

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

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

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

1LT, IN, PLATOON LEADER

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

SINCE THIS INCIDENT OCCURRED DURING THE LOADING PHASE OF A DISMOUNTED PATROL, THE EMPLOYMENT OF RP/EP MARINES WAS NOT EXECUTED. NOW WOULD I EXPECT THEM TO BE EMPLOYED.

(b)(2)High

(b)(2)High

(b)(2)High

ACTION BY APPROVAL AUTHORITY:

I ratify the appointment of the investigating officer.

I approve the "Facts" and "Findings".

I approve Recommendations: (b)(2)High

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

I remand the matter to the BCT Commander for appropriate action.

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

LTC, AR, COMMANDING

JOSEPH F. FIL, JR  
Major General, USA  
Commanding

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

12 MAR 2007



DEPARTMENT OF THE ARMY  
HEADQUARTERS 2<sup>ND</sup> BATTALION, 12<sup>TH</sup> CAVALRY REGIMENT  
CAMP LIBERTY, IRAQ APO AE 09344

REPLY TO  
ATTENTION OF

AFVA-BCX

28 February 2006

MEMORANDUM THRU

Commander, 2<sup>nd</sup> Battalion, 12<sup>th</sup> Cavalry Regiment, Camp Liberty, Iraq, APO AE 09344  
Commander, 2<sup>nd</sup> Brigade Combat Team, 1<sup>st</sup> Infantry Division, Camp Liberty, Iraq, APO AE 09344

FOR Commanding General, Multi National Division- Baghdad, Camp Liberty, Iraq, APO AE 09344

SUBJECT: Investigation of Escalation of Force incident by A/2-12 CAV on 20 February 2007.

1. On 20 February 2007 a fire team from Alpha Company 2-12 CAV used escalation of force procedures to stop a vehicle bypassing halted traffic at a dismounted security halt which immediately resulted in the death of one local national male and injured one local national child.

2. Facts:

a. 1<sup>st</sup> Platoon Alpha Company conducted a dismount patrol through Al Shulla lead by 1LT(3), (b) Their task and purpose was to (b)(2)High At 1700 1<sup>st</sup> and 2<sup>nd</sup> Squads with the platoon leader, 1LT(3), (b) and two medics dismounted at grid (b)(2)High and moved dismounted west to east along (b)(2)High 1<sup>st</sup> Platoon's Alpha and Bravo Sections with the vehicles were traveling parallel to the dismounts on (b)(2)High tracking the front line trace of the dismounts with situation reports over the platoon's net. The dismounted patrol moved in a modified platoon column in traveling over watch for approximately (b)(2)High along (b)(2)High to a rally point to remount the vehicles just west of the (b)(2)High and (b)(2)High intersection vicinity grid (b)(2)High The vehicles traveled along (b)(2)High turned north on (b)(2)High and linked up with the dismounts at the rally point (Exhibit A, B, C, D, E, F, G, I).

b. 1LT(3), (b) chose the open area vicinity grid (b)(2)High just west of the (b)(2)High and (b)(2)High intersection because that area provided the clearest sectors of fire and least restricted terrain (Exhibit I).

c. 2<sup>nd</sup> Squad was second in the order of movement. 1LT(3), (b) assigned 2<sup>nd</sup> Squad with rear security during the dismount movement phase of the patrol and during the security halt at the rally point. SSG (b)(3), (b)(6) moved in the lead of 2<sup>nd</sup> Squad with Bravo Team 2<sup>nd</sup> Squad in trail (Exhibit A, B).

d. At approximately 1755 the dismounted element and the mounted element arrived at the rally point (Exhibit A).

e. Also at approximately 1755 two vehicles approached the platoon's position from the west. SPC(3), (b)(6) the Bravo Team leader stopped the vehicles using hand and arm signals. The vehicles stopped when the vehicles' drivers saw the Soldiers move into the street. A third vehicle, a silver four door Volvo sedan, driven by a local national bypassed the halted vehicles. The silver Volvo sedan crossed into the west bound lane and approached the perimeter at a moderate speed (Diagram, Exhibit A, B, D, F, G, I).

f. When the silver Volvo sedan began to bypass and move towards the Soldiers, SPC(3), (b)(6) displayed the "stop" hand signal and waved his hands over his head to communicate with the driver of the third vehicle. Simultaneously, PFC (b)(3), (b)(6) the Bravo Team Grenadier, pointed his weapon at the driver of the vehicle. PFC (b)(3), (b)(6) weapon had a (b)(6) with (b)(2)High He shined (b)(2)High at the driver through the windshield of the vehicle and (b)(2)High The vehicle did not stop and continued toward the Soldiers (Diagram, Exhibit A, B, D, F, G).

CENTCOM 012577

g. When the silver Volvo sedan moved to approximately (b)(2)High from the rear of the perimeter SPC (b)(3), (b)(6) fired a warning shot. (b)(3), (b)(6) fired the warning shot to the west over the front of the incoming vehicle. The vehicle still did not stop or slow (Diagram, Exhibit A, B, D, F, G).

h. PFC (b)(3), (b)(6) then fired a round into the front grille of the vehicle in order to disable the vehicle. PFC (b)(3), (b)(6) top round in his magazine was a tracer round. PFC (b)(3), (b)(6) and PFC (b)(3), (b)(6) noted the tracer was clearly visible when it fired. After the tracer round impacted the vehicle increased speed towards the Soldiers (Diagram, Exhibit A, B, D, F, G).

i. SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) then shot to kill the driver when they observed the vehicle increase speed towards them. Each shot approximately 12 rounds into the driver's side windshield and door window as the vehicle approached and passed where they were standing in the street. The vehicle did not brake, however it rolled to a stop at a fence on the north side of the road (Diagram, Exhibit A, B, D, F, G, I).

j. SSG (b)(3), (b)(6) ordered 2<sup>nd</sup> Squad to take cover suspecting the vehicle to be a VBIED because the vehicle ignored the escalation of force (Exhibit B, D, F, G).

k. SSG (b)(3), (b)(6), SGT (b)(3), (b)(6) 1<sup>st</sup> PLT's senior medic, and SPC (b)(3), (b)(6) 1<sup>st</sup> PLT's medic approached the vehicle to assess the driver's condition. All found the driver with multiple gun shot wounds, no pulse and concluded he was dead (Exhibit A, B, C, E).

l. 1LT (b)(3), (b)(6) ordered everyone away from the disabled vehicle and ordered 1<sup>st</sup> Platoon to secure the area and ensure no other vehicles approached the area. 1LT (b)(3), (b)(6) then issued a situation report to his Platoon Sergeant, SFC (b)(3), (b)(6) who was monitoring Alpha Company FM net in the vehicles and told SFC (b)(3), (b)(6) to relay the situation reports on the Alpha Company FM net (Exhibit A, B).

m. A local national (b)(6) approached 2<sup>nd</sup> Squad with a wounded young child, his grandson (b)(6) his arms. No one saw where the man and boy were during the engagement. SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) established a CCP in a nearby courtyard on the south side of the street and began assessing and treating the boy's injuries. The boy sustained two gunshot wounds to his left leg and a graze to his right leg. SGT (b)(3), (b)(6) administered first aid and recommended to 1LT (b)(3), (b)(6) to CASEVAC the boy and his grandfather to a FOB Liberty TMC as soon as possible. (Exhibit A, B, C, E).

n. 1LT (b)(3), (b)(6) ordered 1<sup>st</sup> Platoon to mount up approximately 1830. 1LT (b)(3), (b)(6) decided to prioritize the CASEVAC over securing the possible VBIED. 1<sup>st</sup> Platoon proceeded along the most direct route to (b)(2)High and the TMC on FOB Liberty. They arrived at the TMC approximately 1900 (Exhibit A, B, I).

o. As 1st Platoon was leaving the escalation of force scene to CASEVAC the wounded boy they saw a local national ambulance arrived to police up the dead man and a local national fire service arrived to put out the fire in the disabled vehicle (Exhibit I).

(b)(2)Low, (b)(2)High

### 3. Findings:

a. The fire team exercised correct and appropriate escalation of force measures against a perceived and possible threat as specified in the MNC-I and MND-B ROE. SPO (b)(3), (b)(6) and PFC (b)(3), (b)(6) actions were appropriate and necessary. SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) first

(b)(2)High

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

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

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

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

b. The rally point location was appropriate

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

b)(2)High

(b)(2)High

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

e. 1LT3), (b) and 1<sup>st</sup> Platoon responded to the incident and cared for the injured boy appropriately and in accordance with MNF-I, MNC-I and CFLCC Medical Treatment Protocols (Exhibit A, B, C, E).

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

4. Recommendations:

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

5. The POC for this memorandum is 1LT (b)(3), (b)(6) 1<sup>st</sup> Platoon C Co 2-12 CAV Platoon Leader, VOIP 242-7510.

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

1LT, IN  
Platoon Leader



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 2ND BRIGADE COMBAT TEAM  
 1ST INFANTRY DIVISION (MECHANIZED)  
 CAMP LIBERTY, IRAQ  
 APO AE 09344



REPLY TO  
 ATTENTION OF:

AETV-BGS-CDR

MEMORANDUM FOR Commander, Multi-National Division-Baghdad, APO AE 09344

SUBJECT: Recommendation for 15-6 Investigation

1. I have reviewed the enclosed investigation into the facts and circumstances surrounding an EOF incident resulting in one LN death and one wounded LN child on 20 FEB 07.

2. I respectfully (concur) / (do not concur) with the findings of the Investigating Officer.

3. COMMENTS.

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

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

4. Point of contact for this memorandum is

(b)(3), (b)(6), (b)(2)High

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

Encls

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

105 MAR 07

Commanding

CENTCOM 012580



REPLY TO  
ATTENTION OF

AFVA-BCX

21 February 2007

S: 28 February 2007

MEMORANDUM FOR 1LT (b)(3), (b)(6) Charlie Company, 2<sup>nd</sup>  
Battalion 12<sup>th</sup> Cavalry, Multi-National Division- Baghdad, APO AE 09344

SUBJECT: AR 15-6 Investigation Officer Appointment Orders

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, into the facts and circumstances surrounding an escalation of force incident that resulted in the fatal shooting of a local national man and the wounding of a local national boy on 20 February 2007. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is complete, this will be your primary duty responsibility.
2. Your investigations and findings will include, but are not limited to, the following:
  - a. The exact time and place of the incident;
  - b. How exactly the incident occurred to include the events leading up to and concurrent with the incident.
  - c. Who was responsible for the incident.
  - d. Whether there was a SOP in reference to the proper handling procedures and if so, whether or not it was followed.
  - e. Any other matters you deem relevant.
3. You will use informal procedures under AR 15-6, chapter 4. If, during the investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31(b) as documented on a DA Form 3881. Witness statements should be sworn and recorded on a DA Form 2823. Telephonic or email interviews may be summarized with a Memorandum for Record.
4. Prepare the report of proceedings on a DA Form 1574 and submit the original to MAJ (b)(3), (b)(6) Office of the Staff Judge Advocate, by the above suspense. You are to complete a storyboard regarding the incident. You must submit any request for delay in writing. Include with your report all documentary evidence, sworn statements and other information or evidence you consider.

CENTCOM 012581

5. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be made through your legal advisor.

6. The POC for this memorandum is the undersigned, VOIP 242-7510

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

LTC, AR  
Commanding



REPLY TO  
ATTENTION OF:

AETV-BGS-JA

MEMORANDUM FOR COMMANDER, 2-12 Cavalry Regiment

SUBJECT: Legal Review of Investigation conducted UP AR 15-6 into an EOF incident resulting in the death of one LN on 20 FEB 07.

1. UP AR 15-6. I have reviewed the attached investigation into the above-referenced incident. I have made the following determinations:

- a. The proceedings comply with AR 15-6.
- b. Any errors in the investigation do not materially affect any individual's rights.
- c. Sufficient evidence exists to support the IO's findings.
- d. The recommendations are consistent with the findings.

2. POC is the undersigned at VOIP 242-7805 or email

(b)(3), (b)(6), (b)(2)High

3. (b)(5)

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

CPT, JA  
Judge Advocate Officer

CENTCOM 012583

IF MORE SPACE IS R

RED IN FILLING OUT ANY PORTION OF THIS FORM

TACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Commander, 2ND BN 12th Cavalry, 2nd Brigade 1st Infantry Division, 1st Cavalry Division

(Appointing authority)

BLDG E3-1 PAD 3, FOB Liberty, Baghdad, Iraq, APO AE 09344

on 21 February 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at HHC 2-12 CAV Building #E3-1 PAD 3, FOB Liberty at 1700  
(Place) (Time)

on 23 February 2007 (Date) (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 1200 on 27 February 2007  
(Time) (Date)  
and completed findings and recommendations at 0800 on 28 February 2007  
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO<sup>1</sup> NA<sup>2</sup>

1. Inclosures (para 3-15, AR 15-6)
  - 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.

- 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  )*
- 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

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



AFVA-BCX-A

20 February 2007

MEMORANDUM FOR RECORD

SUBJECT: Commander's Inquiry on the escalation of force incident – 20 February 2007

1. The purpose of this memorandum is to provide a final report on the Commander's Inquiry of the 1<sup>st</sup> Platoon escalation of force incident on 20 February 2007.

2. **Background:** On 20 February 2007, 1<sup>st</sup> Platoon was conducting a patrol in Muhalla  
(b)(2)High

(b)(2)High

3. **Investigations Conducted:** I have received and reviewed the sworn statements from 1LT (b)(3), (b)(6) (Enclosure 1), SSG (b)(3), (b)(6) (Enclosure 2), SGT (b)(3), (b)(6) (Enclosure 3), SPC (b)(3), (b)(6) (Enclosure 4), SPC (b)(3), (b)(6) (Enclosure 5), PFC (b)(3), (b)(6) (Enclosure 6), PFC (b)(3), (b)(6) (Enclosure 7), and SFC (b)(3), (b)(6) (Enclosure 8) all dated 20 February 2007.

4. **Findings:**

(a) 2<sup>nd</sup> Squad 1<sup>st</sup> Platoon while in a defensive posture at the remount point at the end of the patrol stopped two local national vehicles from entering their perimeter. The third local national vehicle sped up and swerved around the two stopped vehicles.

(b) 1<sup>st</sup> Platoon conducted escalation of force procedures, first by shouting and using a green laser pointer and to signal the car. The car failed to stop and SPC (b)(3), (b)(6) fired one warning shot into the air over the vehicle. When the vehicle failed to stop PFC (b)(3), (b)(6) fired one round into the radiator of the vehicle. At that point the car increased its speed and the squad opened fire with several weapons. In the process the driver was killed, and the vehicle caught on fire. One local national child was wounded in the exchange as well (See enclosures 1-7).

(c) Prior to the incident, on 17 February, the Platoon Sergeant, SFC (b)(3), (b)(6) conducted an escalation of force refresher in conjunction with reading the (b)(2)Low Memo (see enclosure 8).

5. **Recommendation:**

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

6. POC for this memorandum is undersigned at SVOIP 679-1304.

CENTCOM 012587

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

CPT, IN  
COMMANDING

8 Encls

1. Sworn Statement

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

2. Sworn Statement

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

3. Sworn Statement

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

4. Sworn Statement

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

5. Sworn Statement

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

6. Sworn Statement

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

7. Sworn Statement

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

8. Sworn Statement

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

CENTCOM 012588



HEADQUARTERS

DEPARTMENT OF THE ARMY  
HEADQUARTERS 2<sup>ND</sup> BATTALION, 12<sup>TH</sup> CAVALRY REGIMENT  
CAMP LIBERTY, IRAQ APO AE 09344

REGIMENT

REPLY TO  
ATTENTION OF

AFVA-BCX

28 February 2006

## TABLE OF CONTENTS

AR 15-6 Investigation Officer Appointment Orders

DA FORM 1574 Report of Proceedings by Investigating Officer

AR 15-6 Findings and Recommendations

Diagrams

Exhibit A- Sworn Statement by

Exhibit B- Sworn Statement by

Exhibit C- Sworn Statement by

Exhibit D- Sworn Statement by

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

Exhibit E- Sworn Statement by

Exhibit F- Sworn Statement by

Exhibit G- Sworn Statement by

Exhibit H- Sworn Statement by

Exhibit I- Initial Story Board

Commander's Inquiry

CENTCOM 012589

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: A Co 2-12th CP FOB Liberty
2. DATE (YYYYMMDD): 2007/02/20
3. TIME: 1900hrs
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN:
7. GRADE/STATUS: O-2

8. ORGANIZATION OR ADDRESS

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

On 20FEB2007 my platoon, 1st platoon, A Co, 2-12 1st CAV was patrolling (b)(2)High traveling west to east through the local market. We dismounted at grids (b)(2)High. At the end of our patrol we set up a 360 security in vicinity (b)(2)High. 1st squad was at the beginning of my patrol, lead by SSG (b)(3), (b)(6) (with his team leader, SPC (b)(3), (b)(6)). They halted on a knee and waited for our vehicles to approach us coming north on (b)(2)High road. 2nd squad was at the rear pulling security in my element, lead by SSG (b)(3), (b)(6). His two team leaders were SPC (b)(3), (b)(6) and SGT (b)(3), (b)(6). At the rear of our formation. Two vehicles came up the road approaching us and stopped fully cooperating with my platoon's command. I saw the vehicles coming up and being waved down by SSG (b)(3), (b)(6). I look forward to get ready to tell everyone to mount up when I heard gunshots to my rear. I quickly shouted out for a sit rep of what happen. SPC (b)(3), (b)(6) quickly told me what happen. A third vehicle that we saw on the same road was approaching us from the rear and decided to go around the two vehicles on to the oncoming traffic lane. SPC (b)(3), (b)(6) was waving his hand in the air and shouting for the vehicle to stop while pointing the weapons directly at the vehicle. PFC (b)(3), (b)(6) placed his laser in the vehicle's windshield on the man's chest clearly indicating for the vehicle to stop. PFC (b)(3), (b)(6) was also in the middle of the road with SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) trying to get the vehicle to stop. SPC (b)(3), (b)(6) shot a warning shot, the vehicle continue to push forward at a faster speed; PFC (b)(3), (b)(6) timed his laser at the vehicle's engine and fired one round. The vehicle accelerated speed into our cordon directly at PFC (b)(3), (b)(6). PFC (b)(3), (b)(6) and SPC (b)(3), (b)(6) not to kill, commenced by PFC (b)(3), (b)(6) then PFC (b)(3), (b)(6) and their team leader SGT (b)(3), (b)(6) into the vehicle. The vehicle was continuing still entering our cordon at a high rate of speed until it finally stopped in the middle of our cordon. PFC (b)(3), (b)(6) and SPC (b)(3), (b)(6) fired off 12 rounds a piece before the vehicle stopped in the middle of our cordon at grid (b)(2)High. This all commenced at around 1755 hrs. We all took cover and pulled security from where the vehicle was coming from in case there was a possible sniper in our location. SSG (b)(3), (b)(6) quickly approach the escalation of force scene to see if he was KIA, they confirmed it and I sent Sgt (b)(3), (b)(6), our senior medic up to the scene immediately to confirm if he was KIA. He confirmed he was KIA and I told everyone to quickly secure the area and make sure no vehicles or anyone entered our cordon, while I called it up to my platoon sergeant. I ordered everyone away from the vehicle because it was on fire and looked like it was ready to explode. With my security in place, we saw a man carrying a little kid screaming and crying to my rear. My rear element shouted it was a (b)(6) year old boy that was shot. I quickly called doc to the infant, he set up a CCP with SPC (b)(3), (b)(6) our platoon medic in a near by house located at grid (b)(2)High. My squad leader SSG (b)(3), (b)(6) quickly gave me sit reps including SSG (b)(3), (b)(6) (my front security). I and SSG (b)(3), (b)(6) set up in the CCP linking with the infant around 1810 hrs. We assessed the situation with the medics. The medics, SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) gave me the situation on the little boy. He had two shots, one on the inner left thigh that exited to the other side. Another gun shot wound that hit the flesh of his left calf. He also took shrapnel on the right thigh, right rib and left foot. Once the information was passed up, we saw the KIA's son and another Iraqi citizen rush to the KIA and SSG (b)(3), (b)(6) and pulled the KIA out. They were saying he was still alive. I asked for them through my interpreter to carry him over here. They carried the KIA to our CCP, dropped him off, I had my weapons squad SSG (b)(3), (b)(6) and a fire team search the two Iraqis that carried the KIA. Both my medics confirmed again the KIA was indeed dead. I had my interpreter gather the KIA's name and information. The KIA was named (b)(6) he was a neighbor of the kid who was shot. The boy was a (b)(6) year old kid name (b)(6). The man who carried the kid into our CCP was identified as the grandfather name Abdul El Sareh Aziz Al Gazdawi. The grandfather and the boy lived in muhalla (b)(6) and house (b)(6). SGT (b)(3), (b)(6) indicated that we needed to rush the infant to the TMC; I quickly gathered my platoon and told everyone to mount up. We mounted up with the little boy and grandfather into my platoon sergeant's Bradley and quickly rush to the TMC. The KIA, we could not do anything more because he was confirmed dead twice by both my medics we needed to rush the little boy to the TMC. We called up the location of the KIA to battalion and headed into ECP 3 to the TMC. We took the quickest route back. South on (b)(2)High to (b)(2)High and west on (b)(2)High and into ECP3. We flashed our lights as we were entering through the ECP3 for clearance to the TMC.

Nothing to Follow

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

10. EXHIBIT:
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 INDICATED.

CENTCOM 012590

9. STATEMENT (Continued)

*[Large area of the page is crossed out with a large 'X' and contains redacted text: (b)(3), (b)(6)]*

AFFIDAVIT

I, 111 (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE \_\_\_\_\_. 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 \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

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

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

SP  
A Co 2-12 CAV  
ORGANIZATION OR ADDRESS

*(Signature of Person Administering Oath)*

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

*(Typed Name of Person Administering Oath)*

A Co 2-12 CAV  
SGT  
ORGANIZATION OR ADDRESS

*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT	PAGE	OF	PAGES
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CENTCOM 012591

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: A Co 2-12 CAV CP FOB Liberty
2. DATE (YYYYMMDD): 20070220
3. TIME: 1927
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
7. GRADE/STATUS: E-6
6. ORGANIZATION OR ADDRESS: A Co 2-12 CAV 1ST PLT

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

ON or about 20070220 at approx. 1800 hrs, My Platoon was finishing conducting a Dismounted Presence Patrol IN (b)(2)High Through (b)(2)High We set up a Dismounted Cordon at Vicinity Grid (b)(2)High 1st SQUAD was in the front. LT (b)(3), (b)(6) 2 Medics, SGT (b)(3), (b)(6) and SFC (b)(3), (b)(6) Interpreter (b)(6) AND MYSELF SSG (b)(3), (b)(6) were in the middle and my SQUAD 2nd SQUAD was in the rear. TEAM LEADER SFC (b)(3), (b)(6) WAS IN CHARGE OF BRAVO TEAM AND PFC (b)(3), (b)(6) THEY HAD TRAFFIC STOPPED AND COMPLYING WITH OUR INSTRUCTIONS WHILE OBSERVING MY SQUAD HAD GOOD SECURITY I OBSERVED A ONCOMING (b)(3)(b)(6) VEHICLE APPROACH AND PASS THE TWO STOPPED VEHICLES IT CROSSED OVER INTO THE OPPOSITE LANE AND PROCEED PASS THE STOPPED VEHICLES. I VIEWED LASERS ON THE VEHICLE AND AT THE SAME TIME I SAW SFC (b)(3), (b)(6) GIVE A HAND AND ARM SIGNAL TO STOP. THE VEHICLE PROCEEDED AND A WARNING SHOT WAS FIRED BY SFC (b)(3), (b)(6) THE VEHICLE DID NOT STOP AND I VIEWED A DISABLING SHOT FIRED INTO THE RADIATOR AND THE VEHICLE PROCEEDED TO APPROACH AT A FASTER SPEED TOWARDS OUR CORDON AND SHOT WE FIRED TO DISABLE THE DRIVER. THE VEHICLE NEVER BRAKED IT RAN INTO A FENCE. AT WHICH TIME I INSTRUCTED MY SQUAD TO TAKE A STANDOFF FROM THE VEHICLE SUSPECTING IT TO BE A VBIED. I APPROACHED THE VEHICLE TO CHECK STATUS OF DRIVER AND THEN CALLED FOR THE MEDICS SGT (b)(3), (b)(6) AND SFC (b)(3), (b)(6) THE CONFIRMED THE DRIVER WAS KIA. AND RETURNED TO COVER SSG (b)(3), (b)(6) WAS ATTEMPTING TO PULL THE (b)(3), (b)(6) DRIVER FROM THE CAR AND TWO RELATIVES OF THE DRIVER CAME RUNNING AND PULLED DRIVER FROM THE CAR. OVER THE CURB WHERE MY SQUAD WAS POSITION SCREAMING THAT HE WAS STILL ALIVE. AT THAT SAME TIME A LOCAL NATIONAL APPROACHED US AND TOLD US HIS BABY HAD BEEN SHOT. WE NOTIFIED THE MEDICS AND SET UP A CCP IN A COURT-YARD

10. EXHIBIT:
11. INITIALS OF PERSON MAKING STATEMENT:
PAGE 1 OF 3 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 INDICATED.

STATEMENT OF

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

TAKEN AT

A Co 2-12 CAV CP

DATED

20070220

B. STATEMENT (Continued)

And The Medic's began to give Medical Aid To The Baby boy as we called up to higher and began medevac back to FOB Liberty TMC.  
NOTHING FOLLOWS

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

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

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

CENTCOM 012593

STATEMENT OF

TAKEN AT

DATED

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

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

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 3. 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 \_\_\_ day of \_\_\_ at \_\_\_

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

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

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

CENTCOM 012594

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 A 2-12 CAV of FOB Liberty	2. DATE (YYYYMMDD) 20070220	3. TIME 1927	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)			7. GRADE/STATUS E5

8. 0  
A Co 2/12 CAV

9. (b)(3), (b)(6)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

on about 20070220 around 1755hr, my platoon was conducting a dismounted patrol at (b)(2)High. At vicinity (b)(2)High we were conducting a 360° dismounted cordon security waiting for our vehicles to arrive to get in a leave the area. 1st squad was leading the formation, 2nd Squad B team was at the rear of the formation. I was at the middle of the formation with SPC (b)(3), (b)(6) and the Platoon Leader Lt (b)(3), (b)(6). Around 1755hr I was pulling security on the south side of the road, facing East, when I heard multiple shots from the rear of the formation. I immediately took cover and look back to the rear. I saw a car with an individual inside, and the car hitting a fence at the north side of the road. I Ask loud "what happen and I heard "The vehicle did not wanted to stop". Then I heard soldiers calling for a medic to look if the Driver was alive. I run to the vehicle, that was getting on fire underneath. I reach inside and check for a pulse. I did not see a pulse. SPC (b)(3), (b)(6) approached me and I told him, "no pulse". SPC (b)(3), (b)(6) reach inside and look/feel for a pulse and came back with the same answer. The individual show multiple gunshot wounds. At that moment I determine that the individual was dead.

10. EXHIBIT	11. IN PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 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 INDICATED.

CENTCOM 012595