

ESCALATION OF FORCE (EOF) INVESTIGATION REPORT

101ST AIRBORNE DIVISION (AIR ASSAULT)

TASK FORCE BAND OF BROTHERS

IN ACCORDANCE WITH FRAGO 132 TO OPERATIONS ORDER 01-06, THE FOLLOWING REPORT IS TO BE COMPLETED AND FORWARDED TO THE OFFICE OF THE STAFF JUDGE ADVOCATE OF TASK FORCE BAND OF BROTHERS NO LATER THAN 24 HOURS FOLLOWING COMPLETION OF ANY EOF INVESTIGATIONS.

UNIT: D/1-187 IN, 3 BCT, 101ST ABN DIV (AASLT)

ESCALATION OF FORCE DATE TIME GROUP: 112001MAY06

LOCATION OF ESCALATION OF FORCE INCIDENT (b)(2)High

TYPE OF INVESTIGATION: INFORMAL INVESTIGATION UP AR 15-6

FACTS AND FINDINGS OF INVESTIGATION:

FACTS: A 4X VEHICLE PATROL WAS TRAVELING NORTH ON (b)(2)High ENROUTE TO THE AL FATAH BRIDGE SITE. AT 1952 HRS., THE PATROL HAD IED DETONATE ON THE THIRD VEHICLE. AS IT ESTABLISHED LOCAL SECURITY, THEY RECEIVED APPX. 60 RNDs OF AK-47 FIRE, STRIKING ONE OF THE VEHICLES. LN POV TRAFFIC IN THE IMMEDIATE AREA BEGAN PULLING TO THE SIDE OF THE ROAD AND TURNING ON THEIR FLASHING HAZARD LIGHTS. AT 2002 HRS., THERE WAS ENOUGH AMBIENT LIGHT TO OBSERVE A WHITE LN BONGO TRUCK APPROACHING FROM THE NORTH AT A HIGH RATE OF SPEED. ALL OF THE VEHICLES WERE EASILY IDENTIFIABLE AS CF VEHICLES AND MARKED IAW THE BN SOP. THE LEAD VEHICLE'S GUNNER WAIVED A VS-17 PANEL ATTACHED TO A STICK AND DISMOUNTED SOLDIERS BEGAN TO GIVE HAND AND ARM SIGNALS FOR THE TRUCK TO STOP. THE TRUCK PASSED 4X OTHER STOPPED LN VEHICLES THAT HAD PULLED OVER AND CONTINUED AT THE PATROL. THE DISMOUNTED SOLDIER THEN RAISED HIS WPN, POINTING IT AT THE ONCOMING TRUCK TO SIGNAL HIS INTENT TO USE DEADLY FORCE. AT (b)(2)High BOTH THE (b)(2)High (b)(2)High THE VEHICLE CONTINUED TOWARDS THE PATROL WITHOUT CHANGING SPEED. AT (b)(2)High THE GUNNER FIRED MULTIPLE RNDs FROM HIS .50 CAL AND THE DISMOUNTED SOLDIER FIRED HIS M4, DISABLING THE VEHICLE. A BDA WAS CONDUCTED WITH 1xLN KIA AND 1xLN WIA. THE LN WIA WAS TREATED AND EVAC'D FROM THE SITE AND LATER MEDEVAC'D TO THE COB SPEICHER CSH.

FINDINGS:

(b)(2)High (b)(2)High HISTORICALLY, THERE HAS BEEN A VIABLE AND ACTUAL THREAT OF VBIEDS WITHIN THE AO, TO INCLUDE A SOLDIER KIA IN THE LAST TWO WEEKS. NORMALLY, A LN VEHICLE WILL STOP, PULL TO THE SIDE OF THE ROAD AND WAIT FOR FURTHER GUIDANCE FROM A CF VEHICLE. IN THIS INSTANCE THE VEHICLE DID NOT STOP IAW NORMAL LN ACTIONS. THIS, COUPLED WITH THE IED AND DIRECT FIRE INDICATED TO THE PLT A HIGH PROBABILITY OF A COMPLEX ATTACK.

(b)(2)High

(b)(2)High IN THIS CASE, THE LEAD VEHICLE OF THE CONVOY USED THREE TYPES OF

AS OF 01 MARCH 2006

004380

VISUAL SIGNALS: BRIGHTLY COLORED FLAGS ON THE ANTENNAS OF THE VEHICLES, WAIVING A BRIGHTLY COLORED FLAG AND HAND SIGNALS. THE LN VEHICLE ALSO PASSED SEVERAL OTHER LN VEHICLES THAT HAD STOPPED THEIR MOVEMENT DUE TO THE ATTACK ON THE PATROL. WHEN THE VEHICLE STILL FAILED TO STOP, THE PATROL [REDACTED] (b)(2)High [REDACTED] WHEN THE VEHICLE CONTINUED TO MOVE TOWARDS THE PATROL, NOT CHANGING ITS SPEED, THE PATROL LEADER'S GUNNER AND 2X DISMOUNTED SOLDIERS FIRED TO ELIMINATE THE THREAT. IN REVIEWING THE SCENARIO WITH THE LEAD VEHICLE CREW, THE INVESTIGATING OFFICER FOUND THAT THE PATROL EXCEEDED THE NORMAL EOF MEASURES PRIOR TO REACHING THE POINT OF USING DEADLY FORCE.

3) EOF TRAINING. THE PLT HAD RECENTLY RECEIVED REFRESHER ROE TRAINING ONE WEEK PRIOR TO THE INCIDENT AND HAD CONDUCTED EOF BRIEFING WITH SCENARIOS PRIOR TO THE PATROL. UPON COMPLETION OF THE PATROL, THE PLT CONDUCTED AN AAR ALSO COVERING EOF IAW THE PUBLISHED BN TACSOP AND THE PLT LDR CONDUCTED A ONE ON ONE HOTWASH WITH THE BN CDR.

RECOMMENDATION(S) OF INVESTIGATION: REMIND LOCAL SHEIKS OF THE NEED TO OBEY CF SIGNALS AND KNOWN HIGHWAY SOP, ESPECIALLY WHEN A PATROL IS IN DIRECT CONTACT WITH ENEMY FORCES. AS MUCH AS THE TACTICAL SITUATION PERMITS, EXIT THE ROAD TO MITIGATE THE POSSIBILITY OF THE PATROL HAVING AN EOF.

PREPARED BY: MA [REDACTED]
DATE: 21 MAY 06.

[REDACTED] (b)(3), (b)(6) [REDACTED]

MEMORANDUM FOR Commander, 3rd Brigade Combat Team, 101st Airborne Division
(Air Assault), APO AE 09349

SUBJECT: Legal Review of AR15-6 Investigation

1. I have completed a legal review of the AR15-6 investigation conducted by CPT (b)(3), (b)(6) (b)(3), (b)(6) HQ, TF 1-187 into the EOF shooting of an Iraqi civilian vehicle and the killing of one LN, (b)(2)High Bayji, Iraq on 11 May 06. The investigation is legally sufficient.

(b)(5)

2. POC for this legal review is the undersigned at VOIP (b)(2)High or via email at (b)(3), (b)(6)

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

MAJ, JA
Command Judge Advocate



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 1ST BATTALION, 187TH INFANTRY REGIMENT
 10TH AIRBORNE DIVISION (AIR ASSAULT)
 FOB SUMMERALL, APO AE 09349

AFZB-KC-CC

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

13 MAY 2006

MEMORANDUM FOR: Commander 3rd Brigade Combat Team, 101st Airborne Division (Air Assault),
 FOB Speicher, APO AE 09309

SUBJECT: 15-6 INVESTIGATION FINDINGS

1. On 11 MAY 2006, CPT (b)(3), (b)(6) was directed to conduct an investigation in accordance with AR 15-6 in the matters surrounding the escalation of force on 12 MAY 06 involving the 2nd Platoon, D Co, 1-187th Infantry Regiment. Specifically, to determine if the escalation of force was justified and procedures that should be either sustained or improved to mitigate further EoFs.

2. Facts. The 2nd Platoon, D Co patrol consisting of four vehicles was traveling north along (b)(2)High a four lane road through the urban area of Bayji, enroute to the Al Fatah Bridge site. The patrol frequents this area and was patrolling the area to conduct a meeting with a local sheik. At 1957 the patrol had an IED detonate by the third vehicle the patrol began to cordon off the immediate area when they received approximately sixty rounds of AK-47 fire from the east of their position striking one vehicle. All of the civilian vehicles in the immediate area pulled over to the shoulder of the road and turned on their flashing hazard lights. At 2002 hrs, there is still sufficient ambient light to see, a white "bongo" truck approached the northernmost element of the patrol at a high rate of speed. All of the vehicles in the patrol were easily identifiable as a CF patrol and marked in accordance with the Battalion SOP (see exhibit H). The vehicle's gunner waved a section of VS-17 panel attached to a stick at the vehicle and one of the dismounted Soldiers gave the hand signal for the vehicle to stop (see exhibits A through F). The white truck passed the four other stationary vehicles that had pulled off of the road and continued to approach the patrol. The dismounted soldier then raised his weapon pointing it at the vehicle showing his intent to use deadly force. The gunner and dismounted Soldier then (b)(2)High (b)(2)High away in an attempt to (b)(2)High see exhibits B and C). The vehicle continued to approach the patrol without changing speed. When the vehicle was (b)(2)High (b)(2)High The patrol secured the vehicle and discovered that there were two occupants. One of the occupants was dead and the other had sustained three gunshot wounds. The platoon medic immediately began stabilizing the local national. The medic continued to treat the wounded individual until another platoon could arrive to evacuate the local national. The Mortar platoon picked up the individual and transported him to the FOB Summerall Aid Station. The Aid Station requested a Priority MEDEVAC through the 242nd Medical Company who transported the individual to the 42nd CSH at FOB Speicher.

3. Findings. Based upon the facts, I find the following:

(b)(2)High (b)(2)High (b)(2)High Historically there has been a viable and actual threat of VBIEDs within the area. To include two weeks ago that killed a Soldier in our area of operations. Normally, a LN vehicle will stop, pull to the side of the road, and wait for further guidance from a CF vehicle. In this case the vehicle did not act in accordance with typical LN actions. That coupled with the IED and direct fire that the platoon was receiving indicating the high probability of a complex attack. In fact after the

shooting occurred the patrol leader ensured that all his men continued to pull security on the vehicle until it was clear (see exhibit E). Given these, it was reasonable for the patrol leader to identify the vehicle as an imminent threat to his vehicle and the patrol.

(b)(2)High

(b)(2)High (S) (b)(2)High In this case, the lead vehicle of the patrol utilized three types of visual signals, brightly colored flags on the antennas of the vehicles, waving a brightly colored flag and hand signals. The vehicle also passed several other LN vehicles that had stopped their movement due to the attack on the patrol. The gunner and the dismounted Soldiers (b)(2)High (b)(2)High (see exhibit A through F). When the vehicle still failed to stop, (b)(2)High (b)(2)High When the vehicle continued to move towards the patrol, unchanging its speed, the patrol leader's gunner and two dismounted Soldiers (b)(2)High (b)(2)High which resulted in killing the driver and wounding the passenger. The patrol used three types of visible warning devices to alert the driver of their presence and to stop his forward movement and also clearly displayed their intent to use deadly force if the vehicle did not respond to the non lethal demonstrations. Reviewing the scenario and conducting an after action review with the lead vehicle crew, I find that the patrol exceeded the normal escalation of force measures prior to reaching the point of using deadly force (b)(2)High and the use of force.

4. Recommendations.

(b)(5)

AFZB-KC-CC

SUBJECT: 15-6 INVESTIGATION FINDINGS

5. POC this memorandum is MA (b)(3)(b)(6) VOIP (b)(2)High

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

CPT, IN
Assistant S-3

Encl:

1. Exhibit A (Sworn Statement of ILT)
2. Exhibit B (Sworn Statement of SGT)
3. Exhibit C (Sworn Statement of SPC)
4. Exhibit D (Sworn Statement of CPL) (b)(3), (b)(6)
5. Exhibit E (Sworn Statement of PFC)
6. Exhibit F (Sworn Statement of SPC)
7. Exhibit G (Storyboard)
8. Exhibit H (1-137 CF Marking SOP)

004385



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
101st AIRBORNE DIVISION (AIR ASSAULT)
FOB SPEICHER, IRAQ, APO AE 09349



AFZB-KC-CO

12 May 2006

MEMORANDUM FOR CPT (b)(3), (b)(6) HHC, 1st Battalion, 178th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division (Air Assault), FOB Speicher, APO AE 09349

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

1. Effective 4 April 2006, CPT (b)(3), (b)(6) is hereby appointed as the investigating officer.

2. AUTHORITY. AR 15-6, Investigations.

3. PURPOSE. To perform an informal investigation IAW AR 15-6, obtaining details pertaining to the Escalation of Force (EoF) by D/I-187 IN on 112001MAY06 vic (b)(2)High Bayji, Iraq. Your investigation should answer the following questions:

a. What were the facts and circumstances surrounding the incident?

b. Was the engagement IAW MNC-I EoF guidelines and procedures? Was the engagement IAW MNC-I and 3 BCT Rules of Engagement (ROE)?

c. What recommendations should be made to prevent similar EoFs in the future?

4. PERIOD. Until the investigation is completed and no further investigation is required, unless released sooner by the appointing authority.

5. SPECIAL INSTRUCTIONS. Conduct of this investigation will be your PRIMARY duty until the investigation is submitted to the appointing authority. Your findings will be supported by substantial evidence and by a greater weight of evidence than supports any different conclusion. Your findings and recommendations will be submitted to this headquarters NLT 151700MAY06. Prior to submission, you will obtain a final legal review of your findings and recommendations from the 3 BCT CJA.

6. POC this action is 3 BCT CIA at (b)(3), (b)(6) VOIP (b)(2)High

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

COE, IN
Commanding

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: 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: Bayji, Iraq; 2. DATE (YYYYMMDD): 2006 05 11; 4. FILE NUMBER: (b)(3)(b)(6) 2330; 5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6); 6. SSN: (b)(3), (b)(6); 7. GRADE/STATUS: LT/0-2 Platoon Leader; 8. ORGANIZATION OR ADDRESS: B Co. 1-87 AV FOB Summerall, Iraq

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

We were conducting a combat patrol in Bayji, Iraq when we took IED contact. One of my trucks was searching a LPT vehicle after the IED when they took approximately 60 rounds of direct fire from 2 AK-47s. We were searching the open field east of position when the EOR occurred. I had 2 vehicles on (b)(2)High. The other 2 were in the field to the east. My northernmost vehicle was in the northbound lane on (b)(2)High. After the direct fire on the IED all traffic stopped on ramp, pulled over to the shoulder of the road, and turned their hazard lights on. A white bongo truck passed this stopped traffic in the southbound lane and started driving towards us at about 55mph. This was no more than 3 minutes after the IED and DF. My gunner started waving a US 17 panel on a stick while my driver flashed the vehicle's lights. My driver then started pointing his weapon at the vehicle and motioning for it to stop. When the vehicle, now approximately 200m away, failed to check its speed, my driver (b)(2)High which failed to stop the vehicle. The vehicle was (b)(2)High away when we began firing shots to destroy the vehicle from an east-south east. The vehicle stopped approximately (b)(2)High north of our position. The driver was killed, the passenger had gunshot wounds to the left, left arm, and right arm. I directed my medic to stabilize the casualty who was then evacuated to FOB Summerall aid station. The dead LPT and his vehicle were hauled over to the Bayji IP and I continued mission. All documents and personal effects from inside the vehicle were brought back to

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

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

004387

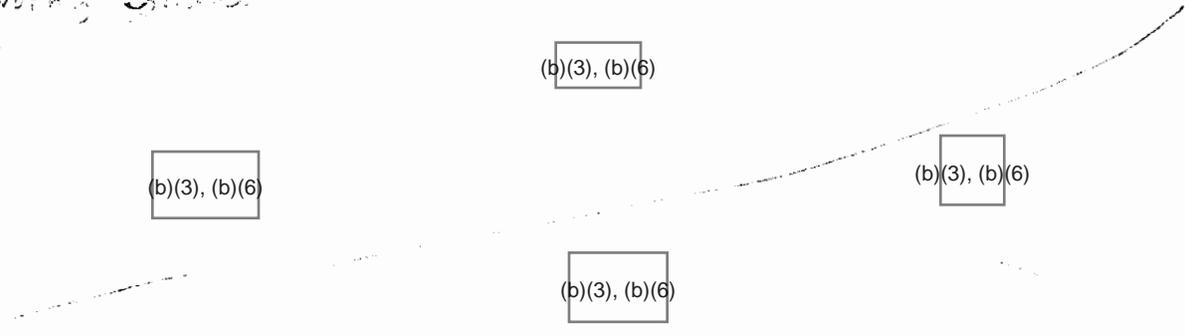
9. STATEMENT (Continued)

FOB Summer. I found over 100 gallons of gasoline in the back of the vehicle without any paperwork so the LN was allowed to set gasoline. As courier was fast approaching, I think this LN's desire to avoid being arrested for 5000 gal. dealing may have been what led him to attempt to bypass our patrol.

There have been several recent VBIED attacks in our sector. This is a commonly used AEF tactic in our AO.

A brief on the proper EOF was given before this patrol. All soldiers in my platoon received refresher EOF training as in the ROE the week prior to this patrol.

Nothing Else.



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)

WITNESSES

Subscribed and sworn to before me, a person authorized by law to administer oaths, this ___ day of ___ at ___

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

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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 <i>S3 Conference Room</i>	2. DATE (YYYYMMDD) <i>20060511</i>	3. TIME <i>2320</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(3), (b)(6)</i>	7. GRADE/STATUS <i>E5/AC</i>	
8. ORGANIZATION OR ADDRESS <i>D Co 11.93 INF</i>			

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

On 20060511, at approx 2040 the 'Lionettes' were heading North (b)(2)High en route to Bijwari to conduct a SCI. At this time the 3rd vehicle in the 4 vehicle convoy was struck by an IED. According to our platoon SGT my vehicle (1 of 4) pushed about 500 m north and then pushed East. My vehicle and the 2 vehicle (Lt. (b)(3), (b)(6) PFC (b)(3), (b)(6) SPC (b)(3), (b)(6)) were positioned vicinity grid (b)(2)High. My vehicle was on a side road facing East while D26 stayed on (b)(2)High facing North. SPC (b)(3), (b)(6) and myself exited my vehicle and proceed to take approx 60 rds 7.62mm fire from 2 shooters. While returning fire SPC (b)(3), (b)(6) and myself noticed a Bongo truck travelling South on (b)(2)High at a high rate of speed, passing several vehicles that were pulled over with their hazard lights on. SPC (b)(3), (b)(6) waved his US-IT panel and PFC (b)(3), (b)(6) at the vehicle to stop. When I saw these execution of force measures failed to stop the vehicle, I felt that my D26 vehicle was threatened. I ordered SPC (b)(3), (b)(6) to open fire and I did so myself until the vehicle was disabled. Once the vehicle was stopped we called for the medic and he rendered aid to the *UN WIA*. *Nothing Follows* (b)(3), (b)(6)

10. EXHIBIT <i>B</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3), (b)(6)</i>	PAGE 1 OF <i>2</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

004389

STATEMENT OF (b)(3), (b)(6) SGT TAKEN AT 53 Conference Rm DATED 2006 05 11

9 STATEMENT (Continued)

Nothing Follows

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

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

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

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

AFFIDAVIT

(b)(3), (b)(6) SGT 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 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 ____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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1. LOCATION: 33 Conference Room; 2. DATE: 2/20/05; 3. TIME: 23:23; 4. FILE NUMBER; 5. L: (b)(3), (b)(6); 6. SSN: (b)(3), (b)(6); 7. GRADE/STATUS: E4; 8. O: DWO 1-187

9. I, SPC (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At around 20:40, we were moving North on (b)(2)High to conduct an SO2 in Baijuri. An IED exploded near the 3rd vehicle in the convoy. I was in the lead truck with Sgt. (b)(3), (b)(6); SPC (b)(3), (b)(6); and PFC (b)(3), (b)(6). We pushed about (b)(2)High meters past the IED detonation, and set up security at grid 627 692. We began taking direct fire from the S-SE. We returned fire. There were at least 2 AK's, (2 shooters) that shot around 60 rounds total. Feeling very threatened, I turned and saw that SPC (b)(3), (b)(6) was waving his flag at a truck that was heading Southbound on (b)(2)High. The truck continued moving at a high rate of speed towards SPC (b)(3)(b)(6) vehicle, SPC (b)(3), (b)(6) then (b)(2)High but the truck continued at a (b)(2)High rate of speed towards his vehicle. Myself, and Sgt. (b)(3), (b)(6) then began to engage the vehicle with our M16's, until the vehicle came to a stop. After the vehicle came to a stop, our Medic SPC (b)(3)(b)(6), went to the truck and rendered aid to the passenger. (b)(3), (b)(6) Nothing Follows (b)(3), (b)(6)

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED
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004391

STATEMENT OF

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

TAKEN AT

53 Conference (b)(3)(b)(6) 20260511

9. STATEMENT *Continued.*

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

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

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

(b)(3), (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 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)

ment)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION S-3 Confluence Run	2. DATE (YYYYMMDD) 7006 05 11	3. TIME 2321	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 LPL	
8. ORGANIZATION OR ADDRESS 2 PLT B Co 1-187 3RCT			

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

At 2000 our patrol was heading North on Mark (b)(2)High
 in Begun. Our patrol received IED contact on my
 track (end of street track). While searching the area, the lead truck
 (2621) received small arms fire. (b)(3), (b)(6) (Approx 60 YK-470s)
 During this I noticed a white bongo truck traveling at a
 high rate of speed towards the DRZK track. I then
 saw SFC (b)(3)(b)(6) (2624) waving his US-17 panel flag and
 PFC (b)(3), (b)(6) (2625) waving his hands. While these warnings
 took place the white bongo truck passed several
 other civilian vehicles and SFC (b)(3), (b)(6) (b)(2)High
 (b)(2)High. After the rounds expired the bongo truck
 continued to speed towards our position. Then
 (b)(3), (b)(6) SFC (b)(3), (b)(6) PFC (b)(3), (b)(6) SGT (b)(3), (b)(6) SFC (b)(3), (b)(6) &
 myself (b)(3), (b)(6) Engaged the white bongo truck.
 I was standing in the meadow during this and
 fired 2 rounds into the bongo truck. After the
 truck stopped our medic moved forward to the
 truck to render first Aid to the local Nationals.
 (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6)
 Nothing follows (b)(3), (b)(6)

10. EXHIBIT D	11. INITIAL: (b)(3), (b)(6)	MAKING STATEMENT	PAGE 1 OF 1 PAGES
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STATEMENT OF (b)(3), (b)(6) TAKEN AT Summit A-Front DATED 2006.05.11

9 STATEMENT (Continued)

Nothing Follows

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

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

(b)(3), (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 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 HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, 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 _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

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

PAGE | OF | 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: 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: S3 Conference Room
2. DATE (YYYYMMDD): 2006-05-11
3. TIME: 2325
4. FILE NUMBER:
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: PFC
8. ORGANIZATION OR ADDRESS: Dec 1-18 2nd plt
9. (b)(3), (b)(6)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

at 2040 we were heading North on (b)(2)High to conduct a SOI in Buyari. When the third truck was hit with an IED. We then were doing our routine IED drill when the lead truck received direct small arms fire, so my truck moved North to pull security. A white truck then sped past the cars that were already stopped. Meanwhile the lead truck was still taking AK47 fire (approx 40 rounds of AK fire, at least 2 individuals shooting). My Gunner Spc (b)(3), (b)(6) started waving his flag at the passing truck but it kept moving at a rate of speed.

I then (b)(2)High It was still coming at (b)(3), (b)(6) what I could to stop the truck. Once the truck was stopped and secure our medic proceeded to treat the casualties (b)(3), (b)(6)

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

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

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT S3 conference DATED 2006 05 11

9. STATEMENT (Continued)

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

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

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

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

~~(b)(3), (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 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 HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL PERSUASION.

(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 _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF (b)(3), (b)(6) OF THIS STATEMENT

PAGE OF PAGES

STATEMENT OF

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

TAKEN AT 30 Centerville Ave

DATED 2/27/09

9. STATEMENT (Continued)

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

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

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

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

Nothing follows

AFFIDAVIT

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

I, _____ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE _____ 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:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 1 OF 2 PAGES

IED, DF, EOF

DRAGON 26

BAYJI

(b)(2)High

(b)(2)High

(b)(6)



(b)(2)High

(b)(2)High

(b)(6)

1957- TF LEADER RECEIVED A REPORT FROM DRAGON 2-6 (2/D/1-187) THAT THEY HAD STRUCK AN IED AT [REDACTED] ALONG MSR [REDACTED] IN THE BAYJI CITY LIMITS. THE IED CAUSED NO INJURIES OR DAMAGE TO EQUIPMENT.

(b)(2)High

(b)(2)High

1958- AS THE PATROL CONTINUED MOVEMENT PATROL IMMEDIATELY RECEIVED DIRECT FIRE FROM A NEARBY GAS STATION AT [REDACTED] THE PLATOON RETURNED FIRE AND MANEUVERED ON THE GAS STATION. THE PLATOON WITNESSED 3 X LN JUMP OVER THE EAST WALL. THE PLATOON FIRED ON THE 3 INDIVIDUALS BUT WERE UNABLE TO REGAIN CONTACT.

(b)(2)High

2001- AS THEY TRIED TO REGAIN CONTACT AND MAINTAIN SECURITY, A WHITE BONGO TRUCK (WITH BLACK MARKET FUEL CANS IN THE BACK) APPROACHED FROM THE NORTH AT A HIGH RATE OF SPEED ALONG MSR [REDACTED] PASSING SEVERAL OTHER VEHICLES THAT HAD ALREADY PULLED OVER AND TURNED THEIR HAZARD LIGHTS ON. THE TRUCK IGNORED ALL SIGNS TO STOP INCLUDING 2 TYPES VISUAL SIGNALS, WAVY VS-17 PANELS AND AIMING THEIR WEAPONS SHOWING THEIR INTENT TO USE DEADLY FORCE. THE VEHICLE CONTINUED TO APPROACH THE PATROL WITHOUT SLOWING DOWN AND WAS [REDACTED] FROM THEIR VEHICLES WHEN THE PATROL [REDACTED]. THE TRUCK STILL FAILED TO STOP. THE PATROL THEN FIRED ON THE VEHICLE WITH AN M2 MACHINE GUN AND M-4'S RESULTING IN 1X KIA AND 1X WIA LN WHO WERE LATER DETERMINED NOT TO BE BLACK MARKET FUEL SMUGGLERS.

(b)(2)High

(b)(2)High

(b)(2)High

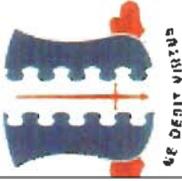
(b)(2)High

(b)(2)High

AN ADDITIONAL PLATOON MOVED TO THE SCENE AND SECURED THE WIA FOR EVAC TO THE FOB.

2216- AIR MEDEVAC WAS CALLED IN FOR LN WIA.

2306- MEDEVAC WAS OUT BOUND TO FOB SPEICHER CSH.



(b)(2)High