

44 pgs

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

ACTION/LEAD SHEET (DISP)

26JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA/C

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

COMMAND/1FSSG, CAMP PENDLETON, CA/28300

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

DISPOSITION DATA

- 1 = NA
- 2 = F
- 3 = NA
- 4 = NA
- 5 = NA
- 6 = G
- 7 = NA
- 8 = NA
- 9 = NA
- 10 = NA
- 11 = NA
- 12 = NA
- 13 = NA
- 14 = NA
- 15 = NA
- 16 = H
- 17 = E
- 18 = NA
- 19 = NA
- 20 = K
- 21 = D
- 22 = NA
- 23 = NA

b7C

DISTRIBUTION

NCISHQ: 0023B
NCISFO: SDND

CASE CONTROL 7/3 [REDACTED] MAIL

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MG0096B

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

ACTION/LEAD SHEET (DATA)

26JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA/C

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

COMMAND/1FSSG, CAMP PENDLETON, CA/28300

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

INVESTIGATIVE DATA

- 1 = NA
- 2 = NA
- 3 = H
- 4 = F
- 5 = NA
- 6 = NA
- 7 = NA
- 8 = NA
- 9 = C
- 10 = R
- 11 = U
- 12 = V
- 13 = F
- 14 = E
- 15 = A
- 16 = NA
- 17 = NA
- 18 = D
- 19 = D
- 20 = D
- 21 = P
- 22 = H
- 23 = T
- 24 = H
- 25 = H
- 26 = G
- 27 = D
- 28 = NA
- 29 = NA
- 30 = C
- 31 = NA
- 32 = NA
- 33 = D
- 34 = NA
- 35 = C
- 36 = NA
- 37 = G
- 38 = E
- 39 = B
- 40 = I
- CW = NA

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

REPORT OF INVESTIGATION (CLOSED)

26JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA/C

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

COMMAND/1FSSG, CAMP PENDLETON, CA/28300

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

CASE SUMMARY

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

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

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

4. On 18Jun03, [REDACTED] agreed to participate in a polygraph

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

examination, exhibit (8) pertains. [redacted] was posed questions regarding the alleged executions of Iraqi EPWs. Following the polygraph, an evaluation of the examination indicated [redacted] was being truthful in his responses.

5. Based upon the results of the polygraph examination, no further investigation is deemed necessary. This investigation is closed.

EXHIBITS

- (1) Statement of [redacted] 13Jun03... (Copy 23B only)
- (2) Statement of [redacted] 13Jun03... (Copy 23B only)
- (3) Statement of [redacted] 13Jun03... (Copy 23B only)
- (4) Statement of [redacted] 13Jun03... (Copy 23B only)
- (5) Statement of [redacted] 13Jun03... (Copy 23B only)
- (6) Rights Waiver/[redacted] 13Jun03... (Copy 23B only)
- (7) Statement of [redacted] 13Jun03... (Copy 23B only)
- (8) IA: Results of Polygraph Exam - [redacted]
USMC/18Jun03... (Copy 23B only)

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INFO: SDND/SDVD (M)

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5

STATEMENT

Place : Naval Criminal Investigative Service Resident Agency, Camp Pendleton, California
Date : 13Jun03 Time: 1100 A.M.

I, [REDACTED] USMC, [REDACTED] make the following free and voluntary statement to Special Agent [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 the murders of Iraqi Enemy Prisoners of War.

For identification purposes, I am a [REDACTED] male, [REDACTED] tall and weigh [REDACTED] pounds. I have [REDACTED] hair and [REDACTED] eyes. I was born in [REDACTED] on [REDACTED]. My social security number is [REDACTED]. I am a [REDACTED] in the Marine Corps Reserve. My MOS is 3533, Logistics Vehicle System (LVS) operator. I am currently assigned to Combat Service Support Company 135, based out of Ft. Lewis, WA. I have been with this command since December, 1998. I have been in the Marine Corps Reserve since June, 1998.

I came forward because I was concerned about [REDACTED] USMC, and his mental and emotional condition. Last night (12Jun03), [REDACTED] made a claim that I found disturbing, and I felt I needed to report it. My unit returned home from deployment in Iraq this past Wednesday, 11Jun03. Since our return to Camp Pendleton, the guys in our section have been out partying each night. Our section has been very close since we were activated. On 12Jun03, our section went over to [REDACTED] mother in law's home in Fallbrook for a welcome home party. We started partying about 1700, and lots of people were coming and going from [REDACTED] mother in law's home. We were all partying and drinking really heavily. At approximately 2300, I went out of the house with my brother, [REDACTED] Civilian. We left the house out of the back, and went around the side of the house. We were leaving to go out to a local casino. As we were walking on the side of the house, I saw [REDACTED] and [REDACTED] standing there talking. [REDACTED] was crying. After we walked up, [REDACTED] walked up. We asked [REDACTED] what was going on. [REDACTED] told us that around 06Apr03, he was in a convoy to Marine Base "Yankee Stadium" to support 11th Marines. The convoy left "Yankee Stadium" in the evening time, and decided to stop for the night about six miles north of "Yankee Stadium" at an abandoned Iraqi pharmaceutical factory, 15-30 miles south of Baghdad (I knew about this pharmaceutical factory because I went to it in a separate convoy three days after [REDACTED] did). [REDACTED] said when the convoy arrived, they were ordered to secure the buildings, and a place in the compound they would be sleeping. [REDACTED] said they had at least one Enemy Prisoner of War (EPW) with them.

Page 1 of 3

Voluntary Sworn Statement of

[REDACTED] USMC, 13Jun 03

He didn't say where they picked up the EPW's but I assumed it was from inside the compound. [redacted] said [redacted] sent two Marines, [redacted] and [redacted] around to another building to stand guard and provide security. [redacted] said when they were gone, [redacted] gave an order to [redacted] and another MP (he did not specify the MP's name, but said he was a Corporal with the 271, which supported the air wing), to execute the EPW's. [redacted] said the EPW's, were tied up and gagged. [redacted] said [redacted] ordered them to shoot them at the same time explosions were going off, so the other Marines couldn't hear the gunshots. [redacted] said he and the MP Corporal executed the EPW's, but didn't explain why they would do that, or why [redacted] gave such an order. [redacted] said after they executed the EPW's, he then dug a six to eight foot hole and buried the EPW's there. [redacted] said they then drove a five or seven ton truck over the hole to pack the dirt down.

Everybody who was standing there ([redacted] myself, my brother [redacted]) were disgusted by [redacted] statement. We were disturbed by it, and went and got [redacted] and told him about what [redacted] had said. [redacted] related the same story to [redacted] that he had told us. I came forward with what [redacted] had said because I was worried about his emotional and mental state. I was worried about him, because sporadically throughout the deployment, he would make jokes about how his father would mentally and physically abuse him. [redacted] told me once his father had put a gun to his head, and told him that he could kill him right there. Basically, in my opinion anything could have happened in Iraq, and that's what made [redacted] claim easy to believe. But I thought that [redacted] was suppressing issues with his dad, and needed an outlet, and get people focused on him. I think he made the story up about the killing of the EPW's as a sort of cry for help, in order to focus attention on him and his real issues. I think his statement about the EPW's was driven by his emotional state, and the alcohol he had. I saw [redacted] earlier this morning in the First Sergeant's barracks room. He told me everything he said the night before was a lie, and that he felt bad about himself now because he is marked as a liar. [redacted] said he felt he let us down.

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[redacted] Page 2 of 3
Voluntary Sworn Statement of
[redacted] USMC, 13Jun 03

7

This statement, consisting of this page and two (2) other pages was typed for me by Special Agent [REDACTED] and 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]

[REDACTED] SMC

Sworn to and subscribed before me this thirteenth day of June in the year 2003 at the Naval Criminal Investigative Service Resident Agency, Camp Pendleton, California.

[REDACTED]
Special Agent, U.S. Naval Criminal Investigative Service
AUTH: SECNAVINST 5520.3B OF 04JAN93

Witnessed:

[REDACTED]
Special Agent
U.S. Naval Criminal Investigative Service

Page 3 of 3
Voluntary Sworn Statement of
[REDACTED] USMC, 13Jun03

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8

STATEMENT

Place : Building #1224, MCB, Camp Pendleton, CA

Date : June 13, 2003

I, [redacted] 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 statements made by [redacted]

For the purposes of identification I am a [redacted] male, approximately [redacted] inches tall and [redacted] pounds. I have [redacted] hair and [redacted] eyes. I was born on [redacted] in [redacted]. I currently reside at [redacted]. My home phone number is [redacted]. I am self-employed in the tree service business.

I arrived in Oceanside on Monday June 9th, 2003 to wait for my brothers return from Iraq. My brother is [redacted]. My brother got back on Wednesday and we have been hanging out since his return. Last night June 12th, 2003 one of the Marines from [redacted] unit, [redacted], invited us to his mother-in-law's house in Fallbrook for a welcome home party. We got to the house about 1600-1630. There were several Marines from [redacted] section at this party. I do not drink, but most of the Marines there were drinking mostly beer, I think. Some of them may have done a couple of shots, but I'm not quite sure what it was they were drinking.

At about 2230 or 2245 I walked around the corner of the house and saw [redacted] standing there with some other Marines and [redacted] was telling a story from Iraq. When the Marines initially saw me they all stopped talking. Shortly after [redacted] repeated the story he was telling them when I interrupted. [redacted] said that during a specific mission, I don't know when, he and two other Marines were ordered by [redacted] to shoot three EPW's. [redacted] didn't believe these people were EPW's, but [redacted] said there was no where to keep them so they needed to be killed. [redacted] said he didn't want to do it but when he objected [redacted] told him he better do it or [redacted] would be right there with the EPW's. [redacted] said that [redacted] would order one of the Marines to shoot an EPW, from behind, in conjunction with a bomb being dropped on Baghdad, so the shots could not be heard from any other Marines in the area. [redacted] said he dug about an eight foot hole that the bodies were placed in and after the hole was filled he drove over it several times with his vehicle so it wouldn't look out of place.

While [redacted] was telling the story he was crying. [redacted] also said that he had been holding this in for almost two months and he needed to get it off his chest. [redacted] said that after this incident [redacted] would exclude him and the other two Marines from whatever the rest of the Marines were doing.

I believe [redacted] was telling the truth. This didn't sound like a story that someone could make up.

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9

Continuation of voluntary sworn statement of

[REDACTED]

on June 13, 2003

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.

Signature: [REDACTED]

Sworn to and subscribed before me this 13 day of JUNE in the year 2003 at

NCISRA CAMP PENICO (ETDA), CA

b7C

Witnessed:

[REDACTED]

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

|

10

STATEMENT

Place : NCISRA, Camp Pendleton, CA

Date : June 13, 2003

I, [REDACTED] USMC, make the following free and voluntary statement to [REDACTED] whom I know to be a Special Agent 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 statements made by [REDACTED] on 12JUN03.

As background, I am an [REDACTED] male, [REDACTED] tall, weighing [REDACTED] pounds and my SSN is [REDACTED]. I first met [REDACTED] approximately 4 1/2 years ago at our reserve center in Vienna, OHIO. During that time, I would see [REDACTED] at least one time per month or when we stood additional reserve duty. I hold the position of [REDACTED] NCOIC and have for the entire 4 1/2 years I have known him and I feel I know him well.

[REDACTED] is a good Marine and always does what you ask him and does it well. [REDACTED] is a good person, he would take his shirt off his back to keep you warm, he is a good MARINE. I have never known [REDACTED] to embellish a story, to lie or anything like that...he is always straight forward.

While we were in Iraq, in Al Kut, in the beginning of May of 2003, [REDACTED] came to me and told me he was having problems sleeping. [REDACTED] said, "I knew I was able to come and confide in you, because you were the only one who would listen to me and would help me." [REDACTED] told me he was having nightmares about his trip up North to Iraq. [REDACTED] said he saw a lot of dead bodies on the side of the road and this was making him have nightmares. [REDACTED] said, in his dreams, he would see dead bodies with no eyes and they only had white behind them and the bodies were not coming towards him, but were laying there staring at him. [REDACTED] told me this would wake him up every time. [REDACTED] told me he was having these nightmares every time he would fall asleep, so he told me he was afraid to sleep. I told [REDACTED] I would take him over to the doc to see if we could get some medication or some type of help for him to go to sleep. [REDACTED] stated, "I don't want to go to the doc, because if I do, they might keep me in country longer and I don't want to be in this country any longer than I have to...I'll take care of it when I get home." I informed [REDACTED] if there were any other problems, just to come to me and confide in me until we get back home to our unit and we'll see if we can get some help. I saw [REDACTED] every day until we came home and I noticed that he was able to sleep a little during the day time, but at night he was always awake. I think the incident must have happened during the evening time and that is why he has a problem sleeping at night.

On 12JUN03 at approximately 1745, we were at [REDACTED] home, she is [REDACTED] mother-in-law. [REDACTED] was having a dinner for the troops as she did before we left for Iraq. Motor Transport troops were present: [REDACTED], myself, [REDACTED], [REDACTED], [REDACTED] mother, father, sister-

on June 13, 2003

in-law and [REDACTED]. All of us were having drinks and dinner and visiting each other, talking to everyone. After dinner, around 2130, I went in to use the head and upon my return, I looked for the group of CORPORALS [REDACTED] and [REDACTED] brother). I didn't see them and thought they had gone to look at [REDACTED] mother-in-law's puppies. I did not see them with the puppies, so I walked outside and around the corner of the house and found the group and everyone was just about in tears, eyes watering. They all had a look on their face like they had lost something that was dear to them and I asked the group what was going on. The group informed me, "You do not want to know." I asked them three times and finally they said, "If we tell you, you promise you aren't going to tell anyone." I told them, I've been with you guys this long, you are my Marines, I am going to look out for you. Then, [REDACTED] told me the situation.

[REDACTED] words follow: "Remember when I talked to you in Al Kut (Iraq) about seeing the dead bodies and the eyes, that was part of the story. I didn't tell you the whole story, but what I really was seeing in my dreams... (as his eyes were tearing)... we went to do a mission (Operation Walmart). There were three (Iraqi) civilian EPW's that we picked up (from south side of the area somewhere) and were taken to the back of the building (pharmaceutical plant) and we ([REDACTED], a grunt and a third Marine—maybe an MP.. [REDACTED] and 2 LCPLS) had to bag and gag them, on orders from the [REDACTED]. Once we bagged them, we had to dig 3 shallow graves, about 8 feet deep or so. The Major posted sentries at either end of the building before we went back so noone would come back there. I thought that was weird because there was noone else back there besides us four [REDACTED] 2 LCPLS and [REDACTED] and the EPW's. The [REDACTED] told us, "You guys will shoot these individuals now and I said, "Sir, this is wrong, I don't think we should do that." The [REDACTED] told me, "You were given a direct order by me, either you take and you do it or you'll be in that same hole with them." (At that time, we all teared up hearing the story) [REDACTED] went on to say: "We were by the holes, the [REDACTED] was watching the sky to see when artillery was being shot off to cover up the sounds of the M-16's going off (killing the EPW's), so noone from the front would come around the building. The [REDACTED] would look at the sky, see the flash of light, and count down '5-4-3-2-okay shoot', because there was about a 4-5 second delay between the flash of light and the sound that would hit your area. The [REDACTED] did this a couple of times to finish the job. The bodies were placed were placed into the shallow graves, we covered the bodies over and brought a Hummvee to the rear of the building and drove back and forth over the gravesites to make it look like a path for vehicles and to cover any indication it was a gravesite."

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[REDACTED] told me after that, the [REDACTED] would keep them off the road, wouldn't put them on the road during convoys. The [REDACTED] kept them at the rear with other personnel. At this time in his detailing of the story, [REDACTED] is visibly shaken, has tears and at that time, I walked away from them because I was so disgusted with the [REDACTED]. I collected myself and told [REDACTED] "I am not mad at you, I am just pissed off at the [REDACTED] and that I wasn't there with you to help you guys out." After that, the conversation was pretty much over, so we just stopped talking about it.

On Friday, 13JUN03, First [REDACTED] was apprised of the situation and asked all of us who witnessed [REDACTED] conversation how we would rate it on a scale from 1-10, 10 being the most believable...we all said "10".

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Continuation of voluntary sworn statement
[redacted] USMC
on June 13, 2003

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 13 day of JUNE in the year 2003 at

NCISRA, MCB, CPC

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Witnessed [redacted]

[redacted]
Special Investigative Service
AUT. [redacted] 3B OF 04JAN93

13

STATEMENT

Place : NCISRA Camp Pendleton, CA
Date : June 13, 2003

I, [REDACTED] USMC, [REDACTED] make the following free and voluntary statement to [REDACTED] Jr 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 reported deaths of three Iraqi Enemy Prisoner of War (EPW) personnel.

For identification purposes, I am an adult male, born on [REDACTED] in [REDACTED] I enlisted in the United States Marine Corps Reserve (USMCR) circa Feb98 and went to recruit training at MCRD San Diego, CA, circa May98. Since Oct02, I have been a drilling reservist with the 4TH Landing Support Battalion (LSB), USMCR, at Fort Lewis, WA. Prior to being recalled to active service on 12Feb03, I was a full time student at the University of Washington in Seattle, WA, where my course of study was Biology. I reside at [REDACTED] with my wife and two children.

Circa Apr03, I was assigned duties as a tactical vehicle driver with the Motor Transport (MT) section of Combat Service Support Company 135 (CSSC-135) while deployed in support of Operation Iraqi Freedom. My duties involved support of unit mission to include convoy operations.

On 10Jun03, CSSC-135 arrived back at Camp Pendleton, CA, from Kuwait. On the evening of 12Jun03, my mother-in-law, [REDACTED] and her husband, invited me, and approximately twenty (20) to twenty-five (25) of my friends assigned to the MT section to their residence located at [REDACTED] in order to have a welcome back party. The party was held both inside and outside of the residence and included a barbeque (BBQ). During the BBQ, both soft drinks and alcoholic beverages were served.

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At approximately 2200, 12Jun03, [REDACTED] USMCR, CSSC-135, pulled me aside in the backyard and asked to speak to me in confidence. [REDACTED] sounded serious. [REDACTED] went on to tell me that circa mid-Apr03, I don't recall the exact date, while he was participating in a site investigation at A.C.A.I. Pharmaceutical Company, approximately twenty (20) to forty (40) miles south of Baghdad, Iraq, he had been ordered to participate in the execution of three EPW personnel. [REDACTED] told me that he had been one of three Marines, ordered by [REDACTED] USMCR, to shoot the three EPWs. According to [REDACTED] he initially refused to carry out the order; however, he was informed by [REDACTED] that he ([REDACTED]) would likewise be shot if he did not follow the order.

The other two Marines, according to [REDACTED] were from other units and as such, he did not know their names.

[REDACTED] indicated that the shooting of the three EPWs were timed by [REDACTED] to occur simultaneously with the noise caused by the explosions of nearby artillery rounds.

[REDACTED]
13 JUN 2003
Page 1 of 2

Continuation of voluntary sworn statement

[REDACTED], USMC [REDACTED]

on June 13, 2003

After the three EPWs were killed, according to [REDACTED], they were buried. A HUMVEE tactical vehicle was used to repeatedly back over the loose dirt in an attempt to compact the dirt.

At the time of the reported incident, I was a Camp Chesty in Iraq. I had no knowledge of these or any other actions reported by [REDACTED] or other personnel.

I have known [REDACTED] since our units activated at Camp Pendleton. For a four month period overseas, we were very close in that we worked together daily in the same MT section. On occasion, [REDACTED] and I would talk about all kind of topics to include personal matters. I found [REDACTED] to be likable and a good friend.

Based on my relationship with [REDACTED] I have no reason to doubt the truthfulness of his recollection of events related to the EPWs. At the time he told me of the incident, he appeared to be in full control of himself and not acting as a result of any form of intoxication. In my opinion, [REDACTED] was clearly disturbed by whatever had happened.

I have no specific information regarding this incident other than that reported above.

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.

Signature: [REDACTED]

Sworn to and subscribed before me this 13th day of June in the year 2003 at

Camp Pendleton, Ca.

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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15

STATEMENT

Place : NCISRA, Camp Pendleton, CA. Building 1224

Date : June 13, 2003

I, [REDACTED] 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 statement made by [REDACTED]

For the purpose of identification, I am [REDACTED] male, [REDACTED] tall, weighing [REDACTED] pounds. I have [REDACTED] hair and [REDACTED] eyes. My social security number is [REDACTED] and I was born on [REDACTED] in [REDACTED]

On 12JUN03, at approximately 2230, I was attending a party at [REDACTED] mother-in-laws residence, located in Fallbrook, CA. I was walking outside the house in the garden when I saw [REDACTED] and [REDACTED] sitting on a fence talking. [REDACTED] was "teary eyed" and asked me to go away. [REDACTED] stated, "No, you need to tell him because he was there and knows what you are talking about". [REDACTED] and his brother [REDACTED] were walking with me and joined the group. [REDACTED] relayed the following story to us: [REDACTED]

Towards the end of March 2003, a few days prior to the liberation of Baghdad, [REDACTED] Was in a convoy of vehicles on its way to "Yankee Stadium", Baghdad. The convoy was diverted to a pharmaceutical manufacturing plant approximately 10 miles south of Baghdad off Highway 1. As [REDACTED] helped secure the facility 3 Iraqi civilians were located. [REDACTED] the [REDACTED] of the convoy ordered [REDACTED] to take the civilians behind one of the buildings and execute them as the unit had no facilities for securing them. A Marine from the 271st Airgroup, who are based out of Cherry Point, NC, assisted [REDACTED]. Also present was another unidentified Marine and a Military Policeman. [REDACTED] instructed the men to time their rifle shots with the explosions that could be heard of American artillery hitting the outskirts of Baghdad. [REDACTED] stated words to the effect that he questioned the executions and was told by [REDACTED] that if he did not obey the order he would be lying on the ground next to the civilians. The Civilians were shot and [REDACTED] told the men to dig a grave. [REDACTED] stated that he helped dig a hole approximately 8 feet in depth. The bodies were then put in the grave and the area driven over by Humvee vehicles to help camouflage the disturbed dirt. [REDACTED]

[REDACTED] then walked outside and came over to our group. After some initial reluctance from the group, [REDACTED] decided to let [REDACTED] know what happened. [REDACTED] recounted the story again for [REDACTED]. At first, [REDACTED] was "pissed off". [REDACTED] was upset, as [REDACTED] once in Kuwait, had told him that he was having nightmares of seeing all the dead bodies. [REDACTED] asked [REDACTED] the bodies in the nightmares he was having were from what happened at that plant and [REDACTED] replied "yes". The group decided not to tell anyone and keep everything to themselves until they could think about it and decide what was the best way to handle the situation. [REDACTED]

Continuation of voluntary sworn statement of

on June 13, 2003

After [redacted] had told me what happened, I recalled that I went to the pharmaceutical plant a few days after this incident. I was scheduled on a convoy to go there with [redacted]. [redacted] was taken off the manifest and specifically not allowed to go. This was unusual to me but at the time, I did not question it. While at the plant we contacted some Iraqi civilians. These civilians acted differently from the other civilians I encountered in Iraq. The civilians were crying when we took them into a room to feed them and appeared terrified. [redacted]

I have known [redacted] for approximately 5 months. We worked together constantly. I do not believe that he would make something like this up. To my knowledge, [redacted] has never lied to me. [redacted]

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: [redacted]

Sworn to and subscribed before me this 13 day of June in the year 2003 at

Witnessed

[redacted]

[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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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

Place: NCISRA CAMP PENDLETON, CA

Date: 13 JUNE 2003

I, [REDACTED] RESERVE USMC, have been advised by SA [REDACTED] that I am suspected of CAUSING THE DEATH OF IRAQ ENEMY PRISONER.

OF WAR

I have also been advised that:

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

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

Signature: [REDACTED]

Date & Time: 6/13/03 1405

Witnessed: [REDACTED]

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

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STATEMENT

Place : NCISRA Camp Pendleton, CA

Date : June 13, 2003

I, [REDACTED] USMC(R) [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 statements I made about causing the death of an Iraqi Enemy prisoner of war.

For identification purposes, I am a [REDACTED] male, [REDACTED] tall and weigh [REDACTED] pounds. I have [REDACTED] hair and [REDACTED] eyes. I was born in [REDACTED] on [REDACTED]. My social security number is [REDACTED]. I am a [REDACTED] in the U.S. States Marine Reserve. My MOS is 3521 - Diesel Mechanic. I am currently assigned to Combat Service Support Company 135, based out of Ft. Lewis. My original unit, is 4th Landing Support Battalion in Vienna, Ohio. I have been in the Marine Corps reserve since 1998.

Last night, June 12, 2003, I went to a party in Fallbrook, CA at [REDACTED] mother in law's house. I returned from deployment in Iraq with my unit on Wednesday, 11 Jun 03. I went to the party with a group of people from my unit. While I was there, I partied with a number of friends from my unit including [REDACTED] and [REDACTED] brother. We arrived at [REDACTED] mother in laws house at around 1700. We stayed until around 2300 or 2330. While I was at the party, I had a lot to drink, including a twelve-pack of Tecate beer and five or six shots of tequila. By the time we got ready to leave, I was intoxicated. Before we left, [REDACTED] and his brother and [REDACTED] and I were standing near the driveway of the house talking. We were talking about probably Iraq, and what we had all done there. (Earlier that night, all of us were standing around talking about our deployment in Iraq, and everybody seemed to have a good story except me. I didn't have a story, so I started thinking up a story so I could feel like I would fit in with everyone else.) As we were standing there talking in front of the house, I decided to tell everybody the story I concocted. I told them that during the deployment, I was part of a convoy taking ammunition to 11th Marines. I said that as we were heading back to our base, we pulled into the AKIA Pharmaceutical factory along Highway Six in order to bunk for the night. Everybody else had been to the factory, so they knew what I was talking about. I stated that when we pulled into the factory, we had captured three Iraqi's, who probably lived out in back of the factory. I said that [REDACTED] had ordered us to shoot the Iraqi's. I said that when [REDACTED] gave that order, there were two other Marines with us, a guy from 271 and a Marine from the grunts. I stated that when I refused to shoot the Iraqis, [REDACTED] told me that if I did not shoot them, I would wind up in a hole with them. I told them [REDACTED] told us to shoot them at exactly the moment when artillery shells were falling nearby, in order to cover up the sounds of the rifles. I said after we executed them, we dug an eight (8) foot hole and buried them. I told them that after we buried the Iraqis, we ran over the dirt with Humvees, in order to pack the dirt down. As I told them the story, some of the guys would say something about what happen, and I'd grab hold of it and use it. For example, when I stated that we'd packed the graves down with Humvees, [REDACTED] stated he'd seen the tire tracks at the factory compound. When I finished telling my friends the story, they were really freaked out, and some of them cried. I didn't tell any of my friends at the time that this was just a made up story, and

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on June 13, 2003

[REDACTED] that the shooting of the Iraqi's never actually took place. I didn't tell them because I thought I'd look a liar in their eyes if I did. I was really intoxicated when I told them this story, so I do not remember whether I was crying or not.

[REDACTED] The story I made up was not true, and I'm sorry that I made it up and caused problems for my friends. I never shot any Iraqis while I was deployed. I included [REDACTED] in the story because I knew nobody would talk to him again, and that everybody thought he was a piece of shit anyway. I used the pharmaceutical factory in my story because I knew all of my friends had been there, and so my story would sound more believable. I made up the part about the guy from 271 because I knew nobody would have any contact with them. And I knew nobody would pursue my story about the grunt because I didn't mention the name of this guy. While I didn't like [REDACTED] I don't think he would ever kill anybody. Plus, the entire time I was deployed, our unit never captured any prisoners. Even if we had, Camp "Yankee Stadium" was only a mile and a half from the factory, and there were Marines from 11th Marines on Highway Six outside the factory, who we would have dropped prisoners off with.

[REDACTED] I have been to the Iraqi Pharmaceutical Factory twice, on the first and third trips my unit made there, but I don't remember the dates. We never encountered any Iraqi soldiers or other opposition there. I had nightmares in Iraq because I didn't like dead bodies, and had nightmares for a two to three week period after seeing some dead Iraqi's on a road. But I haven't had nightmares since then. In my past, I've had a history of telling lies. My story about the execution of the Iraqis was another lie. What I told my friends didn't happen, and I'm sorry for it.

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[REDACTED] This statement, consisting of this page and 1 other page(s) was typed for me by Special Agent [REDACTED] [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 13 day of June in the year 2003 at

NCIS Resident Agency Camp Pendleton

Witnessed: [REDACTED] [REDACTED]

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

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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

INVESTIGATIVE ACTION: RESULTS OF POLYGRAPH EXAM [REDACTED]
USMC

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

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

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

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

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

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

ENCLOSURES

- (1) Military Suspect's Acknowledgement and Waiver of Rights form [REDACTED] 18Jun03
- (2) Polygraph Examination Waiver form [REDACTED] 8Jun03

1

BIOGRAPHICAL DATA

EMPLOYMENT: ~~Combat Service Support Compan 135, Ft. Lewis~~
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: MCB CAMP PENDLETON, CA
OTHER: race [REDACTED] sex: male

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

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MILITARY SUSPECT'S ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

McB

Place: NCISRA CAMP PENDLETON, CA

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

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

I have also been advised that:

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

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

Signature

[redacted signature]

Date & Time: 20030618 0929

Witnessed:

[redacted witness signature]

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POLYGRAPH EXAMINATION WAIVER

Place : NCISRA MCB CAMP PENDLETON, CA

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

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

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

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

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

Signature : [redacted]

Date/Time : 20030618 0932

Witnessed: [redacted]

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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

ACTION/LEAD SHEET (RUC)

19JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA

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

COMMAND/CAMP PENDLETON, CA/28300

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

REFERENCE

(A) SDPE ALS/17JUN03

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CASE SUMMARY

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

ACTION/LEAD

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

I.DIST...For Information

DISTRIBUTION

NCISHQ: 0023

ACTION: SDVD

INFO: 0023CP/SDND/SDPE

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PAGE 1 LAST [REDACTED]

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//23B/23CP/ND/PE//

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

ACTION/LEAD SHEET (OPEN)

17JUN03

SPECIAL INQUIRY (II)

CONTROL: 13JUN03-SDPE-0125-7XMA

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

COMMAND/1FSSG, CAMP PENDLETON, CA/28300

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

CASE SUMMARY

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

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

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

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PAGE 1

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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

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

EXHIBITS

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

*See...
ROI (crossed)*

ACTION/LEAD

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

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DISTRIBUTION

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

CASE CONTROL *(d/f)* MAIL NA

TRANSMIT *6/17/03* FAX *6/17/03*

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PAGE 2 LAST

[redacted]

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SUBJECT OF BASIC CASE
I/IFCSG Camp Pundlton, Al Alford, execution of Iraqi
Prisoners of War

SSN: [REDACTED]
DOB: [REDACTED]

EXAMINER: [REDACTED] POLYGRAPH EXAMINER
NCIS

CCN: 13Jan03-SDPE-0125-7XMA

DOSSIER: [REDACTED]

EXAMINEE: [REDACTED] USMC

SSN: [REDACTED]
DOB: [REDACTED]

POLYGRAPH EXAMINATION REPORT

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Handwritten initials: b7c

TO BE DISSEMINATED OUTSIDE NCIS

Handwritten number: 23

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

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

INVESTIGATIVE ACTION: RESULTS OF POLYGRAPH EXAM [REDACTED]
USMC

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

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

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

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

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

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

ENCLOSURES

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

BIOGRAPHICAL DATA

EMPLOYMENT: Combat Service Support Company 135, Ft. Lewis
SSN: [REDACTED]
DOB: [REDACTED]
POB: [REDACTED]
RESIDENCE: MCB CAMP PENDLETON, CA
OTHER: race: [REDACTED] sex: male

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

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