. I have not been asked before today to make a written statement. [REDACTED]

I know [REDACTED] and [REDACTED] in having served with them. I trust them all and regard them as very professional. [REDACTED]

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

Signature: [REDACTED]

Page 1 of 2 [REDACTED]

b7c

19645

Exhibit (13)

G-298

Sworn to and subscribed before me this 23rd day of August in the year 2005
at Al Asad Airbase, Iraq

Witnessed: _____


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

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G299

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 INTERVIEW - [REDACTED]

1. On 23Aug05, Reporting Agent (RA) questioned [REDACTED] USMCR, regarding the death of V/SUMAIDAIE, who was killed on 25Jun05, during a search of his parent's residence by Marines of Lima Company, 3dBn, 25th Marines, 4thMarDiv. As background, [REDACTED] was identified as a member of the Marine patrol that conducted the search of the residence.

2. The interview of [REDACTED] took place at the USMC Criminal Investigation Division Office located within the Task Force Ripper compound, Al Asad Airbase, IZ. The interview began at approximately 1530, 23Jun05 and lasted approximately two hours.

3. [REDACTED] confirmed he was a member of the patrol that was conducting Cordon and Knock operations in South Dam Village on 25Jul05. [REDACTED] identified the Marines assigned to his vehicle as [REDACTED] (Driver), [REDACTED] (Gunner), and [REDACTED] (Dismount). [REDACTED] related he was the vehicle Commander. [REDACTED] related that when the began the Cordon and Knock mission, [REDACTED] (S-4), [REDACTED] (Engineer) and [REDACTED] (Engineer) stayed with his team but did not actually ride in his vehicle. [REDACTED] related the vehicle his team was in was an up-armored hardback HMMWV.

4. [REDACTED] stated the mission had been going exceptionally well and explained that Marines had been well received by the Iraqi residents of the town and that the Marines were in a good mood, laughing and joking with one another. [REDACTED] explained he had been involved in similar missions where the atmosphere was tense and the local people were somewhat resentful and hostile towards the Marines. [REDACTED] said this was not the case on the 25Jun05 mission.

5. [REDACTED] stated that towards the end of the mission, his team was walking down an alleyway, which was perpendicular to River Road and he believed was across the street from the house where the shooting occurred. [REDACTED] said as he was exiting the alley onto River Road, [REDACTED] approached him and informed him that [REDACTED] had shot someone. Upon hearing this, [REDACTED] posted his team as security, specifically having them focus their attention on the alley that had just walked through and on River Road in both directions. [REDACTED] related that while setting up his team to provide security, the patrol vehicles began arriving at the scene along with [REDACTED] stated that [REDACTED] who was the Platoon Sergeant, gave [REDACTED] a gunshot residue kit and instructed [REDACTED] to perform a gunshot residue test on the Iraqi who had been killed.

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19647

EXHIBIT (1)

2300

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

6. [REDACTED] related he asked [REDACTED] if he wanted to help out in performing the test. [REDACTED] explained he believed this was the first time [REDACTED] had ever been outside the wire and had probably not seen anyone killed before. [REDACTED] said [REDACTED] agreed to go with him and they proceeded into the residence. [REDACTED] recalled seeing family members outside the house but stated he did not know how many people were standing outside or their relation to the victim.

7. [REDACTED] stated upon entering the room, he observed an Iraqi male face down in the room in a pool of blood. [REDACTED] stated it looked like the male had bled out and said the blood was mostly around his head. [REDACTED] related the scene was very messy and he could not tell where the male had been shot because there was so much blood. [REDACTED] said he thought the guy had been shot in the face or head because that's where the blood was. [REDACTED] stated he did not believe anyone was in the room when he and [REDACTED] first arrived. [REDACTED] said it was possible that [REDACTED] was in the room when he arrived but he was not positive. [REDACTED] stated that the victim's right hand was underneath his body and [REDACTED] remove that hand from under the body to perform the residue test. [REDACTED] explained he figured the victim was probably right handed since most people were right handed, which is why he chose to do the residue test on that hand. [REDACTED] related he only had one residue kit to perform the test so he could not test both hands. [REDACTED] stated there was an AK-47 on the floor next to the body when he walked in the room. [REDACTED] did not believe the male was wearing any type of headdress and did not recall seeing any headdress on the floor or in the room.

8. [REDACTED] related the results of the residue kit were inconclusive. [REDACTED] stated that while inside the room, Marines had been coming in and out and at one point, [REDACTED] came into the room with a digital camera to take pictures of the victim. [REDACTED] related that he and [REDACTED] had rolled the Iraqi male over and held him so that [REDACTED] could take a picture of the front of the victim. [REDACTED] explained how they did this and said they kneeled behind the victim, grabbing his arm and leg and pulled him towards [REDACTED] and [REDACTED] so that the victim's back was facing them, exposing his front towards [REDACTED]. [REDACTED] related that [REDACTED] could not get the camera to work and remembers that [REDACTED] was cursing because the camera could not work. [REDACTED] related he was sure that [REDACTED] did not take any pictures because the camera did not work. [REDACTED] related at no time did he see anyone else enter the room with another camera to take pictures. [REDACTED] related he has never seen any actual pictures of the victim or of the scene.

9. [REDACTED] related he left the room after [REDACTED] was unable to take pictures. [REDACTED] stated that [REDACTED] left the room about the same time he did. [REDACTED] estimated he spent between 10-15 minutes inside the room.

10. [REDACTED] stated at no time did he witness Marines or Iraqi soldiers assault or mistreat anyone at the residence.

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G-301

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

11. [REDACTED] related he did not discuss the details of the incident with [REDACTED] or [REDACTED] that night, nor has he discussed the details of the shooting with these persons since the incident. [REDACTED] related he had discussed the shooting with [REDACTED] who told him that [REDACTED] had entered the room, there was a guy standing inside who presented a rifle and that [REDACTED] shot him. [REDACTED] related that no one from the unit ever told him the victim had been escorting Marines to the weapon at the time he was shot.

12. Regarding procedures for Cordon and Knock Operations, [REDACTED] related that he will normally have a member of the family escort him to the weapon if the family discloses there is a weapon in the house. [REDACTED] stated he will not permit any family member to touch the weapon. [REDACTED] related if the family does not disclose there are weapons in the house, he will have a member of the team watch the family while the Marines clear the house and will not normally have a family member escort the Marines under these circumstances. [REDACTED] stated to his knowledge, there was not a specific SOP within the unit regarding when/when not to have family members escort the Marines during house searches and related it was more of a team leader preference.

13. [REDACTED] related that he has provided two previous written statements regarding this incident. [REDACTED] stated the first statement was in regards to the "Army Colonel" investigation and the second statement pertained to the issue of photographs. [REDACTED] explained all the Marines of Light Section were told to provide statements regarding if they had any information about the existence of photographs of the scene. [REDACTED] related he prepared this statement at FOB Hit and turned it into [REDACTED]. [REDACTED] did not wish to provide a third written statement. No additional relevant information was obtained during the interview with [REDACTED].

BIOGRAPHICAL DATA

EMPLOYMENT: WEAPONS PLT, I CO, 3DBN, 25THMAR, 4THMARDIV
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: [REDACTED]
OTHER: [REDACTED]

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

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**U.S. MARINE CORPS
Criminal Investigation Division**

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

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]

On 23Aug05, [REDACTED] Lima Company, 3rd Battalion, 25th Marine Regiment, 2d Marine Division, Regimental Combat Team - 2, Haditha, IZ, was interviewed in regards to the incident that took place on 25Jun05.

As background, [REDACTED] is a Reservist from Cincinnati, OH. [REDACTED] entered the Marine Corps Reserve in Jun04. [REDACTED]'s Military Occupational Specialty (MOS) is that of a 0341, Mortarman. [REDACTED] stated that he arrived in Iraq during the month of Mar05, for his first tour of duty in the country. [REDACTED] estimated that he has taken part in 30 to 40 missions in the Haditha area. [REDACTED] was unable to provide an accurate number of times that he has fired his weapon, but says that he has fired it numerous times. [REDACTED] advised that he was on a search team on the day of the incident, not on the team that was involved in the shooting. [REDACTED] and [REDACTED] are squad members of [REDACTED]. [REDACTED] describes both as being "Good Marines". [REDACTED] has had no problems with either [REDACTED] or [REDACTED].

[REDACTED] stated that there was a Mission Brief prior to the mission on 25Jun05, and that the Platoon Sergeant, [REDACTED] gave the Mission Brief, to include reviewing the Rules of Engagement (ROE). [REDACTED] advised that [REDACTED] was the Platoon Commander on 25Jun05. [REDACTED] related that no particular information was passed in reference to the houses that were going to be searched or how many houses were going to be searched. [REDACTED] stated that his mission was to search houses on 25Jun05.

[REDACTED] stated that when word was passed, via the radio, in reference to the shooting, he was instructed to set security from the rooftop of the house the shooting occurred in. [REDACTED] estimates that he was posted on the roof for approximately 1 hour.

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EXHIBIT (15)

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19650

4303

**U.S. MARINE CORPS
Criminal Investigation Division**

CCN:

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED] (Cont.)

[REDACTED] stated that he does not know if pictures were taken of the scene. [REDACTED] also stated that he has not witnessed any pictures. When questioned in reference to the debrief, [REDACTED] stated that there was a visitor at the Dam on the 25Jun05, he cannot remember, but he did mention [REDACTED] name and thinks it may have been [REDACTED]. [REDACTED] stated that a de-brief was given by [REDACTED] immediately after the platoon formation, at which [REDACTED] spoke. [REDACTED] was unable to remember what information was passed at the de-brief.

[REDACTED] stated that he has not heard anything in reference to the incident other than the fact that it is being investigated for what he believes is the third time. [REDACTED] stated that he provided a written statement while he was in Hit, IZ. [REDACTED] has no first hand knowledge of any of the events that resulted in the incident on 25Jun05.

[REDACTED] does not know who [REDACTED] is friends with in the unit and that he does not hang around with [REDACTED]

[REDACTED] again stated that he has never heard of photographs being taken in reference to the incident on 25Jun05, and he stated that he has never witnessed any photographs depicting the 25Jun05 incident. [REDACTED] was unable to provide any further information in reference to the incident that occurred on 25Jun05.

Reported by: Investigator [REDACTED] CID, Al Asad, Iraq
Date Reported: 24Aug05

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19651

G204

STATEMENT

Place : Al Asad Airbase, Iraq [redacted]

Date : August 24, 2005 [redacted]

[redacted] SN, make the following free and voluntary statement to [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 of an Iraqi during a 25Jun05 mission in the vicinity of Haditha, Iraq [redacted]

For purposes of identification, I am a [redacted] in the United States Navy, currently assigned to 3/25 Lima Company, 3rd Platoon, 3rd Squad. I was born on [redacted] in [redacted] and my Social Security number is [redacted]

On 25Jun05, I was working with my squad on a Cordon and Knock mission in the vicinity of Haditha. My squad was involved in no shooting of a civilian that day. After I returned to the dam, about a day or so later, I heard a rumor that another squad was involved in a shooting. The rumor was that the person shot was an ambassador's son [redacted]

[redacted] know who [redacted] and [redacted] are from my work in 3/25, but I only know their names and faces. I am acquainted with [redacted] since he is also a corpsman. From my experience, [redacted] is a good and professional corpsman [redacted]

[redacted] have not been questioned or asked to provide a statement about the 25Jun05 mission prior to today. Before departing to come to Al Asad today, [redacted] told me NCIS was going to ask me questions today about the accidental killing of a civilian, and I was to tell the truth. [redacted] and [redacted] came to me about 15 or 20 minutes later, and gave me the same direction. Nobody has instructed me about what to say other than to tell the truth [redacted]

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

Signature: [redacted]

Sworn to and subscribed before me this 24th day of August in the year 2005 at

Al Asad Airbase, Iraq

Witnessed: [redacted]

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

b7c

G2005

STATEMENT

Place : Al-Asad, Iraq
Date : August 24, 2005

I, [REDACTED] make the following free and voluntary statement to Special Agent [REDACTED] whom I know to be a Representative of the United States Naval Criminal Investigative Service. I make this statement of my own free will and without any threats made to me or promises extended. I fully understand that this statement is given concerning my knowledge of the shooting of Mr. Sumadaie on 25Jun05. [REDACTED]

For identification purposes I am an [REDACTED] male born on [REDACTED] in [REDACTED]. My Social Security Number is [REDACTED]. My residence is [REDACTED]. Currently I am on active duty with the Navy and assigned to Lima Company 325 at Haditha Dam in Iraq. I have been assigned to 325 since the first week of June. I anticipate leaving at the end of September. This is my first tour to Iraq. My MOS is a [REDACTED]. I have been on approximately 10-15 combat missions since I have been to Iraq. I have had no confirmed kills. I have been on approximately 5 cordon and knock missions. [REDACTED]

The normal SOP for a cordon and knock is to patrol into the area tactically, set up inner and outer perimeter, make entry, and I just wait to get called in if I'm needed. I have never been on an entry team. As far as I know, no other [REDACTED] are on the entry teams. There are normally One or two teams at the house one to go in and one for support. A standard team is 4, but the situation dictates the number of people. What ever it takes to complete the job. I know [REDACTED] and [REDACTED] but mostly only by names. I am not close with them. [REDACTED] and I were in India Company together. [REDACTED] is a [REDACTED] also. I have been on approximately 6-7 missions where we were out in the field at the same time, but that doesn't mean we have seen each other. I would describe [REDACTED] as a hard worker, knowledgeable, always ready to go, willing to provide any type of care needed. [REDACTED]

I'm not for sure if I was on the mission that was on 25Jun05. I don't know when I found out that [REDACTED] had killed someone. I don't know who I heard it from. I have not given a statement, nor been interviewed by anyone else about the incident. No one has said anything to me about the incident. I don't listen to stuff like that. I just heard about two days ago that [REDACTED] killed a guy on a previous operation and NCIS wanted us for questioning. I did not go into a house where [REDACTED] had shot someone, I didn't know it had happened when it happened, I have no idea any information about the incident you are inquiring about. [REDACTED]

The Marines on my squad are [REDACTED] there may be a couple more, but I can't remember all there names. I really don't have anything to add and I don't know anything that happened accept that [REDACTED] killed someone. I haven't even heard rumors because I try to keep away from stuff like that. [REDACTED]

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G-306

Continuation of voluntary sworn statement of

on August 24, 2005

This statement, consisting of this page and 1 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

Sworn to and subscribed before me this 24 day of Aug in the year 2005 at

Al-Asad 2176

Witnessed:

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

b7c

G-307

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

24AUG05

CONTROL: 10AUG05-MEJB-0533-7HMA

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

RESULTS OF INTERVIEW - [REDACTED]

1. On 24Aug05, Reporting Agent (RA) interviewed [REDACTED] USMC, regarding his knowledge of the circumstances surrounding the shooting death of V/SUMAIDAIE on 25Jun05. On that date, [REDACTED] was the [REDACTED] attached to 3/25, which conducted and prepared the Intel debrief regarding the incident.
2. [REDACTED] described the debrief procedures as a radio call comes in from the field and the watch officer, who in this case was [REDACTED] (nfi), prepares a spot report, based on the info received. Once the spot report is completed, it is forwarded to the Regimental HQ, who prepares a General Report, which is then forwarded to Division. On 25Jun05, [REDACTED] indicated he was the Intel Chief and knew a Cordon and Knock mission was underway in South Dam Village, and there is normally an Intel debrief after this sort of mission to determine if any intelligence regarding the area was gathered. [REDACTED] stated he was notified by [REDACTED] when the platoon returned to the Dam, so he just waited for them to arrive for debrief.
3. [REDACTED] stated in a perfect world, the platoon will return to base and come straight to S-2 for the debrief, however that rarely occurs. When the platoon finally arrived for the debrief, it was [REDACTED] the Platoon Leader and [REDACTED] the Platoon Commander along with [REDACTED] the watch officer. Regarding the shooting, [REDACTED] stated he was told the platoon was at the last house of the mission, before they were to return to base. The platoon entered the house and questioned an elder woman as to weapons and people in the house. [REDACTED] indicated the platoon asked her three times if anyone was in the house or if there were any weapons in the house, and she repeatedly said no.
4. [REDACTED] then stated the entry team encountered a Military-Aged Male (MAM) in a back bedroom, holding an AK-47 leveled at them and the first Marine in fired one round killing the MAM. When the platoon went to question the family, the elder woman then stated, "Oh, my son is in the house." [REDACTED] stated he has never been on a patrol with Marines when they were dealing with Iraqis, so he does not know what language they would use to illustrate their intentions.
5. When asked about [REDACTED] and [REDACTED], [REDACTED] indicated they are very straightforward Marines, and have always wanted to make their reports accurate. In terms of Lima Company, [REDACTED] stated they are very good at what they do, which is one of the reasons they are still at the Dam, while the rest of the Battalion has moved forward to Hit. [REDACTED] indicated [REDACTED] answered each question posed regarding the

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EXHIBIT

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G-208

SUBJ: V/SUMAIDAIE, MOHAMMED/CIV

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

shooting, and he did not hesitate, or attempt to couch his answers. [redacted] stated it was his opinion [redacted] was truthful about the incident, and [redacted] was to the side talking with [redacted] and he was saying basically the same thing. [redacted] stated he also asked [redacted] if any photos were taken at the scene, and he indicated none were taken.

BIOGRAPHICAL DATA

EMPLOYMENT: [redacted] 3DBN, 25THMAR, 4THMARDIV

SSN: [redacted]

DOB: [redacted]

POB: [redacted]

RESIDENCE: [redacted]

OTHER: [redacted]

REPORTED BY: [redacted] SPECIAL AGENT

OFFICE: NCIS, AL ASAD AIRBASE, IZ

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Page 2

LAST [redacted] V2 LNY

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G-309

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

CCN:

STATEMENT OF [REDACTED]

DATE: 24AUG05

[REDACTED] I, [REDACTED] make the following statement to Special Agent [REDACTED] whom I know to be a representative of the Naval Criminal Investigative Service. I make this statement concerning my knowledge of the shooting of an Iraqi male during a Cordon and Knock Patrol in Haditha on 25Jun05. [REDACTED]

[REDACTED] For identification purposes, I am a [REDACTED] year old, [REDACTED] male born on [REDACTED] in [REDACTED]. I have [REDACTED] in color hair and [REDACTED] in color eyes. I am [REDACTED] inches tall and weigh about [REDACTED] pounds. I am [REDACTED] in the United States Marine Corps and I am assigned to Bravo Company, 4th Engineer Battalion, 4thMarDiv, Roanoke, VA. I am presently attached to 3dSquad, Engineer Platoon which supports Lima Company, 3dBn, 25th Marines in Iraq. [REDACTED]

[REDACTED] On 25Jun05, I was attached to a section of Marines from Weapons Platoon, Lima Co, 3dBn, 25th Marines, based out of Haditha Dam, Iraq. I along with [REDACTED] (Also from Engineer Platoon) were tasked with taking pictures of barriers that existed at an old Iraqi voting station in Haditha. The primary mission was for Weapons Plt to conduct a Cordon and knock patrol in a certain area of Haditha. I assisted Weapons Plt in accomplishing this mission since I have done many Cordon and Knock operations in Iraq. [REDACTED]

[REDACTED] I recall that in a house with other Marines from the patrol and we were talking to two ladies in the house. This was my first time out with Weapons Platoon and I don't really know any of them. I am not a part of weapons platoon so I can't provide the names of the Marines I was with because I do not know them. I recall that while talking to the ladies at the house I heard gunfire. I think it was maybe a burst of gunfire but I am not positive about that. At the time it did not concern me because we had heard gunfire before earlier in the patrol. There were instances when the Machine Gunners on the trucks had to fire in front of approaching civilian vehicles to get them to stop because they would not respond to other signals. This is common while on patrol in Iraq so the sound of the gunfire did not concern me at that time. [REDACTED]

[REDACTED] About 10 minutes later we left the house and were walking when some Marines from our patrol approached us and told us that we were going to be here for awhile. I asked why and one of the

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GA310

Marines told me that [REDACTED] has shot someone. I don't know the name of the Marine who told me this and at that point that was the only information I knew. I walked across the street to the house where the shooting occurred. I entered the courtyard and saw the family was outside. I remember there were little kids there and two older Iraqi males, about in their early 20's. The family was just standing and sitting around in the courtyard and it was clear based on how they were acting that they did not know someone in the house had been shot. When I got in the courtyard I was told by Marines from the patrol to stay outside the house because there were enough people in there already. I stayed in the courtyard and assisted in providing security. During this time, I did not observe any of the Marines questioning the family. [REDACTED]

[REDACTED] Maybe 10 or 15 minutes went by and I entered the house and the room where the Iraqi male had been shot. There were three other people in the room. The Doc from Weapons Platoon was in there and there were two Marines but I don't know who they were. What I saw was an Iraqi male laying on his side and I think his head was against the dresser. I think one of his arms was draped across his chest. The Doc and the Marines were in the process of moving him when I walked in the room. There was blood everywhere and they were trying to figure out where he had been shot but I don't think they were able to determine that. One of the Marines in the room was taking pictures of the guy, which I believe is standard operating procedure. I saw the flash from the camera go off a couple of times so I assume the pictures were taken. I did not actually see the pictures, I just saw one of the Marines with a camera taking the pictures. I did not see anyone else in the room taking pictures other than the one Marine and I do not know who he was other than he was from Weapons Platoon Marine. [REDACTED]

[REDACTED] I was inside the room about 5 minutes and in the house about 10 minutes. While in the house I had a conversation with the Doc I saw in the room with the dead Iraqi. I don't know his name but he is the weapons platoon doc and he is a light skinned black male. He was standing at the entrance to the room and I was standing just outside the entrance to the room in the hallway near the small freezer. The doc told me that they had rounded up the family and began searching the house and that [REDACTED] entered the room and saw the male standing in the room holding an AK-47 and he was turning towards [REDACTED] with the weapon by his hip as he was turning. [REDACTED] shot him as he was turning towards him with the weapon. Doc told me the guy was facing towards the dresser but was turning with the weapon in his hands towards

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[redacted] as [redacted] was entering the room. The Doc also told me there was a magazine inserted in the weapon [redacted]

[redacted] and [redacted] were in the house when the Doc was telling me this but they were not actually involved in the conversation. [redacted]

[redacted] When I walked back outside, I saw the HET Marine was interrogating the family through an interpreter. He was yelling and I heard him ask the family why they didn't tell us that someone else was in the house. The interpreter was translating his questions to the family but I clearly heard him ask the family why they did not tell the Marines that someone was in the house. [redacted]

[redacted] I also recall seeing [redacted] out there and some of the Marines in his platoon were asking him if he was sure there was a magazine in the weapon. [redacted] was very shaken up, he had the look of death on him and at first he was not responding to questions but then he kind of snapped out of it and was answering questions and I heard him say he was positive there was a magazine in the weapon. [redacted]

[redacted] I do not know [redacted] and I have had no conversations with him about this incident. I did not hear or observe anything that day that would lead me to believe [redacted] or anyone else murdered the Iraqi or was covering anything up [redacted]

[redacted] This is 02 page statement was typed for me by [redacted] as we discussed the contents. I have read this statement and agree with the way it is worded and have corrected all errors I have found. This statement is true and correct to the best of my knowledge and belief. [redacted]

[redacted]

2154 24082005
Time/Date

Subscribed and sworn to before me at [redacted], on 25Aug05, in accordance with Article 136 (b) (4), Uniform Code of Military Justice

[redacted]

**U.S. MARINE CORPS
Criminal Investigation Division**

b7c

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

INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]

On 24Aug05, [REDACTED] Lima Company, 3rd Battalion, 25th Marine Regiment, 2d Marine Division, Regimental Combat Team - 2, Haditha, IZ, was interviewed in regards to the incident that took place on 25Jun05.

As background, [REDACTED] is a Reservist from Cincinnati, OH. [REDACTED] entered the Marine Corps Reserve in Jun03. [REDACTED] Military Occupational Specialty (MOS) is that of a 0331, Machine Gunner. [REDACTED] stated that he arrived in Iraq during the month of Mar05, for his first tour of duty in the country. [REDACTED] estimated that he has taken part in 40 to 50 missions in the Haditha area. The incident on 25Jun05 and two Escalation of Force incidents are the only two incidents that he has been involved with. [REDACTED] advised that he is always a machine gunner and has been in the HMMWV on every mission and has never been involved with the Cordon & Knock (CK) missions other than for security. [REDACTED] and [REDACTED] are squad members of [REDACTED]. [REDACTED] describes both as being "Good Marines". [REDACTED] has had no problems with either [REDACTED] or [REDACTED]. [REDACTED] stated that [REDACTED] has only ridden in the same truck as MULLINS on 25Jun05.

[REDACTED] stated that there was a Mission Brief prior to the mission on 25Jun05, and that the Platoon Sergeant, [REDACTED] gave the Mission Brief, to include reviewing the Rules of Engagement (ROE). [REDACTED] advised that [REDACTED] was the Platoon Commander on 25Jun05. [REDACTED] related that no particular information was passed in reference to the houses that were going to be searched or how many houses were going to be searched. [REDACTED] stated that his mission was security, he never left the HMMWV and manned his machine gun the entire time. [REDACTED] stated that while providing security, he did not see the Marines enter many of the houses, as he is monitoring the roads for both vehicular and foot traffic, not watching the Marines.

PAGE 1 OF 2 PAGES

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EXHIBIT (20)

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G-3/3

**U.S. MARINE CORPS
Criminal Investigation Division**

CCN:

**INVESTIGATIVE ACTION: RESULTS OF INTERVIEW OF [REDACTED]
(Cont.)**

[REDACTED] stated that he overheard someone talking about the shooting after returning to the Dam. [REDACTED] stated that he does not know if pictures were taken of the scene. [REDACTED] also stated that he has not witnessed any pictures. When questioned in reference to the debrief [REDACTED] stated that a de-brief was given by [REDACTED] after the platoon returned to the Dam. [REDACTED] was unable to remember what information was passed at debrief.

[REDACTED] stated that he has not heard anything in reference to the incident other than the fact that it is being investigated. [REDACTED] stated that he has provided a written statement in reference to this event, while he was in Hit, IZ. [REDACTED] has no first hand knowledge of any of the events that resulted in the incident on 25Jun05.

[REDACTED] indicates that [REDACTED], [REDACTED] and [REDACTED] are very good friends.

[REDACTED] again stated that he has never heard of photographs being taken in reference to the incident on 25Jun05, and he stated that he has never witnessed any photographs depicting the 25Jun05 incident. [REDACTED] was unable to provide any further information in reference to the incident that occurred on 25Jun05.

Reported by: Investigator [REDACTED] CID, Al Asad, Iraq
Date Reported: 24Aug05

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PAGE 1 OF 2 PAGES (Last)
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19661

G314

STATEMENT

b7c

Place : NCIS Al-Asad, Iraq

Date : August 25, 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 that occurred on 25Jun05 in the Haditha Dam Village [redacted]

For purposes of identification, I am a [redacted] male born on [redacted] in [redacted]. I stand [redacted] inches tall and I weigh [redacted] pounds. I have [redacted] hair and [redacted] eyes. I am currently assigned to 4th Combat Engineering Battalion attached to Lima Company 325 at Haditha Dam. My social security number is [redacted] and I have no security clearance. I have been with the Reserves for 3 years. I am a student at Roanoke College in Virginia. My MOS is Combat Engineer. I am not married and I have no kids. This is my first tour in Iraq and I will have been in Iraq 7 months by the time I leave at the end of September. I have been on approximately 10 Operations since I have been here and approximately 150 combat missions. I have had no confirmed kills to date. Each mission we do for the most part is a cordon and knock mission [redacted]

When we go to a house and knock on a door. When they answer we tell the residents that we want to search their home. When we enter we put the family in one room and take the head of the household, which is usually the oldest male present, and have him go through the house with us when we search it. We always ask if they have a weapon. When we first go in we get the family in a room and ask if there is anyone else in the house. If they say there is we tell them to go get the family member and bring them into the room. Sometimes we take the family outside, if the family is spread through the house we will bring them outside. If they are already all in a room we keep them in the room. We communicate with the residents by using a little of the Arabic phrases that we have learned, but for the most part we use hand signals. In order to ask for a weapon we generally point to our own weapon and ask them to show it to us. If they have a weapon we ask the oldest male to take us to the weapon. We follow the person to the weapon and it is usually in a closet, under a bed or under the pillows and sleeping mats. Sometimes they will move the items in order for us to get the weapon. Sometimes they grab the weapon and sometimes they will point. If they grab it we motion for them to hand it to [redacted]

I know [redacted]. I have been on a few Operations with him, but we are not friends. I know that [redacted] knows some stuff about explosives because of his MOS. I knew him because we had that in common. He is a nice guy. We made small talk. On 25Jun05 we had a mission briefing that was given by [redacted]. I don't remember if the Rules of Engagements were discussed. The Platoon Commander was [redacted] but he wasn't there. [redacted] was the Sgt and he was on the mission. My job on that day was to go with the group to the school in the town and we were suppose to count [redacted] in order to see if they could be used in a mission in Hit. I was the turret gunner in our Humvee. [redacted] and possibly [redacted] but I'm not sure about him. We drove about a mile or two into the town. The majority of the Marines dismounted, except for the driver's and [redacted]

JERSEY BEARERS

G315