

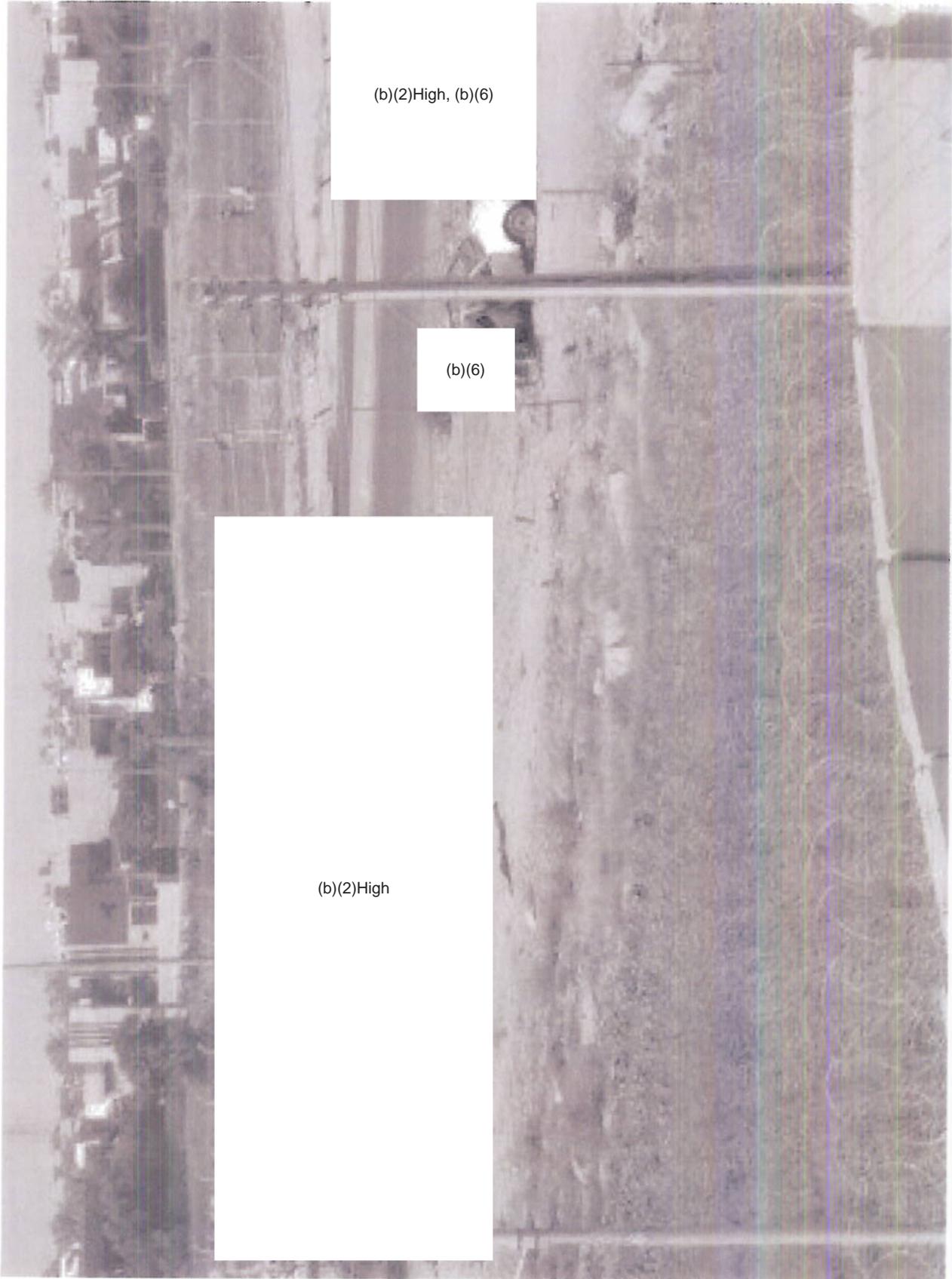
HH



(b)(2)High

(b)(6)

(b)(6)



H5

H6



(b)(2)High

(b)(6)

(b)(6)

H7



(b)(2)High

(b)(6)

(b)(6)

(b)(6)

(b)(2)High



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM**  
**MULTINATIONAL DIVISION-BAGHDAD**  
**FOB FALCON, IRAQ APO AE 09361**  
**"DUTY FIRST"**

AFZN-BC

12 June 2007

MEMORANDUM FOR CPT (b)(3), (b)(6) , Headquarters and Headquarters Company,  
2nd Battalion, 12th Infantry Regiment, FOB Falcon, Baghdad, Iraq APO AE 09361

SUBJECT: Appointment of 15-6 Investigating Officer (RE: The Escalation of Force, C  
Co, 2-12 IN)

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into circumstances surrounding the Escalation of Force incident involving C Co, 2-12 IN Soldiers which took place on 9 June 2007, at 0650 hours located around (b)(2)High near COP Chosen.
2. Specifically, I want you to investigate the circumstances surrounding how the incident took place, whether proper procedures were followed and if OPTEMPO may have contributed to the Escalation of Force incident. I have enclosed a copy of the Serious Incident Report. You will need to ascertain the specific dates, places, persons, and events associated with this incident.
3. This duty takes precedence over all other duties until you complete your investigation. Upon receipt of this memorandum, promptly contact the Brigade Judge Advocate, Major (b)(3), (b)(6)/ Room 207, 4th IBCT Headquarters Building, FOB Falcon, to receive advice on how you should conduct the investigation under AR 15-6.
4. In your investigation, you must follow the informal procedures described in AR 15-6. I want you to thoroughly investigate this matter and any matters that arise in the course of your investigation. You will interview all witnesses and parties connected with this incident. Pursuant to AR 15-6, paragraph 3-1, and UCMJ, Article 136, you have the authority to administer oaths to witnesses interviewed. Your report will include sworn statements on DA Forms 2823 taken from all relevant sources with knowledge of the incident and the surrounding circumstances.
5. If, when interviewing any Soldier, you reasonably suspect that the individual has committed an offense in violation of the Uniform Code of Military Justice (UCMJ), you must advise that Soldier of his/her rights under Article 31, UCMJ, before asking any further questions. You will use a DA Form 3881 to advise such suspects of their Article 31(b) rights. If you have questions on this issue, consult with the Brigade Judge Advocate.

AFZN-BC

SUBJECT: Appointment as Investigating Officer (RE: Escalation of Force, C Co. 2-12  
N)

2. I have enclosed the incident report which initiated the investigation. You should secure copies of any documents that might substantiate or refute the testimony of the complainant, alleged perpetrator(s), or named witnesses, and include these documents in your final report.
3. When you complete your investigation, you should review the evidence, determine if the investigation adequately addresses the allegations, and make specific findings and recommendations regarding the matters outlined in paragraphs 1 & 2. Your recommendations should include ways, if applicable, to correct systematic, procedural, or training problems contributing to the EOF incident. When writing your findings, you will need to cite the evidence that supports your findings. You should also attempt to reconcile any conflicting evidence or conflicting statements and identify whom you believe and why.
4. You must provide a Privacy Act statement to a witness if the report of proceedings will be filed in a system of records from which it can be retrieved by reference to the name or other personal identifier of that witness. AR 15-6, Appendix B provides guidance for preparing Privacy Act statements. If any questions arise regarding the need for a Privacy Act statement, consult with the Brigade Judge Advocate.
5. You will thoroughly investigate the above matter and make every effort to obtain the evidence in a timely fashion. Submit your findings and recommendations on DA Form 574 through the Brigade Judge Advocate to this office within 7 days of receipt of this memorandum. If you need additional time, I must personally approve the extension.

(b)(3), (b)(6)

COL, IN  
Commanding



DEPARTMENT OF THE ARMY  
BRIGADE OPERATIONAL LAW TEAM  
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM  
FOB FALCON, IRAQ APO AE 09361

REPLY TO  
ATTENTION OF:

AFZN-BC-JA

22 June 2007

MEMORANDUM FOR COMMANDER, 4 IBCT, MND-B, FOB Falcon, Iraq APO AE 09361

SUBJECT: Legal Review of AR 15-6 Investigation Regarding an Escalation of Force Incident Involving the C Company, 2-12 IN, 4th Infantry Brigade Combat Team, Multinational Division-Baghdad, FOB Falcon, Iraq APO AE 09361

1. Legal Review. In accordance with AR 15-6, paragraph 2-3(b), I have reviewed the AR 15-6 investigation into the facts and circumstances surrounding an Escalation of Force incident involving C Company, 2-12 IN on 9 June 2007. I make the following determinations:

- a. The investigation complies with the legal requirements under AR 15-6.
- b. Errors in the investigation, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation.
- c. Sufficient evidence supports the findings for an informal AR 15-6 investigation.
- d. The recommendations are consistent with the findings. The investigating officer found that the unit followed proper EOF procedures when the guards engaged a vehicle approaching their front gate and subsequently the driver as he ran towards their position.

(b)(2)High, (b)(5)

(b)(2)High, (b)(5)

2. Approval Authority Action. In accordance with AR 15-6, paragraph 2-3(a), the approval authority is neither bound nor limited by the findings or recommendations of an investigation. Accordingly, the approval authority may take one of several actions in this case:

- a. Adopt the findings and recommendations as they are and take action not inconsistent with the recommendations.
- b. Require the investigating officer to conduct a further investigation and resubmit findings of fact and recommendations.
- c. Substitute findings or recommendations as the appointing authority believes are supported by a preponderance of the evidence.

AFZN-BC-JA

SUBJECT: Legal Review of AR 15-6 Investigation Regarding an Escalation of Force Incident Involving the C Company, 2-12 IN, 4th Infantry Brigade Combat Team, Multinational Division-Baghdad, FOB Falcon, Iraq APO AE 09361

3. Recommendation. I recommend that you approve the findings and recommendations of the investigating officer.

4. The POC for this action is the undersigned at sVOIP: 777-1189 or  
(b)(3), (b)(6), (b)(2)High Please call if there are any questions.

(b)(3), (b)(6)

MAJ, JA  
Brigade Judge Advocate

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

**SECTION I - APPOINTMENT**

Appointed by COL (b)(3), (b)(6) \_\_\_\_\_  
 (Appointing authority)

on 12 JUNE 2007 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)  
 (Date)

**SECTION II - SESSIONS**

The (investigation) (board) commenced at FOB Falcon, Baghdad Iraq at 1945  
 (Place) (Time)  
 on 12 JUN 2007 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and  
 ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were  
 present: (After each name, indicate capacity e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 2030 on 14 JUN 2007  
 (Time) (Date)  
 and completed findings and recommendations at 2145 on 15 JUNE 2007  
 (Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

YES NO  NA

1. Inclosures (para 3-15, AR 15-6)
  - Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)
  - a. The letter of appointment or a summary of oral appointment data?
  - b. Copy of notice to respondent, if any? (See item 9, below)
  - c. Other correspondence with respondent or counsel, if any?
  - d. All other written communications to or from the appointing authority?
  - e. Privacy Act Statements (Certificate, if statement provided orally)?
  - f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
  - g. Information as to sessions of a formal board not included on page 1 of this report?
  - h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

(b)(2)High

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.  
 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2	Exhibits ( <i>para 3-16, AR 15-6</i> )	YES	NO <input checked="" type="checkbox"/>	NA <input type="checkbox"/>
	a. Are all items offered ( <i>whether or not received</i> ) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			
	d. Are copies, descriptions, or depictions ( <i>if substituted for real or documentary evidence</i> ) properly authenticated and is the location of the original evidence indicated?			
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board ( <i>para 3-6b, AR 15-6</i> )?			
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit ( <i>para 3-16d, AR 15-6</i> )?			
3	Was a quorum present when the board voted on findings and recommendations ( <i>paras 4-1 and 5-2b, AR 15-6</i> )?			
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>)</b>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment ( <i>para 5-3b, AR 15-6</i> )?			
5	Was a quorum present at every session of the board ( <i>para 5-2b, AR 15-6</i> )?			
6	Was each absence of any member properly excused ( <i>para 5-2a, AR 15-6</i> )?			
7	Were members, witnesses, reporter, and interpreter sworn, if required ( <i>para 3-1, AR 15-6</i> )?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence ( <i>para 5-2d, AR 15-6</i> )?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>)</b>				
9	Notice to respondents ( <i>para 5-5, AR 15-6</i> ):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate —			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began ( <i>or otherwise was absent during part of the proceedings</i> ):			
	a. Was he properly notified ( <i>para 5-5, AR 15-6</i> )?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel ( <i>para 5-4c, AR 15-6</i> )?			
11	Counsel ( <i>para 5-6, AR 15-6</i> ):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/> )			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy ( <i>or, if oral, a summary</i> ) of the request and the action taken on it included in the report ( <i>para 5-6b, AR 15-6</i> )?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality ( <i>para 5-7, AR 15-6</i> ):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to ( <i>para 5-8a, AR 15-6</i> ):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument ( <i>para 5-9, AR 15-6</i> )?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses ( <i>para 5-8b, AR 15-6</i> )?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it ( <i>para 5-11, AR 15-6</i> )?			
FOOTNOTES: 1/ Explain all negative answers on an attached sheet.				
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

(b)(2)High

**SECTION IV - FINDINGS** (para 3-10, AR 15-6)

The *(investigating officer) (board)* , having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM

**SECTION V - RECOMMENDATIONS** (para 3-11, AR 15-6)

In view of the above findings, the *(investigating officer) (board)* recommends:

SEE ATTACHED MEMORANDUM



**DEPARTMENT OF THE ARMY**  
Headquarters, 2<sup>nd</sup> Battalion, 12<sup>th</sup> Infantry Regiment  
FOB Falcon, Baghdad, Iraq  
APO AE 09361-2507



REPLY TO  
ATTENTION OF

WAJJTO

12 JUNE 2007

**MEMORANDUM FOR RECORD**

**SUBJECT: 15-6 Cover Letter for Escalation of Force incident involving Soldiers of 2/C/  
2-12 IN on 090650JUN07 vic (b)(2)High**

1. The enclosed 15-6 is an investigation into the escalation of force incident involving Soldiers of 2/C/ 2-12 IN on 090650JUN07 vic (b)(2)High
2. POC is the undersigned at VOIP 772-7201.

(b)(3), (b)(6)

**CPT, FA**  
**Investigating Officer**

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

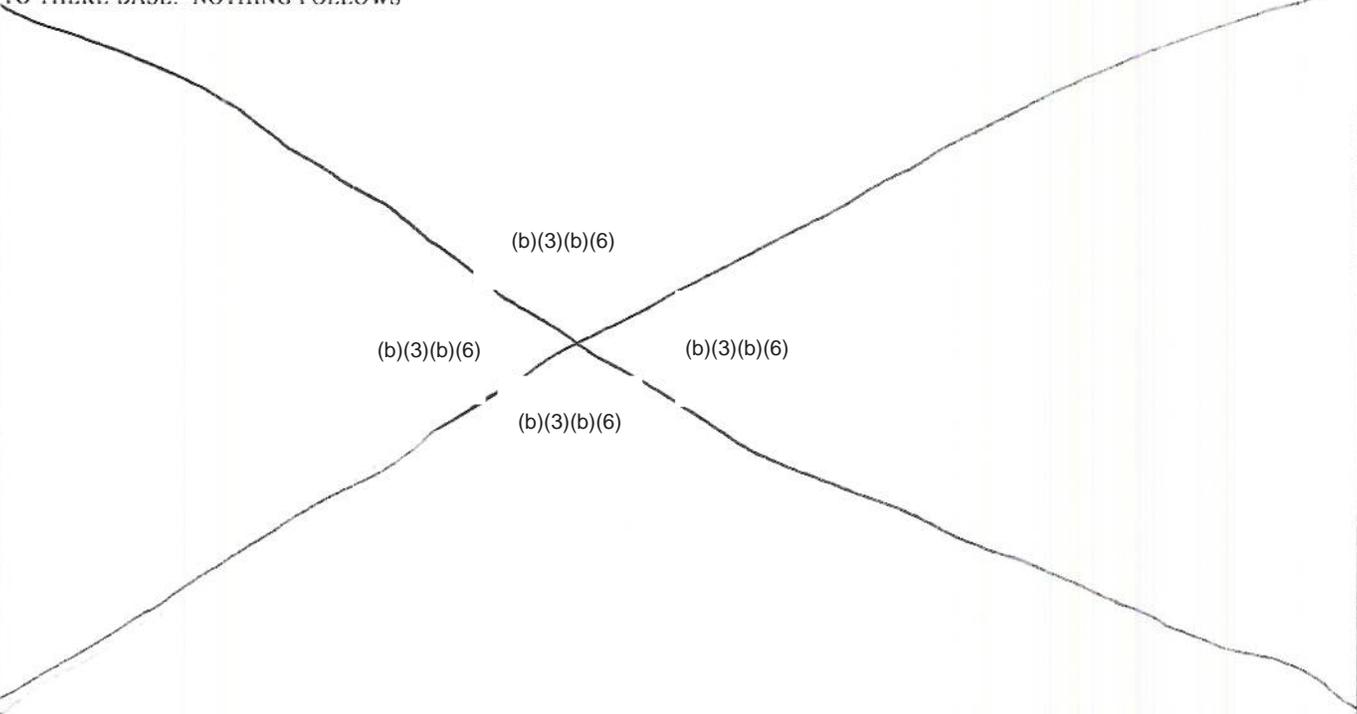
**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION FOB FALCON	2. DATE (YYYYMMDD) 2007/06/14	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS E-5/Active Duty
8. ORGANIZATION OR ADDRESS Chosen Company 2-12 INF BN			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON THE MORNING OF 2007/06/09 AT APPROXIMATELY 0630, I WAS THE NCO ON THE ROOF PULLING GAURD, I WAS POSITIONED AT TOWER 1 WICH WAS FACING (b)(2)High AT THAT TIME THE OTHER SOLDIER THAT WAS WITH ME ON GAURD HAD TO USE THE LATRINE, SO I LET HIM UTILIZE THEM, AT THIS TIME I NOTICED A WHITE SEDAN TRAVELING DOWN OUR FRONTAGE ROAD. VEHICLES ARE NOT ALLOWED TO DRIVE DOWN THIS ROAD, SO AT (b)(2)High I FIRED A WARNING SHOT INTO THE DIRT IN FRONT OF HIS VEHICLE. I NOTICED THAT THE WARNING SHOT NEVER EVEN EFFECTED HIM SO HE SPED UP A LITTLE. AT AROUND (b)(2)High FIRED ANOTHER WARNING SHOT INTO HIS HOOD, TRYING TO DISABLE THE VEHICLE. THAT SHOT ALSO NEVER AFFECTED HIM AND HE KEPT COMMMING. AT (b)(2)High I FIRED TWO KILL SHOTS INTO HIS WINSHIELD AND HE SLUMP OVER THE WHEEL DRIVING INTO A PALM TREE IN FRONT OF OUR POSITION. I NOTICED HE WAS NOT MOVING WHAT SO EVER. THEN ABOUT 10 MINUTES AFTER HE GOT OUT OF HIS CAR OBVIOUSLY WOUNDED AND HE HAD A WHITE BAG IN HIS HAND AND CHARGED THE CHOSEN COMBAT OUTPOST, HURDELING OVER OUR WIRE AND CONCRETE BARRIERS ON THE OUTSIDE OF THE MAIN WALL, THAT IS WHEN ME AND PFC (b)(3), (b)(6) OPENED FIRE ON HIM AND HE FELL TO THE GROUND FINALLY KILLING HIM. WE SENT OUT A SQUAD SIZE ELEMENT TO CHECK OUT THE SCENE AND THEY FOUND NOTHING ON THE BODY COLLECTED HIS ID AND PUT HIM IN A BODY BAG. THEN EOD WAS CALLED OUT TO CLEAR THE VEHICLE AND THEY BLEW UP THE VEHICLE, GATHERED THERE INTELL, AND RETURNED BACK TO THERE BASE. NOTHING FOLLOWS



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

EXHIBIT A

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9. STATEMENT (Continued)

~~(b)(3)(b)(6)~~  
~~(b)(3)(b)(6)~~  
~~(b)(3)(b)(6)~~  
~~(b)(3)(b)(6)~~

AFFIDAVIT

I, SG1 (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUEN

(b)(3), (b)(6)

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14 day of JUNE, 2007 at FOB FALCON, IRAQ

(b)(3), (b)(6)

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

HHC 2-12 IN

(b)(3), (b)(6)

(b)(3), (b)(6)

ORGANIZATION OR ADDRESS

HHC 2-12 IN

EXECUTIVE OFFICER  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT  
(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

AZ



STATEMENT OF (b)(3), (b)(6)

TAKEN AT 1400

DATED 2007/06/11

9. STATEMENT (Continued)

(b)(3)(b)(6)

(b)(3), (b)(6)

**AFFIDAVIT**

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR U

(b)(3), (b)(6)

**WITNESSES:**

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of JUN, 2007 at FOIS FACILITY ISRAELI/IRAN

(b)(3), (b)(6)

(b)(3), (b)(6)

HHL 2-12 JOP  
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(b)(3), (b)(6)

HAC, 2-12 IN  
ORGANIZATION OR ADDRESS

EXECUTIVE OFFICER  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

B2

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

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**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION FOB FALCON	2. DATE (YYYYMMDD) 2007/06/11	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS E-3/Active Duty
8. ORGANIZATION OR ADDRESS Chosen Company 2-12 INF BN			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 2007/06/09 at approximately 0630 hours, shortly after the warning shots were fired I came up to the op. When I arrived there was a white sedan about (b)(2)High of the OP. Shortly after i arrived the man driving the car climbed out of the passenger door facing my direction. The man knelt next to the car for about 15sec and then charged the (2)Hi. I saw him holding to what appeared to be some type of explosive in each hand. I fired (2)Hi four times before the man hit the ground. After he didnt move for about 5min, a dismounted group went out and checked for explosives. The man was dead and our TOC called EOD to clear the car.

*Nothing follows*

(b)(3)(b)(6)

(b)(3)(b)(6)

(b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

(b)(3)(b)(6)

(b)(3)(b)(6)

(b)(3)(b)(6)

(b)(3)(b)(6)

AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INF

(b)(3)(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 11 day of JUNE, 2007

at FOIS SALON, BALDWIN TOWER

(b)(3), (b)(6)

(b)(3), (b)(6)

HHL, 2-12 EASE  
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

(b)(3), (b)(6)

HHC, 2-12 IN  
ORGANIZATION OR ADDRESS

EXECUTIVE OFFICER  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

CZ

**SWORN STATEMENT**

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**PRIVACY ACT STATEMENT**

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**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION FOB FALCON	2. DATE (YYYYMMDD) 2007/06/13	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS O-2/ACTIVE DUTY
8. ORGANIZATION OR ADDRESS Chosen Company 2-12 INF BN			

9. I, 1LT (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the morning of 9 June 2007, I was at (b)(2)High SSG(3), (b)(1) and I were in our room when we heard some shots outside. The sergeant of the guard says that they had an escalation of force incident on the western access road. I put on my gear and went outside the western entrance to the (b)(2)High with SSG(3), (b)(1) and four dismounts. The dead man was in a ditch with several bullet holes in him. His car was on the access road with bullet holes in the hood and windshield. The car was inside the trigger line. There was concertina wire and concrete between the man and his car, implying that he had crossed the wire towards the (b)(2)High. My dismounts put the body in a body bag and placed it near the car. I positioned (b)(2)High with a (b)(2)High just outside the entrance in order to provide coverage for the vehicle in case it contained a remote control detonation system. SSG(3), (b)(1) and I then left the (b)(2)High with the morning LogPac. SSG(3), (b)(1) and I never saw the car being engaged as we were inside the building. We went out to confirm that the man was dead and to police up the body.

~~(b)(3), (b)(6)~~  
~~(b)(3)(b)(6)~~ ~~(b)(3)(b)(6)~~  
~~(b)(3)(b)(6)~~

10. EXHIBIT	11. INITIALS OF (b)(3), (b)(6)	G STATEMENT	PAGE 1 OF <u>1</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF ILT (b)(3), (b)(6)

TAKEN AT 1600

DATED 2007/06/13

9. STATEMENT (Continued)

(b)(3)(b)(6)

(b)(3)(b)(6)

(b)(3)(b)(6)

(b)(3)(b)(6)

AFFIDAVIT

I, ILT (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)

(Signature of person making statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13th day of June, 2007 at FOB Falcon, Baghdad Iraq

(b)(3), (b)(6)

(b)(3), (b)(6)

(Signature)

(Signature)

HHC, 2-12 INF

ORGANIZATION OR ADDRESS

(b)(3), (b)(6)

CPT

(Type)

(b)(3), (b)(6)

HHC, 2-12 INF

ORGANIZATION OR ADDRESS

U.S. Army Officer  
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(3), (b)(6)

PAGE 2 OF 2 PAGES

SIR FOR 09 JUN 2007

FROM: 2-12IN

THRU: 4/1 ID

TO: MND-B G3 BTL MAJ IN CIC

SUBJECT: SIR

1. CATEGORY: EOF

2. TYPE OF INCIDENT: 1X LN KIA

3. DATE AND TIME: 09 0650 JUN 07

4. LOCATION: (b)(2)High

5. PERSONNEL INVOLVED:

A. SUBJECT: (b)(3), (b)(6)

A. RANK OR GRADE: SSG

B. SOCIAL SECURITY NUMBER: (b)(3), (b)(6)

C. RACE: (b)(3), b(6)

D. SEX: MALE

E. AGE: (b)(6)

F. POSITION: SQUAD LEADER

G. SECURITY CLEARANCE: NONE

H. UNIT AND STATION OF ASSIGNMENT: C CO, 2-12INF, FOB FALCON

I. DUTY STATUS: ACTIVE

J. MARITAL STATUS: (b)(6)

SUBJECT: (b)(3), (b)(6)

A. RANK OR GRADE: SPC

B. SOCIAL SECURITY NUMBER: (b)(3), (b)(6)

C. RACE: (b)(3), b(6)

D. SEX: MALE

E. AGE: (b)(6)

F. POSITION: AUTOMATIC RIFLEMAN

G. SECURITY CLEARANCE: NONE

H. UNIT AND STATION OF ASSIGNMENT: C CO, 2-12 INF, FOB FALCON

I. DUTY STATUS: ACTIVE

J. MARITAL STATUS: (b)(6)

B. ALCOHOL INVOLVEMENT: NONE

SUMMARY OF INCIDENT: On 09 0650 June 2007, C/2-12IN observed a vehicle traveling north at a high rate of speed on the access road toward Chosen COP. Chosen COP ECP Guard Tower fired 2x warning shots in an attempt to stop the vehicle at (b)(2)High. The vehicle failed to stop and began speeding up, still traveling toward Chosen COP. ECP Tower then escalated and engaged the vehicle with 2x (b)(2)High shots to the hood of the vehicle at 100 meters. The vehicle failed to stop and again increased speed heading towards Chosen COP. ECP Guard Tower then escalated and engaged with fatal shots aimed at the driver at (b)(2)High. The vehicle stopped. The driver of the vehicle appeared to have been killed. The driver then evaded the vehicle and began sprinting toward Chosen COP holding something in his hand. ECP Guard Tower fired warning shots at the individual at (b)(2)High. The individual continued sprinting toward Chosen COP and was engaged by ECP Tower Guard with deadly shots at (b)(2)High from Chosen COP, resulting in 1x LN KIA. EOD actioned the PVBIED. When on site EOD conducted a controlled detonation and cleared the vehicle. EOD determined that the vehicle was not a VBIED. F/2-12IN was actioned to remove the vehicle from the scene. C/2-12IN found the driver's ID and name is as follows:

EOF w/LN DEATH(C 2-12IN), 4-1ID, 9 JUN 07

EXHIBIT E

(b)(3), (b)(6)  
CENTCOM E 13

(b)(6) Individual was carrying an empty plastic bag. F/2-12IN took the vehicle to (b)(2)High at FOB Falcon.

7. OTHER INFORMATION:

A. RACIAL: N/A

B. EOF INVOLVEMENT: YES

8. REMARKS: NONE

9. PUBLICITY:

10. COMMANDER REPORTING: CPT (b)(3), (b)(6) COMMANDER, C/2-12IN, FOB FALCON, BAGHDAD, IRAQ

11. POINT OF CONTACT: CPT (b)(3), (b)(6) COMMANDER, C/2-12IN, FOB FALCON, BAGHDAD, IRAQ VOIP 777-2013

12. REPORT ORIGINATED BY: CPT (b)(3), (b)(6) , COMMANDER, C/2-12IN, FOB FALCON, BAGHDAD, IRAQ

13. RELEASED BY: LTC (b)(3), (b)(6) COMMANDER, 2-12IN, FOB FALCON, BAGHDAD, IRAQ

14. UNIT NOTIFICATIONS:

A. IN PERSON

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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B. EMAIL

C. FM FREQ

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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MND-B BTL NCO:

TIME RECEIVED:

MND-B G3 BTL NCO ACTIONS:

MND-B CHOPS / BTL MAJ DISPOSITION:

MND-B CHOPS NOTIFICATIONS:

A. TELEPHONE

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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B. EMAIL

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTION</u>
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EZ