

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) 20061231	3. TIME 0940	4. FILE NUMBER
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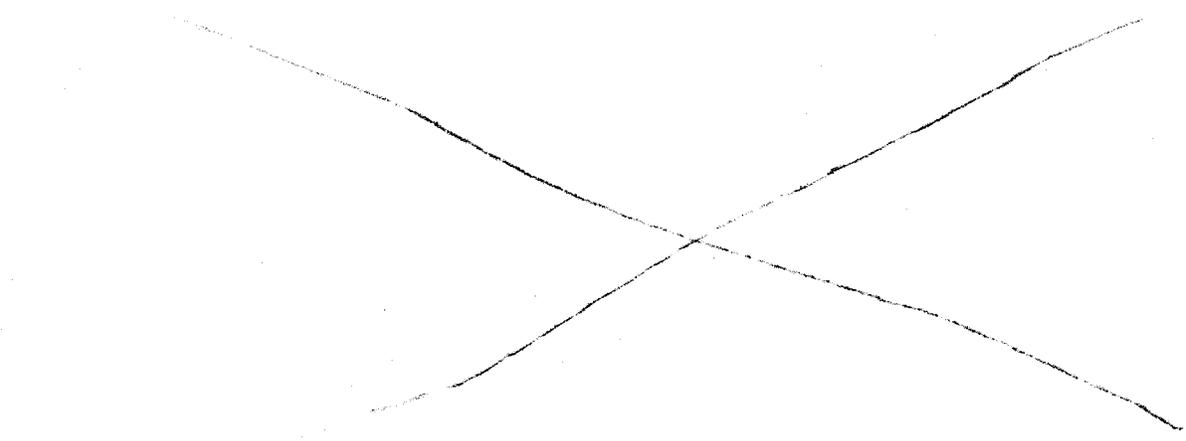
5. LAST NAME (b)(3), (b)(6)	7. GRADE/STATUS E-4/SFC
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Unit Vrs CAV MTR

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

Gunner put in data, Gunner stood on baseplate to settle system.
AG hung round weapon system fired and settled. Round landed
short, nothing out of the ordinary before and after firing.
Did standard check fire procedures stepped away from the
Gun all day and the system was correct check by SSG (b)(3), (b)(6) (6)(6)

NOTHING FOLLOWS



10. EXHIBIT 16	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF	PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF SPC

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

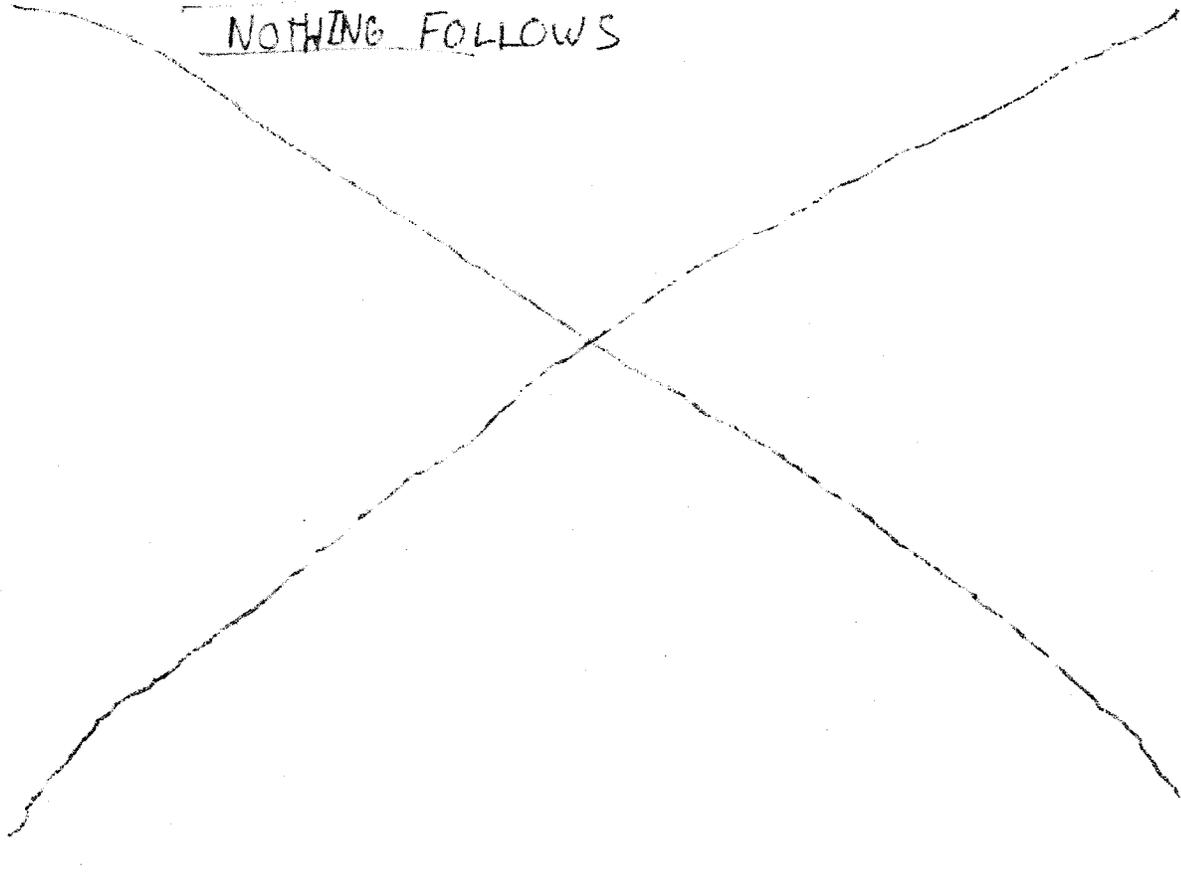
TAKEN AT

DATED 2008 10 27

9. STATEMENT (Continued)

(b)(6)

NOTHING FOLLOWS



AFFIDAVIT

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 31 day of DEC 06, at 0940

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

2LT (b)(3), (b)(6)

ORGANIZATION OR ADDRESS

COMMISSIONED OFFICER (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Speicher, Iraq	2. DATE (YYYYMMDD) 2007/01/19	3. TIME 0500	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6) (b)(6)	6. SSN (b)(6), (b)(1)1.5b (b)(6)	7. GRADE/STATUS LTC	

8. ORGANIZATION OR ADDRESS
Task Force (b)(1)1.4a, (b)(2)High

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

O/A 310900C DEC 2006, (b)(2)High mortar round fired from the (b)(1)1.4a, (b)(2)Mortar Platoon struck a LN residence, killing a LN child (b)(6) (male) and injuring a LN child (b)(6) (female). The LN residence incurred a significant amount of internal damage. I spent the next several hours gathering facts to determine what had occurred, to include time spent at the scene of the incident. The initial facts were provided via serious incident report sent by me (b)(2)High O/A 311141C DEC 2006, approximately 2 hours and 45 minutes after the incident occurred. The SIR sent remains factual and is part of the record concerning this incident. The following transpired prior to, during and following the incident. On the evening of 30 DEC 2006, the (b)(2)High conducted a displacement from our initial location, originally occupied upon our INFIL for OPN CHOCTAW. The ACP occupied a single family residence at (b)(6) @ approximately 2245. Operation CHOCTAW had been in progress for approximately 36 hours on the morning of 31 DEC 2006. At approximately 0730 hours, myself and SGT (b)(3), (b)(6) (b)(2)High (b)(2)High patrolled the security perimeter of the ACP location IOT check (b)(2)High (CSM) (b)(2)High and a battle NCO (SGT) (b)(3), (b)(6) (b)(2)High on duty, manning the radio and conducting current operations. I maintained connectivity to the command post throughout via (b)(2)High radio, monitoring the command net. The S3 (MAJ) (b)(3), (b)(6) was in a rest cycle, having conducted current operations C2 during the period of darkness covering the occupation of our new ACP location. Upon my return to the ACP O/A 0815, I encountered the (b)(2)High (CPT) (b)(3), (b)(6) preparing to depart with a patrol. When I inquired he informed me he was going to identify and clear a point of impact (POI) for a mortar registration mission. I asked if he had coordinated his patrol with the ACP, he stated he had (b)(2)High (b)(2)High. At this point I was aware the mortar registration process had commenced (b)(2)High as I approved the patrol. I did not check the composition of the patrol before its departure. I returned inside the ACP, and confirmed with CSM (b)(3), (b)(6) that the ACP was tracking the patrol's departure. Shortly thereafter I went to (b)(2)High location to check in with the LLVI and the security element, with NSTR. I had a discussion with a soldier if they were aware of a friendly patrol forward. He was, but did not know the exact route or location of the patrol. LLVI reported no monitored traffic since the prior evening. I believe (my recollection) it was about this time that I (b)(2)High the mortar platoon leader, reported that his element had eyes on 2 x MAMs thought to be conducting reconnaissance against us. We were co-located, I on the rooftop, he on the ground below. He requested to fire a warning shot. I denied his request, directing him to maintain visual contact and send a local patrol to conduct a TCO and figure out the identity, etc. of the 2 x MAMs (within) (b)(2)High of our location). I returned to the LLVI location in time to hear " (b)(2)High on the fires net (one of the security elements was monitoring (b)(2)High. Before I could inquire what we were shooting at, one mortar round was fired from the ACP location. I called the ACP via radio to determine what we were shooting at (b)(3), (b)(6) was uncertain but believed it may have been the mortar registration. Within (b)(2)High seconds I heard the impact of the round approximately (b)(2)High meters to the (b)(2)High of the ACP. I could hear the shrieks / screams of women and children commence almost immediately. I immediately knew the round had impacted the inhabited area (VO) an HHT NAI. I observed a black sedan and a LN taxi depart the area. I immediately called a cease fire on the command net, and contacted (b)(3), (b)(6) who was forward in the area to determine what was happening. He reported he had commenced mortar registration from his forward CP, the round had landed out of his impact area and had landed in a populated area. He was nearby but uncertain of damage / injury. I directed him to cease all firing, move to and secure the location, and render all possible aid to any injured. I directed a freeze to all mortar systems in addition to cancelling the registration mission. I began putting a patrol together, to include myself and my interpreter, IOT determine what had occurred, extent of damage / injuries, and commence with consequence management (CM). After my initial instructions to CPT (b)(3), (b)(6) I moved downstairs to the ACP location. I checked in with CSM (b)(3), (b)(6) told him what I believe had happened. He concurred. I was informed they knew a registration was taking place, and believed I was tracking and had approved. SGT (b)(3), (b)(6) told me it appeared the mortar tube kicked hard when fired ("it almost tipped over"). I contacted (b)(3), (b)(6) CPT (b)(3), (b)(6) to determine status. He stated he had not moved to the area yet, stating security concerns and lack of an interpreter. I once again directed him to move to the area to secure it and render aid. I told him I was sending a patrol to include my interpreter IOT render assistance. He provided an updated location on where he thought the round had struck, in addition to confirming his location, which was in a building under construction about (b)(2)High from the POI, on the (b)(2)High ledge of the populated area. I directed the ACP to get (b)(2)High over the area to determine extent of damage / security situation. I observed (via (b)(2)High SR feed) what I believed to be (b)(3), (b)(6) and his patrol departing a construction area (building with no roof). At about this time I discovered that there were no fire support personnel in the ACP. I was informed both CPT (b)(3), (b)(6) and 2LT (b)(3), (b)(6) were forward on patrol with CPT (b)(3), (b)(6) I contacted (b)(3), (b)(6) or another SITREP. He informed me that we had hit a house and killed (b)(6) no other injuries reported. I directed the S3 to be awoken / back on duty during my absence. Shortly thereafter I departed with a (b)(2)High man patrol, including my interpreter and the (b)(3), (b)(6) Chaplain (CPT) (b)(3), (b)(6) departed ACP O/A 0945, approximately 45 minutes after the incident).

10. EXHIBIT 17	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 OF LTC TAKEN AT (b)(3), (b)(6) FEB DATED 2007/01/19 Speaker
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST (b)(3), (b)(6) MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

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

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

STATEMENT OF LTC (b)(3), (b)(6) (S)(6) TAKEN AT FOB SPEICHER DATED 2007/01/19

9. STATEMENT (Continued)

Upon arrival at the scene O/A 1000 hours I recall being met by 2LT (3), (b) (2)H AS2 (he was forward with (2)H patrol), who informed me that a child had been injured and taken to the hospital. Continuing further, I found 2 x LN adult males, one of whom was holding (b)(6) girl with a head injury (scalp laceration). The little girl was being treated by SPC (b)(3), (b)(6) the ACP medic. She was in a state of shock. I was informed at this point that a LN child (b)(6) male was killed, and the (2)High girl (b)(6) before me was the only other injury. No injured person had departed the area. I checked security and moved to the POI. The glass of the back door, along with every window in the structure had been blown out. The victim was the only person inside at the time of the impact. He was killed instantly, described as (b)(6) consistent with the shrapnel effect of the round. It was apparent the fuse had been set on delay, as the round punched a small hole in the ceiling and impacted on the floor. The building itself contained the blast and shrapnel. The injured girl had been hit by flying glass from the front door. She along with the rest of her family had been outside during the attack. The father of the victim was not present, having recovered the remains of his son and moving with the rest of the family to a cousin's house nearby. We conducted an on site investigation, gathering names and witness information. I sent a patrol back to the ACP to get an (2)H camera. The patrol returned and I directed investigatory pictures. The tailfin of the (2)High mortar round was photographed where it lay (kitchen doorway) and then recovered. We established a POC for the Family (b)(6) the first cousin of the father of the victim. The family was too distraught to meet with us at that time. They planned to conduct a local burial of the deceased later in the afternoon. All elements departed the area and returned to the ACP O/A 1130. I immediately gathered the FSO (3), (b) CPT (3), (b) 1LT (3), (b) (Mortar Pl.), SFC (3), (b) (Mortar PSG). I informed them a 15-6 investigation is initiated. I directed them to freeze and collect all firing data / collect a gunline investigation. I told them all mortar missions were cancelled unless specifically authorized by me. I informed them that I would only authorize them to fire (b)(2)High I told the FSO he was not authorized to vacate the fires cell from the TAC, that this was unacceptable and to never do it again. I made a rapid determination that we had fired over an inhabited area, and had fired within (b)(2) high of an inhabited structure / LN population, twice violating my directives on use of indirect fires (b)(2)High (b)(2)High I sent the SIR higher shortly thereafter via (b)(2)High The mortar platoon leadership (I believe SFC (3), (b) but cannot specifically recall) informed me later that all firing data had been collected for the investigation / pictures taken of the guns and sights, etc. Later in the day CPT (3), (b) approached me, I knew he felt bad about the whole incident. He informed me he felt it was his fault. At the time I told him that we would gather all the facts to determine what had happened and why. I told him accidents and bad things can happen in a combat zone, and to focus on the mission at hand. We continued on with the mission and conducted infiltration as planned later that evening (see OPSUM for OPN CHOCTAW). In less than 24 hours from our exfil, I returned to the area to conduct consequence management and provide a solatia payment to the father of the deceased. The results of the mission are contained in our OPSUM for OPN REBOUND.

(b)(4)
(b)(2)
(b)(6)

(2)H

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

END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

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

AFFIDAVIT

I, LTC (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 19th day of January, 2007

at Camp (b)(3), (b)(6)

(Signature of Person Administering Oath)

(b)(6)

ORGANIZATION OR ADDRESS

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

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

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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1. LOCATION Camp Speicher, Iraq	2. DATE (YYYYMMDD) 2007/01/18	3. TIME 2240	4. FILE NUMBER
(b)(3), (b)(6)	(b)(6)	(b)(6)	7. GRADE/STATUS O4

5. ORGANIZATION OR ADDRESS
Task Force (b)(1)1.4a, (b)(2)High

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

Q: Do you recall LTC (b)(3), (b)(6) issuing guidance with respect to mortar registration prior to 31 Dec 06 (i.e. OPN CHOCTAW)?

A: YES. Prior to OPN: CHOCTAW, on a date which I do not recall but in a public forum, the Squadron Commander issued the following guidance with respect to mortar registration:

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

End of statement. Nothing follows.

10. EXHIBIT 18	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) AT Camp Speicher DATED 18 JAN 07". 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

Camp Speicher

DATED

18 Jan 07

9. STATEMENT (Continued)

Not used

Not used

Not used

Not used

I, _____

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

DO SWEAR OR AFFIRM

_____ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of January, 2007 at Camp Speicher, Iraq

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

MAJ _____
(Typed Name of Person Administering Oath)

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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1. LOCATION Camp Speicher, Iraq	2. DATE (YYYYMMDD) 2007/01/18 ^{3:00}	3. TIME 0730	4. FILE NUMBER
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5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS CPT 10-3
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8. ORGANIZATION OR ADDRESS
Task Force (b)(1)1.4a, (b)(2)High

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

Q: What guidance had you received from LTC (b)(3), (b)(6) with respect to mortar registration prior to 31 DEC 06 (i.e. prior to OPN CHCCTAW) ? (b)(3), (b)(6)

A: We were told that we could not use registration units that were (b)(2)High (b)(2)High (b)(3), (b)(6)

Nothing Else

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

10. EXHIBIT 19	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Speicher DATED 19 JAN 07"
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

Camp Speicher

DATED

18 JAN 07

9. STATEMENT (Continued)

(b)(6)

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

AFFIDAVIT

I, _____

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

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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 18th day of January, 2007 at Camp Speicher

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

(Signature of Person Administering Oath)

MAJ

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

(Typed Name)

AR 15-6 Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

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1. LOCATION Camp Speicher, Iraq	2. DATE (YYYYMMDD) 2007/01/18	3. TIME 0430	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O-4/Active	
8. ORGANIZATION OR ADDRESS Task Force (b)(1)1.4a, (b)(2)High			

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

Q: What guidance do you recall LTC (b)(3), (b)(6) giving with respect to mortar registration prior to OPERATION CHOCTAW (ie 31 Dec 06)? (b)(3), (b)(6)

A: I recall that the registration had to be observed

(b)(2)High

I don't recall any restriction against (b)(2)High

(b)(2)High

Nothing

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

10. EXHIBIT 20	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Speicher DATED 18 Jan 07"

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1. LOCATION: Camp Speicher, Iraq
2. DATE (YYYYMMDD): 2007/01/18
3. TIME: 0330
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: O3
8. ORGANIZATION OR ADDRESS: Task Force (b)(1)1.4a, (b)(2)High

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

Q: What guidance do you recall receiving from LTC (b)(3), (b)(6) with respect to mortar registration prior to 31 DEC 06 (i.e. prior to OPN CHOCTAW)? (b)(3), (b)(6)

A: I recall no specific guidance with respect to registering mortars. The topic was discussed at a (b)(2)High drill for OPN (b)(1)1.4a, (b)(2)High (not 100% sure of OPN) when C Co discussed registering their (b)(2)High mortars. The target was briefed by the C Co FSO. A short discussion followed; however, I do not recall the details as we were not planning on registering our (b)(2)High mortars.

10. EXHIBIT: 21
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) TAKEN AT CAMP Speicher DATED 18 JAN 07"
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STATEMENT OF

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

TAKEN AT

Camp Speicher

DATED

1/18/2007

9. STATEMENT (Continued)

(s)(6)

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

AFFIDAVIT

I, _____

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

_____ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 18th day of January, 2007

at Camp Speicher

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

(Signature of Person Administering Oath)

MAJ _____

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

(Typed Name of Person Administering Oath)

AR 15-6 Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 2 PAGES

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1. LOCATION Camp Speicher, Iraq 2. DATE (YYYYMMDD) 2007/01/18 3. TIME 2300 4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6) 6. (b)(6) 7. GRADE/STATUS O-3

8. ORGANIZATION OR ADDRESS Task Force (b)(1)1.4a, (b)(2)High (b)(6)

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

Q: Do you recall LTC (b)(3), (b)(6) issuing guidance with respect to mortar registration prior to 31 Dec 06 (i.e. CAPM CHOCAN)? BLW

A: I do not recall a specific date and time, but I think that I remember a time in december when it was stated that mortar registration will take place daily while on mission. I dont have any mortar systems, so I did not pay specific attention to this issue.
end of statement

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

10. EXHIBIT 22 11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6) PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) NAT Camp Speicher DATED 18 JAN 07
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

Camp Speicher

DATED

18 JAN 07

9. STATEMENT (Continued)

(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 1. 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 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 18th day of January, 2007

at Camp

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

(Signature of Person Administering Oath)

MAJ

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

(Typed Name)

AR 15-6 Investigating Officer

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: Camp Speicher, Iraq
2. DATE (YYYYMMDD): 2007/01/20
3. TIME: 0025
4. FILE NUMBER:
5. LAST NAME: (b)(3), (b)(6)
6. SSN: (S)(6)
7. GRADE/STATUS: O-3
8. ORGANIZATION OR ADDRESS: Task Force (b)(3), (b)(6)

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
Q: Do you recall LTC (b)(3), (b)(6) issuing guidance with respect to mortar registration prior to 31 DEC 06 (ie OPN CHOCTAW)? BWW
A: I don't exactly recall any specific guidance, but I do remember the SCO talking about mortar registration. I do not know of any guidance, but that doesn't mean it was not put out, I just don't remember it because it didn't involve me or my unit.
end of statement

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

10. EXHIBIT: 23
11. INITIALS: (b)(3), (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) IN AT Camp Speicher DATED 20 JAN 07
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

Camp Speicher

DATED

20 JAN 07

9. STATEMENT (Continued)

(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 1. 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR

(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 20th day of January, 2007 at Camp Speicher, Iraq

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

ORGANIZATION OR ADDRESS

MAJ

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

(Typed Name of Person Administering Oath)

AR 15-6 Investigating Officer

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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 Camp Speicher, Iraq	2. DATE 18 Jan 07	3. TIME 0520	4. FILE NO.
5. (b)(3), (b)(6)	8. ORGANIZATION OR ADDRESS HHT / Task Force		
6. SSN (b)(6)	7. GRADE/STATUS (b)(3), (b)(6)	(b)(3), (b)(6)	

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 Task Force (b)(1)1.4a, (b)(2)High and wanted to question me about the following offense(s) of which I am

suspected/accused: dereliction of duty

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.
2. Anything I say or do can be used as evidence against me in a criminal trial.
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.
- 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)		3. SIGNATURE OF INTERVIEWEE	
1a. NAME (Type or Print)		(b)(3), (b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		4. (b)(3), (b)(6)	
2a. NAME (Type or Print)		5. TYPED NAME OF INVESTIGATOR MAJ (b)(3), (b)(6)	
b. ORGANIZATION OR ADDRESS AND PHONE		6. ORGANIZATION OF INVESTIGATOR Task Force (b)(3), (b)(6)	

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 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: Camp Speicher, Iraq
2. DATE (YYYYMMDD): 2007/01/18
3. TIME: 0530
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(6)
7. GRADE/STATUS: CPT
8. OPERATIONAL ASSIGNMENT: Task Force
9. (b)(3), (b)(6)

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

Describe the context in which you received guidance from LTC (b)(3), (b)(6) about criteria for mortar registration targets.
A: The SCo told me to conduct the registration and to ensure (b)(2)High

Q: Do you recall LTC (b)(3), (b)(6) discussing specifics of mortar registration during the key leader rehearsal for either OPN (b)(1)1.4a, (b)(2)High CHECKAW? (b)(3), (b)(6)

A: NO!

Q: You stated on 3 JAN 07 that the target you selected (b)(3), (b)(6) on 31 DEC 06 violated LTC (b)(3), (b)(6) guidance; specifically, the target was closer than (b)(2) high to a structure. Did you consult LTC (b)(3), (b)(6) prior to continuing the registration? If not, why? (b)(3), (b)(6)

A: NO! Because as I stated in Exhibit 2 in my statement on 1 JAN 07 I felt the patrols safety & mission requirements outweighed a few meters. Plus, all previous registrations had been 1st round effects on the target.

10. EXHIBIT: 25
11. INITIALS OF PERSON MAKING STATEMENT: (b)(3), (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" AT (b)(3), (b)(6) DATED 18 JAN 07
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

Camp Speicher

DATED

18 JAN 07

9. STATEMENT (Continued)

Not used

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 INFLUENCE.

(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 18th day of January, 2007

at Camp Speicher, Iraq

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

MAJ

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

(Typed Name)

AR 15-6 Investigating Officer

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES