

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 MG Rick Lynch, Commander 3d Infantry Division
(Appointing authority)

on 13 January 2008 (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 Camp Victory at 1900
(Place) (Time)

on 13 January 2008 (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 1900 on 18 January 2008
(Time) (Date)

and completed findings and recommendations at 1700 on 20 January 2008
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1	Inclosures <i>(para 3-15, AR 15-6)</i>			
	Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?			X

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.

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		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?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	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?			X
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
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)			
	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.				

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

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

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

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

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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.)

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

(Recorder)

(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.)

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

JAN 28 2008

RICK LYNCH
Major General, US Army
Commanding

Dated:

Section VI – Findings:

1. What were the circumstances leading to the death of the local national?

a. On 12 January 2008, it was reported to Division HQs that a local national man driving a white bongo truck was shot and killed during an escalation of force incident outside of COP Cahill (Exhibit C).

b. Three Soldiers on guard duty in tower #5 and tower #1 fired shots during the escalation of force incident involving the white bongo truck (Ex. D-F, P-R).

c. EOF Sequence of Events:

1. Vehicle approached median between civilian road and restricted access road (Ex.Q, E).

2. Vehicle paused at warning sign between the two roads (Ex. E, F, Q, X).

3. Vehicle proceeded down restricted access road crossing the warning sign (Ex. D-F, Q-P, X).

4. SP6 (b)(3)(b)(6) and PFC (b)(3)(b)(6) in Tower #5 fired 2 warning shots each with their M4s in front of the vehicle. PFC (b)(3)(b)(6) in Tower #1 was alerted by the warning shots (Ex. E, F, P, Q).

5. The bongo truck continued south on the restricted route moving out of range of tower #5, The truck exited the Soldiers' field of view from the north window. SP6 (b)(3)(b)(6) attempted to call the TOC while PFC (b)(3)(b)(6) started repositioning to the east window of Tower #5. As the vehicle crossed the stop line, PFC (b)(3)(b)(6) in Tower #1 fired a 3 round burst warning-shot in front of vehicle with his M249 (Ex. D-F, P,Q, AA).

6. In tower #5, PFC (b)(3)(b)(6) now repositioned to the east window, fired 2 disabling shots at the vehicle. As the vehicle continued to move forward, PFC (b)(3)(b)(6) in Tower #1 fired a 3 round burst with his M249 into the grill of the truck; while PFC (b)(3)(b)(6) in Tower #5 fired 2 rounds into the driver with his M4 (Ex. D-F, P, Q).

7. The driver fell from the vehicle and the truck slowly rolled into the Jersey barriers as it came to a stop (Ex. D-F,Y,Z).

9. SP6 (b)(3)(b)(6) in tower #5 called SGT (b)(3)(b)(6) their Sergeant of the Guard, on the platoon net to report the incident. PFC (b)(3)(b)(6) in tower #1 called his Sergeant of the Guard, SSG (b)(3)(b)(6) to report the incident and request a medic (Ex. E, F, P, Q).

d. The local national's body and vehicle were located past the stop line after the incident. The stop line is located at the far left limit of the east window. (Ex. AA, Y, Z)

e. SGT (b)(3)(b)(6) in tower #4 heard initial shots fired, looked out the window, and viewed the truck passing the warning sign. SGT (b)(3)(b)(6) heard more gun shots and viewed the vehicle slowing to a stop and then starting to move forward again. SGT (b)(3)(b)(6) in tower #4 heard more shots, but could not see the vehicle once it passed the T-walls (Ex. L).

2. Were adequate measures taken to divert civilian traffic away from COP Cahill (i.e. posted warning signs, emplaced barriers, etc.)?

a. The alert line and warning line signs are black on a white background. These signs are written in English and Arabic, they do not have any symbols. These signs are properly translated in Arabic (Ex. AF, AG, AI). The warning line sign has a small green civilian sign underneath it pointing across the restricted access road to a civilian road. The green sign says in Arabic, "Ministry of Agriculture, Environment, and Forrest National Company Kameba Farm" with a yellow arrow pointing across the restricted road (Ex AG, AI). The stop line sign uses red and black lettering and says, "Entrance is not allowed. Military vehicles only. Deadly Force, use the other side of the road." It has a red stop sign and red arrow for symbols and the word "stop" in English (Ex. AH, AI).

b. All warning signs are located on the center median between the civilian road and the restricted access military road. No warning signs are located on the right side of the restricted access road (Ex. V).

c. Barriers are located on the outside of the civilian road and along the median after the warning line to provide a channeling effect to civilian traffic along Route Wild (Ex. AB, J). On the restricted access road, barriers are located on the side of the road at the entrance to the rear ECP (Ex. X). No serpentine barriers are located between the warning lines, stop line, or at the rear ECP entrance to discourage civilian traffic from entering (Ex. X, V). The Commander assessed that his unit continually re-replaces Jersey barriers for force protection measures, but they need to be wide enough to facilitate movement of large military vehicles (Ex. AB, X, J).

d. There is a clear path through the median located before the warning sign and no barriers dividing the civilian and restricted access lanes (Ex.W). The Commander assessed that the median must stay open in order to facilitate civilian traffic which use small trails to access their housing (Ex. J,AD, AE).

e. Tower #5's primary sector of fire covers the warning line and covers the stop line at the tower's far right limit (Ex. AC). Soldiers must switch to the east window to continue EOF procedures for vehicles that continue past the stop line heading towards the main ECP (Ex. AA). No alternate sector of fire is assigned for Tower #1 to cover the stop line, although, as in this case, they can cover it (Ex. H).

f. In the MND-C vulnerability assessment conducted by the Force Protection Cell on COP Cahill on 03 Sep, it was shown that COP Cahill had (b)(2)High

(b)(2)High

(b)(2)High	
(b)(2)High	No recommendation was given in the vulnerability assessment regarding the blind spots.. (Ex. T)

3. Did the gate guards follow proper EOF procedures?

a. Soldiers in tower #5 and tower #1 properly executed escalation of force procedures as stated by their unit EOF card (Ex.G). Tower #5 fired warning shots at the warning line, disabling shots after the stop line, and kill shots after the disabling shots were ineffective. Tower #1 fired warning shots and disabling shots after the stop line(Ex D-F, P-R, and Y).

b. Soldiers immediately notified supervisors on the PLT net to inform them of the incident. Supervisors informed the TOC, Soldiers were released from duty, and their sworn statements were taken (Ex. D, F, M).

c. Raid tower was NMC during this event. No photos or video of the actual event are available. No maintenance records are available (Ex. J,O).

d. PFC (b)(3)(b)(6) the soldier in tower #5, has previously fired successful warning shots at vehicles entering the restricted access road in the past, concluding with the vehicles turning around without further escalation of force measures required. (Ex. Q)

e. There was a VBIED threat against COP Cahill as mentioned in the 3rd Brigade Intelligence Summary for 10 JAN-11 JAN 08. (Ex. S, J)

4. Did the unit follow proper reporting procedures following the incident?

a. Only (b)(2)High, is used to communicate between the TOC and the guard towers. (Ex. J) Soldiers conducted successful radio checks prior to entering the guard tower for duty. (Ex. K)

b. During the incident, Soldiers lost communication with the TOC, but contacted Sergeants' of the Guard on the Platoon nets to alert them of incident and request a medic. SGT (b)(3)(b)(6) immediately went to tower #5, gathered data, and reported to the TOC. (Ex. K, O)

c. In the TOC, CPT (b)(3)(b)(6) reported the incident immediately to the Battalion using a SALT-A report (size, activity, location, time, actions). SSG (b)(3)(b)(6) the TOC NCO, immediately went to tower #5 to check on soldiers. He returned to the TOC to relay information to CPT (b)(3)(b)(6) The TOC continued to gather facts and sent reports via SVOIP to the Battalion. CPT (b)(3), (b)(6) sent a squad and medic to secure the scene and continued to gather facts. The soldiers provided sworn statements regarding the incident to CPT (b)(3)(b)(6) (Ex. O,N) The TOC logged the EOF event in their duty log, DA Form 1594. (Ex. I)

d. This unit has experienced 1-2 EOF incidents per month resulting in warning shots fired at vehicles trying to utilize the restricted access road. (Ex. J)

e. Sectors of fire and guard duty signs are posted in the towers.(Ex. H, U, J)

The evidence supports the following conclusions:

1. Soldiers successfully executed EOF procedures. The local national entered a restricted area causing the graduated escalation of force leading to his death.
2. The leadership properly reported the incident to higher headquarters and took necessary statements in a timely manner. Soldiers and the unit are experienced at the use of escalation of force procedures on the perimeter of COP Cahill.
3. Improvements are necessary to deter civilians from using the restricted access road. Non-lethal improvements to force protection outside of the COP will take the lethal decision away from Soldiers.

Recommendations:

(b)(5)

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Exhibit C	Initial Storyboard submitted by 3/3 to Division HQs
Exhibit D	DA Form 2823 - SPC (b)(3)(b)(6) initial sworn statement 12 JAN 08
Exhibit E	DA Form 2823 - PFC (b)(3)(b)(6) initial sworn statement 12 JAN 08
Exhibit F	DA Form 2823 – PFC (b)(3)(b)(6) initial sworn statement 12 JAN 08
Exhibit G	Unit EOF card showing alert line, warning line, stop line
Exhibit H	Unit Sectors of Fire
Exhibit I	Duty Logs on COP Cahill for 12 January 2008
Exhibit J	DA Form 2823 – CPT (b)(3)(b)(6) sworn statement 18 JAN 08
Exhibit K	DA Form 2823 – SGT (b)(3)(b)(6) sworn statement 18 JAN 08
Exhibit L	DA Form 2823 – SGT (b)(3)(b)(6) sworn statement 18 JAN 08
Exhibit M	DA Form 2823 – CPT (b)(3)(b)(6) initial sworn statement 18 JAN 08
Exhibit N	DA Form 2823 – SSG (b)(3)(b)(6) sworn statement 18 JAN 08
Exhibit O	DA Form 2823 – CPT (b)(3)(b)(6) follow-up statement 18 JAN 08
Exhibit P	DA Form 2823 – SPC (b)(3)(b)(6) follow-up statement 18 JAN 08
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Exhibit AD	Civilian side road from tower #5
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DEPARTMENT OF THE ARMY
HEADQUARTERS, MULTI-NATIONAL DIVISION-CENTER
APO AE 09342

S: 21 January 2008

AFZP-CG

13 January 2008

MEMORANDUM FOR MAJ (b)(3)(b)(6) G7, 3d Infantry Division

SUBJECT: Appointment as an Army Regulation (AR) 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer, pursuant to AR 15-6, Procedures for Investigating Officers and Boards of Officers. The purpose of the investigation is to examine the facts and circumstances surrounding an escalation of force (EOF) incident resulting in the death of a local national in front of COP Cahill on 12 January 2008.
2. The investigation will focus on, but is not necessarily limited to, determining the following:
 - a. What were the circumstances leading to the death of the local national?
 - b. Were adequate measures taken to divert civilian traffic away from COP Cahill (i.e. posted warning signs, emplaced barriers, etc.)?
 - c. Did the gate guards follow proper EOF procedure?
 - d. Did the unit follow proper reporting procedures following the incident?
3. Conduct a thorough investigation using informal procedures under AR 15-6. Include photos of the site showing the point of view of the shooter and the local national. At the conclusion of your investigation, you will make specific factual findings and recommendations. The evidence must support your findings and your recommendations must be consistent with those findings.
4. Before you begin your investigation, you should contact the MND-C OSJA, Administrative Law Division, at SVOIP (b)(2)High to schedule a legal briefing.
5. Witness statements will be sworn and written on a DA Form 2823 whenever possible. If, during the course of the investigation, you suspect an individual may have committed a criminal offense, use DA Form 3881, Rights Warning Procedure/Waiver Certificate, to advise the subject of his or her rights under Article 31, Uniform Code of Military Justice before questioning the individual.
6. Submit your findings and recommendations to me on DA Form 1574 no later than 21 January 2008. Should you require additional time, coordinate with me through the MND-C SJA.

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

RICK LYNCH
Major General, US Army
Commanding

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CHRONOLOGY

- 12 January 08 -Incident Occurred
- 13 January 08 -Received verbal warning at 1730 from SJA of pending appointment
- 14 January 08 -Received Appointment Order as 15-6 Investigation Officer
-Received brief from SJA about 15-6 Procedures
-Contacted the S3 of 1-15 BN, MAJ (b)(3)(b)(6) via telephone and email
-Requested initial documentation to include statements and pictures
-Received initial set of photos and storyboard from 1-15BN S3
-Sent email asking best date to interview all Soldiers involved
- 15 January 08 -Received email saying interview before Saturday is available
-Requested initial statements from 3/3 again to start questionnaire
-Submitted AMR for 17 Jan to COP Cahill
-Informed Soldiers would not be available on the 17th by S3
-Resubmitted AMR for 18 Jan to COP Cahill
-Put together binder, documents, questions, blank sworn statements
-Received three sworn statements
-Printed off EOF documents from Force Protection
- 16 January 08 -Sent email for additional statements from SOG and TOC operators
-Asked force protection for additional EOF/ECP operations information
- 17 January 08 - Interviewed SGM (b)(3)(b)(6) about proper EOF/ECP operations
- Sent timeline of interviews to S3 for tomorrows event
- Developed questionnaire for tomorrow
- 18 January 08 - Conducted interviews at COP Cahill of leaders and Soldiers
- Took pictures on route and from tower
- 19 January 08 - Compiling data and photos
- 20 January 08 - Completed findings and sent for review

004523

Final - B



Ex 101 C

MND-C SIGACT1

FFIR 25

UNIT:3/3ID

WHO: A/1-15

WHAT: 1 X EOF, 1 X KIA

WHEN: 12 1035 JAN 08

WHERE: [redacted]

BDA: 1 X TRUCK DESTROYED, 1 X CIVILIAN KIA

COMP OF PATROL/UNIT: NONE

TIMELINE:

1035: HARDROCK X-RAY REPORTS AN EOF INCIDENT AT THE FRONT GATE OF COP CAHILL.

1050: HARDROCK REPORTS THE DETAILS OF THE AFOREMENTIONED EOF INCIDENT. 1 X BONGO TRUCK ENTERED INTO THE SERPENTINE LOCATED ON THE SOUTH BOUND LANE OF RTE [redacted] BY DOING SO, THE CIVILIAN IGNORED ALL POSTED WARNING SIGNS DETERING CIVILIAN TRAFFIC FLOW THROUGH THE SERPENTINE. AS THE VEHICLE NAVIGATED IT'S WAY THROUGH THE BARRIERS, GATE GUARDS ATTEMPTED TO HALT THE VEHICLE THROUGH HAND SIGNALS. THESE ATTEMPTS WERE UNSUCCESSFULL SO THE GATE GUARDS FIRED ONE WARNING SHOT INTO THE WESTERN SHOULDER OF RTE [redacted] AT THIS TIME, THE VEHICLE ACTUALLY INCREASED IT'S SPEED AS IT APPROACHED THE FRONT GATE OF COP CAHILL. ONCE SPEED INCREASED, HARDROCK ENGAGED THE BONGO TRUCK, THUS KILLING THE DRIVER. ONCE SHOT, THE DRIVER OPENED THE DOOR AND FELL OUT OF THE VEHICLE. THE VEHICLE CONTINUED IT'S FORWARD MOMENTUM UNTIL IT STRUCK A JERSEY BARRIER ON THE WESTERN SIDE OF RTE [redacted]

1100: HARDROCK BEGINS INSPECTION OF THE VEHICLE AND CIVILIAN KIA

1110: HARDROCK REPORTS INSPECTION OF THE VEHICLE COMPLETE AND NO EXPLOSIVES, WEAPONS, OR SUSPICIOUS ITEMS FOUND WITHIN THE BONGO TRUCK

ANALYSIS:

OPS: THIS INCIDENT WAS JUSTIFIED AND EOF PROCEDURES WERE FOLLOWED. THERE HAVE BEEN SEVERAL RECENT THREAT WARNINGS INDICATING POSSIBLE VBIED ATTACKS THROUGHOUT THE [redacted] HAD THIS TRUCK BEEN A VBIED AND GATE GUARDS DID NOT TAKE APPROPRIATE ACTION, COP CAHILL WOULD EXPERIENCE CATASTROPHIC EFFECTS

INTEL: RECENT VBIED THREATS IN [redacted] HAVE PROMPTED CF TO INCREASE THEIR PROTECTIVE POSTURE. NOT INTERCEDE PERCEIVED SUICIDE BOMBERS. IT IS POSSIBLE AQIZ WERE TESTING OUR FORCE PROTECTION MEASURES TO ACERTAIN HOW CLOSE THEY COULD GET TO A CF GUARDED BASE.

SUMMARY:

1 x EOF

1 x KIA

0 x KIA

FINAL

UNCLASSIFIED

(b)(2)High

(b)(2)High

SWORN STATEMENT

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

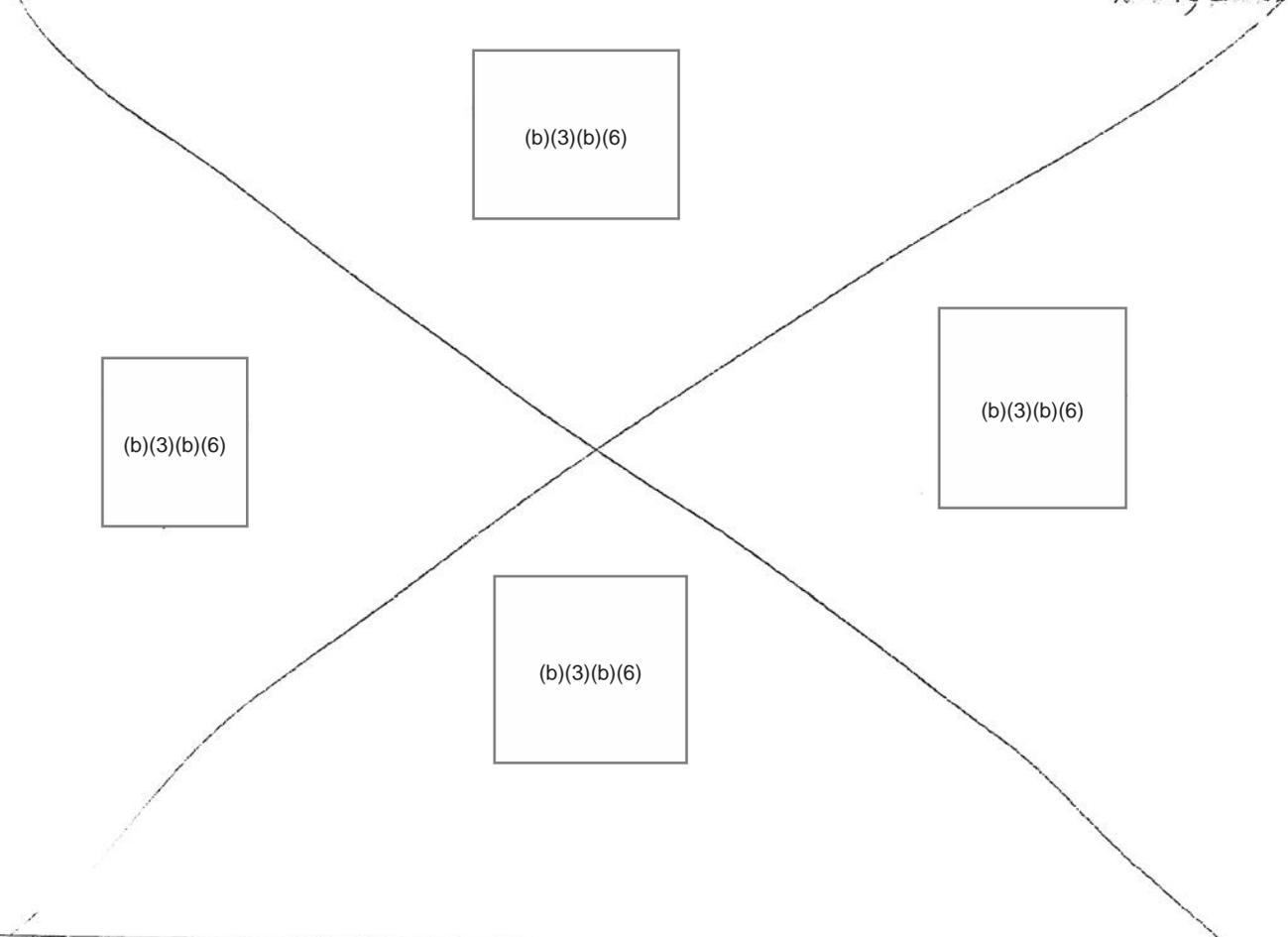
PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; F. 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 COP Cahill, Iraq (b)(3)(b)(6)	2. DATE (YYYYMM) 2008/01/12 (b)(3)(b)(6)	3. TIME 1100 (b)(3)(b)(6)	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	
8. ORGANIZATION OR ADDRESS A Co. 1-15 IN, 3 BDE, 3 ID			

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

On Saturday, January 12th, 2008 I was in Tower 5 of Cop Cahill overlooking Route (b)(2)High when a white hongo truck approached the vehicle restriction Alert sign. Once the vehicle passed the warning sign I instructed PFC (b)(2)High fire warning shots. PFC (b)(3)(b)(6) I fired four warning shots. The truck kept coming down the restricted lane passing the stop line. The truck then left the field of view of the center window of Tower 5. At that time Tower 1 opened up with the 240B after the vehicle passed the stop line. I instructed PFC (b)(3)(b)(6) move to the side window and fire into the vehicle with his M-4 PFC (b)(3)(b)(6) proceeded with two shots into the vehicle from the side window. The truck then rolled into the jersey barriers, the driver laid motionless. (b)(3)(b)(6)



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

Exhibit D

STATEMENT OF (b)(3)(b)(6) TAKEN AT COP Cahill (b)(3)(b)(6) DATED 2008/01/12 (b)(3)(b)(6)

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 (b)(3)(b)(6). 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 WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW

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

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

(b)(3)(b)(6) (statement)
authorized by law to
January, 2008

A Co. 1-15 IN
ORGANIZATION OR ADDRESS

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

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

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

A Co. 1-15 IN
ORGANIZATION OR ADDRESS

Article 136(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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