

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1558 DATED 14 March 07

9. STATEMENT (Continued)

*Not used*

(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

(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 14<sup>th</sup> day of March, 2007 at COP(b)(2)High

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

*(Signature of Person Administering Oath)*

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

*(Typed Name of Person Administering Oath)*

JO

*(Authority To Administer Oaths)*

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

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**To Start:**

-What is your assigned duty MOS 68W, how long have you been doing this MOS 3 years and with your current unit 10 months? Have any other MOSs? How long have you been in the Mil (b)(6) Army (b)(6) ?(b)(3), (b)(6)

-What I need from you; discussion, recreate what you experienced per event on the 9<sup>th</sup> of Mar to include what you/they saw, heard, witnessed, did as far as being instructed, and did individually, to be covered. (in part, to validate current TTP, SOPs, and ROE or adjust them)

**Questions:**

What had you, your team/plt done the day prior to the incident? (b)(2)High  
 (b)(2)High How much down time had you, your team/plt had? 7 hrs

-What did you/your team do the day of 9 Mar before (convoy, snap check point, ect?) EOF incident? Conducted Patrol (b)(3), (b)(6)

-What kind of a pre convoy or mission brief did you receive for that days event/s, can you recall what was said? yes If yes, what? (b)(2)High  
 (b)(2)High

Who gave the pre convoy/mission briefs PL and PLT Sgt  
 Did you understand each brief given? yes Did anyone ask for clarifications? no

-On 9 Mar what was the weather like? Clear Sunny Sunny, dusty, warm, etc?  
 Around 1800 what was the weather like (dusk, clear, windy, calm)  
Clear Calm

What was the conditions (trash, obstacles, people, wet, dry, dusty, sun in your eyes or the drivers, etc) like on the street? Dry, clear, no pedestrians (b)(3), (b)(6)

What was the conditions (SAB) like in the neighborhood? normal  
 -For Veh 1 was a hostile intent or emanate danger displayed? If yes/no (per ROE answer in that context), explain Did not see vehicle till after it had been shot by our personnel

-For Veh 2 was a hostile intent or emanate danger displayed? If yes/no, (per ROE answer in that that context) explain Did not see vehicle till our after our personnel shot it

-For Veh 1 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???  
N/A

-For Veh 2 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???  
N/A

-As the Veh 1 approached your position EOF steps from ROE were taken? Was there sun in your eyes or their eyes? (b)(2)High

As the Veh 2 approached your position, what EOF steps from ROE were taken? Was here s... or their  
yes? (b)(2)High

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

Who had first weapon contact with Veh 1 N/A What did that soldier  
do/automatic reaction or instructed by? N/A

Who had first contact with the passengers in Veh 1? N/A What did he/they  
do? Secured driver to prevent possible further threat (b)(3), (b)(6)

Did anyone observe what contents were observed in or around the Veh 1? If so, who?  
any Iraqis try to intervene? If so, were they told to stop - did they? No other  
personnel tried to intervene (b)(3), (b)(6)

Did anyone observe what contents were observed in or around the Veh 2? If so, who?  
any Iraqis try to intervene? If so, were they told to stop - did they? People around  
vehicle volunteered to help (b)(3), (b)(6)

Who besides U.S. soldiers and HN saw Veh 1?

Iraqi civilians, Iraqi police

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its  
content? No (b)(3), (b)(6)

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

Who besides U.S. soldiers and HN saw Veh 2?

I.P.s

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its  
content? Took casualties to the hospital, as far as the  
vehicle I don't know (b)(3), (b)(6)

Did U.S. Sm keep control of Veh 1, its contents, and the individuals? yes

If yes/no, explain why/not Too keep security of fellow  
troops and injured civilian (b)(3), (b)(6)

Did U.S. Sm keep control of Veh 2, its contents, and the individuals? yes

If yes/no, explain why/not Keep security of fellow troops  
and injured civilians (b)(3), (b)(6)

Who had first weapon contact with Veh 2 N/A What did that soldier  
do/automatic reaction or instructed by? N/A (b)(3), (b)(6)

Who had first contact with the passengers in Veh 2 don't know What did he/they  
do? Began extraction of injured

Did anyone observe what contents were observed in or around the vehicle? I don't  
know

What was seen? N/A (b)(3), (b)(6)

Who besides U.S. soldiers saw the vehicle and the HN individuals in Veh 2?

Local civilians, Iraqi Police (b)(3), (b)(6)

(b)(3)(b)(6) Did onlookers, IA/NP/? do anything with the HN in Veh 2, and or its content?  
Took casualties to hospital (b)(3)(b)(6)

~~Did the U.S. keep control of Veh 1, its contents, and the individuals?  
If yes/no, explain why/not~~

~~Did the U.S. keep control of Veh 2, its contents, and the individuals?  
If yes/no, explain why/not~~

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

**Training:**

(b)(3)(b)(6) When Kuwait prior to arrival in Iraq and where did you receive Elevation of Force training?

Did you understand it as it was explained? If yes/no, explain yes, I have deployed before, I was explained several times prior to arrival in Iraq (b)(3)(b)(6)

(b)(3)(b)(6) Tell me what your understanding of EOF is? Measures taken to protect soldiers and HN from harm. (b)(3)(b)(6)

(b)(3)(b)(6) Explain to me what an EOF kit is? Protective measures to keep soldiers secure

What is it designed to do?

Does your unit have one? yes Did you/your team/Plt have its use included in TTP yes SOP yes and or pre mission/convoy briefs yes

Have you been trained on how to use/implement a EOF kit? yes If yes,

expla

(b)(2)High

-2-325 has a good track record for EOF use, why is that? We want to do what's right

(b)(2) High

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

Did you get a new ROE card for Iraq? yes May I read it? yes

(b)(3), (b)(6) On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 1 came from and its actions

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b)(3), (b)(6) Are they any actions you would do different next time-why or why not I only  
treated the casualties so no (b)(3), (b)(6)

-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 2 came from and its actions \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are they any actions you would do different next time-why or why not Again I  
only treated casualties so no (b)(3), (b)(6)

\_\_\_\_\_  
\_\_\_\_\_

b)(3), (b)(6) When and where did you received ROE training? (b)(2)High  
Explain what ROE means Rules for engaging possible hostile behavior (b)(3), (b)(6)

Can I read your ROE Card? yes Verify it is from Iraq? (b)(3), (b)(6)

Do you have anything else you want to say and add to this or your statement? No nothing  
else to follow (b)(3), (b)(6)

6

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

091837MAR07, EVENT 2 X ESCALATION OF FORCE.

(2)Hi

SHA/AB, 2-325 AIR, 2/18/82 AB

UNIT: 2/18/2-325 AIR

LOCATION: [redacted] (2)H

EVENTS: Made turn onto [redacted] (2)H

Convoy lead vehicle shot to disable possibly hostile vehicle.

**EVENT 1**

(b)(2)High

**EVENT 2**

(b)(2)High

Heard shots fired, while tending to first event wounded, was called to the front for possible second event casualties

(b)(2)High

(b)(2)High

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

6

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

? What vehicle 6  
LAST

... approach since the d. of Jump mishap  
... 1558  
... FINISH 1737  
Is this you in the pic? Yes

1) What vehicle were you in? Humvee, #24 trail vehicle  
" Type vehicle was it? see above  
Who were the other occupants? SPC (b)(3), (b)(6) SPC (b)(3), (b)(6)  
SFC (b)(3), (b)(6) (b)(3), (b)(6)

2) Did anyone get the driver of Veh. 1 personal information? unknown/sy wife?

3) The driver of Veh. 1 was the only known passenger?  
yes (b)(3), (b)(6)

4) Did the front passenger of Veh. 2 speak english? no  
or did you have an interpreter? no (b)(3), (b)(6)

5) What type of injuries did the two girls in Veh. 2 sustain? <sup>(b)(3), (b)(6)</sup> Gun shot wounds to neck <sup>up to spinal column</sup> and thorax to the girl in mid rear seat, Girl on the driver side rear to the arm and abdomen, Girl in middle seat was hit by (b)(2)High rounds, Girl in rear behind driver was hit by (b)(2)High and (b)(2)High round (b)(3), (b)(6)

6) What injury if any did the mother/front passenger sustain? Mother took son in to local civilian house, and is not permitting us to treat her. (b)(3), (b)(6)

7) What injury did the boy sustain? Minor superficial wounds and possible eye injury due to broken glass. I was able to do visual assessment before moving to the other 2. (b)(3), (b)(6)

8) Veh. driver of Veh. #2 sustained a decapitation or the bullet ~~to~~ wounds to his head caused what? Driver of #2 vehicles head was destroyed by 50 cal fire (b)(3), (b)(6)

9) What took the bodies & victims to a hospital - 12 ambulances? Iraqi Police SUVs (b)(3), (b)(6)

From the north line up was exploded away - see brown vertical line  
EOP (b)(6) 2/23/07 9 MAR 07 (b)(3), (b)(6)  
16-4-07 placed it after rear window was broken

**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 <u>COP Ford</u>	2. DATE <u>19 Mar 07</u>	3. TIME <u>1410</u>	4. FILE NO. <u>2/82-023</u>
5. NAME (Last, First, MI)	8. ORGANIZATION OR ADDRESS <u>2 PCT Dco 2/325 AIR</u>		
6. (b)(3), (b)(6)	7. GRADE/STATUS <u>E-4</u>		

**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 HHC, 2BCT, 82 AB and wanted to question me about the following offense(s) of which I am suspected/accused: EOF Measure used on 9 Mar 07

- 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:
- I do not have to answer any question or say anything (3), (b)
  - Anything I say or do can be used as evidence against me in a criminal trial (3), (b)(6)
  - (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.
  - 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 (3), (b)

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)		3. SIGNATURE OF INTERVIEWEE  (b)(3)(b)(6)
1a. NAME (Type or Print)		4. SIGNATURE OF INVESTIGATOR  (b)(3)(b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE		5. TYPED NAME OF INVESTIGATOR (b)(3)(b)(6)
2a. NAME (Type or Print)		6. ORGANIZATION OF INVESTIGATOR <u>HHC, 2BCT, 2-82 AB</u>
b. ORGANIZATION OR ADDRESS AND PHONE		

**Section C. Non-waiver**

- 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

**SWORN STATEMENT**

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

**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  
**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 CoP Ford	2. DATE (YYYYMMDD) 20070314	3. TIME 1413	4. FILE NUMBER 2/82-023
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS 2 PLT Dec 2/325 AIR			

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

(b)(3), (b)(6) our convoy made a right turn on (b)(2)High there was a call made over the radio saying there was a car moving at a high rate of speed towards the convoy the lead truck made every attempt to get its attention but the car never slowed down at all, there was a warning shot fired by the lead truck it still did not slowdown. Then there was a disabling shot fired by the lead truck, still did not slow down, noticing it didn't decrease speed the gunner fired at the drivers side of the car, the car continued to move past the first truck at that point the second truck had opened fired on to the drivers side, the car was moving so fast it continued to roll all the way to the third truck, it stopped just short of the third truck. I then got out of the third vehicle which I was in the passenger seat, had my weapon pointed at the driver telling him to get out of the car, I then noticed and called up on the radio that he had a head injury, when the driver stood up I also noticed he had a leg injury, it was a bullet wound to the left ankle area. Approx. 10 min went by as we were treating the wound when I then heard another warning shot, there was a call on the radio saying there was another speeding car moving towards the convoy which was now stopped because of the first incident, The shots drew my attention to the lead vehicle, there were two warning shots, the five or six disabling shots, the car was only about 75 to 100 meters out at this time, it was moving so fast that the shots to destroy came soon after, the car was only (b)(2)High during these shots (b)(3), (b)(6)

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

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 Ford DATED 14 Mar 07

9. STATEMENT (Continued)

(3), (b)  
The gunner shot into the drivers side windshield killing the driver and the two passengers behind the driver, the car finally came to a halt just before the second vehicle, (3), (b) we then rushed to the car to see what the damage was, we didn't try to save the driver because there were obvious reasons why, the drivers head had been taken almost completely off by a 50cal round, we immediately got the little boy who was in the back passenger side seat out, took a look at him didn't appear to have any injuries, the passenger in the car who was the mother was out of the car before we even reached the car, we then started trying to get the two little girls that had been hit out of the back seat, we then busted the window of the drivers back window to unlock the rear drivers side door. We noticed the injury to the girl on the far drivers side was very bad, we had to have a stretcher to move her, the stretcher arrived we pulled the first girl out who appeared to still be breathing, but stopped shortly after we pulled her out, The girl in the middle had already stopped breathing. At this point we had been there a good 30 minutes so we were told if your not needed to return to your truck, so I then returned to my truck, The next thing I remember is the bodies being placed in body bags and the National or Iraqi Police taking them away (3), (b)(6)  
Nothing Follows

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

PAGE 2 OF 3 PAGES



To Start:

-What is your assigned duty MOS 11B, how long have you been doing this MOS 2 yrs and with your current unit 10 months? Have any other MOSs?

How long have you been in the Mil Army?

-What I need from you; discussion, recreate what you experienced per event on the 9<sup>th</sup> of Mar to include what you/they saw, heard, witnessed, did as far as being instructed, and did individually, to be covered. (in part, to validate current TTP, SOPs, and ROE or adjust them)

Questions:

-What had you, your team/plt done the day prior to the incident? As per 14 hours  
How much down time had you, your team/plt had? As per 14 hours

-What did you/your team do the day of 9 Mar before (convoy, snap check point, ect?) the EOF incident?

-What kind of a pre convoy or mission brief did you receive for that days event/s, can you recall what was said? No If yes, what?

Who gave the pre convoy/mission briefs PL/ILT

Did you understand each brief given? yes Did anyone ask for clarifications? No

-On 9 Mar what was the weather like? Clear Sunny, dusty, warm, etc?  
Around 1800 what was the weather like (dusk, clear, windy, calm)

What was the conditions (trash, obstacles, people, wet, dry, dusty, sun in your eyes or the drivers, etc) like on the street? No obstacles, few people, dry

What was the conditions (SAB) like in the neighborhood?

-For Veh 1 was a hostile intent or eminent danger displayed? yes If yes/no (per ROE answer in that context), explain The car was coming at a high rate of speed didn't decrease speed at all during flashing lights and warning shots.

-For Veh 2 was a hostile intent or eminent danger displayed? yes If yes/no, (per ROE answer in that that context) explain Same as vehicle 1

For Veh 1 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???

yes, after the EOF measures the vehicle kept a straight path towards us. only swerving out of the way of the first vehicle.

-For Veh 2 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???

Same as the vehicle 1.

-As the Veh 1 approached your position. what EOF steps from ROE were taken? Was there sun in your eyes or their eyes

(b)(2)High

(3), (b)

As the Veh 2 approached your position, what EOF steps from ROE were taken? Was there ~~sun in your eyes or their eyes?~~ (b)(2)High (3), (b)(

-Who had first weapon contact with Veh 1 did not see What did that soldier do/automatic reaction or instructed by? do not know  
Who had first contact with the passengers in Veh 1? Me and Sto(3), (b)(c) What did he/they do? Told him to get out of the vehicle noticed he was wounded started first aid.

-Did anyone observe what contents were observed in or around the Veh 1? If so, who? (any Iraqis try to intervene? If so, were they told to stop – did they? do not know (3), (b)

-Did anyone observe what contents were observed in or around the Veh 1? If so, who? (any Iraqis try to intervene? If so, were they told to stop – did they? First truck in convoy

-Who besides U.S. soldiers and HN saw Veh 1?

Don't know (3), (b)

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? No (3), (b)

3), (b)-Who besides U.S. soldiers and HN saw Veh 2?

Don't know (3), (b)

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? No (3), (b)

-Did U.S. Sm keep control of Veh 1, its contents, and the individuals? Yes

If yes/no, explain why/not Because we didn't know what he had and didn't want his belongings stolen (3), (b)(

-Did U.S. Sm keep control of Veh 2, its contents, and the individuals? Yes

If yes/no, explain why/not Same as Veh 1 (3), (b)

-Who had first weapon contact with Veh 2 First Veh in Convoy What did that soldier do/automatic reaction or instructed by? Don't know (3), (b)(

-Who had first contact with the passengers in Veh 2 Don't know What did he/they do? Don't know (3), (b)

Did anyone observe what contents were observed in or around the vehicle? Yes

What was seen? Brain on the street (3), (b)

-Who besides U.S. soldiers saw the vehicle and the HN individuals in Veh 2?

Don't know (3), (b)

-Did onlookers, IA/NP/? do anything with the HN individuals, Veh 2, and or its content?  
No

~~Did the U.S. keep control of Veh 1, its contents, and the individuals?~~

~~If yes/no, explain why/not~~

~~Did the U.S. keep control of Veh 2, its contents, and the individuals?~~

~~If yes/no, explain why/not~~

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

**Training:**

-When Nov 06 and where did you receive Elevation of Force training?

Did you understand it as it was explained? If (yes) no,

explain Fort Bragg, we train on EOF all the time and is understood

-Tell me what your understanding of EOF is? Only do what is necessary to stop harm from coming to you or your fellow soldiers

-Explain to me what an EOF kit is?

What is it designed to do? Get attention

Does your unit have one? Yes Did you/your team/Plt have its use included in TTP Yes SOP Yes and or pre mission/convoy briefs Yes

Have you been trained on how to use/implement a EOF kit? Yes If yes, explain (b)(2)High

-2-325 has a good track record for EOF use, why is that? We only do what is necessary to stop a threat

(b)(2)High

Did you get a new ROE card for Iraq? Yes May I read it? Yes

-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 1 came from and its actions See Map

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
-Are they any actions you would do different next time-why or why not No, I feel  
everything that was done was done the way we were trained (3), (b)

\_\_\_\_\_  
-On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 2 came from and its actions See Map

(3), (b)

\_\_\_\_\_  
-Are they any actions you would do different next time-why or why not No, Everything  
was done according to SOP (3), (b)

-When and where did you received ROE training? (b)(2)High \_\_\_\_\_  
Explain what ROE means what can and can't be done in certain situations

-Can I read your ROE Card? yes Verify it is from Iraq (3), (b)

-Do you have anything else you want to say and add to this or your statement? No (3), (b)

091837MAR07, EVENT 2 X ESCALATION OF FORCE,

(2)Hi

SHA'AB, 2-325 AIR, 2/DI/2/82 AB

UNIT: 2/DI/2-325 AIR

LOCATION: (2)H

EVENTS:

Trucks in convoy O cars engaged

1-1 Flashing of lights and horn approx 30m

1-2 Warning shots approx (2)H

1-3 Shoot to disable approx (2)Hi

1-4 Shoot to kill approx (2)Hi

1-5 observe Veh 2 opened fire

approx from Veh 2 in  
convoy (2)H

EVENT 2

(b)(2)High

Event has  
Flashing lights horns (2)H  
Warning shots approx (3)(b)  
Shoot to disable approx warn maybe less (2)H  
Shoot to kill approx (2)Hi  
vehicles approx (2)H  
in convoy approx

(b)(2)High

b)(2)High

## 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 <p style="text-align: center; font-size: 1.2em;">COP FORD</p>	2. DATE <p style="text-align: center;">14 Feb 2007</p>	3. TIME <p style="text-align: center;">1118</p>	4. FILE NO. <p style="text-align: center;">2/82-023</p>
5. NAME 6. (b)(3), (b)(6) GRADE/STATUS <p style="text-align: center;">E-4</p>	8. ORGANIZATION OR ADDRESS <p style="text-align: center;">2pt Dec 2/325 AIR</p>		

### 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 HHC, 2<sup>nd</sup> BCT, 2 82 AB 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. (b)(3), (b)(6)
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)(6)

- 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. (3), (b)(6)

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)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		(b)(3)(b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		4. SIGNATURE OF INVESTIGATOR	
		(b)(3)(b)(6)	
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR	
		(b)(3)(b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OR ADDRESS	
		<u>HHC, 2BCT, 2-82 AB</u>	

#### 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

SWORN STATEMENT

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

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
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 COP FORD 2. DATE (YYYYMMDD) 2007 03 14 3. TIME 11 18 4. FILE NUMBER 2192-023

5. (b)(3), (b)(6) 7. GRADE/STATUS E-4

8. ORGANIZATION OR ADDRESS 2pltdco 21325 AIR

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

(3), (b) March the 9th 2007 2pltdco 21325 AIR. Conducted a presence patrol starting at 14:00 hrs. We were supposed to patrol with the National Police together but they didn't show up at the agreed rally point, the ALKUDS POLICE STATION. We were briefed that towards the end of our patrol we were to (b)(2)High from COB Callaghan. to COP FORD. OUR Plt Sgt SFC (b)(3), (b)(6) wanted us to be back at Coy (b)(2)High before Night Fall. We left base with 4 vehicles: (b)(2)High was the lead truck with SGT (b)(3), (b)(6) as the TC. PVT (b)(3), (b)(6) as the driver and SPC (b)(3), (b)(6) back seat. Nothing significant happened during our presence patrol and around 17:00 our Lt ordered us to go to COB Callaghan (b)(2)High (b)(3), (b)(6) + (b)(2)High at Callaghan. with the government's vehicle in our convoy: (b)(2)High with PFC (b)(3), (b)(6) from 213 to drive and 2/1A SPC (b)(3), (b)(6) as his TC, and D (b)(3), (b)(6)

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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 COPFORD DATED 14 FEB 2007

9. STATEMENT (Continued)

(3), (b)

~~The briefed route~~ The route we were briefed on was

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

and from

(b)(2)High

on

(b)(2)High

INTO COP FORD.

APPROXIMATELY 5 minutes after we left COB Callaghan we turn right from (b)(2)High onto (b)(2)High

We signaled all civilian traffic to halt when our convoy passed as a security measure to prevent us from getting hit by VBIED's and Drive-bys.

We used the horn of our vehicles and our high beam headlights, ~~and~~ as we always did and the vehicles would either stop and let us drive by or turn around and leave away from the convoy.

Shortly after we turned onto (b)(2)High we encountered the usual oncoming traffic, went through all the above mentioned signal procedures and the local nationals would stop and/or turn around about (b)(2)High out. Some had a ~~the~~ longer reaction time

and didn't stop or notice us at first but did <sup>eventually</sup> (b)(3)(b) When the white vehicle approached. We signaled it like all other vehicles to stop.

When the vehicle <sup>closed</sup> ~~was~~ in to about (b)(2)High I engaged the vehicle with my ~~weapon~~ (b)(2)High with the intention to disable and stop the it aiming at the engine block and front tires. Because of the speed the

vehicle was approaching us at, between (b)(2)High mph, I decided to use the (b)(2)High without trying to use my m4 first I did not have sufficient time to fire a warning shot and engage with (b)(2)High

I perceived the vehicle as a ~~threat~~ imminent threat and it was my duty to protect the convoy and eliminate it. Unfortunately a (b)(2)High (b)(3), (b)(6)

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

PAGE 2 OF 3 PAGES

STATEMENT (Continued)

(b)(3), (b)(6) ricocheted off the motorblock and injured the drivers leg. We set up a 360° security perimeter and our medic treated the injured local national with first aid. Sgt (b)(3), (b)(6) and SPC (b)(3), (b)(6) disappeared to be better to control the traffic and secure the scene. Nine minutes after I engaged the white vehicle a black vehicle approached us at about (b)(2)High mph. The dismounts on the ground went step by step through all steps of our EOF procedures, both signalized with their taillights + hands to stop. The driver of our HMVEE flashed the high beams at the vehicle. When the vehicle still didn't show any sign of decrease in speed. SPC (b)(3), (b)(6) and SGT (b)(3), (b)(6) both fired warning shots. There was still no decrease in the vehicles speed and SGT (b)(3), (b)(6) and SPC (b)(3), (b)(6) engaged the vehicle with their (b)(2)High aiming for the grill of the vehicle. The vehicle still showed no sign of slowing down and I engage the vehicle with my (b)(2)High aiming for the engine block. The speed of approach of the vehicle resulted the rounds in hitting the cab as well. I had aimed at the right side of the vehicle so (b)(2)High case the vehicle didn't stop the rounds would take out the driver. When the (b)(2)High hit the cab I immediately saw the driver (b)(2)High and I heard a noise screaming. We moved forward (b)(2)High s the car and set up our EOF kit and pulled security for those trying to help the wounded passengers (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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 14<sup>th</sup> day of MARCH, 2007 at COP (b)(2)High

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(b)(2)High

(Typed Name of Person Administering Oath)

IO

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

21

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

SAB = SAME AS ASIDE  
HN = HOST NATION

**To Start:**

-What is your assigned duty MOS 11B, how long have you been doing this MOS 2 1/2 years and with your current unit 2 years? Have any other MOSs? How long have you been in the Mil (b)(6) Army (b)(6)?

-What I need from you; discussion, recreate what you experienced per event on the 9<sup>th</sup> of Mar to include what you/they saw, heard, witnessed, did as far as being instructed, and did individually, to be covered. (in part, to validate current TTP, SOPs, and ROE or adjust them)

**Questions:**

-What had you, your team/plt done the day prior to the incident? presence patrol (3), (b) 12M How much down time had you, your team/plt had? can't say (3), (b)(6)

-What did you/your team do the day of 9 Mar before (convoy, snap check point, ect?) the EOF incident? presence patrol in an AO. (3), (b)(6)

-What kind of a pre convoy or mission brief did you receive for that days event/s. can you recall what was said? yes If yes, what? (b)(2)High (3), (b)

(b)(2)High

3), (b)

Who gave the pre convoy/mission briefs no good to be leaving (3), (b)

Did you understand each brief given? yes Did anyone ask for clarifications? yes (3), (b)(6)

-On 9 Mar what was the weather like? Sunny warm Sunny, dusty, warm, etc?

around 1800 what was the weather like (dusk, clear, windy, calm)

early dusk (b)(3), (b)(6)

-What was the conditions (trash, obstacles, people, wet, dry, dusty, sun in your eyes or the drivers, etc) like on the street? dry, few people on sidewalk, no trash or obstacles

What was the conditions (SAB) like in the neighborhood? noth know in that vicinity

-For Veh 1 was a hostile intent or eminate danger displayed? yes If yes/no (per ROE) (3), (b)(6) answer in that context), explain the vehicle was a threat to the convoy (3), (b)

(3), (b)(6)

because of the high rated speed it was going at. It could have been a VBIED. (3), (b)(6)

-For Veh 2 was a hostile intent or eminate danger displayed? yes If yes/no. (per ROE) Sm answer in that that context) explain same as veh 1 (3), (b)(6)

-For Veh 1 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???

the vehicle did not slow down until I shot it, it swerved to the right to avoid collision with the lead vehicle. It posed a threat to the convoy and any body in our vicinity (3), (b)(6)

-For Veh 2 did you think the veh was or would be a threat or danger to you/the team or to the populace? (which or all?) If yes/no, explain – did the veh speed up or slow down or swerve or prior to and then after EOF measure were taken???

yes the vehicle was a threat to our vehicle and the welfare of the dismounted para troopers (b)(3), (b)(6)

-As the Veh 1 approached your position. what EOF stens from ROE were taken? Was there sun in your eyes or their eyes? (b)(2)High

EOI

(b)(2)High

(3), (b)(6)

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

As the Veh 2 approached your position, what EOF steps from ROE were taken? Was there sun in your area or their eyes?

(b)(2)High

(b)(2)High

Who had first weapon contact with Veh 1 I did what did that soldier do/automatic reaction or instructed by? automatic reaction

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

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

Who had first contact with the passengers in Veh 1? The truck What did he/they do? signaled with the high beams + headlights

(b)(2)High

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

Did anyone observe what contents were observed in or around the Veh 1? If so, who? (any Iraqis try to intervene? If so, were they told to stop - did they? No, and no)

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

Did anyone observe what contents were observed in or around the Veh 2? If so, who? (any Iraqis try to intervene? If so, were they told to stop - did they? NO)

Who besides U.S. soldiers and HN saw Veh 1?

No

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

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? no

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

Who besides U.S. soldiers and HN saw Veh 2?

people who lived in the houses on that street

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

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? some on looker tried to help the passengers from the 2nd vehicle. IA showed up later

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

Did U.S. Sm keep control of Veh 1, its contents, and the individuals?

If yes/no, explain why/not Yes

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

Did U.S. Sm keep control of Veh 2, its contents, and the individuals?

If yes/no, explain why/not Yes

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

Who had first weapon contact with Veh 2 I did what did that soldier do/automatic reaction or instructed by? automatic

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

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

Who had first contact with the passengers in Veh 2 2/3 What did he/they do? They signaled with every means from headlights to lights to whistles etc

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

Did anyone observe what contents were observed in or around the vehicle?

answered above

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

What was seen?

Who besides U.S. soldiers saw the vehicle and the HN individuals in Veh 2?

answered above

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

(3), (b) -Did onlookers, IA/NP/? do anything with the HN individuals, Veh 2, and or its content?

\_\_\_\_\_ *answer above* (b)(3), (b)(6) \_\_\_\_\_

Did the U.S. keep control of Veh 1, its contents, and the individuals?  
If yes/no, explain why/not \_\_\_\_\_

Did the U.S. keep control of Veh 2, its contents, and the individuals?  
If yes/no, explain why/not \_\_\_\_\_

) (3) (b) (6)

**Training:**

) (3), (b) (6) -When \_\_\_\_\_ and where did you receive Elevation of Force training?  
Did you understand it as it was explained? If yes/no

explain

(b)(2)High

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

(b)(2)High

) (3), (b) (6) -Tell me what your understanding of EOF is? *the EOF is in place to prevent collateral damage and reduce damage to non combatants* \_\_\_\_\_  
\_\_\_\_\_ (b)(3), (b)(6) \_\_\_\_\_

Explain to me what an EOF kit is.

) (3), (b) (6) What is it designed to do? *warn + stop individuals and traffic and let them know US force was present*  
Does your unit have one? *yes* Did you/your team/Plt have its use included *in my SOP*

in TTP *yes* SOP *yes* and or pre mission/convoy briefs \_\_\_\_\_

) (3), (b) (6) Have you been trained on how to use/implement a EOF kit? \_\_\_\_\_ If yes, (b)(3), (b)(6)

explain

(b)(2)High

) (3), (b) (6)

) (3), (b) (6) -2-325

(3), (b) (6)

) (3), (b) (6)

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

(b)(2)High

(3), (b) (6)

(3), (b) (6)

(3), (b) (6)

(3), (b) (6)

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

) (3), (b) (6) Did you get a new ROE card for Iraq? *yes* (b)(3), (b)(6) May I read it? *yes* (b)(3), (b)(6)

) (3), (b) (6) On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 1 came from and its actions *see map* \_\_\_\_\_

(3), (b) (6)

EOF

(b)(2)High

) (3), (b) (6)

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

-Are they any actions you would do different next time-why or why not

-  
-

(b)(2)High

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

On the Story board provided by your unit, draw and explain; where you were, what you saw, what you were told to do, what you heard, what you saw others doing, and any other events or details you can remember. Draw the U.S. vehicles, direction of warning and other shots fired, where/how EOF measures were located/conducted, direction Veh 2 came from and its actions

*See map* (b)(3), (b)(6)

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

-Are they any actions you would do different next time-why or why not

-  
-

(b)(2)High

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

-When and where did you received ROE training? US  
Explain what ROE means \_\_\_\_\_

(b)(2)High

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

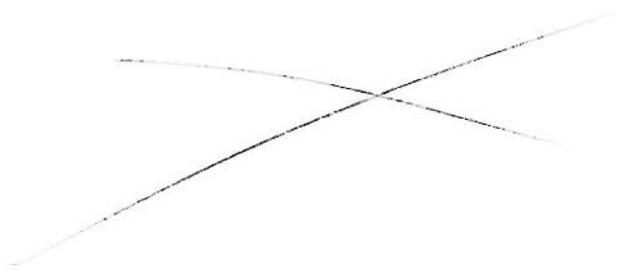
-Can I read your ROE Card? yes Verify it is from Iraq?

-Do you have anything else you want to say and add to this or your statement?

*No*

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

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



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

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