STATEMENT OF (b)(3), b(6) TAKEN AT 1516 HRS DATED 13 JAN 08.

9. STATEMENT (Continued) (6) I have coms with all guardpoints, my cp, the toc. Yes, yes I did I reported the incedent to my cp + toc prior to the end. Once the warning shots were fire I called It up to the cp the toc monitors the same freq. I yelled to the LN there was little or no traffic.
(7) 6P3 was SGT (b)(3), b(6) + another soldier. (8) was spc smith + another soldier. The guards get an in depth breiny on what to do. other elements are also put up on the roof to survey.
(9) I did. It was (b)(2)High The rounds were shot into the top of a hesco so dust would kick up and not ricochette to hit the LN. warning shots where fired while the LN was on (b)(2)High after going passed the boom gate.
PART II (2) I think the toc has a duty logg for that day (3) No. I relayed to the cp the area in which the LN was and that I was engaging the situation. I fired on my own. They are not to us.
(4) I think LT (b)(3), b(6) was battle captain at the time. The roof nco did. No guidance was given.
(5) The roof guards yell, b)(2)High, physical gestures to LNs. (b)(2)High was by 6P#1. (Col
(7) I have talked to my commander + 1S6, MAJ. (b)(3)(b)(6) my company xo, 1 LT (b)(3), b(6)
prior to the 15-6 LT (b)(3), b(6) [illegible]
(b)(2)High

(b)(2)High

(1) The LN continued to enter the cop. He also continued to get close to the barriers by the Porta Johns. He hid and came out by that area. People other LNs were yelling at him which he acknowledged, He acknowledged (b)(2)High and continued to enter.
(2) the local nat. was persistant to [illegible] walk around the cop. He acknowledged but still came inside the cop.
(3) I did when he was close to the porta johns. He was not engaged because he was behind barriers where we couldn't see him.
(4) I had no optics to observe him with. I saw him from b)(2)High to (b)(2)High
(5) The (b)(2)High caught my eye then I saw the LN covering his face and walking. Although he was b)(2)High He peeked out from behind his hands. I could only see his torso prior to the shoot on (b)(2)High He was not visible on b)(2)High. He was behind the barrier.
She walked towards the barriers and continued to walk.
(9) I think the toc has footage of it.
(10) There was no effort made only when med aid was given.
(11) No there were not due to the time and the LN's location.
(12) No
(13) Maybe a sign direction pedestrains to go to the other gate and a terpo at the roof.
(14) I don't think they were prepared to go out instead of recieve.
(15) No there's not.
(16) I Do not know. (18) Toc monitors the same freq as the roof guards (19) I don't know (20)

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 5. 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 [illegible] R REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUE[illegible] (b)(3), b(6) [illegible]ENT.

_____
(Signature of Person Making Statement)

WITNESSES:

_____

_____

_____
ORGANIZATION OR ADDRESS

_____

_____

_____
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of Jan, 2008
at Cop Callahan, Iraq

_____ (b)(3), b(6) [illegible]th)

_____
(Typed Name of Person Administering Oath)

_____
(Authority To Administer Oaths)

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

PAGE 3 OF 3 PAGES

DA FORM 2823, NOV 2006

APD PE v1.00

CENTCOM 012758

EOF_2-82ABN_2-325AIR_22OCT07

IO (b)(3), b(6) 2

(b)(2)High

(b)(2)High

Q. Did the LN go over or under or around the Boom Gate?

A. I do not know. The RTO told me that the LN was sitting on a jersey barrier then he walked in the ECP passed the boom gate. I did not see when he walked in. When I walked out on the lower roof he was already past the boom gate and he was being lased.

Q. Para 9, do you remember who specifically replied or instructed you of what action to take once the LN was confirmed not to be the mayor?

A. No one gave me instructions. The LN moved from behind the barriers on crimson and proceeded like he was going ~~toward~~ towards the area where the porta johns ~~where~~ were. I was told what the mayor was wearing after the LN was behind the barriers. At no time did he try of attempt to turn around to leave the area or ECP.

Q. You stated the dust was visibly kicked up in front of the local nation when warning shots were fired?

A. Yes there was a good amount of dust kicked up where the warning shots was fired. He saw the dust. When I picked my weapon up he saw me. I shot a second one her ran to the barriers and hid behind them.

Q. Prior to firing the first shot, the choice to do so was purely your own and without guidance from the TOC?

A. I was mines based off of the EOF and from no guidance. I felt he was a threat based from where he was located. I saw more than 5 people go to the latrines before I roved upstaies. When I looked at the LN I could not tell if he had vest on because of the distance he was waved by me and SSG bailey to leave the area but insisted to continue to walk towards the barriers. The local nation had reached in his pockets a few times prior to him (b)(3)(b)(6) towards the barriers where the shot was taken.

Nothing follows

CENTCOM 012759

(2-82 125 Part II)

Part I After each ? write a reply, comments @ any time.

Facts portion. Is there an SOP for the Roof Guards and specifically for the Roof Guard NCO? If so, does it contain the EOF measures they can implement? Are there know (b)(2)High d explained in the SOP? (b)(2)High Roof guards stated they didn't know who was on shift, how can that be? Do the oncoming

(b)(2)High

while on shift? If medical attention could have been provided sooner, would the LN's chance of survival increased or at least his condition been rated as stable when he was MEDEVAC? A statement made, indicated the LN had blunt force trauma to the head. Was this trauma caused by CF or did the LN have this injury when he crossed the Boom Gate?

Findings, Para a. During a heightened state of alert, what additional measure do

(b)(2)High

2. On the 22nd it is stated the guards were briefed to be on the look out for emplacement of IDF weapons or rockets, not a potential suicide bomber? Did each Roof guard and those in the TOC have a clear understanding of the EOF SOP to be enforced, the location of (b)(2)High

(b)(2)High

3. Was a dedicated Arabic speaker included as part of the guard force or TOC that day? Is it in any SOP to have an on hand Arabic speaker for the Roof guard and TOC?

4. Is it an enemy TTP to use intoxicated LNs to be suicide bombers? On 5 Oct when an intoxicated Iraqi turned himself into COP Callahan, had he walked from the Boom Gate to the East ECP? Were any of the same guards on duty during both incidents on the 5th and the 22nd?

(b)(2)High

CENTCOM 012760

Para c. What position was the Boom Gate in? Was it secured in that position? Did the LN walk around the gate or go over/under the gate? Are the warning signs in both English and Arabic? Is it known whether the LN can read either language? Where there pictures taken of the Boom Gate that show the signs present that day?

Para e. Where was SGT (b)(3), b(6) at this time? Did the LN ever look up at guard position three when they began to use (b)(2)High What were there thoughts of what action(s) to take? What did the SOP, Roof NCO, and or TOC suggest IRT action(s) to take? Who of the Roof Guards and who of the TOC enforced what action(s) to take?

Para f. States a close up view of the LN could not be done, why? How was it that statements describe how the LN was acting, dressed, and that he patted himself then? Was the LN in view or not?

Para g. Efforts to stop the LN did not appear to make the LN fear for his life, rather he maintained a deliberate pace until he stopped - while facing the COP and was subsequently shot. At any point, was the LN seen running by any of the guards or TOC? Did anyone in the TOC see the LN run or any hostile intent displayed by the LN? If so, what guidance did the TOC offer? If there was no guidance offered by the TOC, what did the Roof NCO instruct the guards to do? Over the radio did anyone every say or imply the LN might be mentally handicapped? Did anyone walk where the LN did to see why he walked near the barriers, perhaps to avoid obstacles in his path and or (b)(2)High Did any guard or the TOC ever see the LN react to verbal CF warnings to include anything said by civilians?

Para h. Had the LN ever looked up and recognized the Roof guards? If so, when and what guards? Where was the first and second warning shots fired in relation to the LN, in front/behind to the side? Were the shots placed close enough to the LN to kick up visible debris/dust for the LN to see? If not, and the LN was deaf, he may never have known of the Roof Guards attempts to deter his continued advance. How many total shots were fired that day and by whom during this incident? Did SGT (b)(3), b(6) fire purely on his own initiative? Was it right before the LN was shot that the LN was seen putting his hands in his pockets? If so, which pockets?

Para i. Do you think the LN's movements across his chest were hostile in nature or demonstrating that he was harmless and without a weapon? Explain in this situation how a LN should properly communicate to CF? Did the Roof Guard and TOC confirm that the LN was acting in a hostile or non hostile manner? Who has the final say if the Roof NCO and the TOC disagree about raising EOF measures? Was there mutual concurrence that day as to the use of warning and disabling shots?

Para j. Had EOF measure been attempted prior to the LN passing through the Boom Gate? Why wasn't the LN stopped shortly after passing the gate and or while he was traveling North parallel to (b)(2)High Why, if an SOP is in place and the TOC was involved, was the LN allowed to proceed onto (b)(2)High

Para k. How much time did it take from when the LN was shot until the first CF medical Soldier arrived in order to render medical aid? Why did it take that amount of time and why were the Soldiers (b)(2)High if the COP was in a heightened security posture? On what date and time was a family member of the LN contacted? Who was the family member that was contacted and by whom from COP Callahan? Where did this contact take place and what was the gist of the conversation? Is it known why the LN was in the area?

Para l. Since the LN didn't react in the same manner as other civilians had, did the Roof NCO and or TOC recognize this and offer any guidance? Did anyone convey that the LN might be mentally retarded? Did the conversation with the family provide details as to the LN's mental or financial status?

Para n. If the TOC has the video camera and communication with the Roof NCO, why weren't EOF measures used at the Boom Gate or sooner tha (b)(2)High (b)(2)High Was the common thought of the guards and TOC that the LN was drunk or handicap? Or, were guards not attentive which allowed the LN to pass the Boom Gate? Did the Roof Guards have Bullhorns to use during their shift and was each Bullhorn in proper working condition? If Bullhorns were used, was Arabic used to convey CF warnings?

Para p. Where is the Senior Sheik from that was selected to contact the LN's family? Why is the Sheik being used to establish contact with a family member? To date, a family has not been contacted?

Part II

After reviewing the video and without reading the packet or hearing audio, my question is why was the LN shot? He had walked for some distance putting his hands up, did a self pat of himself, looked as if he was drunk, and then presented himself towards the COP clearly showing he had no visible weapons.
1. When did you, the roof guards, the TOC determine the LN was a threat? (at the NW corner) Why do you think the LN was presenting a threat? Draw on the storyboard slide at which location(s) you determined the LN was a threat. Draw on the slide where you lost sight of any portion of the LN, i.e. his hands, torso, legs, etc. (Per Grd position, each side should be diff, i.e. if all positions were manned) What SOP, guard instructions, or actions of the LN support your decision that the LN was a threat?

2. SGT (b)(3), b(6) what instructions were you given? Anything new presented? Which position(s) were you assigned to man?

3. SGT (b)(3), b(6) draw and write on the slide the actions before shift, during shift, specifically until the LN was taken away, that day. (Go on the roof and have him reenact these actions, take photos) Why didn't he fire from position three?

(b)(2)High

5. Was any particular TTP running through your mind? Was any scenario in your mind to play out during your shift? Did you ever think the LN was mentally retarded/ drunk/ distressed? In the guard instructions are suicide bombers on foot, covered? Talk me through the procedures. Was this on your mind?

6. For each of the guards on the roof that day (specifically (b)(2)High what kind of comms do you have with each of the guards? Are the comms and freq between those on the roof and the other guards the same? What kind of comms did you have with the TOC? Did you maintain comms that day and throughout the duration of this incident? Who did you talk with during the time the LN passed the Boom Gate until after he was taken away?

7. During a heightened state of alert or security posture, what do the guards do in addition as outlined by the guard NCO/OIC and per SOP and the TOC? Who manned each guard position? Was each position on the roof manned that day? (Interview those in (b)(2)High

8. (Have each Roof Guard position walk me through the actions they took during the time the LN was lazed with the dazzler until he was taken away) Write and draw the action you observed and performed during the time of the incident on the provided slide

9. Who fired warning shots? What guard position fired warning shots? What type of weapon fired and were did the round hit? Were warning shots fired while the LN was or (b)(2)High of the COP?

Part III

1. Who has a copy of the medical report from the COP's clinic and the HN clinic? Was the LN known by anyone in the COP? Where did the LN live/work? Did he have any known ailments, handicaps, dependencies? Is there a TOX report for the LN? If so, was he intoxicated and or did he have drugs in his system? What could cause him to act and walk like he was under the influence? Did he die in front of the COP, in the COP's clinic, enroute to a local clinic, or at the HN clinic? What was the cause(s) of his death? Has anyone called the COP IRT this

incident and his death? Has anyone attempted to initiate/receive any type of claims?

2. Does anyone have pictures of the LN, the guard positions, or pictures related to this incident? Are the Roof Guards' and TOC communications recorded?

3. Did the roof guards or TOC allow the LN to get closer before determining the LN as a threat? Was permission requested to shoot the LN, if so, by who and who replied? If no guidance was given by the TOC to give the order to fire, did you fire on your own? (b)(2)High

4. Who was present in the TOC for the duration of this event? Who took charge of the situation, the TOC or the roof guards? What guidance was given, ordered and by whom?

5. Does each guard position have a bull horn? How do the roof guards warn LNs outside of the COP perimeter? (b)(2)High was available but not in a timely manner; has pre-scripted messages been recorded to warn LNs during similar situations?

7. Have you or anyone you know, talked with anyone about this incident, sent info to or seen info on a Blog site/eMail?

Part IV

1. Describe the events leading up to the escalation of force (EOF) incident. Include a description of the specific EOF measures employed, if any, prior to the use of warning shots or lethal force.

2. Provide as much information as possible about the local national that was killed as a result of the use of EOF procedures and any property damaged during the use of EOF procedures (if you were on guard duty, use the slide provided to depict what actions you took).

3. Since deadly force was used by Coalition Forces, describe in as much detail why. At the time, Sergeant (SGT) (b)(3), b(6) F Co, 2-325th AIR, engaged the local national with deadly force, what was his/your reason(s)? What did the local national do or fail to do that prompted SGT (b)(3), b(6) to believe that the local national was engaging in a hostile act and/or demonstrating hostile intent? What imminent threat did you believe the individual posed?

(b)(2)High

(b)(2)High

6. How long did you observe the LN, did you observe him on (b)(2)High and on (b)(2)High ? What type of optics did you use to observe him that led you to believe that the LN was an imminent threat?

For those on the roof:

7. From the angle at which you were located on the roof, explain how much of the local national you could see and for how long prior to the LN being shot? What alerted you to the LN's presence?

8. The raid tower video shows the incident fairly well. Prior to the fatal shot, the local nation stopped, faced COP Callahan, and raised his right hand. To what extent was this action visible to you on the roof? What your interpretation of these actions?

9. Was this incident being viewed in the Battalion TOC as it occurred? What was your role? What, if any direction or oversight did you provide to the rooftop guards? What role does the leadership have IRT the 1SG, PL, Co Commander?

10. Describe what, if any, effort was made to detain the local national. If no effort was made, explain why not.

11. Were any efforts made to communicate with the local national using an interpreter? If not, why not?

12. Do you, or do you know any Troopers that hate Iraqis and want to kill them?

13. What additional EOF measures, if any, should have been attempted prior to engaging the local national?

14. Why did it take so long for CF to respond in order to provide medical aid? Who made the decision and when to send medical aid?

15. Is there a DA-6 at the Plt, Co, or Bn level that assigns Soldiers to assume and occupy the roof guard positions? Who has the DA-6 or roster for the day of this incident?

16. Is there a DA-6 that shows who worked in the TOC at the time of this incident?

17. How was it decided to select the IO for this incident? Was it by a DA-6, an SOP, or hand picked?

18. Who can hear both the Roof Guard comms and the TOC comms? Whose responsibility is it to monitor both?

19. Did anyone ask questions of the LN's in the near vicinity after the LN was taken from (b)(2)High

20. Is there any other facts or anything that I or the command should be aware of to assist Troopers with handling similar incidents in the future?

Privacy Act Statement

Pursuant to 10 U.S.C. 3013 and Army Regulation 15-6, we request this information. This information will be used to evaluate the facts and circumstances currently under investigation. Your response is not mandatory. However, your failure to respond will require that we evaluate this matter without the benefit of your input. This information will be used in determining the appropriateness of any action, including adverse administrative action. Department of Defense employees, acting within their official capacity, who have a need to know this information, will have access to this information. This information may be used as the basis for adverse personnel action, and documents reflecting this information and such action may be filed in your official personnel files.

Affidavit

I, (b)(3), b(6) have read or have had read to me this Privacy Act Statement. I fully unde s of the entire statement.

(b)(3), b(6)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13TH day of JAN, 2008 at 1575 COP CALLAHAN, 2-82, 2BCT, IRA.

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

(Signature of Person Administering Oath)

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

(Type name of Person Administering Oath)

(Authority to Administer Oath)

CENTCOM 012767

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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	2. DATE	3. TIME	4. FILE NO.
COP CALLAHAN	13 JAN08	1516 HRS	2-82 IBS Part II

5. NAME (Last, First, MI)
(b)(3), b(6)

6. SSN
(b)(3)(b)(6)

7. GRADE/STATUS
E-5/SGT.

8. ORGANIZATION OR ADDRESS
F Co. 3/325 AIR

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army _____ and wanted to question me about the following offense(s) of which I am suspected/accused: _____

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything. (3), b
2. Anything I say or do can be used as evidence against me in a criminal trial)(3), b(6
3. *(For personnel subject to the UCMJ)* I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both)(3), b(

   - or -

   (For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.
4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS *(Continue on reverse side)*

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES *(If available)*

1a. NAME *(Type or Print)*

b. ORGANIZATION OR ADDRESS AND PHONE

2a. NAME *(Type or Print)*

b. ORGANIZATION OR ADDRESS AND PHONE

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

4. SIGNATURE OF INVESTIGATOR
(b)(3)(b)(6)

5. TYPED NAME OF INVESTIGATOR
(b)(3)(b)(6)

6. ORGANIZATION OF INVESTIGATOR
HHC 2BCT 2-82 ABN

Section C. Non-waiver

1. I do not want to give up my rights
   ☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT *(DA FORM 2823)* SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

DA FORM 3881, NOV 1989 EDITION OF NOV 84 IS OBSOLETE APD PE v2.01ES

CENTCOM 012768

EOF_2-82ABN_2-325AIR_22OCT07

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

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 Social Security Number (SSN).

PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
COP CALLAHAN	20080113	2030	2-82 125 Part II

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), b(6)		O4/RA

8. ORGANIZATION OR ADDRESS
HHC/2-325 AIR

9.

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

SEE ATTACHED CONTINUATION SHEETS.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF ____ 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 _____ TAKEN AT _____ DATED _____

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 _____. 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)

WITNESSES:

_____

_____

_____
ORGANIZATION OR ADDRESS

_____

_____

_____
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of Jan, 2008
at OP Callahan, Iraq

(b)(3)(b)(6)
(Signature of Person Administering Oath)

(b)(3)(b)(6)
(Typed Name of Person Administering Oath)

_____
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT	PAGE OF PAGES

DA FORM 2823, NOV 2006

APD PE v1.00

CENTCO 0

EOF_2-82ABN_2-325AIR_22OCT07

IO (b)(3), b(6) x 3

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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
COP Callahan	2008/01/13	2030	2-82 125 Part II

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), b(6)	(b)(3), b(6)	O4/RA

8. ORGANIZATION OR ADDRESS
HHC/2-325 AIR, COP Callahan, Iraq

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

Facts portion

(b)(2)High

Roof guards stated they didn't know who was on shift, how can that be? UNKNOWN. GUARD SHIFT IS PUBLISHED. MAY HAVE HAD LITTLE VISIBILITY OI (b)(2)High POSITIONED ON THE ROOF TO COVER A SPECIFIC AVENUE OF APPROACH DUE TO AN INCREASED THREAT OF A CLOSE PROXIMITY CHEMICAL ATTACK ON COP CALLAHAN.

(b)(2)High

If medical attention could have been provided sooner, would the LN's chance of survival increased or at least his condition been rated as stable when he was MEDEVAC? UNKNOWN. MEDICAL AIDE COULD NOT BE PROVIDED ANY FASTER THAN IT WAS.
A statement made, indicated the LN had blunt force trauma to the head. Was this trauma caused by CF or did the LN have this injury when he crossed the Boom Gate? UNKNOWN. UNWARE OF ANY BLUNT FORCE TRAUMA TO THE HEAD ON THE LN PRIOR TO OF AFTER THE ENGAGEMENT.

Findings, Para a.

(b)(2)High

(b)(2)High

Who were the primary Soldier heard speaking during this incident? SGT (b)(3)(b)(6) AS THE ROOFTOP NCO

2. On the 22nd it is stated the guards were briefed to be on the look out for emplacement of IDF weapons or rockets, not a potential suicide bomber? UNKNOWN.

(b)(2)High

3. Was a dedicated Arabic speaker included as part of the guard force or TOC that day? YES. THERE IS AN INTERPRETER POSTED AT THE ECP GUARD SHACK 24/7.

(b)(2)High

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF _____ 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.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF (b)(3), b(6) TAKEN AT COP Callahan, Iraq DATED

9. STATEMENT *(Continued)*

(b)(2)High

Were any of the same guards on duty during both incidents on the 5th and the 22nd? UNKNOWN

(b)(2)High

Is a copy of the briefing given to the guards on the 22nd maintained on file? UNKNOWN

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

Para c. What position was the Boom Gate in? CLOSED
Was it secured in that position? UNKNOWN
Did the LN walk around the gate or go over/under the gate? AROUND THE GATE.
Are the warning signs in both English and Arabic? YES.
Is it known whether the LN can read either language? UNKNOWN, THUS A LARGE ARROW WITH THE IRAQI FORBIDDEN SYMBEL OVER TOP OF IT IS ALSO ON THE SIGN.
Where there pictures taken of the Boom Gate that show the signs present that day? UNKNOWN.

Para e. Where was SGT)(3), b(6 this time? ON THE ROOF.
Did the LN ever look up at guard position three when they began to use (b)(2)High FROM REVIEWING THE VIDEO IT APPEARS HE DID.
What were there thoughts of what action(s) to take? UNKNOWN. INCIDENT WAS STILL UNDER FSC CONTROL AT THAT POINT AND NOT RAISED TO TOC ATTENTION AS THE ROOF GUARDS EMPLOY EOF MEASURES MANY TIMES EACH DAY.

(b)(2)High

Para f. States a close up view of the LN could not be done, why? (b)(2)High

(b)(2)High

How was it that statements describe how the LN was acting, dressed, and that he patted himself then? Was the LN in view or not? IN SOME CASES THE LN WAS IN VIEW TO ROOF GUARDS, OR THb)(2)HigCAMERA SYSTEM, OR THE)(2)HigCAMERA; OTHER TIMES HE WAS NOT VISIBILE DUE TO BEING IN THE DEADSPACE CREATED. WHEN I SAW THE INDIVIDUAL GO DOWN FROM BEING SHOT HE HAD JUST REAPPEARED A FEW SECOND PRIOR IN THE VIEW OF THE RAID CAMERA.

Para g. Efforts to stop the LN did not appear to make the LN fear for his life, rather he maintained a deliberate pace until he stopped - while facing the COP and was subsequently shot. At any point, was the LN seen running by any of the guards or TOC? NO, THAT IS WHAT MADE HIM APPEAR TO BE A THREAT.
Did anyone in the TOC see the LN run or any hostile intent displayed by the LN? If so, what guidance did the TOC offer? YES, HIS ACTIONS WERE COMPLETELY ERRATIC IN REGARDS TO THE THOUSANDS OF OTHER LN'S THAT HAVE BEEN PROCESS THROUGH THE ECP'S. THE TOC DID NOT OFFER GUIDANCE AS THE ECP OPERATION WAS UNDER THE FSC'S COMMAND AND CONTROL AND IT WAS NOT UNTIL A FEW SECONDS BEFORE THE LN WAS SHOT THAT THE RAID TOWER OPERATOR CALLED THE TOC'S ATTENTION TO THE INDIVIDUAL.
If there was no guidance offered by the TOC, what did the Roof NCO instruct the guards to do? UNKNOWN. IF THE ROOF TOP NCO HAD FOLLOW THE EOF PROCEDURES SPECIFIC TO THE (b)(2)High
Over the radio did anyone every say or imply the LN might be mentally handicapped? NOT THAT I OVERHEARD.
Did anyone walk where the LN did to see why he walked near the barriers, perhaps to avoid obstacles in his path and or the light of the Dazzler? I HAVE WALKED THAT ROUTE DOZENS OF TIMES AND DISMOUNTED PATROLS WALK IT MULTIPLE TIMES EACH DAY, THERE WAS NOTHING THAT FORCED HIM TO WALK INTO THE DEADSPACE.
Did any guard or the TOC ever see the LN react to verbal CF warnings to include anything said by civilians? YES, THE LN WAVED HIS ARMS ERRATICALLY AND THEN MOVED INTO THE DEAD SPACE.

INITIALS OF PERSON MAKING STATEMENT