

CASE ACTIVITY LOG-MEBJ/CAMP AL TAQADDUM, IZ

[REDACTED]

CCN: 10AUG04-MEBJ-0337-7XMA

09SEP04	Case transferred from SA [REDACTED] to SA [REDACTED]
11SEP04	Case update electronically submitted
21SEP04	Case still pending adjudication per SJA [REDACTED] and [REDACTED] transferred back to the U.S. with unit; IA on [REDACTED] and [REDACTED] written; ROI due 07OCT04
03OCT04	Case Review with SSA [REDACTED]
07OCT04	Disposition received from command-NJP for [REDACTED] and [REDACTED] on 16Sep04 for Article 92 Violations
08OCT04	ROI(CLOSED) submitted to SSA [REDACTED]
09OCT04	ROI(CLOSED) electronically submitted to MEBJ; requested evidence log numbers from MEBJ evidence custodians; submitted case page count and e-mail correspondence count to MEBJ ASAC [REDACTED] IMEF SSA [REDACTED] and NCISHQ Attorney [REDACTED]
10OCT04	Received evidence log numbers from MEBJ; Fingerprint cards mailed to NCISHQ 0023CL via registered mail # RA 044 140 783 US; ROI (CLOSE) transmitted; [REDACTED] [REDACTED]@1FSSG.USMC.MIL] CSSG-15 Commanding Officer for [REDACTED] and [REDACTED]
11OCT04 [REDACTED]	Original case mailed to MEBJ; evidence not disposed of/returned since NCISHQ has made inquiries on [REDACTED], shadow case file mailed to Camp Fallujah via registered mail RA 044 140 839 118

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED)

08OCT04

SPECIAL INQUIRY (II)

CONTROL: 10AUG04-MEBJ-0337-7XMA/C

[REDACTED]

M/W/FNXX///UNKNOWN

COMMAND/CSSG-15, 1ST FSSG/42491

MADE AT/MEBJ/CAMP AL TAQADDUM IZ [REDACTED] SPECIAL AGENT

REFERENCE(S)

(A) NCISFO Middle East Bahrain ROI (INTERIM)/07SEP04 (Contains Exhibits 1-14)

EXHIBIT(S)

- (15) IA: Submission of Photographs/20Sep04...(Copy All)
- (16) [REDACTED] (2) Fingerprint Cards and Final Disposition Sheet/09Sep04...(Orig 0023CL)
- (17) [REDACTED] (2) Fingerprint Cards and Final Disposition Sheet/09Sep04...(Orig 0023CL)

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EXECUTIVE SUMMARY

1. This investigation was initiated on 10Aug04 after [REDACTED] USMC, [REDACTED], 1st Force Service Support Group Deployed Marines (1stFSSGDM), Camp Al Taqddum, IZ, reported [REDACTED], USMC, and [REDACTED] USMC, were posing for photographs while holding their M-16 service rifles at close proximity of [REDACTED] Civilian, on 09Aug04. [REDACTED] was an Enemy Prisoner of War (EPW) receiving medical attention at the Shock Trauma Platoon-4 (STP-4), Camp Al Qaim, IZ, for a single gunshot wound to his lower back area.

2. [REDACTED] and [REDACTED] were assigned to guard [REDACTED] while [REDACTED] was in the STP-4 area. The camera used to photograph [REDACTED] and [REDACTED] was seized by command and delivered to NCIS. Interviews of the STP-4 personnel were conducted concerning the incident. [REDACTED] and [REDACTED] were searched and evidence was collected. [REDACTED] and [REDACTED] both provided signed sworn statements admitting they took the photographs in question. Attempts to locate [REDACTED] were unsuccessful due to operational obstacles in the Operation Iraqi Freedom II combat theater.

NARRATIVE

1. On about 16Sep04, [REDACTED] and [REDACTED] went to Non-Judicial Punishment for violation of Article 92 (Failure to Obey a Lawful

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T- 10 Oct 04 CEV

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SUBJ: [REDACTED]
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

Order) of the Uniform Code of Military Justice at Battalion level. Both received a reduction of rank to E-2, forfeiture of \$250.00 per month for two months and 60 days restriction. The \$250.00 for one month and 60 days restriction was suspended for six months.

2. Photographs of [REDACTED] and [REDACTED] are being forwarded for inclusion in the NCISHQ master file; Exhibit (15) pertains. Criminal fingerprint cards for [REDACTED] and [REDACTED] are being submitted for processing. This investigation is closed.

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ACTION

23CL: Fingerprint cards for [REDACTED] and [REDACTED] are forwarded as exhibits (16) and (17) for processing.

DISTRIBUTION

NCISHQ: 0023B(M)
ACTION: 0023CL (M)
INFO: 0029/MEBJ (M)

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Page 2 LAST [REDACTED] V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

20SEP04

CONTROL: 10AUG04-MEBJ-0037-7XMA

[REDACTED]

SUBMISSION OF PHOTOGRAPHS

1. On 21Sep04, Reporting Agent entered the photographs of [REDACTED] USMC, and [REDACTED] USMC, both of 1st Medical Battalion, Combat Service Support Group-15, and amended them enclosures (A) through (D).

2. For background, on 09Aug04, [REDACTED] and [REDACTED] were discovered posing for photographs while guarding an Enemy Prisoner of War, [REDACTED]

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ENCLOSURE(S)

- (A) Photograph of [REDACTED] Front View/Not Dated
- (B) Photograph of [REDACTED] Right Profile/Not Dated
- (C) Photograph of [REDACTED] Front View/Not Dated
- (D) Photograph of [REDACTED] Right Profile/Not Dated

REPORTED BY: [REDACTED] Special Agent
OFFICE: MEBJ Camp Al Taqaddum, IZ

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Page 1 LAST [REDACTED] V2 LNY

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (INTERIM)

07SEP04

SPECIAL INQUIRY (II)

CONTROL: 10AUG04-MEJB-0337-7XMA

████████████████████
████████████████████
████████████████████
M/W/FNXX/N///UNKNOWN

COMMAND/CSSG-15, 1ST FSSG/42491

MADE AT/MEJB/MANAMA BAHRAIN ██████████ SPECIAL AGENT

EXHIBIT(S)

- (1) Statement of ██████████ USN/12Aug04... (Copy All)
- (2) Statement of ██████████ USN/12Aug04... (Copy All)
- (3) Statement of ██████████ USN/13Aug04... (Copy All)
- (4) Statement of ██████████ USN/13Aug04... (Copy All)
- (5) IA: Results of Interview of ██████████ USN/
07Sep04... (Copy All)
- (6) IA: Results of Interview of ██████████ USMC/
07Sep04... (Copy All)
- (7) IA: Acquisition of Sketches/06Sep04... (Copy All)
- (8) IA: Seizure of Evidence and Results of Search/06Sep04... (Copy All)
- (9) IA: Results of Search of ██████████ USMC/
06Sep04... (Copy All)
- (10) IA: Results of Search of ██████████ USMC/
01Sep04... (Copy All)
- (11) Military Suspect's Acknowledgement and Cleansing Waiver of
Rights for ██████████ 17Aug04... (Copy All)
- (12) Statement of ██████████ USMC/17Aug04... (Copy All)
- (13) Military Suspect's Acknowledgement and Cleansing Waiver of
Rights for ██████████ 17Aug04... (Copy All)
- (14) Statement of ██████████ USMC/17Aug04... (Copy All)

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EXECUTIVE SUMMARY

1. This investigation was initiated on 10Aug04, after ██████████
██████████ USMC, ██████████, 1st Force Service Support
Group Deployed Marines (1FSSGDM), Camp Al Tagaddum, IZ, reported
██████████ and ██████████ were posing for photographs while holding
their M-16 service rifles at close proximity of ██████████ on 09Aug04.
██████████ was an Enemy Prisoner of War (EPW) receiving medical
attention at the Shock Trauma Platoon 4 (STP-4), Camp Al-Qaim, IZ,
for a single gunshot wound to his lower back area. ██████████ and
██████████ were assigned duties to guard ██████████ while he was at the
STP-4 area. The camera being used was seized by the command and
delivered to NCIS. Interviews of STP-4 personnel were conducted
concerning this incident. Searches were conducted of ██████████ and
██████████ and evidence was collected. ██████████ and ██████████ were
interrogated and provided statements admitting to taking the

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photographs. Attempts to locate [REDACTED] were unsuccessful due to operational obstacles in the Operation Iraqi Freedom II combat theater.

NARRATIVE

1. This investigation is being conducted pursuant a suspected violation of Article 92 (Disobeying a lawful order) and Article 128 (Assault) of the Uniform Code of Military Justice.

2. This investigation was initiated on 10Aug04, after [REDACTED] reported [REDACTED] and [REDACTED] were posing for photographs while holding their M-16 service rifles at close proximity of [REDACTED] on 09Aug04. [REDACTED] was an Enemy Prisoner of War (EPW) receiving medical attention at the Shock Trauma Platoon 4 (STP-4), Camp Al-Qaim, IZ, for a single gunshot wound to his lower back area. [REDACTED] and [REDACTED] were assigned duties to guard [REDACTED] while he was at the STP-4 area.

3. On 12Aug04, [REDACTED] USN, was interviewed and provided a sworn statement. [REDACTED] related [REDACTED] USN, came to him on 09Aug04, and informed him she thought some of the Marines were photographing a detainee patient. [REDACTED] went to the tent and saw [REDACTED] and [REDACTED] in the tent as the guards over [REDACTED] related he was talking to [REDACTED] when [REDACTED] looked down at a medical supply can. [REDACTED] related he looked down as well and saw the camera and he took it into custody. He then verbally counseled everyone in the tent. After he left the tent he reviewed the images and discovered three images of [REDACTED] and one image of [REDACTED] pointing their weapons towards [REDACTED] Exhibit (1) pertains.

4. On 12Aug04, [REDACTED] was interviewed and provided a sworn statement. [REDACTED] related she saw a flash of light coming from the medical recovery tent. [REDACTED] related she believed the flash was from a camera. She related she went inside of the tent and asked if everything was okay. The personnel in the tent answered in the affirmative. She then went out of the tent and stood near the entrance. [REDACTED] then observed more flashes at which time she informed [REDACTED] of her suspicions. Exhibit (2) pertains.

5. On 13Aug04, [REDACTED] USN, was interviewed and provided a sworn statement. [REDACTED] related on 09Aug04, during the treatment of [REDACTED], [REDACTED] observed [REDACTED] place the butt of his rifle in his shoulder. [REDACTED] asked [REDACTED] what he was doing and then he saw a flash of light he believed was from a camera. [REDACTED] related [REDACTED] came into the tent and took the camera from [REDACTED] Exhibit (3) pertains.

6. On 13Aug04, [REDACTED] USN, was interviewed and provided a sworn statement. [REDACTED] related on 09Aug04, while checking the vital signs of [REDACTED] [REDACTED] exposed a photograph of [REDACTED] [REDACTED] related he saw a flash of light and saw [REDACTED] putting a camera down. Then he saw [REDACTED] with his rifle

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raised and pointed in the direction of [REDACTED] Exhibit (4) pertains.

7. On 12Aug04, [REDACTED], USN, was interviewed. A sworn statement was not obtained due to operational commitments of [REDACTED]. [REDACTED] related a policy was in place at Camp Al-QAIM not allowing the photographing of EPWs. [REDACTED] related [REDACTED] was verbally counseled on this matter and also present during a formation when [REDACTED] again reinforced the "no photography" policy. Exhibit (5) pertains.

8. On 13Aug04, [REDACTED] USMC, was interviewed. A sworn statement was not obtained due to operational commitments of [REDACTED]. [REDACTED] related on 09Aug04, [REDACTED] and [REDACTED] were assigned to guard [REDACTED]. [REDACTED] related he knew there to be a policy of no photographs of EPWs. [REDACTED] also related he had provided training to the Marines concerning keeping a weapon pointed at an EPW at all times. Exhibit (6) pertains.

9. On 12Aug04 and 13Aug04, sketches of the scene on 09Aug04, were obtained from [REDACTED] and [REDACTED]. Exhibit (7) pertains.

10. On 12Aug04, the camera [REDACTED] took from [REDACTED] was seized as evidence. At the request of [REDACTED] USMC, Senior Trial Counsel, Camp Al Taqaddum, the camera was not sent to NCISFO Bahrain Evidence Repository immediately. On 17Aug04, [REDACTED] granted permission for the search of the camera. During the search, three images of [REDACTED] and one image of [REDACTED] were discovered. The images depict both [REDACTED] and [REDACTED] aiming weapons at [REDACTED]. On 31Aug04, the camera was forwarded to the NCISFO Bahrain Evidence Repository via Registered Mail number RA 044 140 505 US. Exhibit (8) pertains.

11. On 17Aug04, [REDACTED] was requested to grant permission for a search of his person and property; however, [REDACTED] declined to grant permission. On 17Aug04, [REDACTED] was served with a Command Authorization for Search and Seizure. He and his property were searched. During the search twelve videocassette tapes were seized along with a video camera. The videocassette tapes were reviewed and no material of evidentiary value was discovered pertaining to this investigation. The video camera and tapes were returned to the command. Exhibit (9) pertains.

12. On 17Aug04, [REDACTED] granted permission to conduct a search of his person and property. During the search a memory stick, digital camera, and digital camera memory sticks were discovered and reviewed. Nothing of evidentiary value was discovered on these items and they were returned to [REDACTED]. During the interrogation of [REDACTED] he related he also owned a computer hard drive. The hard drive was seized as evidence. At the request of [REDACTED] the hard drive was not immediately sent to the NCISFO Bahrain Evidence Repository. During the review of the hard drive a photographic image of [REDACTED] pointing a pistol at an unidentified EPW was

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discovered. Also on the hard drive was a video clip of the movement of EPWs in military trucks. While [REDACTED] was filming the movement, an individual [REDACTED] identified as [REDACTED] USMC, (NFI), told [REDACTED] he should probably not be filming the EPWs, but since he got away with it, [REDACTED] wanted a copy of the video. Exhibit (10) pertains.

13. On 17Aug04, [REDACTED] was interrogated and admitted to posing for a photograph while pointing his weapon at [REDACTED]. He also admitted to photographing [REDACTED] while he pointed his weapon at [REDACTED]. [REDACTED] related he did not know about the policy prohibiting the photographing of EPWs. [REDACTED] related he posed for a different photograph while pointing a weapon at an EPW. He also related pointing a weapon at an EPW was in compliance with training provided by [REDACTED]. [REDACTED] did not realize photographing EPWs was a problem, especially since [REDACTED] requested a copy of the video he had taken of the transporting of EPWs. Exhibits (11) and (12) pertain.

14. On 17Aug04, [REDACTED] was interrogated and admitted to posing for photographs while pointing his weapon and making hand gestures at [REDACTED]. [REDACTED] related he was aware of the policy prohibiting the photographing of EPWs. [REDACTED] related [REDACTED] provided training pertaining to the aiming of keeping a weapon aimed at EPWs. Exhibits (13) and (14) pertain.

15. On 07Sep04, [REDACTED] USMC, Sergeant Major, CSSG-15, was apprised of the results of this investigation. This investigation is pending the administrative/judicial action against [REDACTED] and [REDACTED].

PARTICIPANT

[REDACTED] Special Agent, NCISFO Middle East, Camp Al Taqaddum, IZ

ACTION

0023: Active investigation complete.

DISTRIBUTION

NCISHQ: 0023

INFO: CO, CSSG-15 (H)/SJA, CAMP AL TAQADDUM (H)

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STATEMENT

Place : COC Building, Camp Al-Qaim, IZ

Date : August 12, 2004 / 1245 [REDACTED]

[REDACTED], [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 suspected detainee abuse. [REDACTED]

For identification purposes, I am a [REDACTED] male standing about [REDACTED] inches tall and weighing about [REDACTED] pounds. I have [REDACTED] hair and [REDACTED] eyes. I was born on [REDACTED], in [REDACTED] and my social security number is [REDACTED]. I am assigned to Naval Medical Center Balboa, San Diego, CA, but I am currently attached to 1st Medical Battalion, 1st Force Service Support Group, Camp Al-Qaim, Iraq. [REDACTED]

My knowledge of this incident began around the second week of Jul04, here at Camp Al-Qaim. On that occasion, we were receiving an Iraqi citizen who was disembarking a UH-60 (Blackhawk) helicopter on a medical litter sometime around dusk to early evening. While receiving that patient, I observed [REDACTED] USMC, with a camera in his hand. It appeared as though he was going to take a picture of the patient as he was preparing his camera at the time. I'm not too sure but I believe [REDACTED] duty was to be a litter-bearer and assist with taking the patient from the helicopter. As the patient was being search is when I observed [REDACTED] actions. I approached [REDACTED] and instructed him to put the camera away and explained to him that it was not appropriate to take pictures of the detainee patients. I believed the situation to have been taken care of and didn't think anything else of the matter. [REDACTED]

About a week later at night, I was in the treatment tent and observed [REDACTED] with a video camera filming some of the detainee patients we had at the time. I approached [REDACTED] and began to verbally counsel him for his videotaping and that he should not, again, take any pictures of the detainees. I instructed him to erase the images that he had just taped and I stood there while watching him erase it. He did this by recording over the images while he aimed the camera at the walls and floors of the tent. As I counseled [REDACTED] I had [REDACTED] USMC, standing there with me. I informed the two that the next time this occurred it would result in a "charge-sheet". The next day, we had our normal formation and I took the opportunity to remind everyone that there is not to be any photo taking of the detainee patients for any reason. In the past, we have been informed that we could take photographs of the U.S. military patients who wish to have photographic documentation of their injuries and we could photograph patients to assist with identification of those who had none. I didn't want there to be any confusion and I made sure to inform the personnel that there is not to be any photograph taking of any detainee. Due to different duty assignments, I cannot say for sure that [REDACTED], USMC, was in the formation or not, but I made sure [REDACTED] was in the formation. I know he was because I specifically remember him breaking eye contact and looking towards the deck as I looked at him during my lecture. [REDACTED]

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on August 12, 2004

know that [REDACTED] USN, who is our [REDACTED], was aware of this because he observed me counseling [REDACTED] about the video camera the night before and we discussed the information to be passed before the formation began. [REDACTED] supported me with this matter because we know the seriousness of these circumstances. [REDACTED]

Around 2130-2200, 09Aug04, we received an Iraqi citizen patient who I do not know the identity because we rarely have the identification of the Iraqi patients. He had a lower back injury that was suspected to be shrapnel but turned out to be a bullet wound. During treatment, [REDACTED] has the duty of being the primary guard. Once they are recovering, we move into a "watch bill". We wanted to give security a real high priority because we understood that particular patient as being injured by counter-battery fire due to him allegedly firing mortars in a local surrounding area. It was determined a couple of days later that he was actually shot by somebody. [REDACTED]

During his recovery, [REDACTED] and [REDACTED] were assigned the guard duties for that patient. Sometime within a few minutes after 2300, 09Aug04, I was at my desk when one of our doctors, [REDACTED] USN, approached me and whispered to me something to the effect of, "I think some of your Marines are taking pictures in the other tent". I immediately got up and walked over to the tent at which time I observed a flash of light, that appeared to be a camera flash, shine through the small openings of the tent. I immediately entered the tent and approached [REDACTED]. I approached him because of the consistent problems I've had with him and cameras. I began to counsel him. He immediately looked down towards a medical supply (AMMAL) can and I looked in the same direction. I observed a camera in the AMMAL, which was on. As soon as [REDACTED] noticed that I seen the camera, he reached down and picked it up. At that time, I seized the camera from him. Although I did not asked his permission, I believed he would have deleted any pictures he had taken if he had the chance. I believed that due to his past track record of taking pictures and my informing him that he was going to get a "charge sheet" the next time he took pictures of a detainee. I knew that if there were any incriminating pictures on the camera, I had to protect them so he could not delete them. Although I was standing in front of [REDACTED] I began to look around the room and made eye contact with the others present to include them with the counseling. Also present was [REDACTED] JSN, and [REDACTED] USN. I then exited the tent with the camera. At one point in time, I remember [REDACTED] entering the tent but I do not recall if he entered at the time I did or, the time I was counseling the group. [REDACTED] b7c

After exiting the tent, I stood there for a moment to calm down and then went to my [REDACTED] to inform him that we need to do a charge sheet. I instructed him to go get witness statement from [REDACTED] and [REDACTED], which were to be used against [REDACTED]. I did not view any of the images on the camera that night. I gained familiarity with [REDACTED] camera the next morning and was able to review the recorded images. There were four images on the camera from inside the tent from the previous night. One of them had [REDACTED] holding his M-16 service rifle from his hip and aimed in the direction of the detainee patient. In that image, [REDACTED] was holding his other hand up and had his fingers configured to where he was giving "the bird" gesture. The other two images were similar in that [REDACTED] was standing next to the detainee patient again gesturing "the bird". The fourth image was with [REDACTED] standing next to the detainee patient with his M-16 service rifle aimed at his head with the flash suppresser about 3 feet away from his head. Also, in the images was [REDACTED]

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on August 12, 2004

[redacted] who appeared to be applying gauze bandages to the patient. Per his word, the other corpsman, [redacted] was out of view of the camera but administering care and focused on other areas of medical treatment. [redacted]

After viewing the images, I realized that the situation was much bigger and that [redacted] would, also, be included in the "charge sheet". Initially, I was going to request charges for dereliction of duty and disobeying an order but it has, obviously, grown much larger. [redacted]

I do not recall if the patient was awake while I was in the tent and the images on the camera were too small for me to notice his eyes but his face is plainly on the images. I did not download any images from the camera and maintained it in my custody until I released it to [redacted] USMC, CSSG-15, who escorted [redacted] and [redacted] back to Camp Al-Taqaddum, IZ. I maintained a chain of custody and had [redacted] sign for the camera on 11 Aug 04. While in my custody, the camera was in my cargo pocket unless I was in my living quarters, which has no identify markings. While in my living quarters, I was there, as well, and it was locked in my wall locker. [redacted]

Because of the pending questioning, both Marines were advised of their rights in writing at approximately 1200 on 10 Aug 04.
I do not know if the detainee patient was aware of the photographs being taken but I do know that he had strong doses of morphine as a result of his injuries. To the best of my knowledge, the patient was transferred out that night as a matter of routine. [redacted]

This statement, consisting of this page and 2 other page(s) 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] 12 AUG 05 @ 1555

Sworn to and subscribed before me this 12th day of August in the year 2004, at Camp Al-Qaim, Iraq.

Witnessed:

[redacted] Investigative Service
AUTH. DERIVED FROM ARTICLE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

11

STATEMENT

Place : COC Building, Camp Al-Qaim, IZ

Date : August 12, 2004 / 1729 [REDACTED]

[REDACTED], [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 suspected detainee abuse [REDACTED]

[REDACTED] For the purposes of identification, I am a [REDACTED] female standing about [REDACTED] inches tall and weighing about [REDACTED] pounds. I have [REDACTED] hair and [REDACTED] eyes. I was born on [REDACTED] in [REDACTED] and my social security number is [REDACTED]. I am a [REDACTED] in the U.S. Navy and I'm currently assigned to 1st Medical Battalion, 1st Force Service Support Group, Camp Al-Qaim, Iraq. My parent command is Naval Medical Center San Diego, CA [REDACTED]

[REDACTED] My direct knowledge of [REDACTED] and [REDACTED] posing in pictures while aiming their weapons at detainee patients comes from some events that took place during the evening of 09Aug04. Sometime around 2200, on 09Aug04, we received an Iraqi Enemy Prisoner of War (EPW) with a wound to his right flank meaning his right lower back area. I was not involved in his actual treatment but I did observe while doing the documentation for his treatment. Later that night around midnight, I was walking by the treatment tent where he was recovering. I noticed a bright flash shining from around the cracks of the tent zipper door. I stepped inside for a moment and saw [REDACTED] placing his rifle over his shoulder like he was putting it to "sling arms". As the detainee was laying on a litter in the center of the room with his head towards the door and his feet away from the door, [REDACTED] and [REDACTED] was to the left of the detainee. Also, [REDACTED] and [REDACTED] were in the tent as well. They were standing to the right of the detainee near his feet. I believe they were doing treatment care to the detainee. I remember asking aloud if everything was "OK" and the group generally nodded in the affirmative and, I think, [REDACTED] said, "Yes". I stepped back outside of the tent and zipped the door shut. I waited a couple of seconds and saw about three to four more flashes of light. I believe all the flashes I saw were from a camera but I did not see a camera for the brief moments I was in the tent's door opening [REDACTED] b7c

[REDACTED] After seeing the flashes, I immediately went to the tent next door and found our [REDACTED] and told him, "I think our Marines are taking pictures of the EPW". [REDACTED] immediately got up and went to the treatment tent. I then went and sat down at a lounge area just outside of the treatment tent, which was about fifteen to twenty feet away. I heard [REDACTED] voice yelling from inside the tent. Although I could not understand much of what he was saying, I do recall hearing him say something to the effect of, "now give me that camera". I wanted to stay in the area just in case I was needed for anything. The next day, 10Aug04, I provided a typed statement as to what I observed. [REDACTED]

[REDACTED] I'm not sure when, but a few weeks before this incident, I was in resuscitation tent when [REDACTED] was videotaping another detainee patient. [REDACTED] became aware of [REDACTED]'s actions and began to verbally counsel him. [REDACTED] made [REDACTED] erase the filming that he had [REDACTED]

12

on August 12, 2004

done. While he was talking to [redacted] made sure [redacted] know that he was not suppose to be taking pictures, of any kind, of the detainees. I do know that we are allowed to take pictures of the detainees but only to gain their identity and for their files. We are certainly not allowed to take pictures for personal use and definitely not while posing in a negative nature [redacted]

This statement, consisting of this page and 1 other page(s) 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]

12 AUG 04 1820

Sworn to and subscribed before me this 12th day of August in the year 2004, at Camp Al-Qaim, Iraq.

Witnessed:

[redacted] Negative Service
AUTH: DERIVED FROM FILE 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

STATEMENT

Place : COC Building, Camp Al-Qaim, IZ

Date : August 13, 2004 / 0957

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 suspected detainee abuse [REDACTED]

For the purposes of identification, I am a [REDACTED] male standing about [REDACTED] inches tall and weighing about [REDACTED] pounds. I have [REDACTED] hair and [REDACTED] eyes. I was born on [REDACTED], on [REDACTED] and my social security number is [REDACTED]. I am assigned to 1st Medical Battalion, 1st Force Service Support Group, Camp Al-Qaim, IZ [REDACTED]

I am a Corpsman assigned to the Shock Trauma Platoon-4, Camp Al-Qaim, IZ. Around 2230, on the night of 09Aug04, I was performing duties as a litter bearer when we received a wounded Iraqi citizen. We set the litter and patient on the ground in front of the vehicle headlights so, he could be searched before we carried him into the resuscitation/treatment tent. Once we carried him into the tent, the doctors began to evaluate his injuries and determined that the patient needed to go to an Alpha Surgical Company for X-Rays and surgery. The doctors put bandages on the patient. I was assigned to stay with the patient from 2300-2400 and get him prepared for a medivac flight to Al-Asad IZ. [REDACTED] was assigned the watch after mine if the patient did not get medivac'd out by the end of my watch. [REDACTED] was supposed to be the Corpsman to fly with the patient so, he stayed to assist me with my duties. The two of us believed the medivac was going to occur soon so, we immediately began to prepare the patient. I believe [REDACTED] and [REDACTED] were assigned duties as security over the patient. [REDACTED] b7C

At one point in time, I remember [REDACTED] was attempting to get the last set of vital signs for the patient the "pro-paq" had been shut down. I remember what the vital signs were so, I walked over to the [REDACTED] and provided them to him. As the patient lay on his back on the litter with his head pointing towards the main tent door and his feet towards the opposing end, [REDACTED] was standing to the right hand side of the patient's feet. I was standing to at the end of the litter at the patient's feet. I then returned to preparing the patient for the flight. Part of that preparation involved the need to use the litter straps to secure the patient to the liter. The straps on that particular litter were missing so, I decided to get a roll of gauze, called a "Kerlix roll", from a medical supply can, called a AMAL can, and use that as a strap. After getting the Kerlix roll, I returned to the patient's left hand side at about his waist area and [REDACTED] was still at the patient's right side of his feet area. [REDACTED] moved up towards the left side area of the patient's head. I do not recall where [REDACTED] was at that moment. As I began to open and use the Kerlix roll, I noticed that [REDACTED] had placed the butt of his M-16 rifle in his right shoulder. I remember saying to him, "hey, what the hell are you doing?" At that moment, a flash of light brightened the area. I believe the light was from a camera that came from the direction of my left side. Before I had a chance to do or, say anything else, [REDACTED] entered the tent and began to yell at all of us. I remember he inquired as to whom was taking pictures and [REDACTED] affirmed that he took some pictures [REDACTED]

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on August 13, 2004

[redacted] instructed [redacted] to give him the camera. [redacted] was the only one who had a camera at the time. [redacted] then departed the tent with the camera and told us that we were all going to get a counseling for taking pictures. He, also, wanted [redacted] to go and wait for him in the tent next door [redacted]

I do not recall any other pictures being taken that night. Just before that picture was taken, I had gone to the tent next door to ask about the timeframe of the patients departure so [redacted] and I could know how long we had to finish getting the patient prepared for his medivac flight [redacted]

I do not know of any other circumstance wherein anyone was doing such acts as abusing patients or posing in such a way with detainee patients other than about two weeks earlier. I had asked [redacted] if I could use his external hard drive from his computer so, I could look at and save some of his pictures that he had taken since being in Iraq. I connected his hard drive to my computer and began to browse through his photographs. While doing that, I came across a photograph of [redacted] holding his weapon in his shoulder while aiming it at another detainee patient. I did not save that photograph. I do not recall if the magazine was inserted into the weapon while I was looking at that picture. On the night of 09Aug04, I do not recall if [redacted] magazine was inserted into the weapon when he aimed it at the patient. I do know they are supposed to have the magazine inserted if they were standing watch [redacted]

This statement, consisting of this page and 1 other page(s) 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]

13AUG04/1104

Sworn to and subscribed before me this 13th day of August in the year 2004, at Camp Al-Qaim, 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

15

STATEMENT

Place : COC Building, CampA-OAIM, IZ

Date : August 13, 2004, 1156 [redacted]

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 suspected detainee abuse [redacted]

For the purposes of identification, I am a [redacted] male standing about [redacted] inches tall and weighing about [redacted] pounds. I have [redacted] hair and [redacted] eyes. I was born on [redacted] in [redacted] and my social security number is [redacted]. I am currently assigned to 1st Medical Battalion, 1st Force Service Support Group, Camp Al-Qaim, IZ [redacted]

Sometime during the late night of 09Aug04, I was a litter bearer for an Iraqi citizen that was being brought in because he was injured. I do not remember the specific time but I do recall it being later at night. [redacted] and [redacted] were also litter bearers. I'm not sure who the fourth bearer was. We placed the patient on the ground in front of the vehicle headlights so he could be searched. I'm not exactly sure but I think [redacted] searched him while [redacted] held security over the patient while he was searched. The patient was "zip tied" with his hands in front of him. I'm not sure if he was already "zip-tied" or if we did it then. We then carried him into the resuscitation tent so he could be treated. During his medical evaluation, the doctors determined that he needed to be medivac'd out to Al-Asad, IZ, for X-Rays and surgery [redacted] b7c

While [redacted] began to prepare the patient for medivac, I went to my living area to get some things I might need for the trip because I was supposed to fly with the patient. After returning from my living area, I was in the evacuation tent while I waited for the medivac flight. [redacted] wanted me to get some vital signs before the patient left. About ten minutes later, I went over to the resuscitation tent with [redacted] to get the vital signs of the patient. Also in the resuscitation tent were [redacted] and [redacted], who were standing security guard over the patient [redacted]

As I walked into the tent, the patient was lying on his back and on a litter with his head towards the entrance I came in and his feet in the opposite direction. There are two entrances to the tent and it can get rather confusing as to which is the front and back doors. [redacted] was standing near the patient's head and [redacted] was down past the patient's feet. At one point in time, after I entered the tent, both [redacted] and [redacted] had moved and changed places. [redacted] was moving around the patient as though he was preparing him for the medivac. I walked over to a bedside stand by the patient's feet on the right side. I was attempting to get the vitals from the paperwork because the "pro-paq" had been turned off already. After asking [redacted] what the last vitals were he approached me and told me the patient's last vitals. [redacted] then went back to doing whatever he was doing at the time and I don't recall what everyone else was doing because I was focused on getting the information for [redacted]. I, then, noticed a flash of light coming from my right side area. I looked up and saw [redacted] with a camera in his hand. He then put the camera down and into the folds of his uniform blouse that was already setting on the [redacted]

on August 13, 2004

[REDACTED] medical supply or, AMAL cans. While I raised my head in [REDACTED] direction, I scanned the room and saw [REDACTED] still standing at the patient's head. [REDACTED] still had his M-16 rifle raised and pointed in the direction of patient's head. It looked as though he may have had the rifle placed in his shoulder and was just lowering it at the time I saw him. During that time, the patient was still "zip-tied" [REDACTED]

[REDACTED] I knew that taking pictures was a really touchy subject and I didn't want anyone taking pictures at patients while I'm in the area. Before I had a chance to say anything, [REDACTED] had entered the tent just after saying, "what the fuck's going on?" and began to yell at all of us. It was at that time [REDACTED] had quickly hid the camera in his uniform blouse. [REDACTED] had gone straight to [REDACTED] and inquired if he had a camera. He continued to yell at [REDACTED] and he took the camera from [REDACTED] who had retrieved it from his uniform blouse. [REDACTED] then left the tent and informed us all that we were going to get a counseling for this and told [REDACTED] that he was going to get in trouble. I do not have any knowledge of anyone ever abusing patients or aiming their weapons in threatening manner [REDACTED]

[REDACTED] This statement, consisting of this page and 1 other page(s) 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]

13 AUG 04 1407

Sworn to and subscribed before me this 13th day of August in the year 2004, at Camp Al-Qaim, Iraq.

Witnessed:

[REDACTED]
Rep. [REDACTED] Investigative Service
AUTH: [REDACTED] E 136,
UCMJ (10 U.S.C. 936) AND 5 U.S.C. 303

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07SEP04

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] USN

1. On 10Aug04, [REDACTED] USMC, [REDACTED] 1st Force Service Support Group (1FSSG), Camp Al Taqaddum, IZ, reported [REDACTED], USMC, and [REDACTED] USMC, were aiming their weapons at and taking unauthorized photographs of a detained enemy prisoner of war (EPW), [REDACTED] civilian, while [REDACTED] was receiving medical attention at the Shock Trauma Platoon - Four, Camp Al-Qaim, IZ.

2. On 12Aug04, [REDACTED] USN, was interviewed concerning any knowledge he may have of [REDACTED] and [REDACTED] taking photographs of detained EPWs.

3. Since his arrival in Iraq, [REDACTED] has had no knowledge of any official policy regarding the taking of photographic images in his work environment. Upon his initial arrival in Iraq, a "journalist has traveled through the Camp Al-Qaim area while taking photographs. [REDACTED] stopped the journalist from taking photographs. [REDACTED] could not recall the identity of the journalist. After inquiring about a photograph taking policy, [REDACTED] could not identify any policy. The day after the journalist's visit during late April of 2004, [REDACTED] briefed his new photograph policy. The policy allowed the exposing of photographic images of the general movements of medical treatment as long as the patient's identity is protected. However, the identity did not have to be protected if the patient gave their permission for the photographs.

b7c

4. [REDACTED] began to relate that photographs of detained EPWs were not permitted, but he then recanted and indicated part of the policy may not have been specific. [REDACTED] became confused about his policy and indicated photograph taking of detained EPWs was permitted for medical briefing purposes.

5. [REDACTED] recalled an occasion around mid-Jul04, when [REDACTED] was recording medical proceedings with his video camera. While [REDACTED] was approaching [REDACTED] USN, contacted [REDACTED] and began to counsel him about his video camera. The next day, [REDACTED] was present for a scheduled formation when [REDACTED] reinforced [REDACTED] photograph policy and related that photographs of detained EPWs is not allowed. [REDACTED] believed it was clear, at that time, no one was allowed to take photographs of detained EPWs.

EXHIBIT (5)

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T 9/14/04

SUBJ: [REDACTED]
U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

6. [REDACTED] related he did not have any knowledge of anyone pointing their weapons at any detained EPWs while posing in photographs prior to the reporting on 09Aug04, the events that initiated this investigation.

7. A statement was not obtained from [REDACTED] due to time constraints and operational commitments.

BIOGRAPHICAL DATA

EMPLOYMENT: USN

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

REPORTED BY: [REDACTED], Special Agent
OFFICE: NCISFO Bahrain, Camp Al Taqaddum, IZ

b7c

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Page 2 LAST [REDACTED] V2 LNY

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AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

07SEP04

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

RESULTS OF INTERVIEW OF [REDACTED] USMC

1. On 10Aug04, [REDACTED], USMC, [REDACTED], 1st Force Service Support Group (1FSSG), Camp Al-Taqaddum, IZ, reported that [REDACTED], USMC, and [REDACTED], USMC, were aiming their weapons at and taking unauthorized photographs of a detained enemy prisoner of war (EPW), [REDACTED], civilian, while [REDACTED] was receiving medical attention at the Shock Trauma Platoon - Four, Camp Al-Qaim, IZ.

2. On 13Aug04, [REDACTED] USMC, was interviewed concerning any knowledge he may have of [REDACTED] and [REDACTED] taking photographs of detained EPW's. [REDACTED] is the senior Marine present for all Marines assigned to the Shock Trauma Platoon - Four, 1st MedBn, 1stFSSG, Camp Al-Qaim, IZ.

3. On 09Aug04, [REDACTED] stood security watch over a detained EPW while he was being received from a medical flight. The EPW was identified as [REDACTED]. The receiving procedures included a physical search and medical treatment. [REDACTED] held his weapon at the ready while in "weapons condition three". [REDACTED] defined "weapons condition three" as having the magazine inserted into the weapon, bolt forward on an empty chamber, ejection port closed and the weapon on safe.

b7C

4. After the detained EPW was medically evaluated and waiting for a medical evacuation flight, he posted [REDACTED] and [REDACTED] as security watch over [REDACTED]. [REDACTED] informed both Marines that [REDACTED] was "zip-tied"; meaning his hands were bound by "flexi-cuffs". [REDACTED] further reminded them of their duties as being: 1) Do not fall asleep; 2) Watch the detained EPW; 3) Maintain weapons in "weapons condition three;" 4) Notify the duty watch if something was to happen. [REDACTED] did not review any details involving photographs because the policy was clear and commonly known as everyone was briefed. [REDACTED] understood the policy to be that no photographs were to be exposed of any detained EPW.

5. [REDACTED] did not have any knowledge of anyone, to include [REDACTED] and [REDACTED] aiming their weapons in a negative manner towards any detained EPW prior to this investigation. [REDACTED] indicated the security team members were authorized to be ready to fire during the initial search and while standing guard. [REDACTED] related he presented a class to the Marines and taught them to maintain a weapon pointed at any EPW at all times.

EXHIBIT (6)

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T9/14 20

6. [REDACTED] related he believes he knows the Marines well enough to know that they did not intend to hurt or kill any detained EPW and that the Marines always did their job and did what they were told.

7. A statement was not obtained from [REDACTED] due to time constraints and operational commitments.

BIOGRAPHICAL DATA

EMPLOYMENT: USMC

SSN: [REDACTED]

DOB: [REDACTED]

POB: [REDACTED]

RESIDENCE: [REDACTED]

b7c

REPORTED BY: [REDACTED] Special Agent
OFFICE: NCISFO Bahrain, Camp Al Taqaddum, IZ

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

06SEP04

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

ACQUISITION OF SKETCHES

1. On 12Aug04, Special Agent (SA) [REDACTED] conducted an interview of [REDACTED] USN, [REDACTED]. During the interview, SA [REDACTED] obtained a sketch from [REDACTED] depicting the scene in the tent on 09Aug04, when [REDACTED] USMC, and [REDACTED] USMC, photographed each other posing with weapons over [REDACTED] civilian. Enclosure (a) pertains.

2. On 13Aug04, SA [REDACTED] conducted an interview of [REDACTED] USN, [REDACTED]. During the interview, SA [REDACTED] obtained a sketch from [REDACTED] depicting the scene in the tent on 09Aug04, when [REDACTED] and [REDACTED] photographed each other posing with weapons over [REDACTED]. Enclosure (b) pertains.

b7C

ENCLOSURE(S)

- (A) Sketch by [REDACTED] depicting medical tent on 09Aug04/12Aug04
- (B) Sketch by [REDACTED] depicting medical tent on 09Aug04/13Aug04

REPORTED BY: [REDACTED] Special Agent
OFFICE: NCISFO Bahrain, Camp Al Taqaddum, IZ EXHIBIT (7)

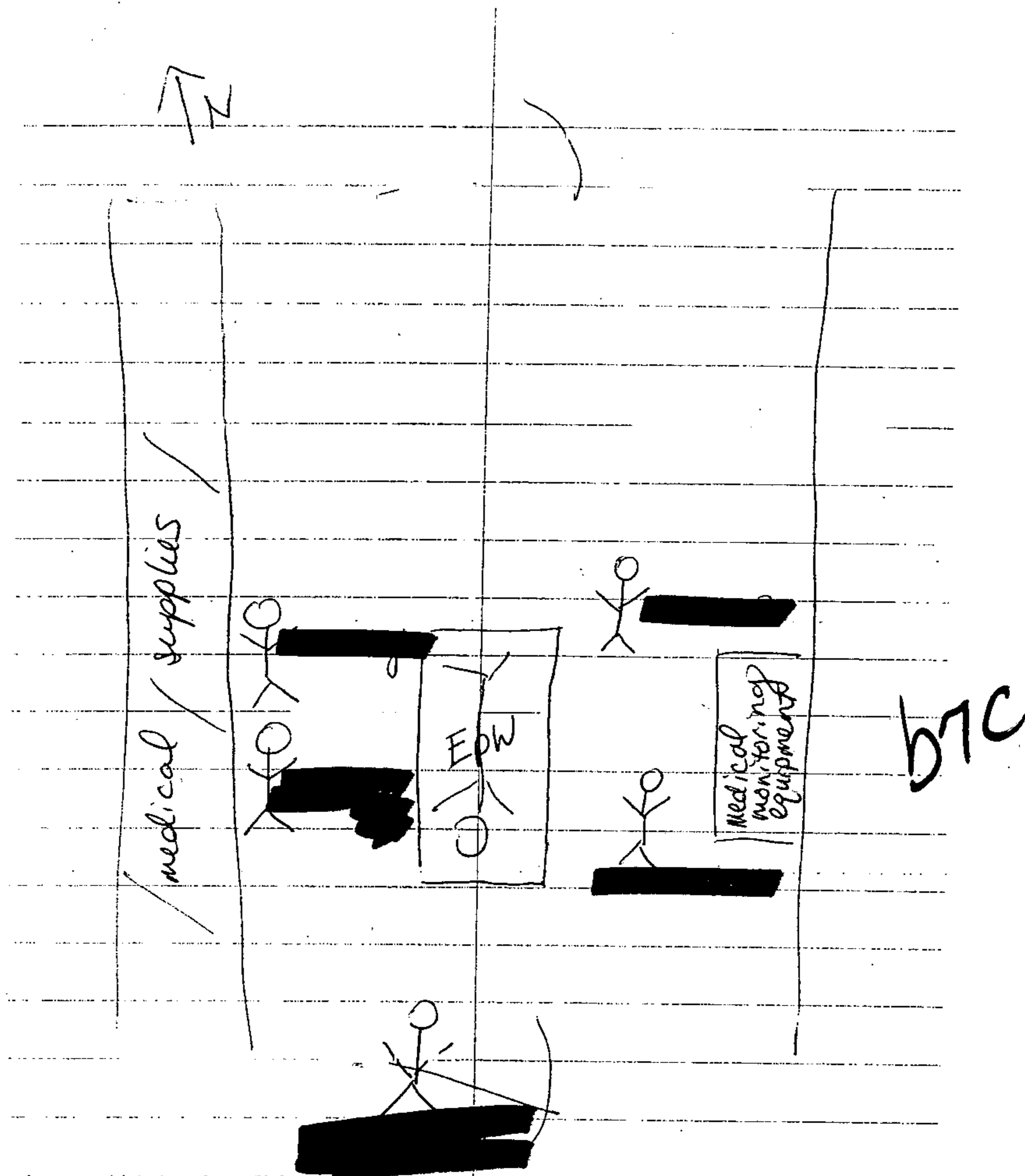
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Page 1 LAST [REDACTED] V2 LNY

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T 9/14 22



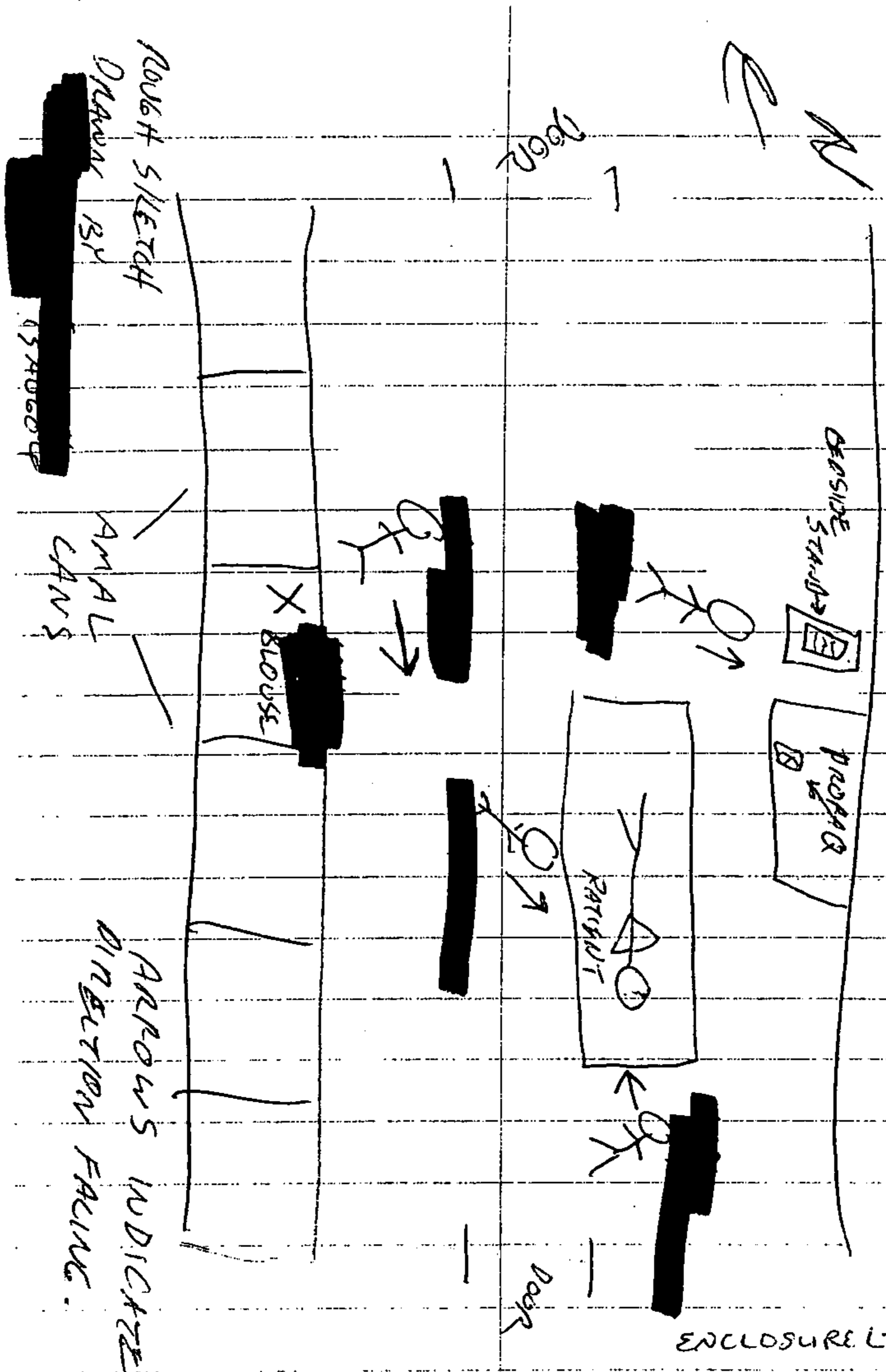
ROUGH SKETCH DRAWN BY

12 AUG 04 1730



ENCLOSURE (7A)

RESUS. TENT 219



ROUGH SKETCH
DRAWING BY
[REDACTED]
[REDACTED]

SMALL
CANS

ARROWS INDICATE
DIRECTION FACING.

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

SEIZURE OF EVIDENCE AND RESULTS OF SEARCH

1. On 09Aug04, [REDACTED] USN, seized one Olympus Stylus 300 Digital camera and one lens cover from [REDACTED], USMC, because he and [REDACTED], USMC were posing and photographing each other guarding [REDACTED], civilian, an Enemy Prisoner of War (EPW) detainee patient in Al Qaim, IZ.

2. On 12Aug04, Reporting Agent (RA) seized [REDACTED] Olympus Stylus 300 Digital camera and lens cover that had been placed inside of a plastic zip lock style bag from [REDACTED], USMC, Sergeant Major, Combat Service Support Group 15 (CSSG-15), aboard Camp Al Taqaddum, IZ. Reporting Agent also obtained a Chain of Custody receipt from [REDACTED] Enclosure (a) pertains.

3. Subsequent to the seizure of the camera as evidence, it was placed in temporary storage at NCIS Camp Al Taqaddum, IZ. On 17Aug04, [REDACTED] was requested to grant permission to conduct a search of his camera for the retrieval of possible evidence of he and [REDACTED] having been photographed posing over [REDACTED] On 17Aug04, [REDACTED] granted permission to search the camera by signing a Permissive Authorization for Search and Seizure. Enclosure (b) pertains.

b7C

4. On 17Aug04, the digital photographic images on [REDACTED] camera were reviewed. During the review, four images were discovered pertaining to this investigation. Three of the photographs depicted [REDACTED] posing for the camera and making gestures towards [REDACTED]. One photograph depicted [REDACTED] pointing his weapon at [REDACTED]. Enclosures (c) through (f) pertain.

ENCLOSURE(S)

- (A) Chain of Custody/09Aug4
- (B) Permissive Authorization for Search and Seizure for [REDACTED] 17Aug04
- (C) Photograph depicting [REDACTED] Undated
- (D) Photograph depicting [REDACTED] Undated
- (E) Photograph depicting [REDACTED] Undated
- (F) Photograph depicting [REDACTED] Undated

REPORTED BY: [REDACTED] Special Agent
 OFFICE: NCISFO Bahrain, Camp Al Taqaddum, IZ EXHIBIT (8)

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U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

06SEP04

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

SEIZURE OF EVIDENCE AND RESULTS OF SEARCH

1. On 09Aug04, [REDACTED], USN, seized one Olympus Stylus 300 Digital camera and one lens cover from [REDACTED] USMC, because he and [REDACTED] USMC were posing and photographing each other guarding [REDACTED], civilian, an Enemy Prisoner of War (EPW) detainee patient in Al Qaim, IZ.

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b7c

4. On 17Aug04, the digital photographic images on [REDACTED] camera were reviewed. During the review, four images were discovered pertaining to this investigation. Three of the photographs depicted [REDACTED] posing for the camera and making gestures towards [REDACTED] One photograph depicted [REDACTED] pointing his weapon at [REDACTED] Enclosures (c) through (f) pertain.

ENCLOSURE(S)

- (A) Chain of Custody/09Aug4
- (B) Permissive Authorization for Search and Seizure for [REDACTED] 17Aug04
- (C) Photograph depicting [REDACTED]/Undated
- (D) Photograph depicting [REDACTED]/Undated
- (E) Photograph depicting [REDACTED]/Undated
- (F) Photograph depicting [REDACTED]/Undated

REPORTED BY: [REDACTED] Special Agent
OFFICE: NCISFO Bahrain, Camp Al Taqaddum, IZ EXHIBIT (8)

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Page 1 LAST [REDACTED] V2 LNY

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CHAIN OF CUSTODY

Item: Silver colored "Olympus" brand digital camera in two pieces.

- (1) camera body
- (2) lens cover

Recovered: Item was recovered by [REDACTED] on 9 Aug 04 at approximately 2300 hours from [REDACTED]

	TRANSFERRED FROM	DATE	TIME	RECEIVED BY	DATE	TIME
1.	[REDACTED]	040811	1830	[REDACTED]	040811	1830
2.	[REDACTED]	040812	0630	[REDACTED]	040812	0630
3.	[REDACTED]					
4.						
5.						
6.						
7.						
8.						
9.						

Signature:

- 1. [REDACTED] PRINTED NAME [REDACTED] SIGNATURE
- 2. [REDACTED] PRINTED NAME [REDACTED] SIGNATURE
- 3. [REDACTED] PRINTED NAME [REDACTED] SIGNATURE
- 4. [REDACTED] PRINTED NAME [REDACTED] SIGNATURE

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ENCLOSURE (8 A)

PERMISSION AUTHORIZATION FOR SEARCH AND SEIZURE

Date : August 17, 2004 1106

I, [redacted] after being advised by Special Agent [redacted] and/or SA [redacted] that the Naval Criminal Investigative Service is conducting an investigation into Disobeying a lawful order and dereliction of duty, have been requested to permit a search of my Olympus digital camera [redacted]

[redacted] have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made. [redacted]

[redacted] this search may be conducted on 17Aug04 by SA [redacted] and SA [redacted] and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes. [redacted]

[redacted] I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me. [redacted]

Signed: [redacted]

17AUG04 1108

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[redacted] Representative [redacted] Service

Command Representative

TIMES OF SEARCH

Start :

End :

27

NAVY - CRIMINAL INVESTIGATION SERVICE
DELETED PAGE INFORMATION SHEET

Page(s) 28-31 Enclosures 8C-8F (Photographs)
withheld entirely at this location. One or more of following explain this deletion.

- Deleted under exemption(s) (b)(7)(C)
- Documents originated with other government agency(ies). Referred for review and direct response to you.
- Pages contain information furnished by other government agency(ies). We will advise you of releasability of information following consultation with agency(ies).

Comments:

DELETED PAGE(S)
NO DUPLICATION FEE
FOR THIS PAGE

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

06SEP04

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

RESULTS OF SEARCH OF [REDACTED]

1. On 17Aug04, Special Agent [REDACTED] requested a search of [REDACTED], person and property. SA [REDACTED] in the presence of the Reporting Agent (RA), requested the search by utilizing a Permissive Authorization for Search and Seizure (PASS) form. The PASS form began at 1102, 17Aug04, as indicated by [REDACTED] writing the time and placing his initials. About 1105, 17Aug04, [REDACTED] elected to invoke his right to refuse the search. Enclosure (a) pertains.

2. After [REDACTED] invoked his rights to refuse the search, SA [REDACTED] presented [REDACTED] with a Command Authorization for Search and Seizure as granted by [REDACTED] Combat Service Support Group 15, 1st Force Service Support Group Deployed Marines. Enclosure (b) pertains. Enclosure (c) is the Affidavit for Search Authorization as presented by SA [REDACTED] to [REDACTED] as the basis for the Search Authorization.

3. At 1146, 17Aug04, the search of [REDACTED] property began. At 1153, 17Aug04, twelve video tapes were seized for review. At 1200, 17Aug04, one Sony Handycam Vision Video Camera Recorder, serial number 1460982, with its charger power supply were seized. Subsequently, the videotapes were reviewed. None of the videotapes contained any images pertinent to this investigation. The video camera and videotapes were returned to [REDACTED] Sergeant Major, Combat Service Support Group 15, 1st Force Service Support Group Deployed Marines.

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ENCLOSURE(S)

- (A) Permissive Authorization for Search and Seizure for [REDACTED] 17Aug04
- (B) Command Authorization for Search and Seizure for [REDACTED] /17Aug04
- (C) Affidavit for Search Authorization for [REDACTED] 17Aug04

REPORTED BY: [REDACTED] Special Agent
OFFICE: NCISFO Bahrain, Camp Al Taqaddum, IZ EXHIBIT (9)

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Page 1 LAST [REDACTED] V2 LNY

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PERMISSION AUTHORIZATION FOR SEARCH AND SEIZURE

Date : August 17, 2004 1102

I, [redacted] after being advised by Special Agent [redacted] and/or SA [redacted] that the Naval Criminal Investigative Service is conducting an investigation into Disobeying a lawful order and dereliction of duty, have been requested to permit a search of my Personal property and person.

I have been informed of my constitutional right to refuse to permit this search in the absence of a search warrant. In full understanding of this right, I have nevertheless decided to permit this search to be made.

This search may be conducted on 17Aug04 by SA [redacted] and SA [redacted] and I hereby give my permission to remove and retain any property or papers found during the search which are desired for investigative purposes.

I make this decision freely and voluntarily, and it is made with no threats having been made or promises extended to me.

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Signed:

Representative, Naval Criminal Investigative Service

Representative, Naval Criminal Investigative Service

Command Representative

TIMES OF SEARCH

Start :

End :

Command Authorization for Search and Seizure

UNITED STATES OF AMERICA

VS.

[REDACTED]

TO: Special Agent [REDACTED] Naval Criminal Investigative Service

Affidavit(s) having been made before me by Special Agent [REDACTED]

That there is reason to believe that on the person of and/or on the premises known as:
[REDACTED] and his property maintained within Iraq,

which is/are under my jurisdiction,

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there is now being concealed certain property, namely:
photographic documentation of unauthorized photography of Enemy Prisoner of War (EPW)/Detainees.

I am satisfied that there is probable cause to believe that the property so described is being concealed on the person and/or premises above described and that grounds for application for issuance of a command authorized search exist as stated in the supporting affidavit(s).

YOU ARE HEREBY AUTHORIZED TO SEARCH the person and/or place named for the property specified and if the property is found there to seize it, leaving a copy of this authorization and receipt for the property taken. You will provide a signed receipt to this command, containing a full description of every item seized.

Any assistance desired in conducting this search will be furnished by this command.

Dated this 17th day of August, 2004.

Signature _____ Search

[REDACTED SIGNATURE]

COL USMC Commanding

Rank, Service, Title

CSSF 15

Command

Affidavit for Search Authorization
Naval Criminal Investigative Service

UNITED STATES OF AMERICA
VS.

[REDACTED]

BEFORE the Commanding Officer, CSSG-15, 1stFSSG, [REDACTED] USMC

The undersigned, being duly sworn, requests authority to search:

[REDACTED] person, living area and personal property located aboard Camp Al Taqaddum, IZ, to include any digital, tape and/or, film recording devices; any personal and/or government computer equipment to include all accessories/devices and electronic/physical information and/or materials.

Believing that there is now being concealed certain property, namely:

Physical and/or electronic photographic evidence containing [REDACTED] and other military personnel posing in threatening and degrading postures with Enemy Prisoners of War (EPW)/Detainees.

The request for authorization to search and seize is made in connection with an investigation into the offense(s) of :

Disobeying a Lawful Order/Dereliction of Duty by taking and/or posing for improper photographs with EPW/Detainees.

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The facts and circumstances known to me tending to establish the foregoing grounds for authorization to search and seize, including comments demonstrating the reliability of the information and/or informant, are as follows:

According to [REDACTED], prior to 09Aug04, he instructed the members of 1stMedBn, 1st FSSG, Camp Al-Qaim, IZ, not to take photographs of EPW/Detainees. Continued on Page 2

[REDACTED SIGNATURE]

Signature of Affiant
Representing Naval Criminal Investigative Service

Sworn to before me, and subscribed in my presence, this 17th day of August, 2004.

[REDACTED SIGNATURE]

Signature Administering Oath

Col. USMC Commanding Officer, CSSG 15
Rank, Service, Title

After interviewing several witnesses who have provided signed, sworn statements, I have determined that on 09Aug04, while standing guard over an EPW/Detainee patient, [REDACTED] photographed and/or posed for photographs while aiming an M16 service rifle at the EPW/Detainee in the treatment/resuscitation tent, Camp Al Qaim, IZ. According to two persons within his supervisory chain of command, [REDACTED] had previously been counseled and ordered not take photographs of EPW/Detainees. [REDACTED] consistent past actions of photographing EPW/Detainee patients couple with his actions on 09Aug04, leads me to believe that [REDACTED] has other photographs of EPW/Detainee patients saved/stored on his personal computer and/or accessories to include information storage devices and/or materials.

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I have over twenty years of law enforcement experience. I have been a Military Policeman and a Criminal Investigator for the United States Marine Corps. I am currently assigned as a Special Agent with the Naval Criminal Investigative Service where I have worked for the past six years. Based on my experiences, I believe there to be other items and/or materials of evidentiary value maintained within [REDACTED] personal property.

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

INVESTIGATIVE ACTION

01SEP04

CONTROL: 10AUG04-MEBJ-0337-7XMA

[REDACTED]

RESULTS OF SEARCH OF [REDACTED]

1. On 17Aug04, [REDACTED] was requested a search of his person and property by Special Agent [REDACTED] and Reporting Agent (RA). [REDACTED] granted permission for the search by signing the Permissive Authorization for Search and Seizure form. Enclosure (a) pertains.

2. During the search of [REDACTED] person, a memory stick drive was seized at 1055, 17Aug04. The memory stick was reviewed for content and nothing of evidentiary value for this investigation was discovered. On 17Aug04, [REDACTED] memory stick was returned to him.

3. During the search of [REDACTED] property, a digital camera and camera memory sticks were discovered at 1130, 17Aug04. The camera and memory sticks were reviewed for content and nothing of evidentiary value for this investigation was discovered. The camera and memory sticks were returned to [REDACTED] on 17Aug04.

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4. During the interrogation of [REDACTED] on 17Aug04, he related he also owned a computer hard drive. At 1840, 17Aug04, [REDACTED] Western Digital hard drive, serial number WCAM51005609, the USB cable, and the Asian Power Devices power adaptor, serial number 3C9125803, were seized as evidence. The hard drive was maintained at the NCIS Office, Camp Al Taqaddum, IZ, for review. During the review of the hard drive, a photograph of [REDACTED] guarding an enemy prisoner of war (EPW)/detainee was discovered. Enclosure (b) pertains.

5. During the review of [REDACTED] hard drive, RA discovered a video clip of the movement of EPW/detainees as filmed by [REDACTED]. On the video, [REDACTED] was talking to an individual he identified as [REDACTED] (NFI). [REDACTED] told [REDACTED] he probably should not have been video taping the EPW/detainees, but since he got away with it, [REDACTED] wanted a copy of the video. [REDACTED] further related he would provide [REDACTED] with a thumb drive for saving the video. The video clip was reviewed by [REDACTED] Camp Al Taqaddum, IZ, and [REDACTED] 1st Force Service Support Group Deployed Marines (1FSSGDM).

6. After the seizure of the hard drive and the discovery of the photographs and video, [REDACTED] requested the evidence be maintained

EXHIBIT (10)

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