

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) 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 (if substituted for real or documentary evidence) 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 (para 3-6b, AR 15-6)?			
	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 (para 3-16d, AR 15-6)?			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
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 (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	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 (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	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 (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	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 (para 5-8a, AR 15-6):			
	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 (para 5-9, AR 15-6)?			
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 (para 5-8b, AR 15-6)?			
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 (para 5-11, AR 15-6)?			
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

TABLE OF CONTENTS
(LIST OF EXHIBITS)

Exhibit ASIR

Exhibit BD CO Last 24

Exhibit CAppointment Orders

Exhibit DSworn Statement of SSG

Exhibit ESworn Statement of SGT

Exhibit FSworn Statement of SPC

Exhibit GSworn Statement of PFC

Exhibit HSworn Statement of SGT

Exhibit I.....Picture of vehicle and casualty

(b)(3), b(6)

DEPARTMENT OF THE ARMY
4th Infantry Brigade Combat Team
1st Infantry Division
Forward Operating Base Falcon
APO AE 09361

AFZN-BC

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command

The undersigned assumes command of the 4th Infantry Brigade Combat Team, 1st Infantry Division, Forward Operating Base Falcon, Iraq, APO AE 09361(WJLDAA), effective 1300 hours, 17 August 2007.

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

LTC, IN
Acting Commander

DISTRIBUTION:

A



DEPARTMENT OF THE ARMY
Headquarters Company, 2nd Battalion, 12th Infantry Regiment
2nd Brigade Combat Team, 2nd Infantry Division
FOB Falcon, Baghdad, Iraq

AFZC-BI-HHC

1 AUG 2007

MEMORANDUM FOR RECORD

SUBJECT: Investigative AR 15-6 Report – RE: Escalation of Force and shooting of Iraqi Local National Citizens, C/2-12 IN on 17 July 2007
Failed to obtain a signature for DA FORM 2823 (Sworn Statement)

1. This memorandum is in reference to the failure of obtaining signatures for DA FORM 2823 (Sworn Statement) by the 15-6 Investigating Officer due to the Soldiers being placed on emergency leave. The Soldiers were missing the signature page of the sworn statement when interviewed by 1LT (b)(3), (b)(6). Once the back page was acquired, the Soldiers had been placed on emergency leave and left theatre prior to signing the forms.

2. The following statements have not been signed:

SGT (b)(3), (b)(6)
Squad Leader, 3rd PLT, Chosen Company, 2-12th Infantry

PFC (b)(3), (b)(6)
Gunner, 3rd PLT, Chosen Company, 2-12th Infantry

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

INVESTIGATING OFFICER

SIR FOR 18 JUL 2007

FROM: 2-12 IN
THRU: 4/1 ID
TO: MND-B G3 BTL MAJ IN CIC
SUBJECT: SIR

- 1. CATEGORY:
- 2. TYPE OF INCIDENT:
- 3. DATE AND TIME: 18 2000 JUL 2007
- 4. LOCATION: FOB FALCON, IRAQ: D/2-12 IN CP
- 5. PERSONNEL INVOLVED:

- A. SUBJECT: (b)(3), (b)(6)
 - A. RANK OR GRADE: SSG/E-6
 - B. SOCIAL SECURITY NUMBER: (b)(3), (b)(6)
 - C. RACE: (b)(6)
 - D. SEX: MALE
 - E. AGE: (b)(6)
 - F. POSITION: SQUAD LEADER
 - G. SECURITY CLEARANCE: SECRET
 - H. UNIT AND STATION OF ASSIGNMENT: C/2-12 IN
 - I. DUTY STATUS: ACTIVE
 - J. MARITAL STATUS: (b)(6)

B. ALCOHOL INVOLVEMENT: N/A

6. SUMMARY OF INCIDENT: 16 1845 JUL 2007 SSG (b)(3), (b)(6) fired one warning shot into a vehicle on 7th St in M808. The warning shot resulted in 2 x civilian casualties. The patrol evacuated both casualties to the CSH in the International Zone. One local national (LN) female was DOA upon arrival at the CSH and the other LN female had a GSW to the Right buttocks; which was later removed at the CSH.

7. OTHER INFORMATION:

- A. RACIAL: N/A
- B. EOF INVOLVEMENT: N/A

8. REMARKS:

9. PUBLICITY:

10. COMMANDER REPORTING: CPT (b)(3), (b)(6) COMMANDER, D CO 2D BATTALION, 12TH INFANTRY, FOB FALCON, BAGHDAD, IRAQ

11. POINT OF CONTACT: CPT (b)(3), (b)(6) 777-2151

12. REPORT ORIGINATED BY: CPT (b)(3), (b)(6)

Exhibit A, SIR

13. RELEASED BY: LTC [REDACTED] (b)(3), (b)(6) COMMANDER, 2D BATTALION, 12TH INFANTRY,
FOB FALCON, BAGHDAD, IRAQ.

14. UNIT NOTIFICATIONS:

A. IN PERSON

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
-----------------	-------------	-------------	---------------------

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
-----------------	-------------	-------------	---------------------

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>
-----------------	-------------	-------------	---------------------

B. EMAIL

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
-----------------	-------------	-------------	---------------------



21712 NP and D CO LAST 24 (17 JULY 2007)



17 0930 - 1330 & 1900 - 2300 JUL 07
1/D/2-12 IN
-Debrief not in at time of submission due to mission timing

(b)(2)High

C37 conducts [redacted] patrol in [redacted] (2)H While driving in [redacted] (2)H a white car pulls out in front of convoy and then begins to reverse at a fast pace. A warning shot was fired. The car contained 4 x female LNs & 1 x male LN. 2 x casualties evad to CSH. 1 x DOA & one with bullet in Right buttocks. Held overnight for observation.

[redacted] (2)H

[redacted] (2)H

[redacted] (2)H

[redacted] (2)H

[redacted] b(6)

Nonresponsive, (b)(2)High

[redacted] (2)H

[redacted] (2)Hi

[redacted] b(6)

[redacted] b(6)

[redacted] (2)H

[redacted] b(6)

[redacted] b(6)

[redacted] (2)Hi

[redacted] (2)H

[redacted] (2)Hi

[redacted] (2)High

[redacted] (2)H

Nonresponsive, (b)(2)High

[redacted] (2)H

Exhibit B, D CO LAST 24

AFZN-BC

SUBJECT: Appointment as Investigating Officer (RE: Escalation of Force and shooting of Iraqi Local National Citizens)

6. 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.
7. 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 Escalation of Force and shooting of Iraqi local national citizens. 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.
8. 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.
9. 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 1574 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

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 Bldg# 1104 C CO. TOC.	2. DATE (YYYYMMDD) 2007/07/17	3. TIME 0315	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-6/ Active Duty	
8. ORGANIZATION OR ADDRESS C CO 2-12 IN BN			

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

I was leading a patrol in (b)(2)High street heading north when the lead truck (Sgt. (b)(3), (b)(6) truck) came to a quick halt (at grid (b)(2)High). there was a pause for 1 second and a single shot was fired (I thought it was from the gunners (2)H but later found out that it was from his (b)(2)High). I radioed up to Sgt. (b)(3), (b)(6) what happened and I was told a warning shot was fired at a car that almost rammed into his truck from the North and traveled south. It stopped just 10 meters away from his truck. His and my truck dismounted and walked up to the car. There was a lot of commotion going on and I could see that there were two casualties in the car. I called for the medic to come up. There was one man and four females riding in the car. The two youngest females in the car, ages (b)(6) and (b)(6) had gun shot wounds. One to the buttocks and the other went through the shoulder area and abdomen. Spc (b)(3), (b)(6) the medic started initial treatment. I ordered that several pictures of the car be taken because we could not see any bullet holes in the car, to include the back end. After getting the two women to calm down enough to get the casualties into there car so we could take them to the CSH (the family was hindering us). A man on the street who could speak english was assisting me in tell the father (b)(6) to follow our patrol to the CSH and he would be the fourth vehicle. I told him to wait until we were ready to go and they would follow us. Before my element was mounted up, he sped away in his car and left us there in (b)(2)High. By this time D16 element arrived on scene. I gave him a quick assesment and also told them that the car left the AO and we weren't sure why. After 7 minutes went by (b)(6) in his car with the two girls and his sister went to the Sothern part of D16 cordon. We moved to there location and D16 terp assisted, with there medic. I had my element move around the block to the southern part of D16 cordon, so we could make the CSH run. This time we loaded the two casualties, and the mother into one truck and the father into another. The medic continued medical treatment to the more serious girl during the trip to the CSH. It took us 15 minutes to arrive at the hospital. One of the girls was DOA and the other was had the bullet removed from here buttocks. She stayed overnight and will be released today. After the bullet was removed from the buttocks and she was in recovery, my patrol took Jamel back to his house in (b)(2)High. We wanted to do another check of the car because no one before noticed any bullet holes in the car. When we got to his house we took more pictures of the car and noticed a hole in the left rear taillight (this hole was not in the pictures of when we first checked the car right after the warning shot was fired). The patrol took pictures of the car and of (b)(6). We also got his mobile phone number. At the CSH, an interpreter was provided and I had (b)(6) with the help of the interpreter make a statement of his side of the story. He said that all of them were heading to a farm and that he made a wrong turn because the "way was blocked" (there is only one entrance to the muhulla); also there are no farms in that muhulla. He never mentioned that he made eye contact with the lead truck and would not stop. He traveled over (b)(2)High at a high rate of speed and did not stop until a warning shot was fired above the car. He said his house was at grid (b)(2)High street house (b)(2)High, (b)(6) and he seemed like he did not know where he was going. The man on the street mentioned briefly that the family came from muhulla (b)(2)High and mentioned (b)(2)High and that was where they were coming from. The bullet hole in the left rear taillight was fired at ground level and not from an elevated position, the turret of the truck. With the extra glass mounted to the front of the turret the gunner could not position his (2)H and with the hesco cage in the top he could not position his (2)H around the front of the turret shield. If both girls where in the back seat together, how did they end up both getting shot from one bullet.

END OF STATEMENT

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

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

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

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

10. EXHIBIT D	11. INITIALS (b)(3), (b)(6)	MAKING STATEMENT	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.

STATEMENT OF

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

TAKEN AT FOB Falcon

DATED 2007/07/17

9. STATEMENT (Continued)

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

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

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

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

AFFIDAVIT

(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 INFLU

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

WITNESSES:

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

HAC 2-12 INF, 2 BCT, 2 ID

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

1 Aug 07

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

HHP 2-12 IN 2 BCT, 2 ID

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of Aug, 2007 at BUDG 1104, FOB Falcon, IDAG

(Sign

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

ing Oath)

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

(Typed Name of Person Administering Oath)

15th Investigation Officer, 1LT
(Authority To Administer Oaths)

INITIALS OF PE

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

STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

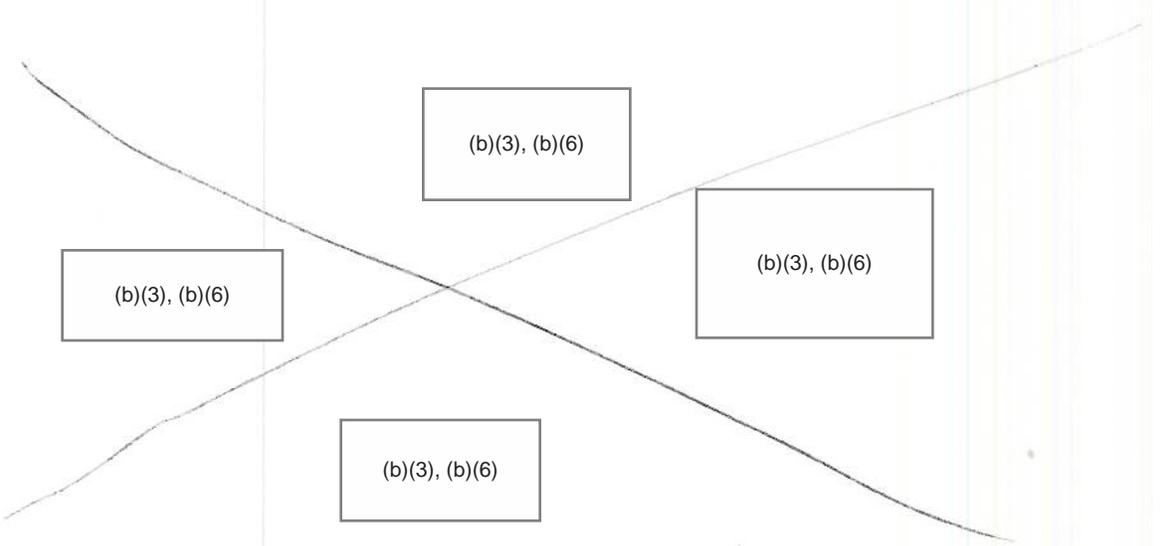
For use of this form, see AR 190-45; the proponent agency is PMG.

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, BAGHDAD IRAQ	2. DATE (YYYYMMDD) 2007/07/17	3. TIME 0305	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN	7. GRADE/STATUS E5/SGT
8. ORGANIZATION OR ADDRESS			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON JULY 17 2007 AT ABOUT 1845 WE WERE PATROLLING MUHALLA (b)(2)High MOVING SOUTH TO NORTH ON 23RD STREET. WHEN WE CAME UP TO 16TH AND 23RD STREET GRID (b)(2)High A WHITE CAR SLOWED DOWN AT THE CORNER LOOKED AT OUR CONVOY THEN TURNED RIGHT ON 23RD STREET HEADING NORTH AS DRIVER FOR THE LEAD TRUCK I LOOKED INTO THE CAR BEFORE HE TURNED NORTH ON 23RD STREET AND IT APPEARED THAT THERE WAS ONLY A MALE DRIVER IN THE VEHICLE. ONCE THE WHITE VEHICLE TURNED NORTH ON 23RD HE DROVE UP AT ABOUT (b)(2)High THEN STOPPED REALLY QUICK THEN STARTED REVERSING AT A VERY QUICK SPEED TOWARDS OUR TRUCK. THE GUNNER PFC (b)(3), (b)(6) (b)(3), (b)(6) THEN SCREAMED TO OUR TC SGT (b)(3), (b)(6) ASKING IF HE WANTED HIM TO TAKE A WARNING SHOT SGT (b)(3), (b)(6) SAID YES SO WITH VERY LITTLE TIME TO REACT PFC (b)(3), (b)(6) COULD NOT PULL OUT HIS (b)(2)High SO TOOK A SINGLE SHOT WITH THE (b)(2)High AT ABOUT (b)(2)High FROM OUR TRUCK AFTER HE TOOK A SINGLE SHOT AT THE VEHICLE THE WHITE VEHICLE ROLLED A LITTLE BIT MORE THEN FINALLY STOPPED ABOUT 10 METERS FROM OUR VEHICLE. WHEN THE WHITE VEHICLE STOPPED A MALE EXITED WITH HIS HANDS IN THE AIR AS SGT (b)(3), (b)(6) AND I APPROACHED THE VEHICLE WE SAW THAT IT HAD MORE THEN 1 OCCUPANT THERE WAS ALSO 4 FEMALES IN THE VEHICLE. THE MALE THEN OPENED THE REAR LEFT DOOR PULLING OUT A FEMALE CASUALTY. AT THE SAME TIME THE MALE WAS PULLING OUT THE CASUALTY TWO OF THE FEMALES GOT OUT OF THE VEHICLE HOLDING UP THE LAST FEMALE WHICH WAS ALSO A CASUALTY. DOC (b)(3)(b)(6) STARTED TREATING THE BADLY WOUNDED CASUALTY THEN LOADED THEM INTO THE WHITE VEHICLE WITH THE MALE AND 3 FEMALES. WE THEN TRIED TO GUIDE THEM INTO OUR CONVOY SO WE COULD ESCORT THEM TO THE CSH BUT THE VEHICLE JUST DROVE AWAY WITH OUT US TO TAKE THE CASUALTYS TO THE HOSPITAL. 10 MINUTES LATER THE WHITE VEHICLE REAPPEARED TO LINK UP WITH US TO TAKE THEM TO THE CSH. SO WE THEN PULLED THE 2 CASUALTYS ALONG WITH THE MALE OUT OF THE WHITE VEHICLE AND LOADED THEM INTO OUR VEHICLES. WE THEN PROCEEDED TO THE CSH TO TAKE THE CASUALTYS.



10. EXHIBIT E	(b)(3), (b)(6)	S OF PERSON MAKING STATEMENT	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.

STATEMENT OF

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

TAKEN AT 0305

DATED 2007/07/17

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 INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

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

HHC 2-12 INF, 2 BCT, 2 ID

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

1 Aug 07

ORGANIZATION OR ADDRESS

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

HHC 2-12 INF, 2 BCT, 2 ID

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

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of Aug, 2007

at 5000 HWY FOG FACON, IRAQ

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

(Administering Oath)

(Type)

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

15-6 Investigation Officer, 1LT (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Falcon, Baghdad, Iraq	2. DATE (YYYYMMDD) 2007/07/17	3. TIME 0250	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN	7. GRADE/STATUS E-3/PFC	
8. ORGANIZATION OR ADDRESS			

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

We were doing a patrol in muhalla (b)(6) when we were driving down the (b)(2)High street when a car stopped at the second street at grid point (b)(2)High at roughly 1845. When the car stopped the male driver stopped at the corner and looked at us then proceeded to pull out in front of us about (b)(2)High then made a complete stop then put the car in reverse and started to back up at a fast rate of speed so I then yelled to my TC SGT (b)(3), (b)(6) I should give the car a warning shot he yelled back immediately to take the shot in doing so I gave the car a single warning shot with the (b)(2)High cause I didn't have the time to grab (b)(2)High I was aiming just above the left side of the car. There was no other vehicles or civilians on the upper part of this road. I reacted fast cause I didn't know what the cars intentions was. The car was about (b)(2)High away from our truck when i made the warning shot then afterwards it stopped at about 10 meters away from our truck. When I fired the warning shot I only seen 1 person in the car Afterwards when the car stopped the male driver and 3 females got out then the medic went up to the car and pulled the wounded female out of the car and started treating her.

10. EXHIBIT G	11. INITIALS OF PERSON MAKING STATEMENT	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.

STATEMENT OF

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

TAKEN AT

FOB Falcon, Baghdad

DATED 2007/07/17

9. STATEMENT (Continued)

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 UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of July, 2007

at FOB Falcon

ORGANIZATION OR ADDRESS

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

Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

M 15-6 Investigative Officer (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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, Iraq; 2. DATE: 2007/07/16; 3. TIME: 0247; 4. FILE NUMBER; 5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6); 6. SSN: (b)(3), (b)(6); 7. GRADE/STATUS: E-5/Active Duty; 8. ORGANIZATION OR ADDRESS: C co 2-12 IN FOB Falcon, Iraq

9. (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 16 Jul 07 while on patrol in (b)(2)High moving north at vic grid (b)(2)High we encountered and fast moving vehicle going east to west. The vehicle was a white 4 door Opel. The driver of the vehicle looked left, saw our vehicle and still driving fast turned north on the road I was on. The vehicle stopped about (b)(2)High in front of my truck and put his vehicle in reverse. At a high rate of speed the vehicle began to move backwards. Being that the vehicle was coming closer and closer my gunner PFC (b)(3), (b)(6) asked if he should fire a warning shot to stop the vehicle. I responded quickly with yes being that I only saw one person in the vehicle, knowing the driver saw me but continued toward my vehicle anyway and VBIEDS are being used more and more in the AO. My gunner fired one round from (b)(2)High being that he did not have enough time or room to shoulder (b)(2)High. The car continued to move towards my vehicle. I was about to tell my gunner to open fire when the vehicle came to a sudden stop. After the vehicle stopped I dismounted and walked toward the vehicle. A man with his hands in the air exited the vehicle. As I came closer to the vehicle I began to see other occupants that I had not seen before. The man opened his rear driver side door and pulled out a young girl whom was covered in blood. I called for the medic, as he was treating the wounded girl another girl came out of the rear passenger side of the vehicle complaining of a gun shot wound the the buttox. The man said we had shot both girls. Although the man said that both girls were sitting side by side. He insisted we had shot both girls. He then had another LN help him load the wounded girls into his vehicle. We told him through a LN who spoke english that we would take the girls to the CSH for treatment. Once the girls were loaded into his vehicle, with no warning he drove off as we lined up our vehicles to move out. Shortly after (b)(2)High (b)(2)H arrived on scene to offer assistance. About 5-7 minutes later the vehicle came back and parked at the end of (b)(2)High element. This time with a terp we told the man we would take him to the CSH. We loaded both casualties and moved to the CSH. Upon arriving to the CSH the older of the 2 girls was pronounced dead. I went into the ER and was speaking with SPC (b)(3), (b)(6) and LTC (b)(3), (b)(6) who said the the bullet wound that killed the older of the 2 girls more than likely came from her front. As he examined the younger of the 2 girls, he was able to remove (b)(2)High from the buttox of the younger of the 2 girls. Bringing the round for myself and SPC (b)(3), (b)(6) to see, he said that he didn't believe that the round was an american round. He said it more than likely came from a non-american weapon. I signed for the round and we moved back to (b)(2)High to take the father of the girl who died to his home. When we got to the mans house we further searched the vehicle finding a small hole in the rear left tail light of the vehicle. We opened the trunk and saw where the round had gone from the tail light and through into the back of the seat. Pictures were taken of the holes in the car as well as the wounds on the older of the 2 girls.

NOTHING FOLLOWS

10. EXHIBIT: H; 11. INITIALS OF PERSON MAKING STATEMENT; PAGE 1 OF 2 PAGES

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 H, Statement of SGT (b)(3), (b)(6)

STATEMENT OF

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

TAKEN AT 0327

DATED 2007/07/17

9. STATEMENT (Continued)

AFFIDAVIT

(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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of July, 2007 at Ridgely, MD

ORGANIZATION OR ADDRESS

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

(Administering Oath)

ORGANIZATION OR ADDRESS

(b)(3), (b)(6) 1LT

(Typed Name of Person Administering Oath)

MC 15-6 Investigating Officer (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

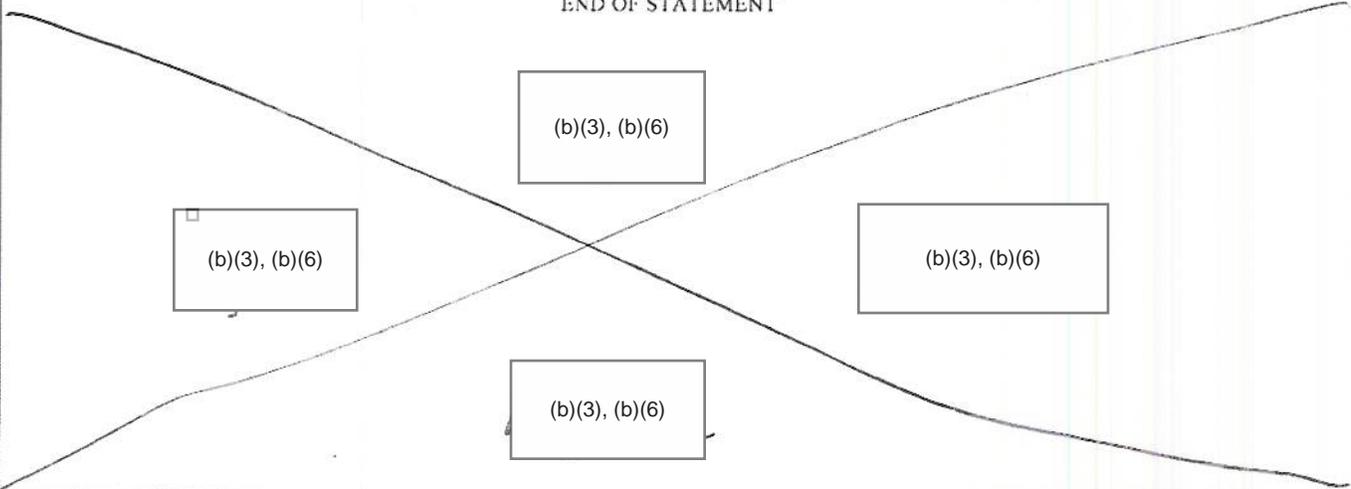
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate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

1. LOCATION Bldg# 1104 C CO. TOC.	2. DATE (YYYYMMDD) 2007/07/17	3. TIME 0245	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E4/Active Duty	
8. ORGANIZATION OR ADDRESS C CO 2-12 IN BN			

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

At 1845 we conducted partrol in mahalla (2)H on july 16 2007. A vehicle sped on the street we were about to enter which was 23rd St that also had a dead end at one side. The vehicle stoped and went in reverse toward our convoy and a warning shot was fired over the car. About 2 seconds after the shot the car stoped and the driver got out. And there were 2 girls that were shot. I assest the worst one and found that she had a gunshot in the upper right back and an exit wound on the upper right abdomen. I decomprest the girls chest and since she was bleeding pretty bad. I put a curlex gauze dressing in the wound to slow down but let the blood flow out of the lung. While keeping the air some what sealed in. Then I bundled up the rest of the curlex and secured it to the out side of the wound. The other girl had a gunshot to the right butcks. I treated the worse one which was the back and front gun shot wound and we loaded her back into the car for the family to take her to the hospital. We were going to escort them out of the mahalla but then they sped off. They didnt return for about 10 minutes at which time the family came back crying. When the family got out the other medic from deltas first platoon treated her again. At this point we found that the treatment I gave her was gone and the curlex I had placed on her was in the trunk of the car. And the delta guys thought she hadnt been treated along with the medic. So the medic placed and aculsive dressing on the wound on the back. At this time I decided that the casualty would not live if we didnt get her to the cash. So we loaded both girls into the trucks and took the mom and dad of each. On the way to the cash the girl was alive and for a little while she was holding my hand while I kept my hand on the wound on her back. When she started to not breath and loosen her grip I preformed CPR on her. We arrived at the cash and the girl with the worst gunshots was pronouced dead. Me and another medical personel looked over the body to examin it the medical athority wa (b)(6) We found a small piece of a copper looking fragment of a round in the skin next to the wound on the upper right back. The girl that was shot in the buttocks had a (2)H found found in her skin logged slitty in her pelvis (b)(6) belived that the girl had to be either hit from the front and exited the upper right back. Or the off chance she was laying in a very ackward angle for the bullet to go in the upper right out the front. After leaving the cash we droped the dad of the departed girl and examined his car. We found one gunshot hole to the left tail light that was about ground level. Which led us to think that the shot was done off the hip. In the inside of the trunk we found the bullet hole continued and went from the light to the back seat. The path of the bullet holes was a graduale incline from its originating point of the left tail light. Both girls were in the back seat. But a small amount of blood was found in the front passenger seat. Also another small amount was found where the original bullet started from the left tail light to the back seat. The blood in the front passenger seat had no bullet holes in the chair.

END OF STATEMENT



10. EXHIBIT F	11. INITIAL (b)(3), (b)(6)	MAKING STATEMENT	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)

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

AFFIDAVIT

(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:

(b)(3), (b)(6)
HHC 2-12 IN, 2BCT, 2ID
1 Aug 07
ORGANIZATION OR ADDRESS
(b)(3), (b)(6)
HHC 2-12 IN, 2BCT, 2ID
(b)(3), (b)(6)
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of Aug, 2007 at 2nd Lt. [redacted], IIRAC

(b)(3), (b)(6)
(Typed name of Person Administering Oath)

(b)(3), (b)(6)
15-6 INVESTIGATING OFFICER?
(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES



DEPARTMENT OF THE ARMY
Headquarters Company, 2nd Battalion, 12th Infantry Regiment
2nd Brigade Combat Team, 2nd Infantry Division
FOB Falcon, Baghdad, Iraq

AFZC-BI-HHC

1 AUG 2007

MEMORANDUM FOR RECORD

SUBJECT: Investigative AR 15-6 Report – RE: Escalation of Force and shooting of Iraqi Local National Citizens, C/2-12 IN on 17 July 2007
Failed to obtain a signature for DA FORM 2823 (Sworn Statement)

1. This memorandum is in reference to the failure of obtaining signatures for DA FORM 2823 (Sworn Statement) by the 15-6 Investigating Officer due to the Soldiers being placed on emergency leave. The Soldiers were missing the signature page of the sworn statement when interviewed by 1LT (b)(3), (b)(6). Once the back page was acquired, the Soldiers had been placed on emergency leave and left theatre prior to signing the forms.

2. The following statements have not been signed:

SGT (b)(3), (b)(6)
Squad Leader, 3rd PLT, Chosen Company, 2-12th Infantry

PFC (b)(3), (b)(6)
Gunner, 3rd PLT, Chosen Company, 2-12th Infantry

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

INVESTIGATING OFFICER