

# 15-6 INVESTIGATION

19 AUGUST 2005

ESCALATION OF FORCE  
UNREPORTED WEAPONS ENGAGEMENT

IO 1LT

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



**DEPARTMENT OF THE ARMY**  
126<sup>th</sup> MILITARY POLICE COMPANY  
BAGHDAD, IRAQ  
APO AE 09344

REPLY TO  
ATTENTION OF:

AFZH-MPP-O

28 December 2005

MEMORANDUM THRU

Commander, 504<sup>th</sup> MP Battalion  
Commander, 49<sup>th</sup> MP Brigade, ATTN: LTC

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

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

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

FOR Commander, MNC-I, ATTN: COL

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

**SUBJECT: Status of Actions Taken to Meet Guidance From Approved 15-6 Investigation**

1. The condolence payment to the family of (b)(6) has not yet occurred, but actions are underway to meet that directive. CPT (b)(3), (b)(6), 504<sup>th</sup> S1, was assigned as a Project Purchasing Officer and 1LT (b)(3), (b)(6) Platoon Leader, was assigned as a CERP Paying Agent. Both attended the required training to perform such duties. A Project Proposal and Purchase Request and Commitment (PR&C) are forthcoming through C7 for approval by the MNC-I Chief of Staff. Once funding is approved, CPT (b)(3), (b)(6) and 1LT (b)(3), (b)(6) will draw \$2,500 and pay it to the family of the girl. 1LT (b)(3), (b)(6) is in telephonic contact with the girl's father. They will then arrange to meet at the Yarmouk Iraqi Police Patrol Station to express our sympathies and extend the monetary gift.

2. The point of contact for this memorandum is the undersigned at VOIP (b)(2)

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

CPT, MP  
Commanding

006146

**AR 15-6 Investigation Approval**  
**Unreported Weapons Engagement**  
**Which Resulted in Death of LN Child**

Purpose: To obtain the Commanding General's approval, with modifications, of a 15-6 investigation regarding the facts and circumstances surrounding the 19 August 2005 escalation of force that resulted in the death of a LN child and one unreported warning shot discharge.

Recommendation: That the Commanding General approve the findings and recommendations made by the investigating officer, with modifications.

Summary of Investigating Officer's Findings and Recommendations: The investigating officer (IO) found that at 1630 on 19 August 2005 elements of the 3<sup>rd</sup> Platoon, 126<sup>th</sup> MP Co, 504<sup>th</sup> MP Bn were involved in an Escalation of Force. The gunner, SPC (b)(3), (b)(6) observed a vehicle threat entering his convoy's safety bubble. Spotlights and hand and arm signals were used but the vehicle continued to approach the rear of the convoy. SPC (b)(3), (b)(6) then fired one round directly in front of the vehicle. The suspected hostile vehicle stopped. Due to warnings of sniper and IED threats in the area, the convoy leadership decided to continue without stopping to investigate. The mission leader was SGT (b)(3), (b)(6) and the squad leader and senior NCO was SSG (b)(3), (b)(6). Neither SGT (b)(3), (b)(6) nor SSG (b)(3), (b)(6) notified the 126<sup>th</sup> MP Co TOC or reported the weapons engagement. 126<sup>th</sup> MP Co SOP as well as battalion and brigade policies required the weapons engagement be reported. At 0830 on 22 August 2005 IP 2LT (b)(6) (b)(6) informed the 126<sup>th</sup> MP's that he believed a (b)(6) old local national girl had been killed by the same 3<sup>rd</sup> Platoon, 126<sup>th</sup> MP Co patrol. The IO found that due to conflicting and inconclusive statements by witnesses, the shot fired by SPC (b)(3), (b)(6) did not result in the Local Nationals girl's unfortunate death. He also found that SPC (b)(3), (b)(6)'s warning shot was within the RoE and EoF measures. The IO recommends that actions against SGT (b)(3), (b)(6) and SSG (b)(3), (b)(6) the mission's leadership, be handled at the company level. Furthermore, the IO adds the 126<sup>th</sup> MP Commander should consider updating and clarifying the reporting requirements and ensure each soldier is aware through written counseling.

The finding that there is not enough conclusive evidence to determine that the child was not killed by the warning shot is incorrect; while perhaps not "proof beyond a reasonable doubt," there is strong circumstantial evidence to determine that it is more likely than not that the child was killed by SPC (b)(3), (b)(6)'s properly fired warning shot. Recommend changing the findings accordingly. That would then give rise to a logical new recommendation: that the unit initiate and process a condolence payment to the girl's family.

Requested Action: Commanding General signs the enclosed DA Form 1574, approving the findings and recommendations, with some modifications, and sign the memorandum to the Commander, 126<sup>th</sup> MP CO.

006147

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



**HEADQUARTERS**  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342

REPLY TO  
ATTENTION OF

FICI-CG

3 September 2005

MEMORANDUM FOR 1LT (b)(3), (b)(6) 2-123 FA BN/504 MP BN, 42 MP BDE, Camp Victory, Baghdad, Iraq APO AE 09342

**SUBJECT:** Appointment of AR 15-6 Investigating Officer

1. You are appointed as an investigating officer to conduct an investigation into all the facts and circumstances surrounding the death of a local national child on or about 19 August 2005 during an escalation of force incident involving unknown U.S. forces. This incident was witnessed by LT (b)(6) of the Iraqi Police. Contact CPT (b)(3), (b)(6) (information listed in paragraph 6 below for such details as are known at this time). You will conduct the investigation IAW AR 15-6.

2. Your duties as an investigating officer will take priority over other duties. You will use the informal investigation procedures detailed in AR 15-6, chapter 4. You will make specific findings of facts that are supported directly by the documented evidence or reasonably based upon circumstantial evidence. Based upon all factual findings and conclusions, you will make recommendations on all relevant issues you identify in the course of your investigation.

3. Your findings will address the following specific questions:

- a. Did the US unit follow ROE and escalation of force SOPs/TTPs then in place?
- b. Where was the deceased child at the time the escalation of force incident took place?
- c. Did the US unit element involved in this incident have situational awareness of the surrounding area at the time the warning shot was fired?
- d. Why was this incident not reported?

4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under Article 31, UCMJ. Rights warnings and waivers will be documented on DA Form 3881. If during an interview you

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SUBJECT: Appointment of AR 15-6 Investigating Officer

begin to suspect criminal conduct on the part of the witness, you must stop the interview and advise the individual of his or her rights under Article 31, UCMJ.

5. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. If you conduct any witness interviews telephonically, you will prepare a memorandum for record memorializing the interview. Prepare your report using DA Form 1574. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. Submit the original report through command channels to Commander, 42<sup>nd</sup> MP BDE (ATTN: SJA) no later than 10 days after your receipt of this memorandum. Commander, 42<sup>nd</sup> MP BDE will submit the original report to Administrative Law, Office of the Staff Judge Advocate, MNC-I. Any requests for extension must be submitted in writing or by email through your legal advisor to the SJA, MNC-I, for approval.

6. Before proceeding with the investigation, contact Captain (b)(3), (b)(6) 42<sup>nd</sup> MP BDE Judge Advocate, at (b)(2) or (b)(3), (b)(6), (b)(2)H@iraq.centcom.mil. Captain (b)(3), (b)(6) will serve as your legal advisor for this investigation and will provide you with an initial legal briefing.

Encl  
as

  
JOHN R. VINES  
Lieutenant General, USA  
Commanding



REPLY TO  
ATTENTION OF

**HEADQUARTERS  
MULTI-NATIONAL CORPS - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342**

FICI-JA-AL

4 December 2005

MEMORANDUM FOR Commanding General, Multi-National Corps – Iraq, Camp Victory,  
Baghdad, Iraq 09342

**SUBJECT: Report of AR 15-6 Investigation into the Facts and Circumstances Surrounding a  
Warning Shot Incident on 19 August 2005 in Baghdad Involving an Element of the 126<sup>th</sup> MP  
CO., 504<sup>th</sup> MP BN Which May Have Resulted in the Death of a Local National**

1. I have reviewed the Report of Investigation into the facts and circumstances surrounding a warning shot incident on 19 August 2005 in Baghdad involving an element of the 126<sup>th</sup> MP CO., 504<sup>th</sup> MP BN which may have resulted in the death of a local national. I find that it is legally sufficient, subject to the comments below.

a. The findings of the Investigating Officer are supported by a preponderance of the evidence as contained in the exhibits except for Finding 1b. The evidence makes it more likely than not that the warning shot properly fired by SPC (b)(3), (b)(6) ricocheted off the pavement, eventually striking and killing (b)(6). She was a (b)(6) local national. I recommend amending the Findings.

b. There were no material errors present which would affect the findings and recommendations except as noted herein.

c. The actions taken during this investigation comply with the legal and procedural requirements of AR 15-6.

d. The recommendations of the Investigating Officer are consistent with the findings. Given a determination that it is more likely than not that the warning shot killed (b)(6) (b)(6) I recommend adding an action to process a condolence payment to her surviving family members.

2. Recommend the Appointing Authority approve the findings and the recommendations, with substitutions, by taking the following actions:

a. Disapprove Finding 1b. and substitute the following: “Finding 1b. is disapproved. It is more likely than not that (b)(6) was killed as a result of the properly fired warning shot from SPC (b)(3), (b)(6).”

b. Recommend adding the following Recommendation: “In light of the substituted Finding that (b)(6) was killed as a result of a warning shot fired by a U.S. element, it is directed that the unit initiate and process a condolence payment to the surviving family members.”

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**SUBJECT: Report of AR 15-6 Investigation into the Facts and Circumstances Surrounding a Warning Shot Incident on 19 August 2005 in Baghdad Involving an Element of the 126<sup>th</sup> MP CO., 504<sup>th</sup> MP BN Which May Have Resulted in the Death of a Local National**  
**PAGE TWO**

a. Sign above your signature block at the bottom of Section VIII, DA Form 1574.

3. The POC for this action is LTC (b)(3), (b)(6) at (b)(3), (b)(6) @iraq.centcom.mil or DSN (b)(2)

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

**COL, JA**  
**Staff Judge Advocate**

**Encl**  
**DA Form 1574 w/ encl**



REPLY TO  
ATTENTION OF

**HEADQUARTERS**  
**MULTI-NATIONAL CORPS - IRAQ**  
**BAGHDAD, IRAQ**  
**APO AE 09342**

FICI-CG

4 December 2005

MEMORANDUM THRU

Commander, 49<sup>th</sup> MP Bde  
Commander, 504<sup>th</sup> MP Bn, 49<sup>th</sup> MP Bde

FOR Commander, 126<sup>th</sup> MP Co, 504<sup>th</sup> MP Bde

SUBJECT: 19 August 2005 Escalation of Force with Unreported Weapons Engagement Which Resulted in the Death of a Local National

1. An AR 15-6 investigation into the 19 August 2005 EOF with an unreported weapons engagement by the 3/126<sup>th</sup> MP CO, and the probable death of a local national, has been completed. The Investigating Officer recommended that action be taken by the 126<sup>th</sup> MP CO Commander regarding SGT (b)(3), (b)(6) and SSG (b)(3), (b)(6)'s failure to report the incident as well as updating and clarifying the company reporting requirements. He adds that written counseling should be used to confirm understanding of the Company SOP. I have disapproved the finding that (b)(6)'s death was not conclusively proved; it is more likely than not that the warning shot did kill her.

2. You are directed to review the attached approved recommendations regarding the unreported warning shot and act on them as you deem appropriate. Note that I have added an action to process a condolence payment to the child's family.

3. Report back to me within 30 days, through the MNC-I Office of the Staff Judge Advocate, delineating the action taken in response to the attached recommendations.

4. POC is LTC (b)(3), (b)(6) Chief of Administrative Law, MNC-I OSJA, at DSN: (b)(2) or (b)(3), (b)(6) @iraq.centcom.mil.

  
JOHN R. VINES  
Lieutenant General, USA  
Commanding

Encl  
DA Form 1574 w/encl

006152

**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 JOHN R. VINES, LIEUTENANT GENERAL, USA, COMMANDING  
(Appointing authority)

on 03 SEP 05 (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 LIBERTY at 1300  
(Place) (Time)

on 09 SEP 05 (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 1400 on 16 SEP 05  
(Time) (Date)

and completed findings and recommendations at 1600 on 18 SEP 05  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
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?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			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 (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

**FOOTNOTES:** <sup>1/</sup> Explain all negative answers on an attached sheet.

<sup>2/</sup> 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.

**006153**

	YES	NO <sup>1/</sup>	NA <sup>2/</sup>
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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>			
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>			
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)?			
<b>FOOTNOTES:</b> <sup>1/</sup> Explain all negative answers on an attached sheet. <sup>2/</sup> 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:  
MEMORANDUM ATTACHED

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

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

006155

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.)

Finding 1b. is disapproved. It is more likely than not that (b)(6) was killed as a result of the properly fired warning shot from SPC (b)(3), (b)(6).

In light of the substituted Finding above that (b)(6) was killed as a result of a warning shot fired by a U.S. element, it is directed that the unit initiate and process a condolence payment to the surviving family members.

The remaining Findings and Recommendations are approved.

JOHN R. VINES  
Lieutenant General, USA  
Commanding

006156



DEPARTMENT OF THE ARMY  
Alpha Battery, 2nd Battalion 123d FA  
504<sup>th</sup> Military Police Battalion, 42<sup>nd</sup> Military Police Brigade  
APO AE 09344

A-2-123 FA

27 September 2005

MEMORANDUM FOR Commander, 504<sup>th</sup> MP Battalion, 42<sup>nd</sup> MP Brigade, Camp Liberty, Iraq APO 09344

SUBJECT: AR 15-6 Investigation into shooting of Local National

1. Findings

a. SPC (b)(3), (b)(6) was well within his right to Self Defense as illustrated in the MNC-I Rules of Engagement and Escalation of Force SOPs/TTPs dated 06 June 05. (Exhibit K). The potential threat vehicle violated the rear perimeter of the convoy's safety bubble. SPC (b)(3), (b)(6) shined his spotlight, and gave hand and arm signals before firing one round into the ground directly in front of the vehicle. SPC (b)(3), (b)(6) did have situational awareness of the surrounding area at the time the warning shot was fired and reacted quickly and instinctively in an effort to stop the possible threat. (Exhibit A and E)

b. The deceased Local National at the time the escalation of force incident took place was approximately (b)(2)High meters away from the 126<sup>th</sup> MP convoy. The statements given by IP LT (b)(6) LT (b)(6) Mr. (b)(6) and Ms. (b)(6) are inconclusive and contradictory, therefore not proving that the shot fired by SPC (b)(3), (b)(6) on the afternoon of 19 Aug 05 resulted in the death of the (b)(6) Local National girl. (Exhibit A)

c. On or around 1630, 19 Aug 05, SPC (b)(3), (b)(6) identified as a gunner in the 3-1 element of the 126<sup>th</sup> Military Police Company fired a warning shot into the ground in a self defensive effort to halt the movement of a possible hostile vehicle that entered their convoy. (Exhibits A and E) SGT (b)(3), (b)(6) identified as the Mission Leader nor SSG (b)(3), (b)(6) identified as the Squad Leader and Senior Ranking NCO, made the decision not to stop the convoy to search the vehicle because SPC (b)(3), (b)(6) indicated the car had stopped and was no longer a threat. SGT (b)(3), (b)(6)'s other reasoning was recent SIGACT reports stated that this area had been targeted by snipers in recent days, as well as IED activity and he did not want to further endanger the safety and well-being of his soldiers. (Exhibit A, C, and D) SSG (b)(3), (b)(6) nor SGT (b)(3), (b)(6) reported the "Warning Shot" at anytime to the 126<sup>th</sup> MP TOC. At approximately 0830hrs on 22 Aug 05, 2LT (b)(3), (b)(6) was advised by an IP Lieutenant, LT (b)(6) (b)(6) from the Yarmouk IP Station that he believed the 3/126 MP Company was involved with a shooting of a (b)(6) Local National girl. 2LT (b)(3), (b)(6) was advised that Coalition Forces were involved in a weapons discharge where a Local National female was shot and killed in the area of (b)(2)High and (b)(2)High. 2LT (b)(6) believed Third Platoon, 126<sup>th</sup> MP Company was involved with this incident. 2LT (b)(3), (b)(6) gathered information regarding the incident and provided it to the Command at approximately 2030hrs. 504<sup>th</sup> MP Battalion was notified at approximately 2115hrs, 22 Aug 05. (Exhibit A) The evidence demonstrates that based on Standard Operating Procedures set forth by the 42<sup>nd</sup> Military Police Brigade and the 504<sup>th</sup> Military Police Battalion state that in any event where a military service member takes direct action (Weapons Engagement) at another person or object in which they consider a risk to the individual or their unit will be reported as a SIGACT/CIR. (Exhibits F and G) The evidence also demonstrates that there is a 126<sup>th</sup> Military Police Company Standard Operating Procedure

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A-2-123 FA SUBJECT: AR 15-6 Investigation into 126<sup>th</sup> Military Police Company Shooting Of Local National.

stating that a "Warning shot fired" indicating that any and all "Warning Shots" must be reported to the 126<sup>th</sup> Military Police Company TOC immediately. (Exhibits J)

d. Additionally, evidence obtained through interviews and questioning, found that the 126<sup>th</sup> MP Company has a binder containing all Standard Operating Procedures, policies and requirements that have been put in to place by the 42<sup>nd</sup> MP BDE, 504<sup>th</sup> MP BN, and the 126<sup>th</sup> MP Company. It is the 126<sup>th</sup> MP Company Standard Operating Procedure that this binder and its contents are reviewed in there entirety prior to each mission. It is also a requirement that the "Mission Leader" date and sign a log sheet, indicating that they have read and understand, without question, the documents contained in that binder. (Exhibit B, C, D, and F) The evidence shows that SGT (b)(3), (b)(6) dated and signed the LOG Sheet on the date the warning shot took place. (Exhibit L) At the time of this investigation, neither the 42 MP BDE or the 504<sup>th</sup> MP BN FRAGOs pertaining to the requirements/SOP's depicted in Paragraph "1"; Subparagraph "c" were found in that binder. However, the 126<sup>th</sup> MP Company policy depicted in Paragraph 1; Subparagraph "c" was present. On 22 Sep 05 I met with the 126<sup>th</sup> MP Company Commander, CPT (b)(3), (b)(6) I asked if he was aware and familiar with the Frago's stated above and he advised me that he was aware of them. I also questioned why they were not found in the Pre Mission SOP Binder. CPT (b)(3), (b)(6) informed me that the reason they had not been placed in the binder was that he already had a Company policy already in place in the binder covering Warning Shot reporting requirements. The evidence indicates that SGT (b)(3), (b)(6) followed the 126<sup>th</sup> MP Company Standard Operating Procedures by dating and signing the log sheet, but failed to follow the same Standard Operating Procedures by either not reading the contents of the binder in there entirety or was negligent in his duties as the Mission Leader.

## 2. Recommendations.

a. It is my conclusion that the Mission Leader, SGT (b)(3), (b)(6) is found negligent of not following the Company policies and procedures of reading the contents of the Pre Mission Binder and not reporting the "Warning Shot" fired by SPC (b)(3), (b)(6). I also find SSG (b)(3), (b)(6), the Squad Leader and Senior Ranking NCO on the mission in question, also negligent for not enforcing the Policies and Procedures set forth by their Commander. I recommend the 126<sup>th</sup> MP Company Commander, CPT (b)(3), (b)(6) handles this situation at the Company level based on the fact that he has Company Policies and Procedures in place that covers reporting requirements for all "Warning Shots". Had he not had a Company SOP in place then I strongly feel this situation, and the individuals involved be addressed at the BN level.

b. I also recommend 126<sup>th</sup> MP Company Commander gives serious consideration to updating and further clarifying the reporting requirements and reducing the Company SOP pertaining to "Warning Shots" to the Platoon Level. This can be achieved through written counseling format to ensure each soldiers knowledge of all policies and procedures that are in place.

**A-2-123 FA SUBJECT: AR 15-6 Investigation into 126<sup>th</sup> Military Police Company Shooting Of Local National.**

**3. POC is the undersigned, Alpha Battery 2-123 FA (SECFOR OIF 04-06) (b)(2) VOIP or (b)(3), (b)(6)@us.army.mil.**

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

**1LT, ADA  
Investigating Officer**

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**DEPARTMENT OF THE ARMY**  
126th MILITARY POLICE COMPANY  
Camp Liberty, Baghdad, Iraq  
APO AE 09344

REPLY TO  
ATTENTION OF

AETV-MPB-CO

23 August 2005

MEMORANDUM FOR Commander, 504<sup>th</sup> Military Police Battalion, Forward Operating Base (FOB) Falcon, APO AE 09361

SUBJECT: Commander's Inquiry into Shooting of Local National

1. On 23 August 2005, 2LT (b)(3), (b)(6) was advised by a IP Lieutenant from the Yarmouk IP Station he believed that 3/126 MP Company was involved with the shooting of a local national.

2. A brief synopsis of the event is as follows: At approximately 0830 on 22AUG05, 2LT (b)(6) reported to 2LT (b)(3), (b)(6) of an incident that occurred on 19AUG05. 2LT (b)(3), (b)(6) was advised that Coalition Forces were involved in a weapons discharge where a Local National female was shot and killed in the area of (b)(2)High and (b)(2)High. 2LT (b)(6) believed Third Platoon was involved with this incident. 2LT (b)(3), (b)(6) gathered information regarding the incident and provided it to the Command at approximately 2030 hours. 504<sup>th</sup> MP BN was notified at approximately 2115 hours.

3. There are several factors that determine the results of the inquiry:

a. IP statements: LT (b)(6) provided a statement in Arabic that was translated into English. The translation stated that LT (b)(6) was on duty and patrolling (b)(6) area near the (b)(6) (located near (b)(2)High and (b)(2)High intersection). LT (b)(6) saw the convoy passing and identified SGT (b)(3), (b)(6) as riding in the front vehicle. He was later told that a (b)(6) girl was injured from a gunshot wound to the head. When asked by SGT (b)(3), (b)(6) if SGT (b)(3), (b)(6) and the rest of the squad had been at Yarmouk IP station, he advised that they had not.

LT (b)(6) stated that on Friday 19Aug05 he witnessed a US convoy consisting of (b)(2)High HMMWV vehicles and an ASV shoot a white, (b)(6) Opel with license plate (b)(6). There were two girls inside the car and one had a gunshot wound in her head. The (b)(6) girls name is (b)(6) and lives in the (b)(6) neighborhood. LT (b)(6) also stated the US convoy left the scene towards the Al Ru'wad area. LT (b)(6) advised SGT (b)(3), (b)(6) he had responded to the scene but no further information was received.

CPT (b)(6) is an IP with the Al Mamun Police station. He is handling the investigation of the shooting. CPT (b)(6) advised SGT (b)(3), (b)(6) that he went to Al Yarmouk hospital on 19 August 2005 to investigate a shooting. While there, he saw three victims. One was a (b)(6) old male with superficial lacerations from glass fragments to his left arm, cheek and neck. He was identified as (b)(6) from the (b)(6) neighborhood (b)(6).

**SUBJECT: Commander's Inquiry into Shooting of Local National**

(b)(6) The second was a (b)(6) female with wounds to her left cheek. She was identified as (b)(6) from the (b)(6) area, (b)(6)

(b)(6) The third was a (b)(6) female who had suffered a gunshot to the head. Her name was (b)(6) He states that she was in a coma and was transferred to Kadamiya hospital. She died at approximately 0800 hours on 20 August 2005.

b. Victim statements: The statements were interpreted by a 126 interpreter, (b)(6) who advises that Mr. (b)(6) stated that around 1630 hours they were by (b)(6) and they were shot by a Hummer. Mr. (b)(6) also stated he was surprised because he was approximately 700 meters away. The vehicle they were in is described as a green (b)(6) Daewoo with license #

(b)(6)

(b)(6) stated that they had been shot by the Hummvee.

The hospital report identified that (b)(6) was brought to Yarmouk hospital at 1700 hours.

On 27 August 2005, a 126<sup>th</sup> MP Company interpreter contacted the family of the victim at the given phone number. The interpreter was able to speak with a subject who was inside the vehicle when the shooting occurred. She stated her vehicle had been passed by a convoy of US vehicles and described them as HMMWV's but could not say how many there were. She advised the US convoy was far away when one of the females were shot inside the car.

b. Platoon Statements: Upon LT (b)(3), (b)(6)'s return to Camp Liberty, LT (b)(3), (b)(6) directed SGT (b)(3), (b)(6) to find out from the 3-1 element if they had fired warning shots on 19 August 2005. SGT (b)(3), (b)(6) advised that SSG (b)(3), (b)(6) stated he was not aware of any warning shots. SPC (b)(3), (b)(6) stated that SGT (b)(3), (b)(6)'s truck had fired a warning shot but did not recall the location. SPC (b)(3), (b)(6) stated that he did fire a warning shot but did not recall the location. SGT (b)(3), (b)(6) stated a warning shot had been fired and it occurred on (b)(2)High. Upon receipt of this information SSG (b)(3), (b)(6) requested sworn statements from the entire 3-1 element regarding that day's event. The following are their statements.

SGT (b)(3), (b)(6) was identified as mission leader that date and stated at approximately 1630 hours the 3-1 element was driving on (b)(2)High between (b)(2)High where he noticed a lot of IP's and ING. Also noticed was the high amount of traffic in the area. His truck heard a shot. He asked his gunner PFC (b)(3), (b)(6) if he heard the shot. (b)(3), (b)(6) said yes. SSG (b)(3), (b)(6) got on the radio and asked if everyone was ok. SGT (b)(3), (b)(6) then got on the radio and said that a single vehicle had come too close to his vehicle and the gunner SPC (b)(3), (b)(6) tried to stop it with hand and arm signals but it would not stop so he fired a warning shot to the ground. SSG (b)(3), (b)(6) asked if everything was ok with the vehicle and driver. SGT (b)(3), (b)(6) stated that everyone was ok so they continued with the mission to the Al Yarmouk IP station where they worked for 7 hours conducting a class with 6 IP's and did a mounted patrol with the IPs in the Mansour area. Attached is his written statement.

SPC (b)(3), (b)(6) was the gunner in the rear vehicle, ASV. He stated at approximately 1630 his element was driving on (b)(2)High between (b)(2)High. A taxi cab was approximately (b)(2)High meters behind his vehicle and had passed the other stopped traffic. SPC (b)(3), (b)(6) shined his spotlight and gave hand and arm signals but the vehicle did not stop. He fired one round into the ground and the vehicle stopped. He advised SGT (b)(3), (b)(6) what happened

and if he was ok or if they had shot anybody. SPC (b)(3), (b)(6) advised no. SGT (b)(3), (b)(6) notified the squad leader, SSG (b)(3), (b)(6) that they had a vehicle get into our convoy and the vehicle was now stopped. They proceeded to Yarmouk IP station where he explained the situation to his squad leader SSG (b)(3), (b)(6) and was told it was a good shoot. Attached is his written statement. On 08 August 2005, at approximately 2030 I spoke with SPC (b)(3), (b)(6). He advised me he could not remember the color of the car that had attempted to enter into the elements bubble. He was able to remember it was a newer car and it had a taxi sign on top of the roof. He only noticed a driver in the vehicle but could not remember if it was a male or female.

SSG (b)(3), (b)(6) is the squad leader of the group and is the senior ranking NCO on this mission. He stated on 19 August 2005, his element conducted a pre brief from SGT (b)(3), (b)(6) who discussed rollover drill, ROE's, gunner hand and arm signals. SGT (b)(3), (b)(6) then conducted a spot quiz to the squad members. They left FOB Liberty and utilized route (b)(2)High traveling in order of SGT (b)(3), (b)(6) in an HMMWV, SSG (b)(3), (b)(6) in a HMMWV then SGT (b)(3), (b)(6) in the ASV. While on MSR (b)(2)High traveling south between (b)(2)High he heard a gun shot. He asked PFC (b)(3), (b)(6) who is the gunner of his vehicle, if he heard it and (b)(3), (b)(6) stated, yes. SSG (b)(3), (b)(6) said he felt for the safety of the squad since he knows the area and risk of sniper activity. He determined everyone was ok and that SPC (b)(3), (b)(6) fired a warning shot from the ASV. SPC (b)(3), (b)(6) advised SSG (b)(3), (b)(6) that he had fired at the ground in front of the vehicle and the vehicle stopped. They arrived at the Yarmouk IP station and taught a class to 6 IP's. Later they conducted a joint mounted patrol with the station IP's. Attached is the written statement.

SGT (b)(3), (b)(6) is a team leader for the squad. He stated at approximately 1620 hours, they were traveling south on (b)(2)High between (b)(2)High Traffic was moderate to heavy. He was utilizing the siren to control traffic and could not hear a gun shot. He was notified however from SPC (b)(3), (b)(6) about a gun shot. He asked SPC (b)(3), (b)(6) if he could determine the direction. SPC (b)(3), (b)(6) replied that it seemed to come from the rear of the convoy where the IP or ING they had recently passed. The convoy slowed its speed to (b)(2)High MPH to await a determination or course of action. No radio traffic was heard ordering a convoy halt so they continued on the (b)(2)High route turning left onto (b)(2)High to Al Yarmouk IP station. They remained at the station for several hours conducting P-3 training and were never approached by any IP's concerning a weapons discharge on Route (b)(2)High.

SGT (b)(3), (b)(6) is a team leader for the squad. He stated they departed from Camp Liberty through Temple Gate using the planned (b)(2)High route. On ASR (b)(2)High between (b)(2)High (b)(2)High SPC (b)(3), (b)(6) yelled out that a car was entering their protective bubble from the rear. He told him to take appropriate action. SPC (b)(3), (b)(6) advised the vehicle passed stopped traffic and was ignoring him. SGT (b)(3), (b)(6) then heard a gunshot and asked if it was SPC (b)(3), (b)(6) and if anyone got hit. SPC (b)(3), (b)(6) said no and that he aimed at the ground in front of a taxi cab with a single occupant. The vehicle stopped. When asked what weapon was fired, he said he used his (b)(2)High. The incident occurred when they were making a left turn onto eastbound (b)(2)High (b)(2)High. After the squad stopped and SSG (b)(3), (b)(6) asked if anyone heard the shot, SGT (b)(3), (b)(6) advised SSG (b)(3), (b)(6) it was SPC (b)(3), (b)(6) who fired a warning shot at the ground in front of a taxi cab. SSG (b)(3), (b)(6) asked if all soldiers were ok, damage to vehicles or any indications of injuries. SGT (b)(3), (b)(6) relayed from SPC (b)(3), (b)(6) there was no damage and the car had stopped. SSG (b)(3), (b)(6) advised the 3-1 element to continue mission to Al Yarmouk

Patrol station. SSG (b)(3), (b)(6) also indicates that while on ASR (b)(2)High the 3-1 element passed an Iraqi Army patrol that was stopped in the northbound lane of poison and there were several IPs in the area. At the station the group continued P-3 for seven hours and it was never mentioned to the squad or the interpreter that a shooting or killing had taken place in their jurisdiction. Attached is the written statement.

SPC (b)(3), (b)(6) is the driver for the lead vehicle. He stated at approximately 1630 hours his element was traveling down MSR (b)(2)High and (b)(2)High when he was notified over the radio of a single gun shot. He did not hear anything so he continued with his mission and drove, scanned the area and followed orders. Attached is his written statement.

SPC (b)(3), (b)(6) is the gunner for the second vehicle. He stated he heard two rapid shots fired behind his HMMWV. He quickly turned to see what was happening. When he did, he noticed a black sedan swerving and realized that the ASV gunner had fired at the ground to stop an approaching car. He could see no damage as it swerved to the right side of the road. They continued with the patrol. Attached is the written statement.

SPC (b)(3), (b)(6) is the gunner in the first vehicle. He stated that between the hours of 1600-1700 his element was traveling down route poison attempting to turn east on (b)(2)High when he heard a gun shot to the rear of the element. He yelled out to his TC, SGT (b)(3), (b)(6) "Gunshot to the rear". He turned around and made visual contact with PFC (b)(3), (b)(6) and motioned his arms up to ask what had happened. PFC (b)(3), (b)(6) motioned with a shrug indicating he did not know. As the element entered onto Route (b)(2)High, SGT (b)(3), (b)(6) came on the radio and advised that there was a warning shot fired. SSG (b)(3), (b)(6) ascertained over the radio if the convoy needed to turn around. SGT (b)(3), (b)(6) acknowledged that it was not necessary to turn around. We then continued with our presence patrol. The weather was sunny and clear. Attached is the written statement.

PFC (b)(3), (b)(6) was the driver of the third vehicle, an ASV. He stated they were traveling southbound on Route (b)(2)High in the area between Route (b)(2)High and Route (b)(2)High. He could hear SPC (b)(3), (b)(6) yelling commands to a vehicle to stop. He also said the vehicle was getting closer and not stopping. PFC (b)(3), (b)(6) heard one shot fired from an (b)(2)High rifle. SGT (b)(3), (b)(6) then asked SPC (b)(3), (b)(6) if everything was ok. SPC (b)(3), (b)(6) said it was ok and he had fired a warning shot that struck the ground in front of the vehicle. The vehicle came to a stop. SSG (b)(3), (b)(6) then called on the radio saying the gunner heard a shot and asked if everyone was ok. SGT (b)(3), (b)(6) told him his gunner had fired a warning shot and everyone was ok. The squad then proceeded to Al Yarmouk patrol station for the day's mission. Attached is the written statement.

SPC (b)(3), (b)(6) is a medic who was riding in the second vehicle with SSG (b)(3), (b)(6). He stated the squad was traveling southbound on (b)(2)High between (b)(2)High and (b)(2)High. At that time, he heard a warning shot fired. The shot came from the rear, the ASV. At that time SGT (b)(3), (b)(6) called on the platoon net advising that SPC (b)(3), (b)(6) had just fired a warning shot and that a vehicle got too close. He was sitting in the middle vehicle of (b)(2)High. After hearing that a warning shot had been fired, he asked SSG (b)(3), (b)(6) if we should stop. He called on the radio asking if all was well back to SGT (b)(3), (b)(6). SGT (b)(3), (b)(6) advised that all was well. At that time SSG (b)(3), (b)(6) made the call to continue. A few minutes later we arrived at Yarmouk IP station. He approached and asked SPC (b)(3), (b)(6) if he was sure where the round

went. SPC (b)(3), (b)(6) said he was unsure where the round went. At that time they continued with the mission. Attached is the written statement.

c. Witness Statements: Attached is a translated statement which is logged as an active report for CPT (b)(6) at Al Mamun Police station. His statement advises that a U.S. convoy shot a (b)(6) civilian car with Baghdad license plate (b)(6) with family inside. One of the females was shot in the head. It took place in the (b)(6) area of Street (b)(6) which is close to the (b)(6). The victim's name is (b)(6) and is (b)(6) and was born in (b)(6). She is a student and lives in (b)(6) area. They took her to the hospital and the Al Mamun Police completed the procedure.

A report was submitted by LT (b)(6) which was translated into English. Both are attached. The report advises that at 0515 on Friday in 8/19/2005, the U.S. Convoy shot a civilian (b)(6) Opal car with license plate number, (b)(6). There were two girls inside the car and one of them was shot in her head. Her name is (b)(6) and was (b)(6) (b)(6). She lives in (b)(6) neighborhood. LT (b)(6) was at the (b)(6) on duty and saw a U.S. convoy consisting of (2)Hig HMMWV's and (2)H ASV pass from the place of the accident and left to the Al Ruad area.

A report was submitted by LT (b)(6) which was translated into English. Both are attached. The report advises that on Friday he was on duty in (b)(6) area and was close to the (b)(6) when he saw a U.S. convoy passing close from him and I saw SGT (3), (b) who was riding in the lead truck. After, they advised him that a U.S. Convoy shot a girl in the head. The girls name is (b)(6) and they took her to the Al Yarmouk Hospital. He attempted to follow the convoy in order to tell SGT (3), (b) about the incident but he could not get him.

d. Documents: Attached is a copy of 126 MP FRAGO 102 dated 19 August 2005. The 3-1 element is ordered to SP's Camp Liberty at 1615 and follows Route (b)(2)High to Al Yarmouk traffic for seven hours of P3 requirements and return. The Route (b)(2)High is identified as: (b)(2)High (b)(2)High (b)(2)High (b)(3), (b)(6) (b)(2)High (b)(2)High return route when complete.

42<sup>nd</sup> MP BDE Mission Debrief identifies the routes taken as (b)(2)High (b)(2)High (b)(2)High. The debrief also identified they arrived at the station at 1645. At 2025 they conducted a joint mounted patrol with two IP vehicles and returned at approximately 2125. The 3-1 element returned to Camp Liberty. No information regarding a warning shot is listed on the report. The mission brief is attached.

The Daily Staff Journal dated for 19 August 2005 is attached. It identifies the 3-1 element SP from Camp Liberty at 1558 with 3 vehicles with 11 personnel. The 3-1 element arrived at Al Yarmouk Patrol station at approximately 1638. No information regarding warning shots were listed on the journal.

A memorandum regarding the shooting incident reported by Al-Yarmouk Patrol IPs is attached. It lists information identified from SGT (b)(3), (b)(6) who was tasked to report on this issue.

Attachment A depicts a written diagram of the shooting from SPC (b)(3), (b)(6). The diagram was created on 25 August 2005 at approximately 2030 hours.

Attachment B depicts a view of Route (b)(2)High facing North at the intersection of Route

(b)(2)High  
Attachment C depicts a view of Route (b)(2)High facing South in front of the (b)(6) where the warning shot was fired towards the north. LT (b)(6) was at or near this restaurant when he witnessed the events.

Attachment D depicts a view of Route (b)(2)High facing North in front of the (b)(6)

Attachment E depicts a view of the intersection of Route (b)(2)High making a left turn onto Route

(b)(2)High  
Attachment F depicts a view of the intersection of Route (b)(2)High and Route (b)(2)High facing south in northbound lanes. Also note the positions of the IP vehicles in the photo. It is commonplace for IP's to run checkpoints on this street.

Attachment G depicts the (b)(6) on Route (b)(2)High where the taxi was struck by a single round.

4. Analysis: Based on all statements and aforementioned facts I believe the following occurred;

On 19 August 2005, at approximately 1558 hours, 3-1 element consisting of (b)(2)High HMMWV's and (b)(2)High ASV left Camp Liberty in route to Al Yarmouk Patrol station. The vehicles consisted of SGT (b)(3), (b)(6) in the second vehicle as the driver for SSG (b)(3), (b)(6) who is the squad leader. They utilized routes (b)(2)High (b)(2)High (b)(2)High (b)(2)High (b)(2)High

(b)(2)High (b)(2)High (b)(2)High while traveling south on ASR (b)(2)High near the intersection of (b)(2)High an unknown color of vehicle was approaching the rear of the element and passed the vehicles that had adhered to the multiple verbal and visual warnings from the rear gunner. The vehicle continued to approach. At approximately (b)(2)High meters away from the ASV, the gunner who was driving with an open top fired one round from his assigned (b)(2)High rifle (b)(6) to the ground in front of the unknown color of Taxi. The approaching vehicle stopped. Because the ground surrounding the area in front of the (b)(6) is all paved, the round ricochet and traveled north approximately (b)(2)High meters and struck a green (b)(6) taxi cab through the front windshield. The round struck a (b)(6) female in the head causing severe trauma. The 3-1 element continued to drive without stopping. SPC (b)(3), (b)(6) asked SSG (b)(3), (b)(6) if they should stop. SGT (b)(3), (b)(6) communicated over the platoon NET to SSG (b)(3), (b)(6) He was advised that everyone was ok. SSG (b)(3), (b)(6) advised the element not to stop and continue mission. The 3-1 element arrived at the Al Yarmouk station at approximately 1645 hours. SPC (b)(3), (b)(6) approached SPC (b)(6) and asked if he knew where the round hit. SPC (b)(3), (b)(6) responded that he knew it hit the ground but was unsure of its final resting place. The injured female was transported from the scene by the IP's to Yarmouk Hospital then later to Kadamiya Hospital where she was later pronounced dead.

5. Conclusion: After reviewing all documents and statements provided I had found that the information gave substance to the accusation that the 3-1 element was involved with the shooting of the local national female. It was also determined that SPC (b)(3), (b)(6) utilized the multiple levels of force required. His actions were in line with theater ROE's identified in a 9Jan05 memorandum from COL (b)(3), (b)(6) 42<sup>nd</sup> MP BDE Commander. It was also determined that SSG (b)(3), (b)(6) failed to follow this same memorandum by not reporting that a warning shot had been fired. He also failed to stop and search the vehicle required in the same memorandum.

AETV-MPB-CO

SUBJECT: Commander's Inquiry into Shooting of Local National

6. POC is the undersigned at VOIP [redacted] (b)(2)

[redacted] (b)(3), (b)(6), (b)(7)a

CPT, MP  
Commanding

26 Encls

1. 126th MP Company FRAGO
2. 126<sup>th</sup> MP Company Mission Debrief
3. Commanders Incident Report, Initial
4. Daily Staff Journal Log
5. IP Log Book Report
6. Sub Report of LT [redacted] (b)(6) with translation
7. Sub Report of LT [redacted] (b)(6)
8. Statement from female passenger
9. Memorandum for Commander from SGT [redacted] (b)(3), (b)(6)
10. DA 2823 for SGT [redacted] (b)(3), (b)(6), 22 Aug 05
11. DA 2823 for SPC [redacted] (b)(3), (b)(6), 22 Aug 05
12. DA 2823 for SSG [redacted] (b)(3), (b)(6), 22 Aug 05
13. DA 2823 for SGT [redacted] (b)(3), (b)(6), 22 Aug 05
14. DA 2823 for SGT [redacted] (b)(3), (b)(6), 22 Aug 05
15. DA 2823 for SPC [redacted] (b)(3), (b)(6), 22 Aug 05
16. DA 2823 for SPC [redacted] (b)(3), (b)(6), 22 Aug 05
17. DA 2823 for SPC [redacted] (b)(3), (b)(6), 22 Aug 05
18. DA 2823 for PFC [redacted] (b)(3), (b)(6), 22 Aug 05
19. DA 2823 for SPC [redacted] (b)(3), (b)(6), 22 Aug 05
20. Attachment A- Diagram of area by SPC [redacted] (b)(3), (b)(6)
21. Attachment B- Photo of area of incident
22. Attachment C- Photo of area of incident
23. Attachment D- Photo of area of incident
24. Attachment E- Photo of area of incident
25. Attachment F- Photo of area of incident
26. Attachment G- Photo of area of incident

Pages 24 through 26 redacted for the following reasons:

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(b)(2)High, (b)(1)1.4a  
(b)(2)High, (b)(3), (b)(6), (b)(1)1.4a

UNCLASSIFIED

SECRET

# 42<sup>nd</sup> MILITARY POLICE BDE MISSION DEBRIEF

<b>1</b> <b>DATE TIME GROUP:</b> 191600DAUG05		<b>UNIT:</b> 126TH M.P. CO. <b>PLATOON/ SOD/TM:</b> 3/1/C	
<b>MISSION LEADER:</b> SGT (b)(3), (b)(6)		TRAINING AT AL YARMUK PATROL (b)(2)High	
<b>SP:</b> 1600	<b>RP:</b> 2400	<b>STATUS ON CLOSE:</b> GREEN, NO INJURIES OR DAMAGE.	
<b>STATIONS VISITED</b>	<b>TIME ARRIVED</b>	<b>TIME DEPARTED</b>	<b>TIME ON STATION</b>
AL-YARMOUK	1645	2315	6 HOURS 30 MINUTES
<b>2</b> <b>STATION VISIT REPORT</b>		<b>NAME:</b> AL YARMUK PATROL	<b>CDR:</b> 1LT (b)(6)
<b>IP IN CHARGE:</b> 1LT (b)(6)		<b># OF IP'S ON SHIFT:</b> (2)H	<b># IP'S ON FP:</b> (2)H
<b>DAILY ACTIVITY REPORT</b>			
<b>Projects (Proposed/Ongoing):</b> P-3 TRAINING			
<b>Training (Planned/Conducted):</b> CONDUCT MOUNT PATROL ( 6 IP'S PARTICIPATED IN CLASS)			
<b>Operations (Planned/ Conducted):</b> NONE			
<b>Issues (Equipment, Force Protection, Training):</b> NONE			
<b>Due Outs:</b> NONE			
<b>CRIMINAL ACTIVITY REPORT (Crimes Reported Since Last Report)</b>			<b>Date of Last Report:</b> 18 AUG 05
<b>1) Murders:</b> 1	<b>2) Kidnappings:</b> 0	<b>3) Thefts:</b> 0	
<b>4) Assaults:</b> 0	<b>5) Drug Activity:</b> 0	<b>6) Bribery/Corruption:</b> 0	
<b>7) ATTACKS ON POLICE:</b> 0	<b>8) TERRORIST ATTACKS:</b> 0	<b>9) OTHER:</b>	
<b>Details of Attacks on Police:</b> 0			
<b>Details of Terrorist Attacks:</b> 0			
<b>Details of Other:</b> 0			
<b>DETAINEE REPORT (Numbers since Last Report)</b>			<b>Date of Last Report:</b> 18 AUG 05

SECRET

UNCLASSIFIED

006171

~~SECRET~~

# in D-Cell:	# Released: 0	# Detained:
Names of new detainees:		
First Name	Father's Name	Grandfather's Name
		Circumstances of Capture

**3 CONTACT REPORT (5 W'S For Individuals Encountered on Patrol)**

First Name:	Father's Name:	Grandfather's Name:
Details		
Available for Re-contact <input type="checkbox"/>	Contact Information:	

First Name:	Father's Name:	Grandfather's Name:
Details		
Available for Re-contact <input type="checkbox"/>	Contact Information:	

**4 TERRAIN REPORT**

OBSERVATIONS: NONE

**5 SUMMARY: (include any Raids, SIGACTS, Intel Reports, Departure & Arrival Times, Time on Station, Routes Taken)**

ON 19AUG 05 THE SCORPION 3-1 ELEMENT DEPARTED FOB LIBERTY WITH 2 MILITARY VEHICLES, 2 SOLDIERS AT 1600 HRS UTILIZING THE (b)(2)High ROUTE. (b)(2)High (b)(2)High (b)(2)High (b)(2)High THE 3-1 ELEMENT ARRIVED AT AL YARMOUK PATROL STATION AT 1645 HRS. THE 3-1 ELEMENT PROVIDED FORCE PROTECTION AND COORDINATED IP'S FOR P-3 TRAINING. A TOTAL OF 6 IP'S ATTENDED THE CLASS ON CONDUCTING A MOUNTED PATROL. AT 2005 HRS COORDINATED A JOINT MOUNTED PATROL WITH IP'S VEHICLES AND IP'S ON THE MONSOUR DISTRIC AREA USING (b)(2)High (b)(2)High AND RETURN TO IP'S STATION AT 2125 HRS. CONDUCTED AN AFTER ACTION REVIEW WITH THE IP'S WHICH SHOWED POSITIVE RESULTS AND CONTINUED FORCE PROTECTION OF THE STATION. DEPARTED AL YARMOUK IP STATION AT 2315 HRS UTILIZING ROUTE (b)(2)High AND ARRIVED AT FOB LIBERTY AT ABOUT 2400 HRS WITH 2 MILITARY VEHICLES, 2 SOLDIERS AND ALL EQUIPMENT WAS ACCOUNTED FOR AND STATUS GREEN, NO INJURIES OR DAMAGE.

TOTAL MILEAGE DRIVEN: 40 MILES.  
 IP PATROLS DAY MOUNTED-22, NIGHT MOUNTED PATROL 25, 10 TCP'S.  
 JOINT PATROL: 1 MOUNTED

MISSION LEADER SIGNATURE: SGT (b)(3), (b)(6)	PHONE: (b)(2)
--	---------------

~~SECRET~~

**CIR FORMAT**

1. **REPORTING OFFICER:** [REDACTED] 406TH MP CO POC IS THE BATTLE NCO/OPS NCO, VOIP

[REDACTED]  
(b)(3), (b)(6), (b)(2)High

2. **INCIDENT: SHOT FIRED**
3. **DTG INCIDENT OCCURRED:** Unknown at this time
4. **LOCATION OF INCIDENT:** Unknown at this time
5. **PERSONNEL INVOLVED (name, rank, unit, SSN, sex, age, and race):**

**Pending Commander Inquiry**

6. **SUMMARY OF INCIDENT:** AT APPROX 0755 HRS. SCORPION 3-6 ELEMENT (1LT (b)(3), (b)(6)) WAS APPROACHED BY 2LT (b)(6) WITH THE AL YARMOUK IP STATION, WITH AN INCIDENT THAT TOOK PLACE BETWEEN 16:00 – 17:00 ON 19 AUGUST 2005. 2LT (b)(6) EXPLAINED THAT ON THE 19<sup>TH</sup> OF AUGUST A U.S. CONVOY FIRED A SHOT THAT RESULTED IN THE DEATH OF A (b)(6) GIRL, AND THAT HE BELIEVED THAT THE SHOT WAS FIRED FROM A SCORPION 3 ELEMENT. 1LT (b)(3), (b)(6) ADVISED SSG (b)(3), (b)(6) TO INVESTIGATE FURTHER INTO THE INCIDENT. SSG (b)(3), (b)(6) OBTAINED STATEMENTS FROM TWO IP LIEUTENANTS, THE IP'S STATED THAT THE CASE WAS TURNED OVER TO CPT (b)(6) OF THE AL MAMUN POLICE. AFTER CONTACTING CPT (b)(6), SSG (b)(3), (b)(6) REPORTED HER FINDINGS TO 1LT (b)(3), (b)(6) AND TO THE COMPANY COMMANDER. CURRENTLY THE COMMANDER IS CONDUCTING AN INQUIRY INTO THIS MATTER.

7. **DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY:** NONE

8. **COMMANDER:** CPT [REDACTED] (b)(3), (b)(6)

**DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG**

For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans

PAGE NO. **5**

NO. OF PAGES

ORGANIZATION OR INSTALLATION  
26th Military Police Company  
1B Liberty

LOCATION  
Baghdad, Iraq

PERIOD COVERED

HOUR  
0001

DATE

19 Aug 05

HOUR  
2400

DATE

19 Aug 05

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL
	IN	OUT			
65	1558		S31 SP Liberty (b)(2)High (b)(3), (b)(6)	Logged BN	(b)(3), (b)(6)
66	1605		(b)(2)High	logged BN	
67	1624			logged	
68	1638		S3-1 RP AL YARMUK patrol	logged	
69	1646			logged	
70	1705		(b)(2)High	logged	
71	1712			logged	
72	1947			logged	
73	2021		S3-1 Yarmouk - 7MP 2/6 (b)(3), (b)(6)	logged	
74	1930		(b)(2)High	logged	
75	2120		S3-1 RP Yarmouk Fini (b)(3), (b)(6)		
76	2145		(b)(2)High		
77	2206				(b)(3), (b)(6)
78	2218				
79	2316		S3-1 SP Yarmouk in route FOB Liberty	logged	
80	2320				
81	2327		(b)(2)High		
82	2353			BN	(b)(3), (b)(6)
83	2358			BN	
84	2358		S3-1 of Liberty (b)(2)High	BN	

TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY

SIGNATURE



Pages 32 through 33 redacted for the following reasons:

-----  
Non Responsive - no entries about convoy involved  
, (b)(2)High, (b)(3), (b)(6)

# Sub/Shoot accident

U.S Convoy shot civilian car- (kind (b)(6) - ~~AT~~ Number car  
(b)(6) - ~~AT~~ Baghdad- and there are ~~Family~~ Family inside  
the car. one of the two girls get shoot in her head. This  
accident took place in (b)(6) area (b)(6) close from  
(b)(6). Her name (b)(6)  
old- Birthday (b)(6). She is student and her address (b)(6)  
~~AT~~ area, we took her to hospital ~~and the AT~~  
on the ~~AT~~ ALmanun IPs complete the ~~AT~~ Procedure.

Foreign Language Text

Foreign Language Text, (b)(6)

At 16:30 hrs on Sat. 27. Aug. 2005. I call the family  
of (b)(6) the girl ~~who~~ who killed at (b)(6)  
neighborhood 20. Aug. 2005. She said that (b)(6)  
is not their daughter. Also the other girl ( (b)(6) )  
sister) said that she was with her sister and  
(b)(6) in same car and there was a convoy passed  
them so they stop and after the convoy been very far  
from their car they got shot which lead to kill  
one of the female inside the car. then I asked her  
about the kind of the military ~~like~~ vehicles <sup>are they</sup> ~~is it~~ tanks  
or big trucks and she answered that it were hummer's  
only but she doesn't know how many.

2

Foreign Language Text

Foreign Language Text

Foreign Language Text

Foreign Language Text, (b)(6)

② ②

In the Name of Allah most Compassionate most merciful  
Sub/ Report

When I was in duty on Friday during ~~my~~ my patrol in (b)(6)  
area close from (b)(6) and I saw U.S. Convoy  
Passed close from me and I saw ~~the~~ SGT (b)(3), (b)(6) he was riding  
in the leader truck. After that they told ~~me~~ me that U.S.  
Convoy shot the girl her name (b)(6) she get shot in her  
head and we took her to the AL Yarmuk Hospital.  
I tried to follow convoy in order to tell SGT (b)(3), (b)(6)  
about that, but I couldn't get him.

L+

(b)(6)

①

# Sub / Report

at 5.15 on Friday in 19/8/2005, the U.S. Convoy shot  
 civilian car (kind Opel - model (b)(6) - The number of car (b)(6)  
 Baghdad) ~~and inside the~~ there are ~~two~~ two girls inside car,  
 one of them get shoot, her name (b)(6) (b)(6)  
 old. Her address in (b)(6) Neiber Hood. She get shoot in  
 her head. This accident ~~to~~ took place in (b)(6) are it close fra  
 (b)(6) - I was ~~to~~ there in duty and, I saw U.S convo  
 consist of two ~~to~~ Humvee and on A.S.V. Passed from place  
 accident ~~to~~ after that, and they left to ~~to~~ AL Ruad  
 area.

L+

(b)(6)

~~22/8/2005~~ 22/8/2005



**DEPARTMENT OF THE ARMY**  
**126<sup>th</sup> MILITARY POLICE COMPANY**  
Camp Liberty, Iraq  
APO AE 09344

AFZH-MP

22 August 05

**MEMORANDUM FOR COMMANDER**

**SUBJECT: Shooting Incident Reported by Al-Yarmouk Patrol IPs.**

At about 0830 hrs, 22 August 2005 2LT (b)(6) reported an incident to 2LT (b)(3), (b)(6). 2LT (b)(3), (b)(6) in turn asked me to collect the information. Following is a synopsis of the information presented to me.

2LT (b)(6) reports that while he was on patrol on (b)(6) at (b)(6) restaurant he saw a US convoy passing by. He states that he recognized Sgt (b)(3), (b)(6) and waved at him. Shortly thereafter, the IPs up the street notified him that the US convoy had shot a young girl in the head.

LT (b)(6) states that he heard the shot when the convoy passed and he responded to the incident.

— LT (b)(6) was the patrol commander on shift. He witnessed the incident and took the girl, (b)(6), (b)(6) old to Yarmouk hospital with a very dangerous head wound.

I asked them why they didn't stop the convoy and they indicated that they were afraid to, but LT (b)(6) states that he did drive around the area looking for Sgt (b)(3), (b)(6) but was not successful.

I asked them if SGT (b)(3), (b)(6) and the rest of the squad had been at Al-Yarmouk and they indicated that they were not.

The case was then turned over to Cpt (b)(6) at Al-Mamun Police.

The IP Lieutenants from Al-Yarmouk indicate that they have submitted a statement to MOI. I also requested statements from the IPS which are attached to this memorandum.

I spoke to Cpt (b)(6) about his investigation of the shooting. Cpt (b)(6) states that he went to Al-Yarmouk hospital on 19 August 2005 to investigate a shooting. At Yarmouk hospital, he saw three victims. One male, (b)(6) old,

006184

(b)(6) had flesh wounds from glass on his left arm, cheek and neck. One female (b)(6), (b)(6) old, had flesh wounds from glass to her left cheek and one female, (b)(6), (b)(6) old had been shot in the head. He states that she was in a coma and was transferred to Kadamiyah hospital. Cpt (b)(6) reports that (b)(6) died at about 0800 hrs, 20 aug 05. (b)(6)'s younger sister was also in the vehicle, but she was gone by the time Cpt (b)(6) showed up at the hospital, so he was not able to obtain a statement.

The interpreter, (b)(6) reviewed the statements from the victims. He states that Mr. (b)(6) put in his statement that around 1630 hrs they were by (b)(6) restaurant and they were shot by a hummer. He put in his statement that he was surprised by the shot because he was far away like 700 meters. They were in his taxi, a (b)(6) green Daewoo, lic # (b)(6). It was the driver and three female passengers in the vehicle.

The other female, (b)(6) also wrote a statement indicating that they had been shot by a hummvee.

The hospital report states that the female was taken into Yarmouk hospital at 1700 hrs.

Cpt (b)(6) says that the bullet entered the vehicle's windshield on the driver's side and hit the girl in the back seat.

I asked Cpt (b)(6) what direction the convoy was traveling. He drew a diagram of what appeared to be southbound travel on (b)(2)High between (b)(6) (b)(6). He diagramed the convoy as turning left at (b)(6) onto what appears to be (b)(2)High.

The following contact information was received.

(b)(6) driver and owner of car, (b)(6) neighborhood  
(b)(6)

(b)(6) (b)(6)  
The females all live in the same home.

When we returned to Camp Liberty, Lt (b)(3), (b)(6) directed me to find out from 1st Squad if they had fired a warning shot on Friday, August 19th. Lt (b)(3), (b)(6) also directed me to not reveal to 1st Squad why we wanted to know if a warning shot had been fired. The following soldiers from 1st Squad were initially available to answer the question: SSG (b)(3), (b)(6) stated that he was not aware of any warning shots. Spc (b)(3), (b)(6) indicated that Sgt (b)(3), (b)(6)'s truck had fired a warning shot, but did not recall the location. Spc (b)(3), (b)(6) stated that he

# 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 (SSA).  
**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 retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION <i>Camp LIBERTY, IRAQ</i>	2. DATE (YYYYMMDD) <i>20050822</i>	3. TIME <i>1200</i>	4. FILE NUMBER
(b)(3), (b)(6)	(b)(3), (b)(6)		7. GRADE/STATUS <i>E-5/SGT</i>

8. ORGANIZATION OR ADDRESS  
*3RD PLT 126TH MP. CO.*

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

*ON AUGUST 19, 2005 APPROXIMATELY AT 1630 HRS. OUR ELEMENT 3-1 WAS DRIVING ON (b)(2)High BETWEEN (b)(2)High AND (b)(2)High WENT WE SAW A LOT OF I.P.'S AND I.N.G.'S ON THE AREA AND A LOT OF TRAFFIC WHEN USUALLY ON FRIDAYS IS SLOW ON TRAFFIC. THEN OUR TRUCK HEARD A SHOT. I WAS THE DRIVER ON THE SECOND VEHICLE SO I STOP THE TRUCK AND ASK THE GUNNER PFC (b)(3), (b)(6) IS HE HEARD A SHOT. HIS RESPONSE WAS YES. SO THEN SSG (b)(3), (b)(6) GOT ON THE RADIO AND ASK IS EVERYBODY OK ON THE OTHER ELEMENTS. THEN SGT (b)(3), (b)(6) TC FOR 3-1B EXPLAIN ON THE RADIO THAT A SINGLE PERSON IN A VEHICLE GOT CLOSE TO THE VEHICLE AND THE GUNNER SPC (b)(3), (b)(6) TRY TO STOPPED IT WITH ARM SIGNALS BUT HE DID NOT STOP SO HE FIRED A WARNING SHOT TO THE GROUND. SSG (b)(3), (b)(6) ASK IS EVERYTHING OK WITH THE VEHICLE AND THE DRIVER. SGT (b)(3), (b)(6) REPLIED THAT THE VEHICLE AND DRIVER WAS OK. SO THEN WE CONTINUED WITH OUR MISSION TO THE AL-YARMOUK I.P. STATION WHERE WE SPEND 7 HRS, CONDUCTED A CLASS WITH 6 I.P.'S AND DID A MOUNTED PATROL WITH THE I.P.'S ON THE MANSOUR AREA DISTRICT.*

||| END OF STATEMENT |||

10. EXHIBIT	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.

STATEMENT OF SGT (b)(3), (b)(6) TAKEN AT CAMP LIBERTY DATED 20050922

STATEMENT (Continued)

AFFIDAVIT

I, SGT (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.

(b)(3), (b)(6) \_\_\_\_\_  
*Making Statement*

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

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oath)*

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 ODCSOPS

## PRIVACY ACT STATEMENT

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**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION CAMP LIBETY, IRAQ	2. DATE (YYYYMMDD) 2005/09/12	3. TIME 1000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E5/Team Leader	
8. ORGANIZATION OR ADDRESS 126TH MP Company, 504th MP Battalion: Camp Liberty Iraq APO 09344			

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

1. Are you aware of your Company Commander's reporting policies and procedures regarding "Warning Shots" and when was the last time you were refreshed on these policies and procedures?  
Yes, I am aware of the Company Commnader's policies and procedures regarding reporting "Warning Shots". I had reviewed the polices that day. As a mission leader we are required to review the procedures and sign to verify that we have read and understand the policies and procedures.

2. Are you familiar with the Company TACSOP?  
No, you have never seen the acual binded book that states that a "Warning Shot" resulting in "No Damage/Injury" is to be reported.

3. Were you aware that a "Warning Shot" was fired and to your knowledge are your confident that the "Warning Shot" fired by SPC (b)(3), (b)(6) was directed at the ground in front of the intended target?  
Yes, I was aware that a warning shot was fired and I am confident the warning shot did in fact initially impact the ground, not the vehicle.

4. Is there any reason to believe that the "Warning Shot" fired by SPC (b)(3), (b)(6) was not aimed at the ground or was negligent?  
No, it was not a negligent shot, it was specifically aimed at the ground in front of the possible hostile vehicle.

5. At the time the incident occurred do you remember any other US Military Convoys moving through the area?  
There was alot of vehicle traffic as well as alot of civilians, IPs, and ING's. I was driving so I was concentraing on menuevering the vehicle safely through the area so I am unsure if there was any other military convoys moving through the area.

6. You were identified as the "Mission Leader" of the mission in question. For what reasons did you decide not to report the "Warning Shot" fired by SPC (b)(3), (b)(6)?  
I did not report the "Warning Shot" because of the fact that the driver of the vehicle stopped, was not injured and there was no damage to the vehicle. The driver of that vehicle took his hands off the wheel and raised them indicating that he was aware of the warning shot and meant no threat to us. From the brief prior to the mission we talked about the sniper acitivity in this paritcular area and we made the decision not to stop and search the vehicle because the driver was ok, and appear to signal that he understood that he had done wrong. We did not want to put our soldiers in danger by searching the car do to the reports of sniper activity.

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

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

STATEMENT OF SGT (b)(3), (b)(6) TAKEN AT CAMP LIBERTY DATED 2005/09/12

9. STATEMENT (Continued)

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

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

NOTHING FOLLOWS  
20050912

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

*NOTHING*  
*Follows*  
*20050912*

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

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

I, SGT (b)(3), (b)(6) AFFIDAVIT  
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 INTIMIDATION.

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

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

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

AC 2/123 FA 504th HP BN  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
*(Signature of Person Administering Oath)*

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oaths)*

INITIALS OF PERSON MAKING STATEMENT

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).
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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: Camp Liberty Iraq
2. DATE (YYYYMMDD): 2005 08 22
3. TIME: 1625
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E4
8. ORGANIZATION OR ADDRESS: 3rd Plt 126th MP Co Camp Liberty Iraq

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

At approx. 1630 on the 19th of August, we the 3-1 element of the 126th MP Co where traveling down (b)(2)High between (b)(2)High and (b)(2)High. At approx. 1630 a taxi cab was to the rear of our convoy at approx (2)Hi to (2)Hi meters away. I SPC (b)(3), (b)(6) noticed this vehicle due to the speed and the fact that he/she had passed the other stopped vehicles. I SPC (b)(3), (b)(6) shined my spot light several times at the vehicle (b)(3), (b)(6). It did not stop the vehicle, I then gave the vehicle/driver the Iraqi hand signal of stop. It still did not stop the vehicle. I then pulled out my flashlight and shined it on the vehicle/driver. It still did not stop the vehicle. I tried the Iraqi hand-signal again. It did not stop the vehicle. The vehicle at that time was approx. (2)Hi meters away from the rear of our convoy. I then pulled out my (2)Hi and pointed it at the vehicle/driver, it still did not stop the vehicle and increased in speed. I gave the Iraqi hand signal to stop once more while I was holding my (b)(2)High. The vehicle did not stop and now was approx. (b)(2)High meters away. I then changed my settings on my (b)(2)High from safe to semi and shot 1 round to the ground in front of the vehicle. The vehicle at that time came to a halt. My Team chief (TC) Sgt. (b)(3), (b)(6) asked me what had happened. I explained to him the situation. He asked me if I was ok and if I had hit or shot anybody. I told him no (b)(3), (b)(6) that I had shot 1 round to ground. My Team chief (TC) Sgt. (b)(3), (b)(6) told my Squad leader (b)(3), (b)(6) that we had a vehicle get into our convoy and that the vehicle now was stopped. We proceeded to Yarmuk IP station where I explained the situation to my Squad leader & Sgt (b)(3), (b)(6) of the situation. And I was told it was a good shoot.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (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, IT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

Camp Liberty  
Iraq

DATED

22 Aug 05

9. STATEMENT (Continued)

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)

Agent

WITNESSES:

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)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

006192

**SWORN STATEMENT**

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**PRIVACY ACT STATEMENT**

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**DISCLOSURE:** Disclosure of your social security number is voluntary.

<b>1. LOCATION</b> CAMP LIBETY, IRAQ	<b>2. DATE (YYYYMMDD)</b> 2005/09/12	<b>3. TIME</b> 1045	<b>4. FILE NUMBER</b>
<b>5. LAST NAME FIRST NAME MIDDLE NAME</b> (b)(3), (b)(6)	<b>6. SSN</b> (b)(3), (b)(6)	<b>7. GRADE/STATUS</b> E4/GUNNER	

**8. ORGANIZATION OR ADDRESS**  
126TH MP Company, 504th MP Battalion: Camp Liberty Iraq APO 09344

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

1. Are you "Zeroed" and "Qualified" with the weapon that you fired the "Warning Shot" with?  
Yes, I qualified with the weapon at my Mobilization Station.

2. When you fired the "Warning Shot", what were your surroundings and why did you feel a "Warning Shot" was necessary?  
My surroundings included vehicle, Iraqi civilian and the streets were lined with shops. I felt the "Warning Shot" was necessary because the vehicle penetrated the perimeter of the safety bubble that we utilize during movement.

3. Was the ASV "Moving" or "Stationary" when you fired the shot?  
We were moving at the time that I fired the shot.

4. You stated that the round you fired was directed into the ground in front of the threat vehicle, are you sure that you round impacted the ground? Are you aware of the final resting place of the round?

I am positive that the round impacted the ground in front of the vehicle. I was not aware of ricochet. The vehicle stopped, we stopped, the driver appeared ok and we "Charlie Miked" out of the area.

5. In what direction were you traveling when the round was fired? Was the vehicle turning?  
We were traveling South bound on Rt (b)(2)High at the time I fired the "Warning Shot". We were not turning at the time the shot was fired. We were preparing to turn "left" on to Rt (b)(2)High but we were not turning at the time.

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

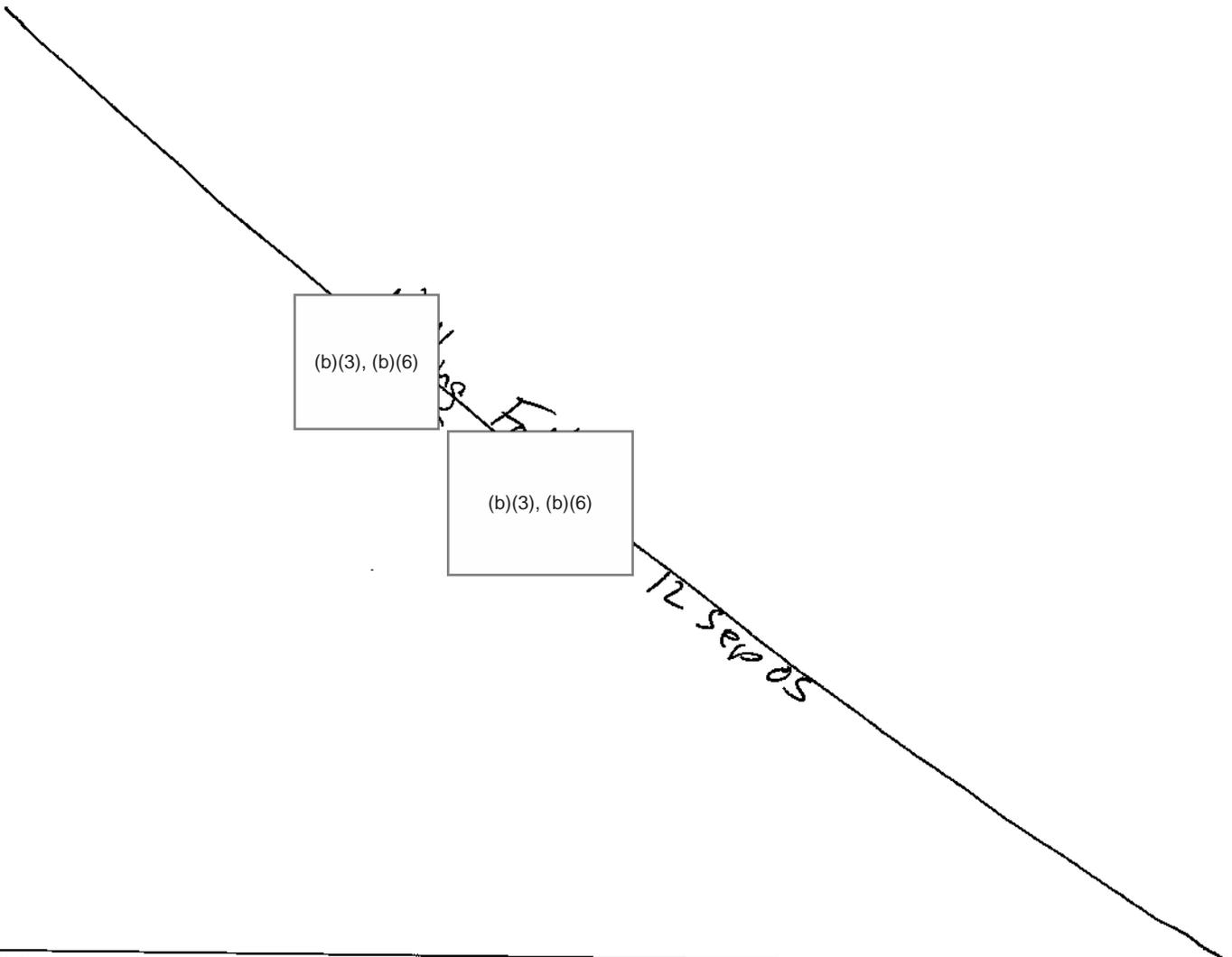
STATEMENT OF (b)(3), (b)(6) TAKEN AT Camp Liberty DATED 2005/09/12

9. STATEMENT (Continued)

6. Did you report your "Warning Shot" to your Team Leader/Chief, SGT (b)(3), (b)(6)?  
Yes, i reported the shot. I told him that a vehicle got to close and that I fired "one" shot/round into the ground in front of the vehicle and that the vehicle had stopped.

7. To your knowledge, did SGT (b)(3), (b)(6) report the "Warning Shot".  
Yes, everyone heard over the Platoon Net that a warning shot was fired, and SSG (b)(3), (b)(6) and SGT (b)(3), (b)(6) responded, and asked if anyone was hurt and if everyone was ok. From there we conitnued mission.

8. Who actually was in charge of the mission?  
The "Mission Lead", SGT (b)(3), (b)(6)



9. STATEMENT (Continued)

*AC 2/123 FA 504<sup>th</sup> MP BN*  
(b)(3), (b)(6)  
(b)(3), (b)(6)  
*12 SEP 05*

I, (b)(3), (b)(6) AFFIDAVIT  
 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:

(b)(3), (b)(6)  
AC 2/123 FA 504<sup>th</sup> MP BN  
 ORGANIZATION OR ADDRESS

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

\_\_\_\_\_  
 (Signature of Person Administering Oath)

\_\_\_\_\_  
 (Typed Name of Person Administering Oath)

\_\_\_\_\_  
 (Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

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

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

To provide commanders and law enforcement officials with means by which information may be accurately Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

1. LOCATION CAMP LIBERTY, IMAQ	2. DATE (YYYYMMDD) 11/05/08	3. TIME 1830	4. FILE NUMBER
5. LAST, FIRST, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-6 / SQUAD LEADER	

8. ORGANIZATION OR AGENCY  
570 PLATOON 120 MILITARY POLICE COMPANY.

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

ON 19 AUGUST 2005, THE 3-1 ELEMENT WENT ON MISSION FOR P-3 TRAINING AT AL YAZMUK IP STATION. BEFORE LEAVING MISSION LEADER SGT. (b)(3), (b)(6) GAVE HIS BRIEFING WHICH IS THE MISSION BRIEFING TO THE SQUAD MEMBERS. THIS INCLUDED RATION DRILL, DUE, GUNNER HAND & ARM SIGNS. AFTER THE BRIEF SGT. (b)(3), (b)(6) GAVE A SPOT QUIZ TO THE SQUAD MEMBERS AND ALL SQUAD ANSWERED WITH THE APPROPRIATE ANSWER. THE 3-1 ELEMENT DEPARTED FOR VICTORY AND WENT ON PARADE USING THE (b)(2)High ROUTE. BETWEEN HOURS OF 1600-1645 THE 3-1 ELEMENT WAS ON THE (b)(2)High ROUTE ON ROUTE (b)(2)High BETWEEN SOUTHBOUND BETWEEN (b)(2)High. THIS AREA HAS BEEN KNOWN FOR SWIFTER ACTIVITY & ATTACKS ON COALITION FORCES, IRAQI POLICE FUNDS, AND IRAQI (b)(3), (b)(6) CIVILIANS. WHILE INSIDE MY PATROL VEHICLES WERE SSG (b)(3), (b)(6) SGT. (b)(3), (b)(6) DET. (b)(3), (b)(6) I HEARD WHAT SOUNDED LIKE A GUN SHOT. AT THE TIME MY EMPLOYMENT MY EAR. BUT I NOTICE THE VEHICLES GUNNER SDC (b)(3), (b)(6) SUDDEN BODY MOVEMENT AS IF HE WAS STARTLED BY SOMETHING. I HEARD MY GUNNER PFC (b)(3), (b)(6) IF HE HEARD ANYTHING. PFC (b)(3), (b)(6) STATED HE HEARD THOUGHT IT WAS GUN SHOT. AT THIS TIME I FELT FOR SQUAD PERSONAL SPEEDY DUE TO THE AREA HAVING A BAD REPUTATION FOR ATTACKS. I DID MY SQUAD ASSESSMENT TO CHECK IF EVERYBODY WAS OKAY. SGT. (b)(3), (b)(6) VEHICLES STARTED STOPPING TO ME HIS TEAM WAS OKAY. INSIDE SGT. (b)(3), (b)(6) VEHICLES WERE OCCUPIED

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT EMPLOYMENT, 1200 DATED 2/25/02

9. STATEMENT (Continued)

SPE (b)(3), (b)(6) GUNNER SPE (b)(3), (b)(6) SGT (b)(3), (b)(6) STATED ALL WERE OKAY. NEXT I CALLED SGT (b)(3), (b)(6) WHO STATED HIS GUNNER SPE (b)(3), (b)(6) FIRED A WARNING <sup>SHOT</sup> WITH HIS (b)(2)High RIFLE. SPE (b)(3), (b)(6) IS QUALIFIED TO USE THE (b)(2)High RIFLE. SGT (b)(3), (b)(6) STATED A VEHICLE DROVE CLOS AND TRIED TO ENTER OUR PROTECTIVE ZONE. SGT (b)(3), (b)(6) STATED EVERYBODY WAS OKAY INSIDE HIS VEHICLE WHICH IS THE ASV. AT THAT TIME 3-1 ELEMENT PROCEEDED TO GO TO AL YAMMUK STATION IP STATION. THERE SPE (b)(3), (b)(6) EXPLAINED TO ME WHAT HAPPYENED AND WHY HE SHOT HIS WARNING SHOT. SPE (b)(3), (b)(6) STATED HE DID HIS BEST USING HIS HAND AND ARM SIGNALS AS TAUGHT TO HIM AND WHEN SPE (b)(3), (b)(6) EXHAUSTED ALL MEANS TO GET THE DRIVER ATTENTION, SPE (b)(3), (b)(6) FIRED HIS (b)(3), (b)(6) RIFLE. SPE (b)(3), (b)(6) STATED HE AIMED AT THE GROUND IN FRONT OF THE VEHICLE AND WHEN HE DID THE DRIVER <sup>↓ DRIVER</sup> TURNED THE DRIVER STOPPED THE VEHICLE. SPE (b)(3), (b)(6) STATED ONLY THE OCCUPANTS THEN TO ENTER OUR PROTECTIVE ZONE AND COULD HAVE POSSIBLY HURT OUR SOLDIERS. THE 3-1 ELEMENT ARRIVES AT AL YAMMUK IP STATION AND TOLD A CLASS TO IP OFFICERS AND EVEN SAW THE LT. WHO WAS IN CHARGE OF THE IP'S GOING ABOUT THEIR NORMAL LAW ENFORCEMENT DUTIES. 3-1 ELEMENT SPENT 6 HOURS AND (b)(2)High MINUTES AT AL YAMMUK AND EVEN WENT ON A JOINT PATROL WITH THE IP'S AFTER REQUESTING IP'S FOR A CLASS AND PATROL THROUGH THE IP CAMP OF COMMAND. AT THIS STATION THE IP HAS NEVER HEARD OF 3-1 ELEMENT SOLDIERS AS THIS IS USUALLY BY THEM ALWAYS ASKING FOR WATER OUT OF THE 3-1 ELEMENT ICECREST. ON 20 AUGUST 2002 THE 3-1 ELEMENT SPENT AT ABOUT 4 HOURS AT AL YAMMUK STATION AND CONDUCTED ITS NORMAL DUTIES THERE AT THE IP STATION. ONE LAST THING ON 19 AUGUST 2002. SGT (b)(3), (b)(6) VEHICLE WAS THE FIRST VEHICLE, SECOND WAS SSG (b)(3), (b)(6) WHICH HAS THE WARNING SYSTEM. THIRD WAS SGT (b)(3), (b)(6) VEHICLE WHICH IS THE ASV. INSIDE WERE SGT (b)(3), (b)(6) VEHICLES WERE SGT (b)(3), (b)(6), SPE (b)(3), (b)(6), PVT (b)(3), (b)(6)

/// END OF STATEMENT ///



### 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 reported.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and reporting.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

<b>1. LOCATION</b> CAMP LIBETY, IRAQ	<b>2. DATE (YYYYMMDD)</b> 2005/09/12	<b>3. TIME</b>	<b>4. FILE NUMBER</b>
<b>5. LAST NAME, FIRST NAME, MIDDLE NAME</b> (b)(3), (b)(6)	<b>6. SSN</b> (b)(3), (b)(6)	<b>7. GRADE/STATUS</b> E6/SQUAD LEADER	

**8. ORGANIZATION OR ADDRESS**  
126TH MP Company, 504th MP Battalion: Camp Liberty Iraq APO 09344

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

1. Are you aware of your Company Commander's reporting policies and procedures regarding "Warning Shots" and when was the last time you reviewed these policies and procedures? Are you aware that all "Warning Shots" need to be reported? I keep a copy of the "Warning Shots Standard Operating Procedures" put out by 42nd BDE and I am familiar with its contents. I was going by the the BDE SOP, and it does not state that warning shots are required to be reported. I also have a leaders book that contains a "Warning Shot" report format, but it does not state that "Warning Shots" of any type are required to be reported.

2. Were you aware that a "Warning Shot" was fired?  
Yes, I was aware that a warning shot was fired. I heard something and I called to everyone and asked if everything was ok, SGT (b)(3), (b)(6) reported that everything was ok and his gunner had fired a "Warning Shot" and that the vehicle had stopped. I decided not to stop our convoy because SGT (b)(3), (b)(6) reported the driver of the possible hostile vehicle was ok. There was sniper and VBIED/IED activity reported in the area and I felt it was an unneccary risk to the safety of the soldiers to get out and search the vehicle in that area. On 42 BDE SOP it says that vehicles should be searched after the graduated steps in the escalation of force. I felt searching the vehicle was an unnessary risk to my soldiers safety in that area. The SOP states "Mission Dependent" and I felt that it was an unnessary risk and I just wanted to get to the IP station which provides some type of safety.

3. Is there any reason to believe that the "Warning Shot" fired by SPC (b)(3), (b)(6) was not aimed at the ground or was negligent?  
No, it was aimed at the ground in front of the vehicle and was not negligent.

4. At the time the incident occurred to you remember any other US Military Convoys moving through the area?  
At the time, not that i can recall. It was very busy with civilian traffic and don't recall seeing any other military convoy's.

5. Though you were not identified as the "Mission Leader", you are the Squad Leader and the senior ranking NCO of the mission in question. For what reasons did you decide not to report the "Warning Shot" fired by SPC (b)(3), (b)(6)?  
At the time everyone was OK, it was reported to me that the driver was OK, so I decided to continue our movement to the IP Station.

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

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

STATEMENT

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

TAKEN AT Camp Liberty

DATED 2003/09/12

9. STATEMENT (Continued)

*[A large diagonal line is drawn across the statement area, starting from the top left and ending at the bottom right.]*

*[Handwritten initials]*  
(b)(3), (b)(6)

*Follows  
12 SEP 05*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

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 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)  
\_\_\_\_\_  
*(Person Making Statement)*

WITNESSES:

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

(b)(3), (b)(6)  
\_\_\_\_\_  
23 FA 504th HP BN  
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

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 (SSM).
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 retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Route (b)(2)High between Routes (b)(2)High
2. DATE (YYYYMMDD): 20050819
3. TIME: Approx 1620
4. FILE NUMBER:
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: E-5
8. ORGANIZATION OR ADDRESS: 126th MP Co.

9. I, SGT (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
At approximately 1620 hrs, Scorpion 3-1 element was traveling South on Route (b)(2)High between Routes (b)(2)High and (b)(2)High. The day was clear with good visibility and there was moderate to heavy local vehicle traffic and 3-1 element was maintaining the convoy protective bubble in the front of the convoy. I, SGT (b)(3), (b)(6) was the team leader for the lead convoy vehicle sitting in the front passenger seat, and at the time I, SGT (b)(3), (b)(6), was using the PA system of my vehicle to greet the public and to direct traffic as our convoy moved along the route, using arabic words and commands. My driver, SPC (b)(3), (b)(6) was also using the siren to warn traffic of our presence. The noise of the siren and PA system prevented me from hearing any type of small arms discharge, and I was notified by my gunner, SPC (b)(3), (b)(6) that he had heard gunfire. I asked SPC (b)(3), (b)(6) if he could determine the direction of the gunfire and he signaled the vehicle behind us for assistance, which contained SSG (b)(3), (b)(6) team leader/squad leader, SGT (b)(3), (b)(6) driver, and PFC (b)(3), (b)(6) gunner. SPC (b)(3), (b)(6) indicated to me that PFC (b)(3), (b)(6) could not determine the direction, and SPC (b)(3), (b)(6) indicated that it seemed to come from the rear of our convoy from the location of the Iraqi Police or Iraqi National Guards that we had recently passed. Our convoy slowed speed from approximately (b)(2)High mph to (b)(2)High mph in order to await a determination for a course of action. No radio traffic for the platoon was heard ordering a convoy halt and we continued on our prescribed (b)(2)High route to Al Yarmuk IP station, turning left onto Route (b)(3), (b)(6), traveling approximately (b)(2)High mph, and continuing on Routes (b)(2)High and (b)(2)High to station. We remained at Al Yarmuk IP station for several hours conducting P-3 training with the IP's at Al Yarmuk, and we were never approached by any IP personnel concerning a weapon discharge on Route (b)(2)High that afternoon in question.
END OF STATEMENT

10. EXHIBIT
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.

9. STATEMENT *(Continued)*

**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)*

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

\_\_\_\_\_  
*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
*(Authority To Administer Oaths)*

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

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 (SSM).
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 retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION 126TH MP CO, APO AE 09344
2. DATE (YYYYMMDD) 20050822
3. TIME 1800
4. FILE NUMBER
7. GRADE/STATUS E-5

3RD PLATOON, 126TH MP CO, APO AE 09344

9. I, SGT (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 8/19/05 MYSELF SGT (b)(3), (b)(6) TEAM CHIEF, PFC (b)(3), (b)(6) GUNNER,
AND SPC (b)(3), (b)(6) GUNNER WERE ASSIGNED TO ARMORED SECURITY
VEHICLES (ASV #126-312). WE WERE SCHEDULED THAT DAY TO
GO OUT ON MISSION WITH THE REST OF THE SCORPION 3-1
ELEMENT AT 1600 HOURS. WE DEPARTED FROM CAMP LIBERTY
THROUGH THE TEMPLE GATE USING OUR PLANNED (b)(2)High ROUTE
TO AL YARMOUK PATROL STATION WHERE WE WERE SCHEDULED
TO CONDUCT P3 TRAINING AND BE ON STATION FOR 7 HOURS,
WHILE ON (b)(2)High ROUTE WE DROVE ON ROUTE (b)(2)High BETWEEN
(b)(2)High AND (b)(2)High WHEN MY GUNNER SPC (b)(3), (b)(6)
YELLED OUT TO ME THAT A CAR WAS ENTERING THE
CONVOY BUBBLE (b)(3), (b)(6) FROM THE REAR. I TOLD HIM TO WATCH
THE VEHICLE AND TAKE APPROPRIATE ACTION PER THE
CURRENT RULES OF ENGAGEMENT. HE TOLD ME SEVERAL
TIMES THAT THE CAR IS NOT STOPPING. I ASKED IF
HE USED HAND SIGNALS AND HE SAID YES, THAT
THE VEHICLE PASSED STOPPED TRAFFIC AND WAS
APPROACHING IGNORING HIM. I THEN HEARD WHAT

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF"
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

CAMP LIBERTY, IRAQ

DATED 2005 08 22

9. STATEMENT (Continued)

SOUNDED LIKE A GUN SHOT AND I ASKED SPC (b)(3), (b)(6) IF IT WAS HIM THAT FIRED A WARNING SHOT. I ASKED HIM IF ANYONE WAS HIT AND HE SAID NO. HE SAID HIS POINT OF AIM WAS AT THE GROUND AND THAT THE VEHICLE DESCRIBED TO ME AS A TAXI CAB WITH A SINGLE OCCUPANT IMMEDIATELY STOPPED. I ASKED WHAT WEAPON HE USED AND HE TOLD ME HIS (b)(2)High RIFLE. WE WERE IN PROCESS OF MAKING A LEFT TURN ONTO EAST BOUND (b)(2)High WHEN OUR ELEMENT STOPPED AND SSG (b)(3), (b)(6) OUR SQUAD LEADER ASKED IF ANYONE HEARD A SHOT. I THEN ADVISED HIM THAT IT WAS SPC (b)(3), (b)(6) WHO FIRED A WARNING SHOT AT THE GROUND IN FRONT OF A TAXI CAB. SSG (b)(3), (b)(6) ASKED IF ALL SOLDIERS WERE OKAY THEN ASKED IF THE VEHICLE HAD BEEN HIT OR ANY INDICATIONS OF INJURIES. I RELAYED TO HIM THAT I WAS TOLD NO COLLATERAL DAMAGE, THAT THE CAR STOPPED AND SSG (b)(3), (b)(6) INDICATED TO THE 3-1 ELEMENT TO CONTINUE THE MISSION TO AL YARMOUK PATROL STATION. IT SHOULD BE NOTED THAT WHILE ON (b)(2)High WE PASSED AN IRAQI ARMY (NATIONAL GUARD) PATROL THAT WAS STOPPED IN THE NORTH BOUND LANE OF (b)(2)High AND THAT THERE WERE SEVERAL IP'S IN THE AREA AS WELL. WE CONTINUED TO AL YARMOUK PATROL WHERE WE CONDUCTED TRAINING, COLLECTED STATISTICS, AND WENT ON A JOINT MOUNTED PATROL WITH THE AL YARMOUK

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

IP'S. DURING THE SEVEN HOURS ON STATION AND WHEN COLLECTING STATISTICS IT WAS NEVER MENTIONED TO THE SQUAD OR THE INTERPRETER THAT A SHOOTING OR KILLING HAD TAKEN PLACE IN THEIR JURISDICTION. //END OF STATEMENT//

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 OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(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)

# 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 (SSM).  
**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 retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION <i>Camp Liberty Iraq</i>	2. DATE (YYYYMMDD) <i>20030822</i>	3. TIME <i>1729</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>Sp4 E-4</i>
8. ORGANIZATION <i>126th MP Co</i>			

9. I, *Sp4 (b)(3), (b)(6)* WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: (b)(2)High

*Approxately at 1630 3.1 element was doing a patrol down msp (b)(2)High in route to the Yarmouk Ip station. I (b)(3), (b)(6) was in the lead truck 311 along with Sgt (b)(3), (b)(6) (TC) & Sp4 (b)(3), (b)(6) (Gunner) when I heard over the radio that there was a single gunshot. I Sp4 (b)(3), (b)(6) (Driver) didn't hear anything or hear if it was a warning shot, in coming, or celebratory so I continued with my mission and drove, scanned the area, and followed orders. /// END of Statement ///*

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

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

STATEMENT OF Spec (b)(3), (b)(6) TAKEN AT 1729 DATED 20250822

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

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)  
ement

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)

# 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 /SSM.  
**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 retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Camp Liberty	2. DATE (YYYYMMDD) 20050824	3. TIME 1855	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS 26 MP Co			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
That on 19 August 2005 during a presence patrol I heard two rapid shots fired behind our humvee. I quickly turned to see what was happening. I saw a black in color sedan swerving and realized that the ASV gunner had fired at the ground to stop an approaching car. I could see no damage as the car swerved to the right side of the road. We then continued on our patrol.  
/// nothing follows ///

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (3), (b)(6)	PAGE 1 OF 7 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.

2. STATEMENT (Continued)

**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), (b). 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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*(Signature of Person Administering Oath)*

ORGANIZATION OR ADDRESS

*(Typed Name of Person Administering Oath)*

\_\_\_\_\_  
\_\_\_\_\_

*(Authority To Administer Oaths)*

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

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 (SSM).
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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION (b)(2)High (Routes)
2. DATE (YYYYMMDD) 2005 08 19
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 E4
8. ORGANIZATION OR ADDRESS 12L 2nd mp co. Camp Liberty IRAQ

9. I, (b)(3), (b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On Friday, 19 Aug 05, between the hours of 1600 hrs. and 1700 hrs., our element was travelling down Route (b)(3), (b)(6) (b)(2)High, fixing to turn east on (b)(2)High when I heard a gunshot to our rear and yelled out to my IC, SGT (b)(3), (b)(6), "gun shot to the rear". At about the same time I turned toward my left rear to glance at the 2 trucks in our element to make sure that things were ok. As I turned around I make visual contact with PFC (b)(3), (b)(6) and motioned my arms upward to ask, what happened and he motioned with a shrug which indicates that he did not know. As our element entered onto Route (b)(2)High SGT (b)(3), (b)(6) came on the Radio and advised that there was a warning shot fired. SSG (b)(3), (b)(6) ascertained over the radio if the convoy needed to turn around. SGT (b)(3), (b)(6) acknowledged that it wasn't necessary to turn around, we then continued on with our presence intact.
The weather was sunny and clear

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT (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 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 Camp Liberty DATED 2005 08 22

9. STATEMENT *(Continued)*

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

006213

# 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 (SSM).  
**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 retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Camp Liberty Bushdod, Iraq	2. DATE (YYYYMMDD) 20050822 W	3. TIME 1733 W	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-3/NG	
8. ORGANIZATION OR ADDRESS 126TH MP CO			

9. I, PFC (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
On 19 August 2005 I, PFC (b)(3), (b)(6), was the driver of the vehicle in which SPC (b)(3), (b)(6) was the gunner and SGT (b)(3), (b)(6) was the team chief. While travelling southbound on Route (b)(2)High, in the area between Route (b)(2)High and Route (b)(2)High, I could hear the gunner SPC (b)(3), (b)(6) yelling commands to a vehicle to stop. He was also stating that the vehicle was getting closer and not stopping. At that time I heard one shot fired from an (b)(2)High Rifle. SGT (b)(3), (b)(6) then asked SPC (b)(3), (b)(6) if everything was OK. He then said that he was OK and that he fired a warning shot that struck the ground in front of the vehicle. The vehicle then came to a stop. The Squad Leader SSG (b)(3), (b)(6) then called on the radio saying his gunner heard a shot and asked if everyone was OK. SGT (b)(3), (b)(6) told him his gunner, SPC (b)(3), (b)(6), fired a warning shot that struck the ground and everyone was OK. The Squad then proceeded to Al Yarmuk Patrol station for the days mission. // End of statement //

10. EXHIBIT	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.		

9. STATEMENT *(Continued)*

AFFIDAVIT

I, Pfc (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:

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 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 ODCSOPS

PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Baghdad, Iraq
2. DATE (YYYYMMDD): 2005/08/24
3. TIME: 1347
4. FILE NUMBER: (3), (b)
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: R6 MP Co.

9. I, SPC (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
on the 19th day of August 2005, We were heading south bound on (b)(2)High
between (b)(2)High and (b)(2)High. At that time I heard a warning shot
fired. The shot came from the rear, the ASU. At that time Sgt (b)(3), (b)(6)
called on the platoon not advising that (b)(3), (b)(6) had just fired a warning
shot at a vehicle that got too close. I was sitting in the middle vehicle of
(b)(2)High. My team was the ~~driving~~ <sup>driving</sup> SGT (b)(3), (b)(6), TC (b)(3), (b)(6) and gunner
(b)(3), (b)(6). After ~~hearing~~ <sup>hearing</sup> that a warning shot had been fired, I asked SGT
(b)(3), (b)(6) if we should stop. He called on the radio asking if all was
well back to Sgt (b)(3), (b)(6). Sgt (b)(3), (b)(6) advised that well was well, at that
time SSGT (b)(3), (b)(6) made the call to continue. A few mins later we arrived
at Yasmok. At which time I asked (b)(3), (b)(6) if he was sent where
that round went. He stated that he was unsure where the round
went. At that time we continued on w/ the rest of the mission. End of
Statement.

10. EXHIBIT: (b)(3), (b)(6)
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.

STATEMENT OF (b)(3), (b)(6) TAKEN AT 1310 1341 (3), (b) DATED 2005/08/24

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 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 FREE OF ANY UNLAWFUL 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 24 day of Aug, 2005 at 1310 1341

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

(b)(3), (b)(6)  
(Administering Oath)

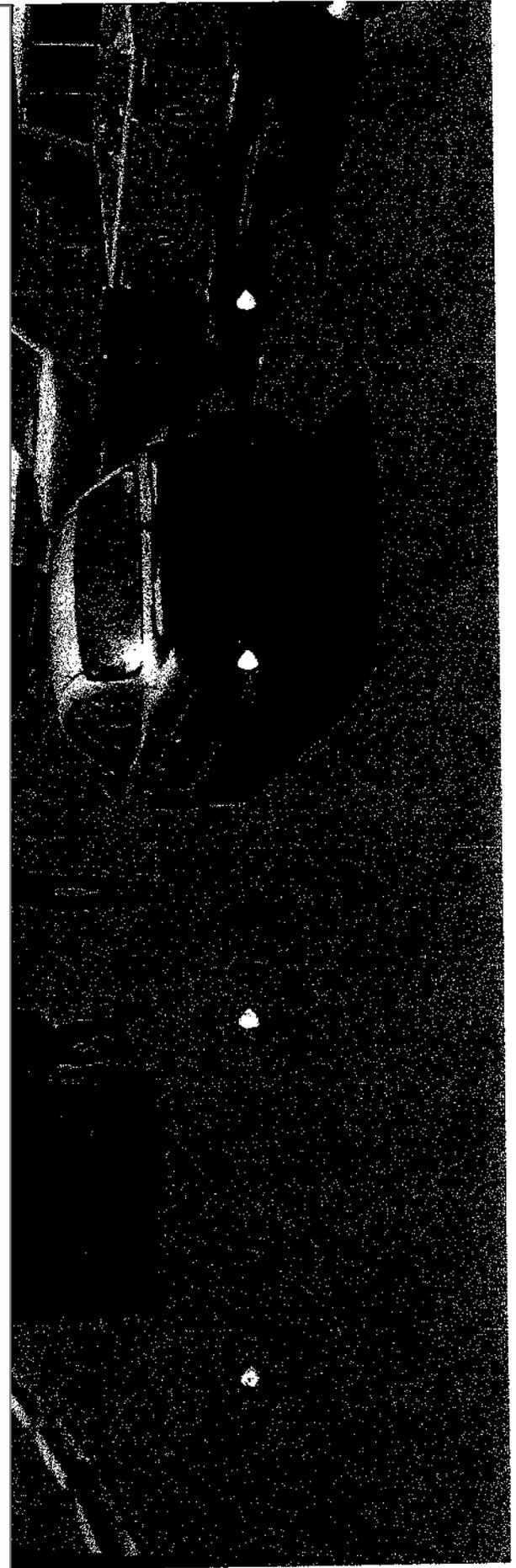
\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

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

(Authority To Administer Oaths)

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

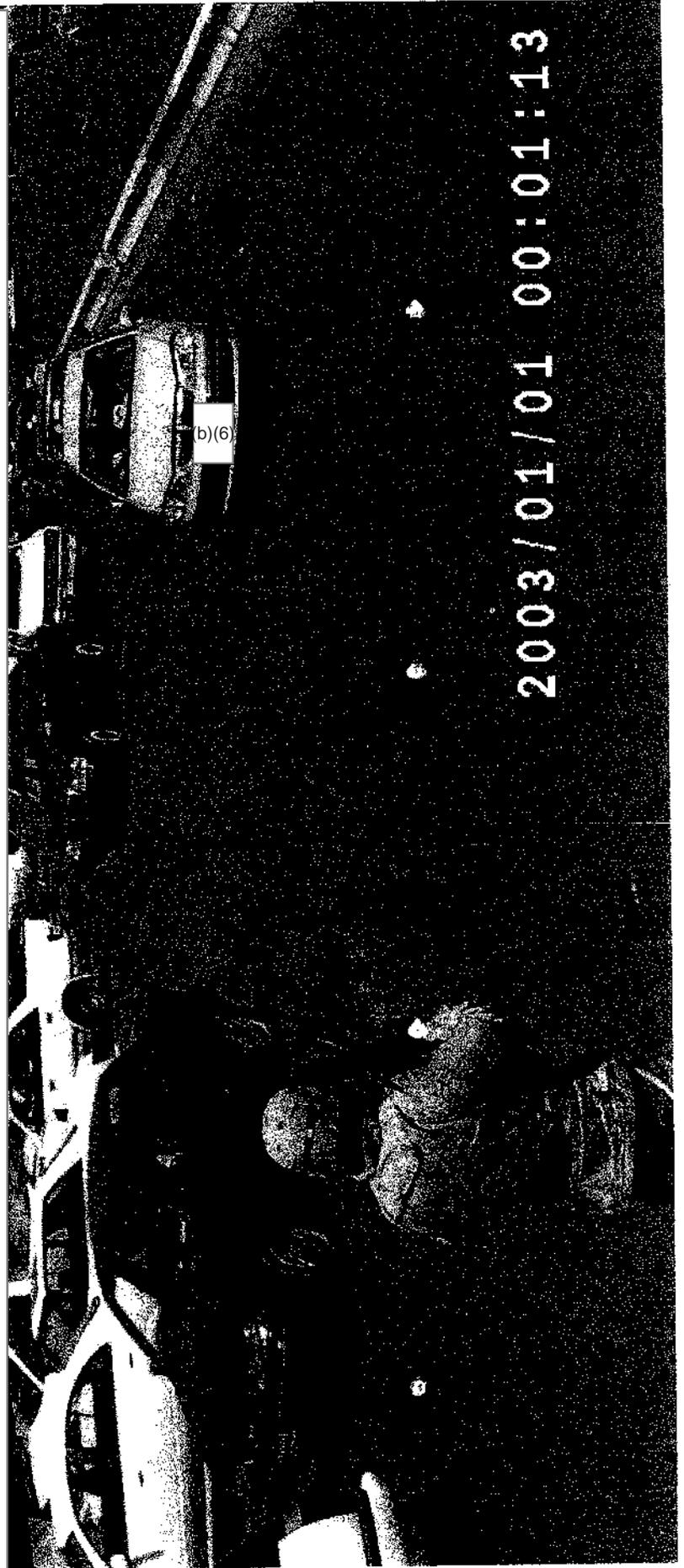
(b)(6), (b)(2)High



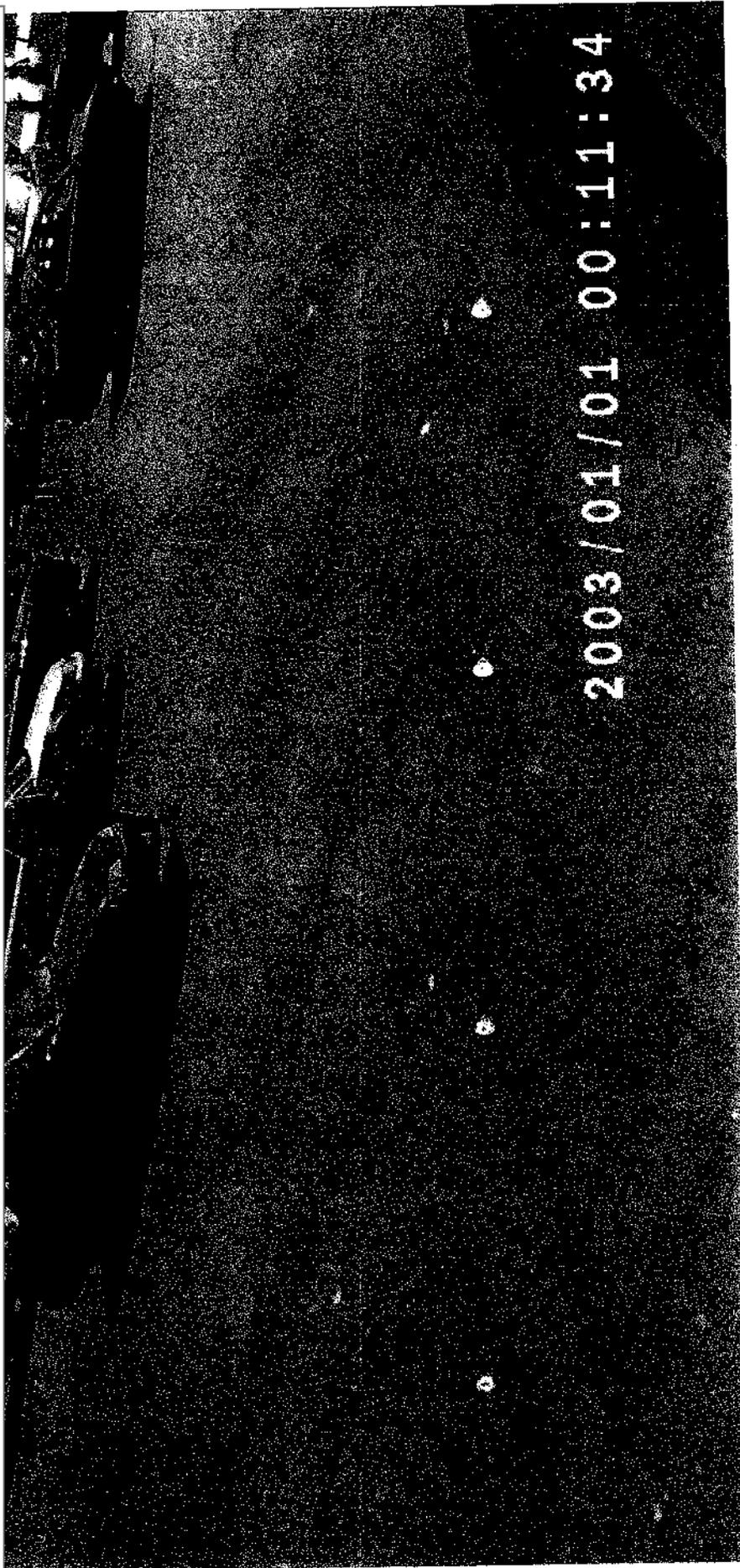
006218

ATTACHMENT 2

(b)(6), (b)(2)High

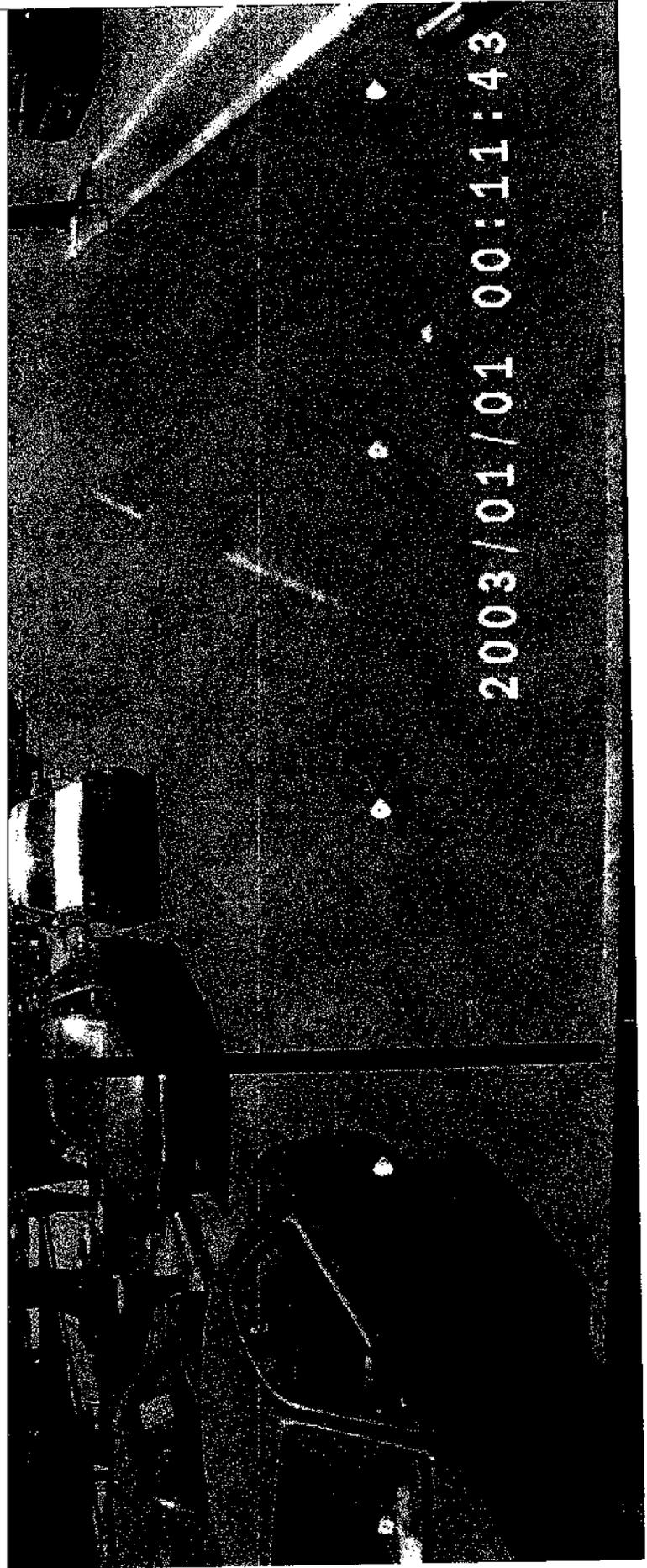


(b)(6), (b)(2)High

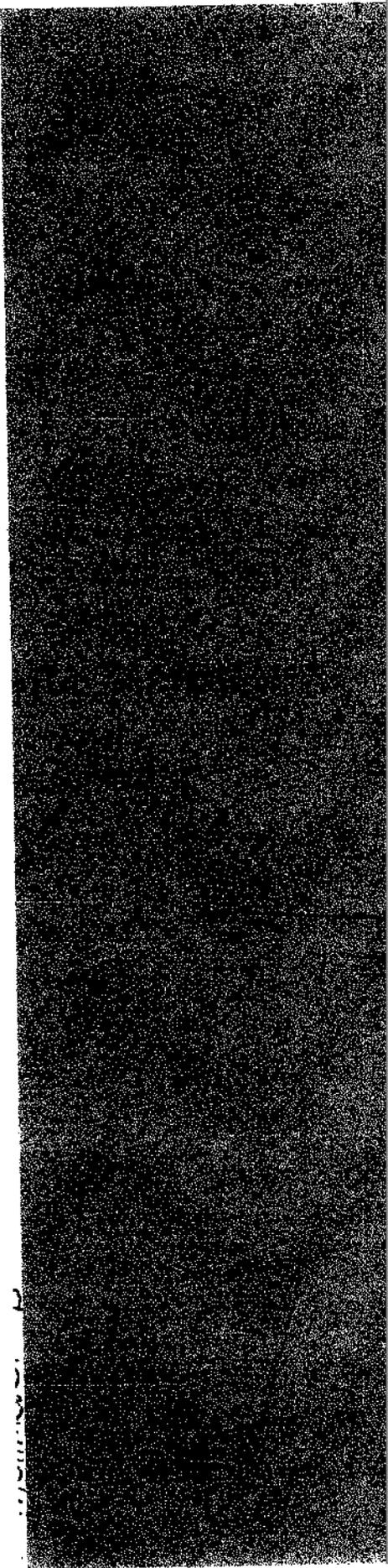


006220

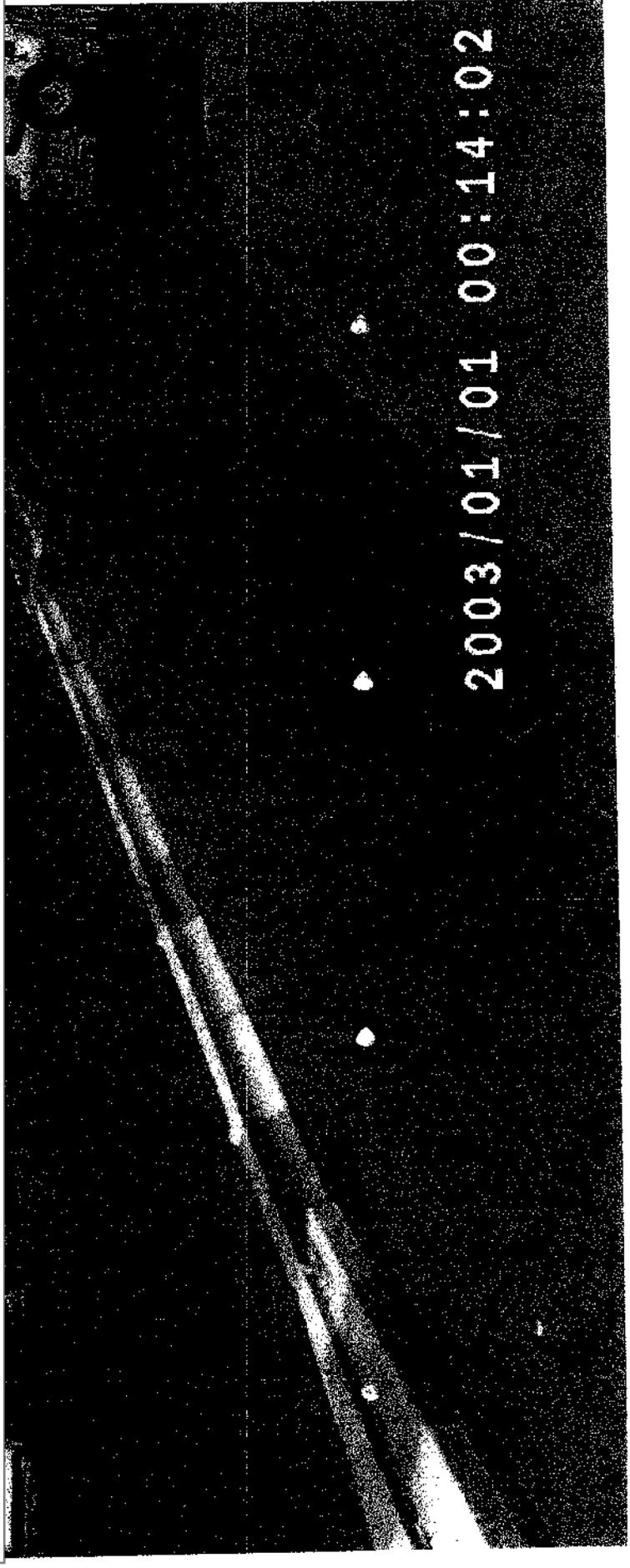
(b)(6), (b)(2)High



006221

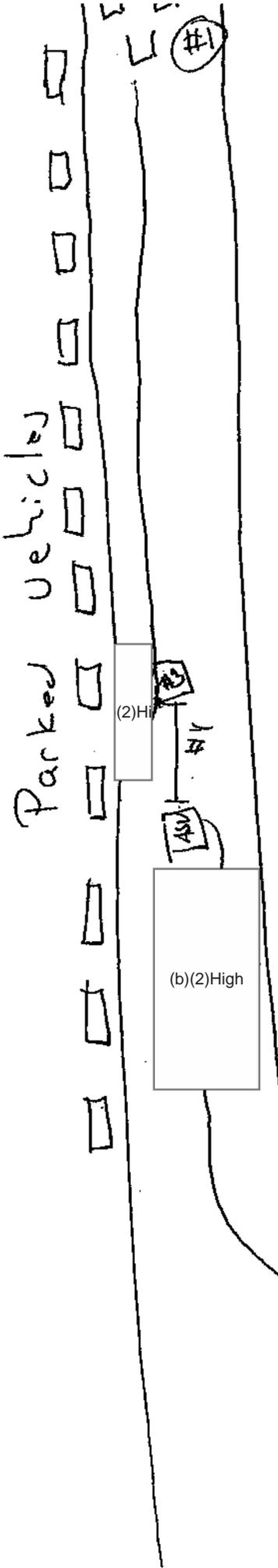
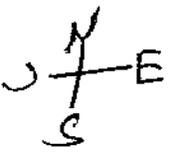


(b)(6), (b)(2)High





(b)(6), (b)(2)High



- #1 Stopped vehicle
- #2 Team 3-1
- #3 Taxi
- #4 distance between ASV & Taxi app. (b)(2)High †

**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).  
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**DISCLOSURE:** Disclosure of your social security number is voluntary.

<b>1. LOCATION</b> CAMP LIBERTY, IRAQ	<b>2. DATE (YYYYMMDD)</b> 2005/09/13	<b>3. TIME</b> 1630	<b>4. FILE NUMBER</b>
<b>5. LAST NAME, FIRST NAME, MIDDLE NAME</b> (b)(3), (b)(6)	<b>6. SSN</b> (b)(3), (b)(6)		<b>7. GRADE/STATUS</b> O-1/ PLATOON LEADER

**8. ORGANIZATION OR ADDRESS**  
126TH MP Company, 504th MP Battalion: Camp Liberty Iraq APO 09344

**9.**  
I, 2LT (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. What is your Company Commander's Policy on Warning Shots regarding Reporting Procedures?  
(b)(2)High

2. To your knowledge, are your soldiers aware of the "Warning Shot" Policies and Procedures and what steps have you taken to ensure there understanding of these policies?  
They are aware. We had a "Safety Standdown" that covered ROE, miscellaneous Theater TTP's, Policies and Procedures. We have mission binder in the TOC that each mission leader must read and sign to verify that they understand prior to each mission. We do a pre-brief prior to each mission that covers ROE in regards to the Escalation of Force. The Mission Leader can go into the steps that need to be taken if a "Warning Shot" is fired, but it is not part of the scripted Mission Brief.

3. 126th Company records indicate that SPC (b)(3), (b)(6) qualified at your Mobilization Station as a "Sharpshooter". To your knowledge was the weapon the SPC (b)(3), (b)(6) used to fire the warning shot the same weapon that he used to "Zero" and "Qualify" with at his mobilization station?  
Yes he is qualified with the weapon.

4. Where were you at the time of the incident? When were you notified of the Warning Shot?  
I was not present due to other mission obligations. I found out about the Warning Shot the morning of August 22nd. It was not brought to my attention at anytime prior.

5. To the best of your knowledge, why do you feel that the "Warning Shot" that was fired by SPC (b)(3), (b)(6) was not reported by the mission leader, SGT (b)(3), (b)(6), or by the Squad Leader, SSG (b)(3), (b)(6)?  
Probably because they didn't think they hit anything, so i feel that they thought everything was ok and "Charlie Miked".

6. Prior to the incident, to the best of your knowledge was every soldier in your in the platoon aware of the reporting procedures regarding "Warning Shots"?  
No I am not sure, there was an incident in another platoon where a warning shot was fired during an SST (b)(3), (b)(6) where a local national was injured, the vehicle was searched, and the LN was transported to the hospital. As a result of the incident the company initiated the Safety Standdown. The Escalation of Force steps were briefed, but I don't recall reporting procedures.

<b>10. EXHIBIT</b>	<b>11. INITIALS OF PERSON MAKING STATEMENT</b> (b)(3), (b)(6)	PAGE 1 OF <u>3</u> 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 BE INDICATED.

STATEMENT OF 2LT (b)(3), (b)(6) TAKEN AT CAMP LIBERTY DATED 2005/03/13

9. STATEMENT (Continued)

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

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

WHEN

FOLLOW

13 SEP 05

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

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

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

NOTHING FOLLOWS 13 SEP 05

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 CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR REWARD, WITHOUT CEMENT.

(b)(3), (b)(6)  
Making Statement)

WITNESSES:

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

AC 2/123 FA SOUTH HP BN  
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, \_\_\_\_\_ 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)

Pages 84 through 114 redacted for the following reasons:

- 
- (b)(1)1.4a, (b)(2)High
  - (b)(1)1.4a, (b)(2)High, (b)(3), (b)(6)
  - (b)(1)1.4a, (b)(2)High, (b)(3), (b)(6), (b)(2)
  - Non Responsive - Empty Page
  - Non Responsive, (b)(1)1.4a, (b)(2)High - ROEs