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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB MAREZ MOSUL, IRAQ (b)(3), (b)(6)	2006 07 23 (b)(3), (b)(6)	2015 (b)(3), (b)(6)	

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

8. ORGANIZATION OR ADDRESS (b)(3), (b)(6)
C 1/17 INF FOB MAREZ APO AE 09319

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

ON 22 July 06 AT AROUND 0730 MY PLATOON WAS CONDUCTING A DISMOUNTED PATROL ON A LOCAL ROAD IN THE ALFAROUQ NEIGHBORHOOD. AS I WAS WALKING I HEARD MY M249 GUNNER, PFC (b)(3), (b)(6) AND MY BRAVO TEAM LEADER YELLING STOP. AS I TURNED I SAW MY M249 GUNNER STANDING IN THE ROAD WITH HIS HAND IN THE AIR AND YELLING STOP. I SAW HE WAS YELLING AT A (b)(6) MY BRAVO TEAM LEADER, SGT (b)(3), (b)(6) RAISE HIS HAND AND YELL ALSO. MY M249 GUNNER THEN FIRED A BURST, 3 ROUNDS, INTO THE AIR AND AGAIN YELLED STOP. SGT (b)(3), (b)(6) FIRED 1 ROUND INTO THE AIR ALSO. ONCE THE (b)(6) GOT WITHIN ABOUT 100 TO 125 METERS SGT (b)(3), (b)(6) FIRED 1 ROUND INTO THE LOWER PORTION OF THE HOOD. THE CAR KEPT COMING AND ONCE IT GOT WITHIN (b)(2)High METERS PFC (b)(3), (b)(6) AND SGT (b)(3), (b)(6) ENGAGED THE CAR AND DRIVER. ONCE THE SHOOTING STARTED OTHER MEMBERS OF THE SQUAD ENGAGED AS WELL. WHEN THE CAR STOPPED IT WAS IN THE MIDDLE OF MY BRAVO TEAM'S FORMATION. I THEN MOVED TOWARD THE CAR WITH ONE OF MY RIFLEMAN AND THE PLATOON MEDIC IN ORDER TO SEE IF ~~W~~ (b)(3), (b)(6) ANY AID COULD BE RENDERED. OUR MEDIC SAID THERE WAS NOTHING THAT COULD BE DONE, MY RIFLEMAN, PFC (b)(3), (b)(6) AND I THEN CONDUCTED SSE ON THE CAR AND DRIVER. WHILE CONDUCTING SSE I NOTICED THE CAR WAS UNUSUALLY ~~EMPTY~~ (b)(3), (b)(6) EMPTY COMPARED TO THE THOUSANDS OF CARS SEARCHED DURING, TCP'S, TC2'S AND SEARCHING OF CARS IN THE CAR PARKS AROUND TOWN. WHEN THE CAR AND DRIVER WAS VAPOR TRACED ALL RESULTS WERE NEGATIVE. (b)(3), (b)(6)

(b)(3), (b)(6)
Q: WHY WAS THE CAR (b)(6) SIGNIFICANT?
A: IT WAS BRIEFED PRIOR TO PATROL TO BE ON THE BOLO LIST

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

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

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

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB MARE 2 DATED 23 JULY 2006

9. STATEMENT *(Continued)*

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

Q: WHY DID I OR WHAT THREAT DID I PERCEIVE THE (b)(6) TO BE?

A: I THOUGHT THE (b)(6) COULD BE A SVBIED OR THAT IT WAS GOING TO RUN ME OR MEMBERS OF THE PLATOON OVER

(b)(6)

Q: WHEN WAS THE LAST ROE TRAINING, WHO TAUGHT IT AND WHERE WAS IT TAUGHT?

A: OUR ROE TRAINING AS WELL AS ESCALATION OF FORCE TRAINING WAS TAUGHT BY OUR PLATOON LEADER, LT (b)(3), (b)(6) PRIOR TO THE PATROL BEHIND THE STRYKERS. THINGS COVERED WERE WHAT ESCALATION OF FORCE TO USE AND AT WHAT DISTANCES TO USE THEM AS WELL AS THE ACTUAL RULES OF ENGAGEMENT. NOTHING FOLLOWS (b)(3), (b)(6)

NTF

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

NTF

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

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

NTF

NTF

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

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

PAGE 2 OF 3 PAGES (b)(3), (b)(6)

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB MAREZ DATED 23 July 06

9. STATEMENT *(Continued)*

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

NTF

NTF

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

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

NTF

NTF

(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, OR UNLAWFUL INDUCEMENT.

(b)(3), (b)(6)
(Signature of Person Making Statement)

WITNESSES:

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

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

ORGANIZATION OR ADDRESS

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

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

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of JULY, 06 at FOB MAREZ

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

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

INVESTIGATING OFFICER
(Authority To Administer Oaths)

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

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

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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1. LOCATION	2. DATE (YYYYMM[redacted]	3. TIME	4. FILE NUMBER
FOB MAREZ MOSUL, IRAQ (b)(3), (b)(6)	2006 07 23 (b)(3), (b)(6)	2020 (b)(3), (b)(6)	
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6) (b)(3), (b)(6)	6. SSN (b)(3), (b)(6) (b)(3), (b)(6)	7. GRADE/STATUS (b)(3), (b)(6) E-5 / ACTIVE	
8. ORGANIZATION OR ADDRESS C CO 1/17 INF FOB MAREZ (b)(3), (b)(6)			

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

ON 22 July 2006 WHILE CONDUCTING A COMBAT PATROL ON FOOT ON A LOCAL ROAD ON THE ALFA RUK NEIGHBORHOOD. MY TEAM BRAVO TEAM WAS ON THE TRAIL OF THE FORMATION ABOUT 400 METERS FROM (b)(2)High I NOTICED THAT THE ROAD WAS KIND OF EMPTY AND ONLY (b)(3), (b)(6) A RED CAR STARTED TO APPROACH FROM THE REAR. AS THE CAR GOT CLOSER TO THE FORMATION AT ABOUT (b)(2)High METERS MY SAW GUNNER MY TRIAL MAN STEPPED INTO THE MIDDLE OF THE ROAD TO TRY AND STOP THE CAR FROM APPROACHING ANY CLOSER TO THE FORMATION. I TURNED AROUND TO SEE AND ASSIST MY SAW GUNNER PFC (b)(3), (b)(6) I HEARD HIM SCREAM TO TRY AND STOP THE CAR. HE SCREAMED STOP IN ENGLISH AND IN ARABIC. AFTER HE SCREAM AND DID (b)(2)High [redacted] TO SLOW DOWN OR STOP, HE POINTED HIS SAW INTO THE AIR AND FIRE A BURST AS A (b)(2)High [redacted] FOLLOWED BY A SHOT BY ME INTO THE AIR. ALL THIS HAPPENED WHEN THE CAR WAS ABOUT (b)(2)High METERS AWAY FROM US. THE CAR SHOWED NO INTENTION OF SLOWING DOWN SO I ENGAGED THE FRONT OF THE CAR THE CAR CAR WAS STILL COMING TOWARDS US SO MYSELF AND MY SAW GUNNER PROCEEDED WITH OUR ESCALATION OF FORCE WE ENGAGED THE CAR AND THE DRIVER. AFTER WE ENGAGED SOME OF THE SQUAD MEMBER ALSO FIRED UPON THE CAR. ONCE THE CAR STOPPED WE HAD FULLY ENGAGED WITH DEADLY FORCE THE CAR STOPED BETWEEN MY SAW GUNNER AND MYSELF.

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

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STATEMENT OF (b)(3), (b)(6) TAKEN AT (b)(3), (b)(6) DATED 25 July 2006 (b)(3), (b)(6)

9. STATEMENT *(Continued)*

THE CAR WAS (b)(2)High FROM US WHEN I MADE THE DECISION TO ENGAGE WITH DEADLY FORCE. I MADE THIS DECISION BECAUSE THE ROAD WAS EMPTY AND NO OTHER CARS OR PEOPLE WERE AROUND. WE HAD SEVERAL (b)(6) CARS IN OUR BOLO LIST THE DRIVER (b)(2)High (b)(2)High (b)(2)High (b)(2)High (b)(2)High (b)(2)High (b)(2)High (b)(2)High IN THE CAR AND (b)(2)High BEFORE EVERY MISSION OUR PLATOON LEADER GIVES US BRIEFS ON ROE AND BOLO LIST CARS. END OF STATEMENT FOR ESCALATION OF FORCE (b)(3), (b)(6)

NOTHING FOLLOWS.

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

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

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

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

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

PAGE 2 OF 3 PAGES (b)(3), (b)(6)

STATEMENT OF BAUTISTA, JUAN LUIS (b)(3), (b)(6) TAKEN AT FOB MAREZ (b)(3), (b)(6) DATED 23 JULY 2006 (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

(b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3 (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 FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

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

(Signature of Person Making Statement)

WITNESSES:

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

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

C Co 1/1 IN

ORGANIZATION OR ADDRESS

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

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

C Co 1-14 IN

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 23 day of JULY, 06

at FOB MAREZ

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

INVESTIGATING OFFICER

(Authority To Administer Oaths)

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