



DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
4TH BCT (ABN) 25TH ID
FOB KALSU, IRAQ
APO AE 09312-0571

REPLY TO
ATTENTION OF

APVR-ABN-CJA

28 February 2007

MEMORANDUM FOR Commander, 4th BCT (ABN), 25th ID, FOB Kalsu, Iraq, APO AE 09312-0571

SUBJECT: AR 15-6 Investigation Legal Review of an EOF Incident

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the facts and circumstances involving an Escalation of Force incident involving 1/B/2-377 PFAR near Al-Hillah, Iraq on 22 February 2007. I make the following determinations:

- a. The proceedings comply with the legal requirements under AR 15-6.
- b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation.
- c. Sufficient evidence supports the findings for an informal AR 15-6 investigation.
- d. The recommendations are consistent with the findings.

2. The POC is the undersigned at (b)(3), (b)(6), (b)(2)High@us.army.smil.mil.

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

MAJ, JA
Command Judge Advocate

TABLE OF CONTENTS

TAB A	APPOINTMENT ORDER (1 page)
TAB B	DA FORM 1574 (4 pages)
TAB C	INVESTIGATION FINDINGS (3 page)
TAB D	INVESTIGATION RECOMMENDATIONS (1 page)

I. STATEMENTS / MEMORANDUM

TAB E	SWORN STATEMENT:	(b)(3), (b)(6)	(22 FEB 07) 3 pages
	SWORN STATEMENT:	(b)(3), (b)(6)	(25 FEB 07) 2 pages
TAB F	SWORN STATEMENT:	(b)(3), (b)(6)	(22 FEB 07) 2 pages
TAB G	SWORN STATEMENT:	(b)(3), (b)(6)	(22 FEB 07) 2 pages
TAB H	SWORN STATEMENT:	(b)(3), (b)(6)	(22 FEB 07) 3 pages
TAB I	SWORN STATEMENT:	(b)(3), (b)(6)	(22 FEB 07) 3 pages
TAB J	SWORN STATEMENT:	(b)(3), (b)(6)	(22 FEB 07) 3 pages
	SWORN STATEMENT:	(b)(3), (b)(6)	(25 FEB 07) 2 pages

II. EXHIBITS

TAB K	PHOTOGRAPH OF DRIVERS LICENSE WITH TRANSLATION
TAB L	STRIP MAP OF AREA
TAB M	CPOF STORY BOARD
TAB N	MEMORANDUM FOR STATEMENTS TAKEN (1 page)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
4th BCT (ABN), 25th ID
FOB KALSU, IRAQ
APO AE 09312-0571

APVR-ABN-CO

23 February 2007

MEMORANDUM FOR CPT (b)(3), (b)(6) HHC, 425th BSTB, FOB Kalsu, Iraq

SUBJECT: Appointment as an AR 15-6 Investigating Officer – Escalation of Force / Death of LN

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding an Escalation of Force incident involving 1/B/2-377 PFAR which occurred on 22 February 2007 and led to the death of an Iraqi national. You should begin your findings with a short summary answering who, what, when, where, and why. You will then make the following specific findings of fact:

- a. Prepare a detailed timeline of events.
- b. Who was the killed local national? Provide some background information on the individual.
- c. Describe the actions by the patrol and what lead to their decision to utilize lethal force. What hostile act or demonstration of hostile intent did the Soldiers perceive? Was the decision to utilize lethal force proper, and if so, based upon what facts?
- d. In your opinion, what did the local national not understand that caused him to not respond to the EOF procedures utilized?
- e. What went right and what went wrong? What are the lessons learned and TTPs that can be implemented for future operations?

2. Prior to initiating your investigation, you must contact MAJ (b)(3), (b)(6) the 4-25th Command Judge Advocate, for a briefing regarding the conduct of AR 15-6 investigations. He will remain your legal advisor throughout the proceedings. This investigation will be your primary duty responsibility until completed.

3. Use the informal procedures specified under AR 15-6. At the conclusion of your investigation, you will make specific factual findings and recommendations regarding the incident. Witness statements should be sworn and recorded on a DA Form 2823. Submit your findings and recommendations on DA Form 1574 (Report of Proceedings by an Investigating Officer/Board of Officers) through MAJ (b)(3), (b)(6) to me NLT 2 March 2007.

4. If, in the course of your investigation, you come to suspect an individual of an offense under the Uniform Code of Military Justice (UCMJ), or other appropriate laws or regulations, you must advise the person of his or her rights under Article 31, UCMJ, using a DA Form 3881 and proceed with questioning only if the individual waives his or her rights.

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

COL, IN
Commanding

TAB A

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Commander, 4th BCT, 25th ID, FOB Kalsu, Iraq, APO AE 09312-0571
(Appointing authority)

on 23 February 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Regional Embassy Office (REO) at 1400
(Place) (Time)

on 24 February 2007 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1320 on 25 February 2007
(Time) (Date)
and completed findings and recommendations at 1400 on 26 February 2007
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES YES NO N/A

- 1 Inclosures (para 3-15, AR 15-6)
- Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)
- a. The letter of appointment or a summary of oral appointment data?
- b. Copy of notice to respondent, if any?(See item 9, below)
- c. Other correspondence with respondent or counsel, if any?
- d. All other written communications to or from the appointing authority?
- e. Privacy Act Statements (Certificate, if statement provided orally)?
- f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
- g. Information as to sessions of a formal board not included on page 1 of this report?
- h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

(b)(2)High

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

TAB B

		YES	NO ¹	NA ²
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?			
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses. (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1/ Explain all negative answers on an attached sheet.				
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

(b)(2)High

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board) , having carefully considered the evidence, finds:

See Attached Findings

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

See Attached Recommendations

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

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

(Recorder)

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

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

I CONCUR WITH THE INVESTIGATING OFFICER'S FINDINGS AND HIS RECOMMENDED CORRECTIVE MEASURES.

EOF ITEMS ADDRESSED ARE

ON ORDER. ADDITIONAL TRAINING

(b)(2)High

IS BEING IMPLEMENT. (b)(5) WIT

TIMELY PROCESSING OF CERP CONIOLENCE LTC EN

PAYMENT TO THE DECEASED MANIC FAMILY (3)(b) Commanding

Concur with findings and CERP recommendations. Further direct

(b)(2)High

(b)(2)High

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

Edi W Comanding

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

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

//ORIGINAL SIGNED-

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

//

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

I ratify the appointment of the investigating officer.

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

12 MAR 2007

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

JOSEPH F. FIL, JR., Major General, USA, Commanding

CENTCOM 013722



DEPARTMENT OF THE ARMY
425th BRIGADE SPECIAL TROOPS BATTALION
4TH BCT (ABN), 25TH ID
FOB KALSU, IRAQ
APO AE 09312

APVR-ABNT-4

26
24 February 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Findings – 2/377 PFAR EOF Incident, 22 February 2007

1. On 22 February 2007, The QRF (Eagle) for the (b)(2)High was called to (b)(2)High (b)(2)High around a site where an IED detonated (b)(2)High at approximately 1030 that morning.

2. Prepare a detailed timeline of events.
a. Timeline for 22 February 2007

Time	Event	Reference
1030	MP's report IED strike	Tab H
1045	QRF launched to secure site of IED strike	Tab E, F, H, J
1049	QRF onsite and establishing perimeter	Tab J, M
1050	2LT (b)(3), (b)(6) spots potential trigger man and sends IP to apprehend	Tab J
1053	SSG (b)(3), (b)(6)(b)(2)High apprehended local national (b)(2)High (b)(2)High	Tab G, J
1053	Blue Van spotted heading south bound on road failing to heed hand and arm signals and verbal warning by PFC (b)(3), (b)(6) in Eagle 11 to stop	Tab E, H
1053	Blue Van receives a warning shot, vehicle accelerates towards Eagle 11	Tab E, F, G, H, I, J
1054	Blue Van is shot in radiator by SPC (b)(3), (b)(6) in Eagle 11, PFC (b)(3), (b)(6) in Eagle 16 fires warning shots with (b)(2)High in front of Blue Van	Tab E, F, I
1054	PFC (b)(3), (b)(6) fires one round into the windshield of the blue van hitting the driver, Mr. (b)(6) on the left side. PFC (b)(3), (b)(6) engages the van with his (b)(2)High attempting to shoot the engine, but all shots miss.	Tab E, F, G, H,
1054	Van rolls to stop and Eagle elements search van	Tab E, G, H,
1055	Warrior TOC notified	Tab J, M
1055	QRF Medic summoned for Mr. (b)(6) he is pronounced dead	Tab H, I, J
1055	Iraqi ambulance summoned	Tab H, I, J

1108	Iraqi ambulance and doctor arrive, pronounce Mr. (b)(3), (b)(6) as dead	Tab H
1115	Ambulance takes the remains and QRF takes pictures of site	Tab H, M
1244	QRF returns to REO	Tab M

3. Who was the killed local national?

a. (b)(6) (Tab K) he is brother to a QRF member in the Iraqi Army in Al-Hillah and cousin to one of the Iraqi police men that was on-site. It is unknown at this time if (b)(6) was married or had children is.

4. Describe the actions by the patrol and what led to their decision to utilize lethal force. What hostile act or demonstration of hostile intent did the Soldiers perceive? Was the decision to utilize lethal force proper, and if so, based on what facts?

a. SPC (b)(3), (b)(6) was the gunner on his vehicle E11 pulling rear security and directing approaching south bound traffic around the site of the IED strike on to the south bound lane (Tab E). A blue van driven by Mr. (b)(6) failed follow the new traffic pattern and continue on the south bound traffic lane (Tab E). Mr. (b)(6) continued south bound directly towards the HUMVEE manned by SPC (b)(3), (b)(6) (Tab E). SPC (b)(3), (b)(6) used hand and arm signals to stop the approaching vehicle (Tab E). When Mr. (b)(6) failed to stop, SPC (b)(3), (b)(6) gave verbal warning and pointed his weapon in the direction of the vehicle (Tab E, H). Mr. (b)(6) again failed to stop (Tab E, H). SPC (b)(3), (b)(6) fired a warning shot in front of the vehicle and in response the vehicle sped up and continued to close with the patrol (Tab E, F, G, H, I, J). SPC (b)(3), (b)(6) fired into the engine of the van attempting to disable the vehicle (Tab E, F, I). Mr. (b)(6) continued to accelerate (Tab E, F, I). SPC (b)(3), (b)(6) fired one shot into the driver's side windshield which struck Mr. (b)(6) killing him (Tab E, F, G, and H).

b. SPC (b)(3), (b)(6) perceived the continued advance and acceleration of the van after using hand and arm signals as demonstration of hostile intent and as a threat to his life and that of his fellow Soldiers (TAB E).

c. The decision to use lethal force was justified. After receiving visual warning via hand and arm signals the vehicle failed to change directions or stop (Tab E, F, and H). The Soldier then (b)(2)High used to a warning shot. (b)(2)High

(b)(2)High The Soldier perceived a hostile intent based upon the actions of the driver and properly used the escalation of force procedures, ultimately shooting to eliminate the threat.

5. In my opinion, what did the local national not understand that caused him to not respond to the EOF procedures utilized?

a. After reviewing all information, I can't say with certainty why Mr. (b)(6) failed to stop. All traffic that morning was being redirected and continued to keep a safe

distance from the patrols vehicles. Several vehicles were seen turning to the north bound lane as Mr. (b)(6) was being engaged, so the local populace is aware of what happens when they get too close to American military vehicles and what they must do to keep themselves safe. SPC (b)(3), (b)(6) used the hand and arm signals he had been taught to use when dealing with the populace. Mr. (b)(6) emotional and mental state that day will never be known, there was no explosives or weapons in the vehicle. Whether Mr. (b)(6) was in fear for his life and trying to evade after he heard gunfire will never be known. After much review, I still can't say with certainty why Mr. (b)(6) continued on after being warned.

6. What went right and what went wrong? What are the lessons learned and TTPs that can be implemented for future operations?

a. What went right was SPC (b)(3), (b)(6) executed all steps in the Escalation of Force guide as he was trained and protected his life and the lives of his fellow Soldiers in response to a perceived hostile intent.

b. What went wrong was according to all statements taken, all NCOs were involved in looking for the triggerman or sweeping for other IEDs. SPC (b)(3), (b)(6) and PFC (b)(3), (b)(6) were on their own to decide how best to handle the situation.

c. There was insufficient ground markings (traffic cones, light weight barricades, and stinger strips) to provide the visual cues it might have taken to get Mr. (b)(6) attention and prevented this incident from turning lethal.

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

(b)(6)

7. Summary: SPC (b)(3), (b)(6) properly executed all steps required in Escalation of Force to use deadly force against Mr. (b)(6). Unfortunately, for reasons known only to Mr. (b)(6) Mr. (b)(6) failed to stop or change directions and was killed as a result.

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

(b)(3)(b)(6) CPT, OD
Investigating Officer



DEPARTMENT OF THE ARMY
425th BRIGADE SPECIAL TROOPS BATTALION
4TH BCT (ABN), 25TH ID
FOB KALSU, IRAQ
APO AE 09312

APVR-ABNT-4

26
24 February 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Recommendations – 2/377 PFAR EOF Incident, 22 February 2007

1. In accordance with my findings,

(b)(5)

(b)(5)

(b)(5)

(b)(6)

5. POC is the undersigned at (b)(6), (b)(3), (b)(2) High [@us.army.smil.mil](mailto:us.army.smil.mil) or VOIP: 771-2007.

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

b(3)(b)(6) CPT, OD
Investigating Officer

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: KEO AL HILLAH
2. DATE (YYYYMMDD): 20070222
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E-4 SPC
8. ORGANIZATION OR ADDRESS: 8 BTRY 2/377 PPAR

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

On 22 FEB 07 the ORF of FOB KEO was called out to (b)(2)High As the rear vehicle in the convoy my job as the gunner was to not let any traffic come down the street we were on. After about 20-30 minutes on site a van started heading down the street we were on. I first gave the stop signal with my left hand. After he did not slow down I then pointed my weapon at him. When he still did not slow down I charged the 50 cal. when he was at (b)(2)High out and started firing at the ground. He then sped up still didn't slow down so I raised the weapon up hitting the (b)(2)High out. The vehicle then swerved to the right coming to a stop on the shoulder of the road about 10 meters from my up armor vehicle.

End of Statement

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

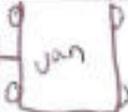
TAKEN AT

REG AL HILLAH DATED 22 FEB 07

9. STATEMENT (Continued)

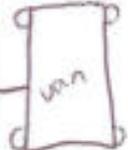
(b)(2)High

gave stop
signal



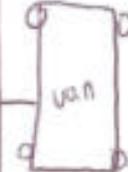
(b)(2)High

shot warning
shots at
ground



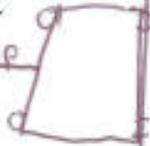
(b)(2)High

shot at
vehicle



(b)(2)High

van came
to a stop



(b)(2)High

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT REG AL HILLAH DATED 22 FEB 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 (b)(2)High 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 INFLUEN

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

snf)

WITNESSES:

SEC (b)(3), (b)(6)
REG AL Hillah Iraq

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Feb, 2007 at REG AL HILLAH

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

(Signature of Person Administering Oath)

(b)(3), (b)(6) 2LT
(Typed Name of Person Administering Oath)

UCMJ, Article 136 (B)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION <i>REG AL HILLAH</i>	2. DATE (YYYYMMDD) <i>20070225</i>	3. TIME <i>1330</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>(b)(3), (b)(6)</i>			7. GRADE <i>E-4 (b)(3), (b)(6)</i>
8. ORGANIZATION OR ADDRESS <i>B STRY 71377 PPAR</i>			

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

Q: Do any of your vehicles have warning signs?
A: No they do not

Q: Are traffic cones carried to aid in blocking and redirecting traffic?
A: Yes they are

Q: If signs and traffic cones had been available, do you think it would have prevented the incident?
A: possibly

Q: Was anyone else in the vehicle with you?
A: Yes

Nothing else follows b)(3), (b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <i>2</i> PAGES
-------------	--	--------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF

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

TAKEN AT *REO AL HILLAK* DATED *25 FEB 07*

9. STATEMENT (Continued)

Nothing Else Follows

(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.

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this *25* day of *February*, *2007* at *A,*

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

ORGANIZATION OR ADDRESS

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

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

(Typed Name of Person Administering Oath)

ART 1346 GCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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: REO AL Hibah
2. DATE (YYYYMMDD): 2007 02 22
3. TIME: 1500
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. GRADE/STATUS: E3 PFC
8. ORGANIZATION OR ADDRESS: 4-25 2/377 Bravo Bat. PFAA

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

I rolled out the gate to (b)(2)High, north of FOB REO. E11 had near security. (b)(2)High
E16 (The truck I was a gunner in) had security to the (b)(2)High
E13 & E17 were in front of our vehical pulling their sectors of fire. I was watching my sector of fire when I heard E11 gunner fire his (b)(2)High I turned and saw the vehical then start to speed up. (b)(3), (b)
The vehical was approaching E11 vehical at a threatening way also in a dangerous distance. I then drew up (b)(2)High
Fired a warning shot. He was still coming closer and still at a threatening speed. I then shot towards the engine of the vehical's engine back about 10-15 times.

End of Statement (b)(3), (b)(6)

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF _____ TAKEN AT _____ DATED _____

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 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)

(Signature of Person Making Statement)

WITNESSES:

(b)(3)(b)(6)
REG AL HILLAH TRAY (b)(3), (b)(6)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Feb, 2007 at REG AL HILLAH

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

UCMJ, Article 136 (B)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 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: PCO Al Hella
2. DATE (YYYYMMDD): 20070222
3. TIME:
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E-6 / Active
8. ORGANIZATION OR ADDRESS: B. BIRY / 2-377th AFAR

I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
That I was in the process of finishing and (b)(2)High when I heard (b)(2)High
(b)(2)High From the (b)(2)High go off. I reacted to the gun fire and began to
head towards the scene. AT that time I notice the (b)(3), (b)(6) picking up more (b)(3), (b)(6)
The three vehicle behind the van turned left on to the (b)(3), (b)(6) side. The
Vehicle that was engaged went out of control and came to a stop on
the right side of the (b)(3), (b)(6) bound lane in the dirt. Before the vehicle
came to a complete stop, I (b)(3), (b)(6) and then heard an notice PFC (b)(3), (b)(6) engage the
vehicle with small arms fire. I called on the radio for a (b)(3), (b)(6) cease fire
I walk towards the victim and notice that he was KIA and laying across
the seat. I reported to my Platoon Sergeant and Platoon Leader
who then reported the incident to higher.

END OF STATEMENT

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

Red Al Hillah

DATED

20070222

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 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)

(Statement)

WITNESSES:

(b)(3)(b)(6) 1LT
Red Al-Hillah, Iraq

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Feb, 2007

at Red Al Hillah

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

(Signature of Person Administering Oath)

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

2LT
(Typed Name of Person Administering Oath)

UCMJ, Article 136 (D)
(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: REO AL HILLAH IRAQ
2. DATE (YYYYMMDD): 2007/02/22
3. TIME: 1315
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: SFC
8. ORGANIZATION OR ADDRESS: B BTRY 2-377 PEAR FOB ROE AL HILLAH, IRAQ

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 22FEB07 around 1030 hrs my ORF platoon (b)(2)High We arrived at grid (b)(2)High
approximatley 1045 hrs and (b)(2)High I had 2 (b)(2)High positioned at the north end on (b)(2)High and 2
(b)(2)High south of the site on route Jackson to block all civilian traffic from driving through the blast site. Once the (b)(2)High were in place myself,
SGT (3), (b)(and SSG)(3), (b)(walked to a dirt mound approxmatley (2)Hi south of (b)(2)High to ensure there were no (b)(2)High and to clear the
surrounding area of secondary IED's. Around 1100 hrs I was looking back toward my (b)(2)High because I heard SPC(3), (b)(shouting at a vehicle to
stop. The vehicle ignored all commands from the gunner SPC (3), (b) to stop and continued forward toward the (b)(2)High. Once the civilian vehicle
was approximatley (2)Hi away from the lead blocking HMMWV SPC(3), (b)(fired one)(2)High round in the ground as a warning shot for the civilian
vehicle to stop. Once he fired that one round the civilian vehicle sped up and was headed straight toward the (b)(2)High SPC(3), (b) fired 1-2 more
(b)(2)High rounds toward the vehicle hitting it in the radiator. The civilian vehicle did not try to stop and continued toward the HMMWV SPC(3), (b)(fired
one)(2)High round through the driver's side windshield. The bullet passed through the windshield hitting the steering wheel, and then passing through the
individuals left forearm, and then through the individuals upperleft side of the body. The vehicle ended up stopping about (b)(2)High past the (b)(2)High on
the passengers side. Once I arrived at the vehicle we immediatley called for our medic to come up to the vehicle to check out the civilian. By the time
the medic got there the individual was already dead. We had the local IP's call for an Iraqi ambulance and doctor to come out to the scene. It took about
20 min for the Iraqi ambulance and Iraqi Army to show up, and once they were on scene they loaded the individual into a body bag and then placed him
into the ambulance and left. (3), (b)(

END OF STATEMENT

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING *STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

STATEMENT OF SFC

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

TAKEN AT REO

DATED 20070222

9. STATEMENT (Continued)

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

Vehicle Direction
of Travel ↓

Civilian Van

(b)(2)High

(b)(2)High
to stop

(b)(2)High
warning shot

Civilian Van

← Approach (b)(2)High →

(b)(2)High
fired into rearview
Vehicle sped up
fired into
windshield
hitting ego
individual

Civilian Van

(b)(2)High

Civilian
Vehicle exited
up after stopping

(b)(2)High High

Blast
SITE →

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 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: REO AL-Hilal
2. DATE (YYYYMMDD): 2007 02 22
3. TIME: 1407
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6) 1LT
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O2/RA
8. ORGANIZATION OR ADDRESS: B Btry 2-377 PEAR, 4-25 ID

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

I am the Platoon leader for 1st PLT, B/2-377PEAR and was the senior leader on the ground. Due to a left seat/right seat ride being conducted with Sgt (b)(3), (b)(6), I was not the patrol leader but was responsible for all actions on the ground. I supervised Sgt (b)(3), (b)(6) and the platoon and made decisions when they needed to be made. I first was aware of the escalation of force when I heard the gunshot at the (b)(2)High engage with (b)(2)High. I heard approximately two (b)(2)High rounds and also (b)(2)High fire. Once I determined what was going on I could see a blueish-bungo van moving toward the north positioned trucks. I ran toward the trucks and saw that the vehicle had been shot. From my view, I could not tell exactly how far the truck was but could tell it was in very close proximity to our trucks and it was still moving towards our trucks when the shots were fired. My first reaction was to make sure the vehicles were a safe distance from the van and also that the van was searched and cleared. I was concerned that the vehicle was a VBIED. The vehicle was cleared and we then immediately worked to see if we could save the driver of the truck. Our Doc was called to the vehicle and he began making his assessment and treating. The driver of the (b)(3), (b)(6) van was dead when Doc made it to him.

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

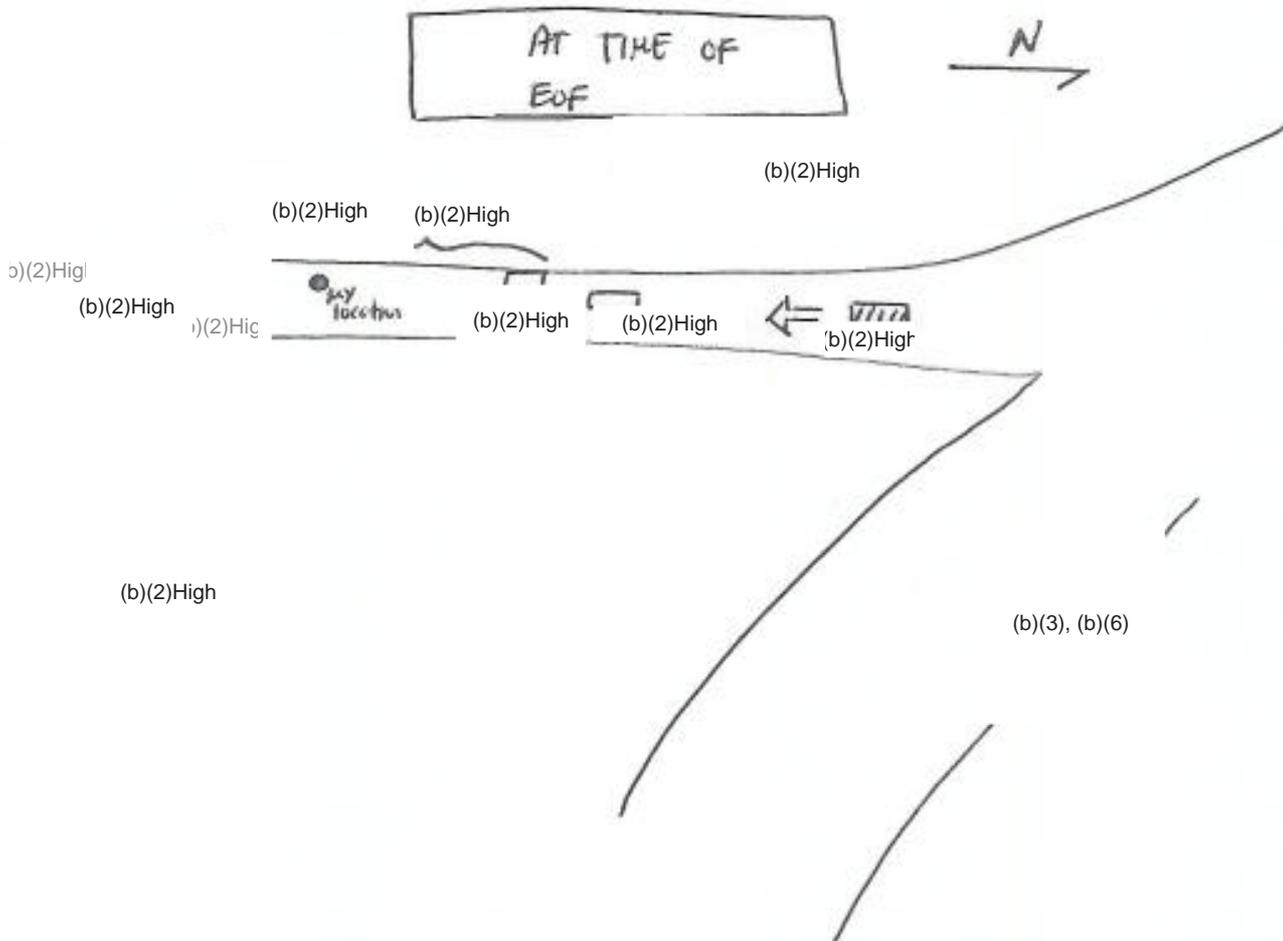
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT REO Al-Hill DATED 22 Feb 2007

9. STATEMENT (Continued)

Co-located with us on the scene were IP's. Our original dispatch to the site was due to an IED strike that hit our MP unit that was staged out of REO. The approximate grid for the IED strike and EOF was (b)(2)High. The EOF happened at approximately 1100hrs on 22 Feb 2007. The gunner that engaged with the (b)(2)High was SPC (b)(3), (b)(6) and the (b)(2)High gunner was PFC (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 REG AL HILLAH DATED 22 Feb. 2007

9. STATEMENT (Continued)

Nothing follows

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:

OFC (b)(3), (b)(6)
REG AL HILLAH Iraq
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of Feb, 2007 at REG AL HILLAH

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

(Signature of Person Administering Oath)

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

ZLT
(Typed name of person Administering Oath)
UCMS, Article 136 (13)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

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
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION REO AL HILLAH
2. DATE (YYYYMMDD) 2007/02/22
3. TIME 1500
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)
6. SSN (b)(3), (b)(6)
7. GRADE/STATUS O-1/RA
8. ORGANIZATION OR ADDRESS 1/B/2-377 PFAR

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At 1049, Eagle ORF was (b)(2)High Security consisted of (2)Hi
vehicles posted (b)(2)High blast site and (b)(2)High of the EFP blast site. (b)(2)High

(b)(2)High was on the east side of the (b)(2)High in the southbound shoulder, aimed against the traffic in the southbound lane. An
IP vehicle was already on the scene with some dismounts.

While establishing security, a man was observed about (b)(2)High (b)(2)High were sent to arrest the
man. They arrested him and brought him back to the cordon. While interviewing the man and (b)(2)High, I
heard shots from the (b)(2)High mounted on Eagle (2)Hi truck and small arms fire.

Because of the small arms fire I thought we were being engaged from (b)(2)High the direction from where the man was originally
detained and the most likely direction of the triggerman for the EFP attack. After taking a second to assess the situation, I saw a
blue van with one passenger swerve onto the southbound shoulder and come to a stop. I ran to the van to assess the situation.

The vehicle had been shot with the (b)(2)High Initially, the driver was determined to be KIA. At closer inspection, he appeared to
be breathing. SFC (b)(3)(b)(6) called for the Eagle medic, SPC (b)(3)(b)(6) to render assistance. Before the medic arrived, the local
national succumbed to his wounds and was pronounced KIA. I called it into the Warrior TOC at 1055. The medic and smoke
took pictures of the vehicle and the local national.

I saw the location in the road where the gunner fired his first warning shot, the hole in the vehicle where the gunner had fired his
second warning shot, and the injuries to the driver where the gunner fired his final warning shot.

The (b)(2)High rounds were fired from Eagle 11's gunner, SPC (b)(3), (b)(6) The small arms fire originated from Eagle
16's gunner, PFC (b)(3), (b)(6)

The local national's name was translated from his driver's license. It was translated as (b)(6) (b)(3), (b)(6)

NOTHING FOLLOWS (b)(3), (b)(6)

10. EXHIBIT TAB 1
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 2 PAGES

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

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

9. STATEMENT (Continued)

Nothing follows

(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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, this 22 day of Feb, 2007 at REG Al-Hillah

SFC (b)(3), (b)(6)
REG Al-Hillah Iraq

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

(Signature of Person Administering Oath)

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

147
(Typed Name of Person Administering Oath)

ART 136 (B) (4)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

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 REA AL WILLAH	2. DATE (YYYYMMDD) 2009 02 25	3. TIME 1300	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)			7. GRADE/STATUS O-1/RA
8. ORGANIZATION OR ADDRESS 1/B/2-377 PEAR			

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

Q: Do your vehicles have signs warning vehicles to stay back?

A: Yes. No. (3), (b)

nothing follows (3), (b)

Q: Do your vehicles have traffic cones to block on direct traffic?

A: (b)(2)High

Q: If the signs and traffic cones were available, do you think they would have prevented this incident?

A: If we had more cones and portable signs to replace ahead of the convoy while at a halt, it might have assisted in preventing this incident.

nothing follows (3), (b)

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

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

TAKEN AT RFO AL WILLAH DATED

25 Feb 2007

9. STATEMENT (Continued)

Q: When was the last time escalation of force procedures training occurred?

(b)(2)High

(3), (b)

nothing follows

(3), (b)

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 INFLUENC

(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 25 day of February, 2007 at RFO

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

ORGANIZATION OR ADDRESS

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

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

(Typed name of person Administering Oath)

ORGANIZATION OR ADDRESS

Ant 1346 GEMS (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Page 32 redacted for the following reason:

FOREIGN LANGUAGE DOCUMENT (b)(6)

Serial Number

(b)(6)

Name :

(b)(6)

Address

Nationality :

Iraqi

licence no.

issue Date :

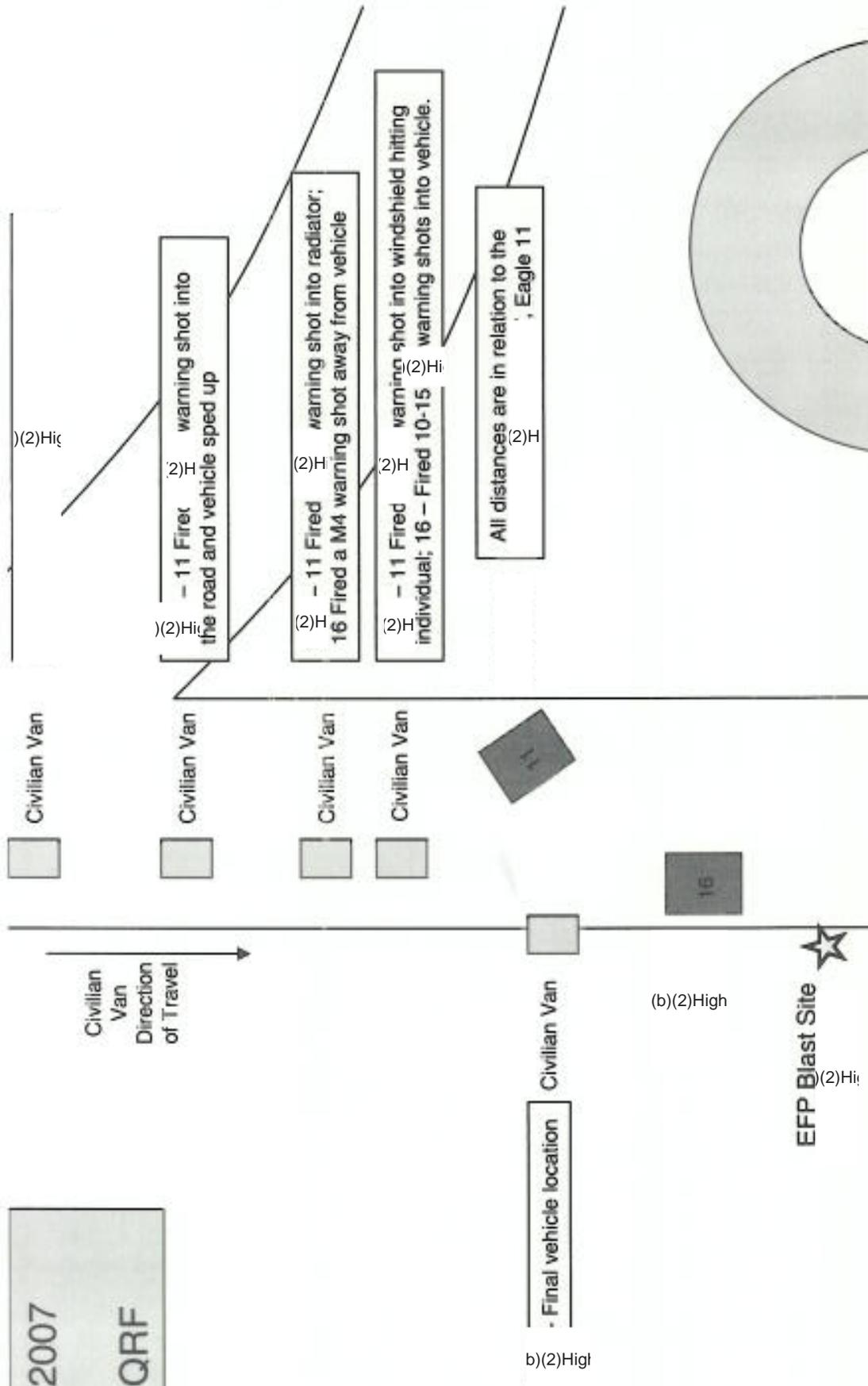
Expire Date :

(b)(6)

licence officer

(b)(6)

22 FEB 2007
EOF
EAGLE QRF



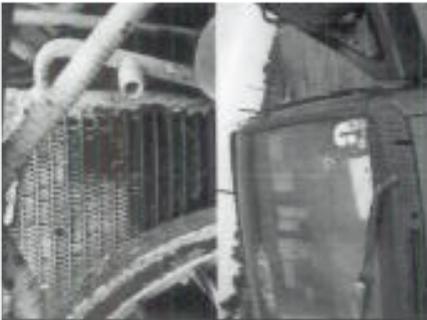
UNCLASSIFIED

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High



(b)(2)High, (b)(6), Foreign Language Text

UNCLASSIFIED

INCIDENT: EOF

RESULTS: 1 x LN KIA

SIGACT/EVENT ID: MND-8 SIGACT 4; MND-8 EVENT 15

DTG: 221049FEB07

UNIT: 1/8/2-377 (EAGLE 16)

LOCATION: [REDACTED] (b)(2)High

MISSION OF UNITS: [REDACTED] (b)(2)High

TIMELINE OF EVENTS:
INITIAL REPORT: 1049: 1/8/2/377 WAS [REDACTED] (b)(2)High AND A LOCAL NATIONAL DRIVING A DARK BLUE MINIVAN APPROACHED THE CORDON AND WOULD NOT STOP. EAGLE 16 GAVE HAND AND ARM SIGNALS AND VERBALLY SHOUTED AT THE VEHICLE TO STOP. THE VEHICLE SPED UP TOWARD THE CORDON. EAGLE 16 THEN SHOT AT THE VEH. AT ABOUT [REDACTED] (b)(2)High AWAY. THREE ROUNDS OF [REDACTED] (b)(2)High WERE SHOT, FIRST ROUND HIT THE GROUND IN FRONT OF THE VEHICLE, SECOND ROUND HIT THE ENGINE BLOCK AND THE THIRD ROUND HIT THE LOCAL NATIONAL IN THE CHEST. VEHICLE CAME TO A STOP AT APPROX [REDACTED] (b)(2)High FROM THE TRAIL (EAGLE 16).

1055: EAGLE 16 REPORTS THAT THE LN WAS SHOT AND KILLED. 1 ROUND 50 CAL. TO THE CHEST. NAME OF LN IS [REDACTED] (b)(2)High

1108: IA AND AMBULANCE ON SITE ASSESSING THE LN.

1115: AMBULANCE PICKED UP THE LOCAL NATIONAL AND EAGLE ELEMENT IS TAKING PICTURES OF SITE AND SEARCHING THE VEHICLE. VEHICLE WAS SEARCHED WITH NSTR.

1244: EAGLE 16 RP REQ [REDACTED] (b)(2)High

SUMMARY:
1 X EOF
1 X LN KIA

(b)(2)High



DEPARTMENT OF THE ARMY
425th BRIGADE SPECIAL TROOPS BATTALION
4TH BCT (ABN), 25TH ID
FOB KALSU, IRAQ
APO AE 09312

APVR-ABNT-4

24 February 2007

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation – Sworn Statements

1. I was appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding the Escalation of Force incident on 22 February 2007.

2. When I began my investigation I discovered that following the incident the unit had already taken DA form 2823's (Sworn Statements) regarding the incident. These statements were written by 2LT (b)(3), (b)(6) SFC (b)(3), (b)(6) SSG (b)(3), (b)(6) (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6) and 1LT (b)(3), (b)(6)

3. These statements were already completed prior to my investigation and were placed into the packet. All persons were sworn by 2LT (b)(3), (b)(6), incoming Platoon Leader, or 1LT (b)(3), (b)(6) outgoing Platoon Leader.

3. POC is the undersigned at (b)(3), (b)(6), (b)(2)High [@us.army.smil.mil](mailto:us.army.smil.mil) or VOIP: 771-2007.

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

3)(b) CPT, OD
Investigating Officer

FABN