

**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 <b>COS FORD</b>	2. DATE (YYYYMMDD) <b>20070313</b>	3. TIME <b>1120</b>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <b>(b)(3), (b)(6)</b>		6. SSN <b>(b)(3), (b)(6)</b>	7. GRADE/STATUS <b>E-4 SPC</b>
8. ORGANIZATION OR ADDRESS <b>2ND SQUAD 2PLT DCO 2/325</b>			

9. I, **(b)(3), (b)(6)**, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
**(b)(3), (b)(6)**  
 ON THE 9<sup>TH</sup> OF MARCH I WAKE UP AT 0800 TO EAT AND GET READY FOR THE PATROL THAT WE DO DAILY, AROUND NOON IS WHEN WE STARTED OUR PATROL, BUT BEFORE WE TAKE OFF WE GET A BRIEF FROM OUR PLS AND PL. HALF WAY THROUGH OUR PATROL WE STOPPED BACK A COS FORD TO PICK UP THE LMTV, THEN HEADED TO COS CALLAHAM TO PICK UP SUPPLIES. WHEN WE ARRIVED WE LOADED THE LMTV THEN SOON AFTER LEAF. WHEN WE TOOK OF WE WERE GOING TO TAKE **(b)(2)High** TO **(b)(2)High** TO **(b)(2)High** THEN COS FORD. AFTER PASSING **(b)(2)High** , PUTTING OUR CONVOY ON **(b)(2)High** ~~TO~~ **(b)(2)High** HEADING TO **(b)(2)High**  
 W. WE WERE SWERVING AND FLASHING OUR LIGHTS TO WARN THE PEOPLE TO PULL OVER. AFTER 6 OR 7 VEHICLES ONE VEHICLE WAS NOT PAYING ATTENTION TO OUR SWERVING OR THE FLASHING OF OUR LIGHTS. NEXT THING I SAW WAS SPARKS COMING FROM THE VEHICLE AND THE LOUD SOUND COMING FROM THE SO CO. WE STOP TO GIVE THE MAN FIRST AID. MY TRUCK PULLED SECURITY TO THE FRONT, DOWN **(b)(2)High** AND DOWN **(b)(2)High** AT **(b)(2)High** I WAS **(b)(2)High** ALL THE VEHICLES TO TURN AROUND. MOST OF THEM WOULD TURN AROUND AT **(b)(2)High** AND A COUPLE ~~WAS~~ GOT CLOSER TO **(b)(2)High** THEN TURN AROUND. SHORTLY AFTER A VEHICLE CAME OUR WAY AND WAS NOT PAYING ATTENTION TO A VEHICLES HEADLIGHTS AND TWO SURE FIRES ON THE GROUND. THE VEHICLE **(b)(3), (b)(6)**

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <b>(b)(3), (b)(6)</b>	PAGE 1 OF <b>3</b> 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 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 ISS FORD DATED 13 MARCH 07

STATEMENT (Continued)

3), (b) APPROACHING AT THE HEADLIGHTS ON SO WE COULD NOT SEE WHO OR HOW MANY PEOPLE WERE IN THE VEHICLE. AFTER ALL THE WARNINGS WITH THE LIGHTS THE VEHICLE SHOWED NO SIGNS OF SLOWING DOWN. WE WAITED ~~WITH~~ WITH IN ~~FEET~~ (b)(2)High WE GAVE A WARNING SHOT AT A WALL TO THE LEFT. THE VEHICLE STILL SHOWED NO SIGN OF SLOWING DOWN. ~~SO~~ SGT. (b)(3), (b)(6) AND I WERE HOPING THAT HE WOULD STOP OR SLOW DOWN. THE VEHICLE KEPT COMING AND SHOWED NO SIGNS OF SLOWING DOWN WITHIN (b)(2)High SGT (b)(3), (b)(6) AND I FIRED AT THE ENGINE BLOCK TO DISABLE. MUETTER DID THE SAME AND SHOT THROUGH THE DRIVERS SIDE. THE VEHICLE STOP WITH THE FRONT END ~~EVEN~~ WITH OURS FRONT END). SGT (b)(3), (b)(6) AND I HERD YELLING FROM THE VEHICLE AND QUICKLY REALISED THAT THERE WAS CHILDREN IN THE VEHICLE. WE IMMEDIATELY CALLED FOR A MEDIC AND PULLED OUT THE ONES THAT WERE OK BUT SLIGHTLY INJURED. ~~WE~~ I WENT BACK AND FORTH BETWEEN PULLING SECURITY AND HELPING WITH THE BOOGIES. THE IPS CAME TO TAKE THEM TO THE HOSPITAL. SOON AFTER WE TOOK OFF BACK TO LOBB (b)(2)High (b)(3), (b)(6)

Q: WHEN DRIVING, TO GET APPROACHING VEHICLE ATTENTION HOW FAST DO YOU DRIVE? AND DO YOU ALWAYS SWERVE? AND FLASH YOUR LIGHTS?

A: WE DRIVE (b)(2)High MPH, YES WE ALWAYS SWERVE AND FLASH OUR LIGHTS, AND WE USE OUR HORN ALL THE TIME.

Q: ~~DO~~ (b)(3), (b)(6) WHAT DID THE 6-7 VEHICLES BEFORE THE 407 VEHICLES DO?

A: THE SECOND VEHICLE (b)(2)High ENGAGED THE FIRST VEHICLE AND THEN THE CONVOY CAME TO A STOP, THEY PULLED OVER

Q: THE SPARKS YOU SAW CAME FROM THE (b)(2)High ~~VEHICLE~~ FIRED AT THE APPROACHING VEHICLE? DID THE ROUNDS HIT THE STREET OR HAD THE VEHICLE TO CAUSE THE SPARKS?

A: THE ROUNDS HIT THE ENGINE BLOCK AND THE LEFT SIDE OF THE WINDOW.

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF \_\_\_\_\_

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

TAKEN AT COP (b)(2)High

DATED 13 MARCH 07

9. STATEMENT (Continued)

Q: WHO PERFORMED 1ST AID - WHO PLACED SECURITY FROM YOUR VEH?

A: DOL (b)(3), b(6) PERFORMED FIRST AID. SGT (b)(3), (b)(6) (b)(3), (b)(6) GABBI PLACED SECURITY.

Q: WHO TOLD THE (b)(2)High GUNNER TO FIRE?

A: HE TOOK ACTION BECAUSE HE FELT THREATENED

Q: IF YOU SIT BEHIND THE DRIVER - HOW DO YOU "SURE FIRE" VEHICLES?

A: I WAS ON FOOT ~~FOR~~ AFTER THE FIRST VEHICLE

Q: FOR THE VEHICLES THAT TURNED AROUND, WAS THERE ANY VEH 2 TO USE AND DIDNT SEE THE "SURE FIRE" AND (b)(2)High "SHOTS"?

A: NO WE STARTED WARNING THEM AT A DISTANCE (b)(2)High

Q: THE WARNING SHOT FIRMS, WAS IT VISIBLE WHEN IT WAS FIRED? WHEN IT STRUCK THE WALL? AND WAS IT A TRACER RED?

A: NO I DON'T THINK THE WARNING SHOT WAS VISIBLE, BUT THE NOISE SHOULD OF GOT THERE ATTENTION YOU COULD SEE FLASHES FROM OUR WEAPONS. NO IT WAS NOT A TRACER.

Q: HOW DID YOU KNOW SGT HOLT WAS HOPING THAT THE VEH WOULD STOP?

A: HE TOLD ME AFTER

Q: WHO TOLD (b)(3)(b)(6) TO FIRE? DISMOUNTED SOLDIERS

A: AGAIN HE FELT THAT THE PEOPLE ON THE GROUND WERE THREATENED SO HE TOOK FIRE.

Q: DID THE BP TAKE ANYTHING FROM VEH 1 OR VEH 2 BESIDES BODIES?

A: THEY TOOK THE VEHICLES. WE NEVER SEARCHED THEM TO MY KNOWLEDGE.

AFFIDAVIT

I, \_\_\_\_\_ (b)(3), (b)(6) \_\_\_\_\_, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE \_\_\_\_\_ 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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13<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)

IO

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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

PAGE 3 OF 3 PAGES

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

**To Start:**

What is your assigned duty MOS TEAM LEADER, how long have you been doing this MOS 3 months and with your current unit yes? 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? Normal Routine  
How much down time had you, your team/plt had? at least 3 hours (b)(3), (b)(6)

What did you/your team do the day of 9 Mar before (convoy, snap check point, ect?) the EOF incident? 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? \_\_\_\_\_ If yes, what? (b)(2)High

(b)(2)High

Who gave the pre convoy/mission briefs PIS, PL (b)(3), (b)(6)

Did you understand each brief given? yes Did anyone ask for clarifications? yes

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

Around 1800 what was the weather like (dusk, clear, windy, calm) (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? NONE (b)(3), (b)(6)

What was the conditions (SAB) like in the neighbor hood? SAB

For Veh 1 was a hostile intent or eminent danger displayed? H If yes/no (per ROE answer in that context), explain SHOWED NO SIGN OF SLOWING DOWN AND PICK UP SPEED. DID NOT HEED WARNINGS. (b)(3), (b)(6)

For Veh 2 was a hostile intent or eminent danger displayed? H If yes/no, (per ROE answer in that that context) explain (b)(2)High

(b)(2)High

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???

SAB (b)(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???

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

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

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

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

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

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

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

Who had first contact with the passengers in Veh 1? \_\_\_\_\_ What did he/they do? CALLED FOR A MEDIC \_\_\_\_\_

(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? DON'T KNOW \_\_\_\_\_

(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? SAB \_\_\_\_\_

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

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

DONT KNOW \_\_\_\_\_

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? \_\_\_\_\_

DONT KNOW \_\_\_\_\_

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? NO BUT IP'S TOOK THE VEHICLE \_\_\_\_\_

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

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

If  yes/no, explain why/not WE WERE SAFEGUARDING THE HN UNTIL WE GOT HELP. \_\_\_\_\_

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

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

If  yes/no, explain why/not SAB \_\_\_\_\_

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

Who had first weapon contact with Veh 2? SGT HOLT \_\_\_\_\_ What did that soldier do/automatic reaction or instructed by? FIRE HIS WEAPON \_\_\_\_\_

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

Who had first contact with the passengers in Veh 2? SG \_\_\_\_\_ What did he/they do? LOOKED AND ASKED IF SHE WAS OK. \_\_\_\_\_

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

Did anyone observe what contents were observed in or around the vehicle? NO \_\_\_\_\_

What was seen? \_\_\_\_\_

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

IP'S \_\_\_\_\_

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

Did onlookers, IA/NP/? do anything with the HN individuals, Veh 2, and or its content?

IP'S TOOK THE SADDLES AND THE VEHICLE (3), (b)(6)

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

If yes/no, explain why/not SAB (3), (b)(6)

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

(3), (b) If yes/no, explain why/not SAB (b)(3), (b)(6)

Train

When (b)(2)High (b)(3), (b)(6) did you receive Elevation of Force training?

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

explain TO PROTECT THE CONVOY FROM VBIEDS, DRIVE BY SHOOTERS (3), (b)(6)

Tell me what your understanding of EOF is? SAB (3), (b)(6)

Explain to me what an EOF kit is? CONES, SPIKE STRIPS, CHEM LIGHTS, CONSTANTINE, SIGN (3), (b)

What is it designed to do? STOP VBIEDS OR DRIVE BY SHOOTERS (3), (b)(6)

Does your unit have one? yes Did you/your team/Plt have its use included

in TTP SOP yes, for our EOF 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)High (b)(3), (b)(6)

-2-325 has a good understanding of EOF now, why is that? GOOD TRAINING (b)(3), (b)(6)

(3), (b)

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

(3), (b)(6)

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

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

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

-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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
-Are there any actions you would do different next time-why or why not NO, I would not want to take a risk of losing another soldier (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 (b)(3), (b)(6)

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

\_\_\_\_\_  
\_\_\_\_\_  
-Are there any actions you would do different next time-why or why not NO

\_\_\_\_\_  
\_\_\_\_\_  
-When and where did you received ROE training? (b)(2)High (b)(3), (b)(6)  
Explain what ROE means when you can engage and when you can't (b)(3), (b)(6)

-Can I read your ROE Card? Yes Verify it is from Iraq? one from (b)(2)High (b)(3), (b)(6)

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

~~\_\_\_\_\_~~

(b)(2)High

(b)(2)High

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

2 Soldiers

(3), (b)

TC runs SGT Helit

091837MAR07, EVENT 2 X ESCALATION OF FORCE

UNIT: 2/D/2-325 AIR

LOCATION: (b)(2)High

EVENTS:

MU POSITION: (b)(2)High

EVENT 1:

-23 ENGAGED VEHICLE 1  
VEHICLE STOP MOVING  
WHEN IT GOT TO THE  
LMTV, SHORTLY AFTER GAVE FIRST  
AID

EVENT 2:

W/ START WARNING, VEHICLE TO  
TURN AROUND.  
WHY: VEHICLES DRIVED AROUND IN  
THE SAME AREA  
WHY: WHEN WE GAVE THE WARNING  
SHOT  
EWH2: WHEN WE ENGAGED

EVENT

(b)(2)High

EVENT 2

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

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

## 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 10P Ford	2. DATE 13 MAR 07	3. TIME 0920	4. FILE NO. 2/82-023
5. NAME (Last, First MI)  (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS DCO 2/325 AIR		
7. GRADE/STATUS E2			

### 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, 2nd BCT, 82nd and wanted to question me about the following offense(s) of which I am suspected/accused: EOF Procedures used on 04 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:

1. I do not have to answer any question or say anything. (3), (b)(1)
2. Anything I say or do can be used as evidence against me in a criminal trial. (3), (b)(1)
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, 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)(1)

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)(3), (b)(6)	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)  (b)(3), (b)(6)	6. ORGANIZATION OF INVESTIGATOR  HHC, 2BCT, 2-82 AB
b. ORGANIZATION OR ADDRESS AND PHONE	

#### 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) 13 MAR 03	3. TIME 1006	4. FILE NUMBER 2/82-023
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E2

DC 2/325 AIR

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

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

2nd Plt was (b)(2)High from COP (b)(2)High to COP (b)(2)High we were moving fairly slow since it was dark. This was one of my first times driving for 2nd Plt. and I was in the lead vehicle. Most of the time when we are doing patrols vehicles will see us coming and either stop or turn around. The first vehicle that was hit was moving at a high rate of speed towards our convoy without slowing down. I flashed my lights at the vehicle and swerved in front of him to try to get him to stop but he didn't. He was moving too fast to act off a warning shot so my gunner sent a (b)(2)High rounds into the hood of the car to disable the vehicle. The car (b)(3)(b)(6) continued rolling past our truck and past the next one also coming to a halt just before the (b)(2)High. They found out the driver had been shot and started administering first aid. About 10 minutes later another vehicle was approaching at a high rate of speed. I flashed my lights several times and the car did not slow down the two dismounts we had, SGT (b)(3), (b)(6) and SDC (b)(3), (b)(6) fired two warning shots and the car showed no sign of slowing down. They both opened up on the hood of the vehicle and then my gunner also opened up on the car. It finally stopped at (b)(3), (b)(6) next to us. I heard screaming coming from the vehicle. They our guys were searching the vehicle trying to get the back doors open to get the 3 kids (b)(3), (b)(6)

10. EXHIBIT	11. INITIAL IN MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 PAGES
-------------	---	-------------------

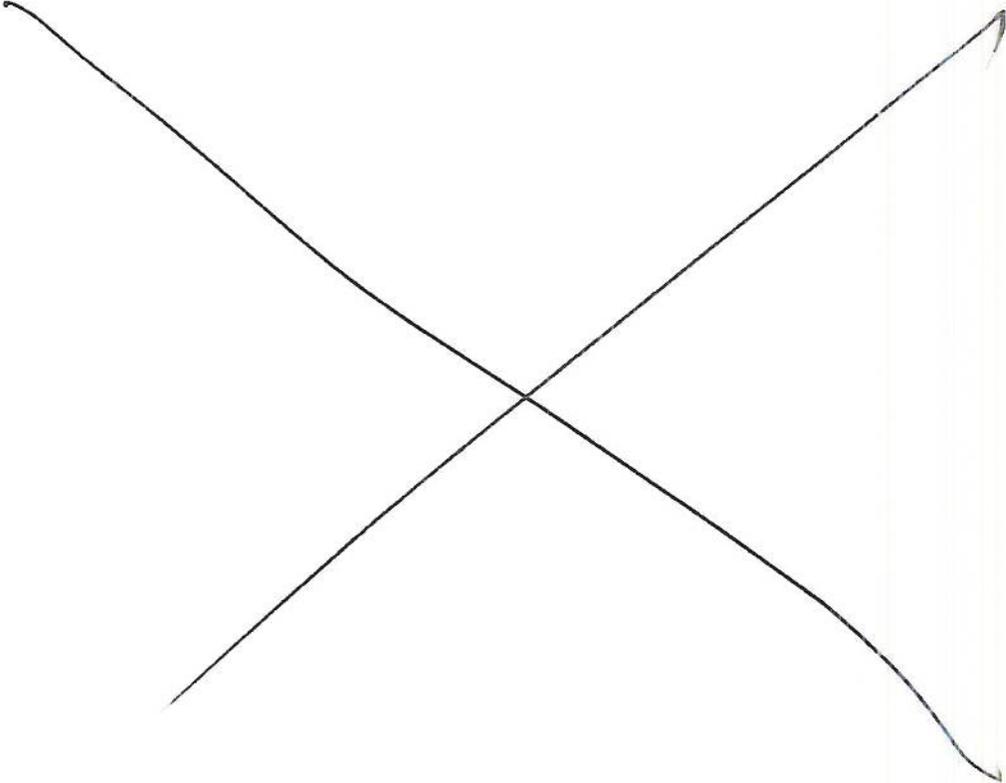
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT COP (b)(2)High DATED 13/MAR 07

9. STATEMENT (Continued)

(3), (b) trying to get the three kids out of the back. They finally broke the window and pulled them out. The little boy seemed to be ok but when they pulled out the two girls one was already dead, I couldn't see the extent of her injuries. The other girl I guess was shot in the stomach because it looked really deformed from where I sat monitoring the radio and pulling security. Later on I was told that she died shortly after being pulled from the vehicle and that the driver had been shot in the head. The mother and son seemed to be ok. The IP's had loaded up the bodies in the back of their truck, and we continued to pull security until ~~the~~ (b)(3), (b)(6) nothing follows



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

PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

Q: were NVGs being used during Veh incident #1  
A: No, it wasn't curfew yet so we had our lights on and Veh incident #2

Q: Did Veh 1 & Veh 2 ever dim their lights as they approached?  
A: No

Q: Who told the gunner in your vehicle to fire shots?  
A: he did it automatically

Q: How many shots to disable the veh were fired per incident?  
A: 8-10

Q: Did any veh in your convoy have an interpreter?  
A: No

Q: Did anyone use any HN populace as a witness  
A: I am not sure

Q: when (b)(3)(b)(1) arrived what did he instruct to be done?  
A: Continue pulling security and help give first aid

Q: Has anyone besides me questioned you about the 9...  
A: yes, the chaplain, we conducted an AAR also with Sgt (b)(3), (b)(6) and Lt. (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 FREE 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 13<sup>TH</sup> day of MARCH, 2007 at COF (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)

ORGANIZATION OF ADDRESS

ORGANIZATION OF ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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

**To Start:**

-What is your assigned duty MOS 11B, how long have you been doing this MOS 1 year and with your current unit 7 months? Have any other MOSs? How long have you been in the Mil Army (b)(6) (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? ran patrols in 2nd AO (b)(3), (b)(6) How much down time had you, your team/plt had? at home (b)(3), (b)(6)  
-What did you/your team do the day of 9 Mar before (convoy, snap check point, ect?) the EOF incident? (b)(2)High (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? no If yes. what? we had one I just don't recall what was said (b)(3), (b)(6)  
Who gave the pre convoy/mission briefs LT (b)(3), (b)(6) and SGT (b)(3), (b)(6)  
Did you understand each brief given? yes Did anyone ask for clarifications? no  
-On 9 Mar what was the weather like? hot (b)(3), (b)(6) Sunny, dusty, warm, etc?  
Around 1800 what was the weather like (dusk, clear, windy, calm)  
dusk (b)(3), (b)(6)

(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? trashy, people, vehicles (b)(3), (b)(6)

What was the conditions (SAB) like in the neighbor hood? poor  
-For Veh 1 was a hostile intent or eminate danger displayed? yes If yes/no (per ROE answer in that context), explain we thought there was a chance of it being a VBIED (b)(3), (b)(6)

-For Veh 2 was a hostile intent or eminate danger displayed? yes If yes/no, (per ROE answer in that that context) explain They were headed straight for our two dismounts who were clearly visible (b)(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 he 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? It was moving pretty fast (b)(2)High nph (b)(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 he 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?? It looked like it sped up a little (b)(3), (b)(6)

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

(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

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

-Who had first weapon contact with Veh 1 SFC (b)(3), (b)(6) What did that soldier do/automatic reaction or instructed by? automatic

Who had first contact with the passengers in Veh 1? PFC (b)(3), (b)(6) What did he/they do? told him to get out of the car (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? I dont know (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? already answered above (b)(3), (b)(6)

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

A few Iraqi passersby (b)(3), (b)(6)

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle and or its content? I saw the vehicle being towed away (b)(3), (b)(6)

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

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

Iraqi passersby (b)(3), (b)(6)

Did onlookers, IA/NP/? do anything with the HN individuals, vehicle, and or its content? I think it was also towed, a passersby may have talked to the mother (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 we pulled security and the medic was helping the driver (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 pulled security, and helped the passenger (b)(3), (b)(6)

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

-Who had first contact with the passengers in Veh 2? I dont know (b)(3), (b)(6) What did he/they do? I dont know (b)(3), (b)(6)

Did anyone observe what contents were observed in or around the vehicle? I dont know (b)(3), (b)(6)

What was seen?

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

Iraqi passersby (b)(3), (b)(6)



\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
-Are there any actions you would do different next time-why or why not No,  
(3), (b) we did what we were trained to do when we felt  
threatened in that way. 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 \_\_\_\_\_  
(3), (b) already answered (b)(3), (b)(6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(3), (b) (Are there any actions you would do different next time-why or why not \_\_\_\_\_  
already answered (b)(3), (b)(6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
-When and where did you received ROE training? after ~~two~~ months ago at my Unit (3), (b)(6)  
Explain what ROE means when and who not to shoot or engage b(3), (b)(6)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
~~-Can I read your ROE Card? \_\_\_\_\_ Verify it is from Iraq?~~

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
-Do you have anything else you want to say and add to this or your statement?  
b(3), (b)(6) I deployed to Iraq in late February  
we don't have a siren and I don't know about a loudspeaker (3), (b)(6)

1 Soldier

091837MAR07, EVENT 2 X ESCALATION OF FORCE

SHA'AB, 2-325 AIR, 2/12/182 AB

UNIT: 2/12-325 AIR

LOCATION: (b)(2)Hi

EVENTS: (b)(2)Hi

- direction of travel
  - 1st vehicle
  - 1a Flash ed lights / sner ved
  - 2b opened fire / disabing shots
  - 3c final resting place
  - 2nd vehicle
  - 1d delayed lights / warning
  - 2e opened fire / disabing
  - 3f final resting place
  - \* my vehicle
- (b)(2)Hi
- Distances from my vehicle

(b)(2)High

EVENT

EVENT 2

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

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

