



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM,
1ST ARMORED DIVISION
CAMP LIBERTY, IRAQ
APO AE 09344



AETV-THO-Z

01 November2006

MEMORANDUM FOR Commander, 4th Infantry Division, Camp Liberty, Iraq APO AE 09344

SUBJECT: Recommendations on Army Regulation 15-6 Investigation

1. I have reviewed the enclosed investigation in regards to the death of a local national. I concur with the findings the investigating officer and the recommendations of the battalion commander.

2. I find that PFC acted within the Rules of Engagement when he engaged the local national boy holding a replica AK-47. The family of the deceased has received a condolence payment. The battalion commander has actively engaged the local populace over the dangers of children playing with realistic toy rifles.

3. The point of contact for this action is CPT at VOIP or

Encl

COL, IN
Commanding

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 LTC (b)(3), (b)(6), CDR, 1st Battalion-23rd Infantry Regiment
(Appointing authority)

on 22OCT2006 *(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 (BIAP), Baghdad, Iraq at _____
(Place) (Time)

on _____ *(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 2300 on 23OCT2006
(Time) (Date)
 and completed findings and recommendations at 1100 on 24OCT2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

FOOTNOTES: ¹⁾ Explain all negative answers on an attached sheet.
²⁾ Use of the N A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

	YES	NO ¹⁾	NA ²⁾
2 Exhibits (<i>para 3-16, AR 15-6</i>)			
a. Are all items offered (<i>whether or not received</i>) 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 (<i>if substituted for real or documentary evidence</i>) 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 (<i>para 3-6b, AR 15-6</i>)?			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 (<i>para 3-16d, AR 15-6</i>)?			X
3 Was a quorum present when the board voted on findings and recommendations (<i>paras 4-1 and 5-2b, AR 15-6</i>)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (<i>Chapter 5, AR 15-6</i>)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (<i>para 5-3b, AR 15-6</i>)?			
5 Was a quorum present at every session of the board (<i>para 5-2b, AR 15-6</i>)?			
6 Was each absence of any member properly excused (<i>para 5-2a, AR 15-6</i>)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (<i>para 3-1, AR 15-6</i>)?			
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 (<i>para 5-2d, AR 15-6</i>)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (<i>Section II, Chapter 5, AR 15-6</i>)			
9 Notice to respondents (<i>para 5-5, AR 15-6</i>):			
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 (<i>or otherwise was absent during part of the proceedings</i>):			
a. Was he properly notified (<i>para 5-5, AR 15-6</i>)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (<i>para 5-4c, AR 15-6</i>)?			
11 Counsel (<i>para 5-6, AR 15-6</i>):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(<i>If counsel is a lawyer, check here <input type="checkbox"/> </i>)			
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 (<i>or, if oral, a summary</i>) of the request and the action taken on it included in the report (<i>para 5-6b, AR 15-6</i>)?			
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (<i>para 5-7, AR 15-6</i>):			
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 (<i>para 5-8a, AR 15-6</i>):			
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 (<i>para 5-9, AR 15-6</i>)?			
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 (<i>para 5-8b, AR 15-6</i>)?			
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 (<i>para 5-11, AR 15-6</i>)?			
FOOTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the N A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.			

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

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

The local national male brandished a lethal weapon and displayed Hostile Intent through his actions of pointing a deadly weapon (an AK-47 assault rifle) at the mounted patrol of 1/B/1-23IN. PFC (b)(3), (b)(6) who was providing security for his Stryker vehicle in the right side rear air-sentry hatch, determined at that time that an attack on his patrol was imminent and responded appropriately within the Rules of Engagement (as outlined in Exhibit 4) and rendered an appropriate response to a local national male who displayed Hostile Intent (Exhibit 4, paragraph 12-C) towards his mounted patrol. The fact that the rifle was later determined to be a "toy replica model" (see Exhibit 2, picture of toy rifle) is secondary to the outcome of the event based on Hostile Intent.

Based on the Positive Identification (PID, see Exhibit 4, paragraph 18) of the enemy threat, PFC (b)(3), (b)(6) engaged and killed the local national male with his (b)(2) High squad automatic weapon. PFC (b)(3), (b)(6) used proportional force to the deadly threat which the local national male represented.

After PFC (b)(3), (b)(6) engaged the local national male, he continued to observe the target (which he neutralized) and continued to scan his sector for further threats. The patrol then stopped to assess the local national male (suspected to be AIF) and was medically assessed by platoon medics. The platoon medics determined the male (approximately (b)(6) years of age) to be dead. It was then that the platoon discovered the AK-47 was a "toy replica model" which was later broken by the suspect's mother.

In conclusion, the actions of 1/B/1-23IN on the afternoon of 18OCT2006 were legally sound and professionally executed. The proximate cause of the local national male's death was the decision to play with an AK-47 toy replica in a war zone, and acted in a hostile manner (displayed hostile intent) towards a Coalition Forces patrol.

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

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

No adverse actions or reprimand for the involved Soldier, PFC (b)(3), (b)(6)

Recommend PFC (b)(3), (b)(6) receive counseling from the Battalion Commander outlining his appropriate response to the local national male's Hostile Intent.

Unit follow up with a combat-stress team and critical incident de-brief upon further evaluation of PFC (b)(3), (b)(6) mental state.

The family of the local national male receive no reparations or grievance-pay from Coalition Forces. This engagement was no accident. This event was a small arms fire engagement based on PID of an enemy threat. Therefore, I believe that any grievance-pay for the family will subjectively be perceived as reparation for wrongful actions or misuse of lethal force by Coalition Forces, which it clearly was not (see findings above).

No further investigation needed.

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.)

_____ (Recorder)	<div style="border: 1px solid black; width: 250px; height: 20px; margin: 0 auto; text-align: center;">(b)(3), (b)(6)</div> <div style="display: flex; justify-content: center; align-items: center;"> CPT <div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">(b)(3), (b)(6)</div> </div> _____ (Investigating Officer) (President)
_____ (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)
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SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.

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

(b)(6) The Task Force has already reached out to the community. The local populace acknowledged the dangers of children with toy guns. Community backlash and negative IO has been minimal. The TF has taken requisite reparations actions. Concur with all other recommendations from IO.

<div style="border: 1px solid black; width: 200px; height: 25px; margin: 0 auto; text-align: center;">(b)(3), (b)(6)</div> <div style="display: flex; justify-content: center; align-items: center;"> LTC <div style="border: 1px solid black; width: 150px; height: 20px; text-align: center;">(b)(3), (b)(6)</div> </div>	LTC, IN
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Page 7 redacted for the following reason:

(b)(5)

**DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 23RD INFANTRY (SBCT)
FOB LIBERTY, BAGHDAD, IRAQ APO AE 09344**

AFZH-INB (15-6)

20 October 2006

MEMORANDUM FOR CPT (b)(3), (b)(6) HHC 1-23 IN, FOB Liberty Iraq

SUBJECT: Appointment as Investigating Officer

1. You are appointed as an investigating officer pursuant to Army Regulation (AR) 15-6 to conduct a formal investigation to determine the cause of an escalation of force that resulted in the shooting of a local national by 1st Platoon B Co, 1-23 IN BN.
2. Prior to beginning your investigation, you will consult CPT (b)(3), (b)(6) with the Brigade Operational Legal team. They can be reached at VOIP 242-7850
3. In your investigation, all witness statements will be sworn and written on DA Form 2823. If you come to suspect any individual has committed a crime, you will advise that individual of his or her rights under Article 31 of the UCMJ or the Fifth Amendment, as appropriate, using DA Form 3881
4. Submit your findings and recommendations to me on DA 1574 within 72 hours of receipt of this appointment order.

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

LTC, IN
Commanding

006920

INDEX OF EXHIBITS

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EXHIBIT 5	SWORN STATEMENT PFC
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EXHIBIT 8	SWORN STATEMENT SGT
EXHIBIT 9	SWORN STATEMENT PFC

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

COMMANDER'S INQUIRY/INITIAL INVESTIGATION

UNIT INFORMATION

B Co. 1-23 IN 3-2 SBCT

Commander Initiating Inquiry: CPT (b)(3), (b)(6)

Soldier Assigned to Conduct Inquiry: 2LT (b)(3), (b)(6)

NATURE OF THE INCIDENT

Date of Incident: 18 OCT 06

Location (Where Incident Primarily Took Place): (b)(6) Baghdad, RTE
(b)(2)High

Narrative Description of Incident: During a combat patrol, PFC (b)(3), (b)(6) identified and individual pointing a rifle perceived to be an AK47 at him from an adjacent alley. He instantly engaged the target from the right rear air guard hatch of a moving Stryker. The target dropped on the second burst from his (b)(2)High. The platoon established a security halt and dismounted an element to continue pursuit of enemy contact. The element investigated the body and talked to people on the streets. They discovered at that time that the individual was a pre-teen wielding a toy gun that was life size. The unit handed the scene over to the IP.

THE INQUIRY

DTG Inquiry Began: 18 OCT 06

DTG Inquiry Ended: 22OCT 06

Witnesses: CPT (b)(3), (b)(6) PFC (b)(3), (b)(6) 2LT (b)(3), (b)(6) SGT (b)(3), (b)(6) SPC (b)(3), (b)(6) SPC (b)(3), (b)(6) SGT (b)(3), (b)(6)

Exhibits: Sworn Statements from all. and Story Board.

FINDINGS

Was anyone injured? A LN preteen male was killed

Is any property damaged or missing? unknown

Is any criminal misconduct suspected? none

RECOMMENDATION

- Arrangements be made through the (b)(6) NAC to meet with the family to make a formal apology and arrange any possible compensation.
- 15-6 officer be assigned to gather data for legal record
- Soldier be counseled for proper performance of duties, and exonerated of any suspicion of guilt though none seems to exist.

EXHIBIT 1

006922

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

12 Oct 06.

Investigating Officer Signature and Date

ACTION BY HIGHER HEADQUARTERS

Concur/ non-concur with the IO's findings and recommendations.

Forwarded to:

Instructions/Comments:

Assigning Officer Signature and Date

EXHIBIT-1

006923

SUMMARY

0 KIA, 1X LN KIA,

UNIT/CALL SIGN: B/1-23IN B06

DTG: 171323OCT06

LOCATION: (b)(2)High

MISSION OF PATROL: (b)(6)

T: Reinforce TCP

P: Provide security for demonstration in (b)(6)

TIMELINE:

181210 (b)(6) Platoon and TAC leave TCP at (b)(2)High intersection to speak with (b)(6)(b)(6) security council members
181220 Arrive north side of (b)(6) IP station

181225 Negative contact with security council members. SP to FOB Liberty along (b)(2)High

181230 Right rear air-guard engaged a LN who came out of a house with an AK 47 pointed in his direction

181235 Inspection of the scene showed the LN to be a child between the ages (b)(6)(b)(6) holding a life size toy AK-47

181245 Iraqi Police arrive on scene and pickup body to take to the proper authorities

181250 1st Platoon and TAC leave for FOB

SUMMARY

Platoons have noticed a recent spike in toy weapons over the past 7-10 days. A car with four boxes full of life size toy weapons was found by A/B/1-23 during an 181206 TCP at the intersection of (b)(2)High main and (b)(2)High Rd. Numerous stores are selling these types of toys.

181230OCT2006_1/B/1-23IN_LNKIA_TOY_GUN

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

EXHIBIT 2

006924

4ID Serious Incident Report

From: BTL CPT, 1/23IN

Thru: 2/1 BCT Operations Center

To: 4th ID / Division Operation Center

Subject:

1. Category: MND-B CCIR #6
2. Type of incident: Escalation of Force – death of a local national
3. DTG: 181230 OCT 06
 - A. DTG of Incident: 181230 OCT 06
 - B. DTG Unit was notified of Incident: 181230OCT06
 - C. DTG received by DOC:
4. Location:
5. Personnel involved:
 - A. Subject:
 1. Rank or grade:
 2. Social Security Number:
 3. Race:
 4. Sex:
 5. Age:
 6. Position: SAW Gunner
 7. Security clearance:
 8. Unit and station of assignment: B/1-23 IN, Fort Lewis, WA
 9. Duty status: Active
 10. Marital Status:

Summary of incident

While conducting operations in in support of operation 1/B/1-23 was driving east on route vic. and spotted a local national come out of a house with what looked to be an AK-47 rifle. The soldier who spotted the local national perceived the local national's actions as a threat and engaged him. The local national was killed and upon further investigation, 1/B/1-23 discovered that the weapon the local national was carrying was a toy. The LN was a male age FNU LNU. He was killed by a GSW to the head. CPT (B CO CDR) assessed that, due to the large amount of publicity and local news media in at the time, he would quickly transfer the site over to the Iraqi police and move his forces out of the area. Blackhawk 16 and Blackhawk 5 conducted Consequence Management IO on scene immediately. The IP's took control of the situation and B/1-23

Encl 2

EXHIBIT 3

006925

4ID Serious Incident Report

left the scene. B/1-23 will follow up tomorrow with an apologetic IO message to the community and an anti-toy gun IO campaign across the city.

6. Other Information:

- A. Racial Involvement: None
- B. Alcohol Involvement: None
- C. Last Deployment to OIF/OEF (include start and end dates): N/A

7. Remarks:

8. Commander reporting: CPT (b)(3), (b)(6) CDR/B/1-23IN

9. Point of contact: MAJ (b)(3), (b)(6) 1-23IN, XO

10. Report originated by: CPT (b)(3), (b)(6) 1-23IN, BTL CPT

11. Released by:

12. Unit Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
Battle CPT	CPT (b)(3), (b)(6)	181230OCT06	Send SIR to 2/1AD

FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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B. Email

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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EXHIBIT 3

006926

Pages 15 through 16 redacted for the following reasons:

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN (b)(3), (b)(6)	7. GRADE/STATUS PFC
8. ORGANIZATION OR ADDRESS			

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

We were heading back to the FOB from city Hall. We turned down what looked like a back road, but it had several ally ways leading from it. Upon passing about the 3rd ally I saw someone holding a rifle that looked like a real AR47. AT the moment I saw him he pointed it at me, and immediately I engaged. The person was on the left of the ally, just in front of a white pick up truck, only about 15 feet inside the ally, next to a wall. At the time we engaged we were moving approximately, (b)(2)High miles an hour. I only fire about 10-20 rounds and stopped exactly after my target fell. I continued to watch the target to make sure no one would try and pick up the weapon. No one did that I saw. The vehicle stopped after I finished engaging and shortly after we turned to the right and moved just inside the ally, next to the body, I continued to pull security until we left, then Spc (b)(3), (b)(6) switched with me and I went down inside the vehicle, and he pulled airguard. I was on the right side airguard hatch from the time I engaged until the time I went inside the vehicle.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

EXHIBIT 5
006929

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)		6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-5/SQDLDC
8. ORGANIZATION OR ADDRESS Bco 1/23 INF FOB LIBERTY, IRAQ			

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

OUR PLATOON WAS TAKING Route (b)(2)High EAST TO HEAD BACK to the FOB when an AIR GAULD IN B1-1 ENGAGED A PERSON that LOOKED to BE POINTING AN AK-47 AT HIM. I HAD my TC DROP DOWN and begin to scan while we continued to the road that PFC (b)(3), (b)(6) had fired down. While scanning, my Right Rear AIR GAULD saw A MALE on the ground and pointed him out to me. I called up that there was one male with an AK DEAD on the SIDE WALK. Five minutes latter it was called up that the male was a KID and that the gun was a toy. one of the medics took a look at him, we called the IPs and waited for them to show up, then we proceeded back to the Fob.

END of STATEMENT

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

EXHIBIT 6

006930

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

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

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

Riding on Route (b)(2)High until I heard gun fire, and saw PFC (b)(3), (b)(6) engaged on someone. So I got Down to scan where he was shooting with the RWS, and saw a Kid laying on the Floor with a toy AK47 that look like a Real AK 47 Assault Rifle, After that I continued to scan my Sector for any possible enemy activity until we went back to F.O.B. Liberty.

Nothing Follows

~~_____~~

~~_____~~

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

EXHIBIT 7

006931

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Route (b)(2)High Baghdad Iraq	2. DATE (YYYYMMDD) 2006 10 22	3. TIME 1150hrs	4. FILE NUMBER
5. LAST NAME, MIDDLE NAME (b)(2)High	6. SSN (b)(3), (b)(6)	7. GRADE/STATUS E-5 / Team leader	
8. ORGANIZATION OR ADDRESS Bco 1/23 INF Ft. Lewis WA 98433			

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

On the 18th day of October 2006 my Stryker (B-1) was performing a TCP (traffic control point) when Lt. (b)(3), (b)(6) got the call that we had a change of mission CPT. (b)(3), (b)(6) told my platoon that we had to swing by to pick him up and escort him back to the FOB. After we picked up the CO. from City Hall we proceeded to exeval we started driving down route (b)(2)High both of my squads (b)(2)High gunners were standing in the rear hatches of the strkyer when my (b)(2)High gunner PFC (b)(3), (b)(6) begin shooting after short bursts of about 10 rounds (5 round bursts) I asked PFC (b)(3), (b)(6) "what you got" hey then replied I have a kid in the street (Alleyway) with an AK47 which he raised pointing at are vehicle are vehicles then came to a stop and my Squad dismounted their was an old lady (b)(3), (b)(6) yelling and screaming she then picked up the AK47 and hit it against the ground and it broke at that time we realized it was just a toy the old lady continued to smack her chest and head myself and Corporel (b)(3), (b)(6) and are teams (minus (b)(3), (b)(6)) pulled Security while we waited for Lt. (b)(3), (b)(6) to assess

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

EXHIBIT 8

006932

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; 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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

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

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
On 18 Oct 06 we were coming back from city Hall I dont know exactly what street we were on but PFC (b)(3), (b)(6) & I were in the air gaurd hatches. Not to long after we left city hall I heard a burst of fire as I look around to see were it was coming from I seen that it was PFC (b)(3), (b)(6) after he stop fire he told his team leader someone was in the ally with an a.t. and pointed it right at him and that person was down as we got closer to the body I noticed that it was a kid but the weapon still looked real then when we got close enough I noticed the weapon was just a toy. There was no way that anyone would have know that was fake.

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(3), (b)(6) 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.

EXHIBIT 9

006933



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM,
1ST INFANTRY DIVISION (MECHANIZED)
CAMP LIBERTY, IRAQ
APO AE 09344

AETV-BGS-CDR

25 October 2006

MEMORANDUM FOR Commander, 2nd Brigade Combat Team, 1st Infantry Division, Camp Liberty, Iraq APO AE 09344

SUBJECT: Request Approval for Condolence Payment

1. Request approval of condolence payment of \$2,500.00 for the death of one local IAW MNC-I CERP SOP paragraph 2c(16) & Appendix 2 paragraph 1b(1)(b), dated 24 April 2006.

2. The payee is for \$2,500 who is the father of the deceased Lahmoud, age

3. Incident Description: On 181230OCT06, 1/B/1-23 IN was on patrol in The right rear air-guard of a Stryker engaged a LN who came out of a house with an AK-47 pointed in his direction. Inspection of the scene showed that the LN to be a boy holding a life-size toy AK-47. See enclosed storyboard.

4. The point of contact for this action is CPT at VOIP 242-7850 or

1LT, FA
CERP Pay Agent

Encl

Recommend Approval

CPT, JA
Judge Advocate

____ Recommend Disapproval

Approved for Payment

COL, IN
Commanding

____ Disapproved

PURCHASE REQUEST AND COMMITMENT
 For use of this form, see AR 37-1; the proponent agency is OASD/PMI

1. PURCHASE INSTRUMENT NO. 2. REQUISITION NO. 3. DATE 4. TO: MNC-1 ATTN: CERP Manager 5. THRU: MND-B G8 Camp Liberty, Iraq APO AE 09344 6. FROM: 2BCT, 1ID Camp Liberty APO AE 09344 7. PURCHASED FOR 2BCT, 1ID UIC: WAMLAA 8. DELIVERED TO BLDG 100, Camp Liberty, Iraq APO AE 09344 ATTN: 1LT 9. NOT LATER THAN (Date) 10. NAME OF PERSON TO CALL FOR ADDITIONAL INFORMATION (b)(3), (b)(6) 11. TELEPHONE NUMBER (b)(3), (b)(6) 242-4626

12. LOCAL PURCHASES AUTHORIZED AS THE NORMAL MEANS OF SUPPLY FOR THE FOREGOING BY 13. REQUISITING DISCLOSES NONAVAILABILITY OF ITEMS AND LOCAL PURCHASE IS AUTHORIZED BY

14. ITEM 15. SUPPLY OR SERVICES 16. QUANTITY 17. UNIT 18. ESTIMATED UNIT PRICE *a* 19. ACCOUNTING CLASSIFICATION AND AMOUNT TOTAL COST *b*

1. (b)(6) Contingence Pay for (b)(6) whose son was accidentally killed by TF 1-23 IN (b)(6) Project Purchasing Officer CPT (b)(3), (b)(6) CERP Appropriated Pay Agent 1LT (b)(3), (b)(6) GRAND TOTAL: \$2,500.00

20. TYPED NAME AND TITLE OF CERTIFYING OFFICER 21. SIGNATURE 22. DATE

23. DISCOUNT TERMS 24. PURCHASE ORDER NUMBER 26. DELIVERY REQUIREMENTS ARE MORE THAN 7 DAYS REQUIRED TO INSPECT AND ACCEPT THE REQUESTED GOODS OR SERVICES IF YES, NUMBER OF DAYS REQUIRED YES NO

27. TYPED NAME AND GRADE OF INITIATING OFFICER 29. DATE 30. TELEPHONE NUMBER 31. TYPED NAME AND GRADE OF SUPPLY OFFICER 33. DATE 34. TYPED NAME AND GRADE OF APPROVING OFFICER OR DESIGNEE 35. SIGNATURE 36. DATE

25. THE FOREGOING ITEMS ARE REQUIRED NOT LATER THAN AS INDICATED ABOVE FOR THE FOLLOWING PURPOSE: (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) (b)(3), (b)(6) COLON Commanding

19. ACCOUNTING CLASSIFICATION AND AMOUNT FUND CERTIFICATION The supplies and services listed on this request are properly chargeable to the following allotments, the available balances of which are sufficient to cover the cost thereof, and funds have been committed.

DA FORM 3953, MAR 91 EDITION OF AUG 76 IS OBSOLETE USAPFC V2 00