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	2006 07 23	2105	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
(b)(3), (b)(6)	(b)(3), (b)(6)	O-2 / PL

8. ORGANIZATION OR ADDRESS
C Co, 1-17 IN Regt APO AE 09319

(b)(3), (b)(6) 1LT (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

This is a statement in regards to the escalation of force (EOF) on 22 0729 JUL 06 in the Al Farook neighborhood of Old Town in Mosul, Iraq; by 2nd Platoon, Charlie Company, 1st BN, 17th IN Regt, 172nd SBCT. 2/C was conducting a dismounted patrol along the alleyway when a (b)(6) started driving at them at a high rate of speed. The vehicle was a BDLQ, and the LN, (b)(6), (b)(6), was (b)(2)High (b)(2)High. My Soldiers knew and understood the Rules of Engagement (ROE) and acted in accordance with (IAW) them. The Soldiers involved were PFC (b)(3), (b)(6) SGT (b)(3), (b)(6) PFC (b)(3), (b)(6) SSG (b)(3), (b)(6) and a few others that joined in once the firing began. All of these Soldiers had ROE training by numerous people at numerous times. The first major training that they received was at Camp Buering, Kuwait in August 2005 by a JAG Captain. We all then received further training on ROE at the CAC on FOB Marez in Mosul, Iraq in September 2005 by another JAG CPT. Before every patrol, we talk about, as a platoon, scenarios and how the ROE would apply to them. At two other times, in January 2006 and May 2006, a JAG CPT came to our Diablo CP and conducted a ROE refresher. The Soldiers on the ground acted IAW BN SOP for an EOF by (b)(2)High at approximately (b)(2)High. The vehicle continued to move towards the dismounted patrol causing a huge threat to the entire element on the ground. One of my Soldiers, PFC (b)(3), (b)(6) was standing in the middle of the road to try to

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

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 1LT (b)(3), (b)(6) W TAKEN AT FOB Marez DATED 23 JUL 2006

9. STATEMENT *(Continued)*

get the Local Nationals (LN) attention. At around (b)(2)High he fired a (b)(2)High (b)(2)High (b)(2)High My B Team Leader for 1st SQD, SGT(P) (b)(3), (b)(6) also fired a warning shot in the air. At (b)(2)High SGT(P) (b)(3), (b)(6) (b)(2)High to further get the driver to stop. He continued driving at the same pace so my Soldiers had no other method to defend themselves except to go to lethal fires. At about (b)(2)High the Soldiers mentioned above fired until the enemy threat was eliminated. The car stopped between 20 to 25 meters of our Soldiers. All shots that were fired; (b)(3), (b)(6) (b)(2)High (b)(2)High, and (b)(2)High were meant to be fired at a legitimate target. There were no measures that could be added to prevent the stupidity and blindsightedness of some Iraqis. We also noticed at the time of the shooting that all shops were closed and no locals were around at the time in an otherwise fairly busy neighborhood. This prevented any LN's from getting hurt besides the target. We did, however, knock on numerous doors to ensure that no LN's in houses were hurt. We conducted SSE of the vehicle to include vapor trace of the individual and the vehicle, which were both negative. The car was clean in that it had no contraband in it. We took the body to the Al Jamouri morgue and filed a report with the Iraqi Police there. I also properly reported it to BN. Nothing Follows (b)(3), (b)(6)

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

Not Used

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

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT FOB Marez DATED 2006 07 23

9. STATEMENT *(Continued)*

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

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

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

Not used

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

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

AFFIDAVIT

1LT (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) FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLU[illegible]CEMENT (b)(3), (b)(6)

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

(Signature of Person Making Statement)

WITNESSES:

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

C C 1/17 IN

ORGANIZATION OR ADDRESS

C co 1/17 WE

SSG (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)

PAGE 3 OF 3 PAGES