

2858



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~~SECRET//REL USA MCFI~~



# MULTI-NATIONAL CORPS IRAQ

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<b>STAFF SUMMARY</b>		<b>CLASSIFICATION:</b> <del>SECRET//REL USA MCFI</del>		<b>DATE:</b> 28 April 2007							
Staff Section SJA	Section Log #:	SJS Log #:									
<b>TO:</b> CofS		<b>SUSPENSE:</b>		<b>FROM:</b> Adlaw, SJA							
<b>SUBJECT:</b> AR 15-6 IO Appointment				<b>Action Officer:</b> CPT (b)(3)(b)(6) (b)(2)High							
<b>BACKGROUND:</b> On 26 Apr 07 Elements of 16 <sup>th</sup> MP BDE were involved in an escalation of force incident which resulted in the death of a local national.											
<b>ISSUE/CONCERNS:</b> N/A											
<b>RECOMMENDATION:</b> Sign Appointment Memo											
<b>ATTACHED DOCUMENTS:</b> Appointment Memo Blue 3 Spot Report											
<b>REMARKS:</b> FRAGO 313 requires the MSC to determine the level and type of investigation for serious incident EOFs. We recommend that the CG direct this investigation and that the informal procedures of AR 15-6 be utilized.											
<b>STAFF COORDINATION:</b>											
#	SECTION	C	NC	#	SECTION	C	NC	#	SECTION	C	NC
	CG				CSM				ASOC/TACP		
	XO				Admin				CHAP		
	Aide			2	SJS				ECC		
	Admin				Admin				EO		
	DCG (GBR)				C1				IG		
	Admin				C2				PAO		
	DCG (US)				C3				PMO		
	Admin				C4				RCD (Res/NG Aff)		
	DCG (ITA)				C5			1	SJA	(b)(3)(b)(6)	
	Admin				C6				SURG		
4	CofS				C7				HQ CMD		
	Admin				C8				POLAD		
3	DCofS (USA)				C9						
	(b)(3)(b)(6)										
<b>COMMENTS:</b> C = CONCUR; NC = NONCONCUR											

MNC-I Form 1222 Feb 05

DRV FM: NSA/CSSM 123-2  
Dated: 24 Feb 98  
DECL ON: X1

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REPLY TO  
ATTENTION OF

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

FICI-JA-AL

3 May 2007

MEMORANDUM FOR MAJ [REDACTED] (b)(3)(b)(6) Headquarters and Headquarters Company, HHD, 705th Military Police Battalion, 16<sup>th</sup> Military Police Brigade, Camp Bucca, Iraq, APO AE 09375

SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident of 26 April 2007 (16th MP BDE)

1. **Appointment.** You are appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into all of the facts and circumstances surrounding a 26 April 2007 Escalation of Force (EOF) incident in which a local national was wounded (16th MP BDE (ABN) Blue-3 Spot Report BDE Control # 070426-09(A)).

2. **Purpose.** This investigation is administrative in nature to gather facts. The investigation process is a commander's tool to assess the effectiveness of the Rules of Engagement (ROE) and Escalation of Force (EOF) in the particular engagement, to capture lessons learned for TTP analysis, and to preserve evidence of Law of Armed Conflict and ROE compliance and other procedures.

3. **Duty.** Your duty is to determine all facts and circumstances and to "ascertain and consider the evidence on all sides of each issue, thoroughly and impartially, and to make findings and recommendations that are warranted by the facts and that comply with these instructions." AR 15-6, para. 1-6.

4. **Standards.** Determine and reference all relevant standards, policies, procedures, and customs and practices, including "Appendix 20 to Annex C to MNC-I OPORD 06-04 (SOP) 4 NOV 06." Bear in mind that your report may be subject to release under the Freedom of Information Act, so to the greatest extent possible, prepare an unclassified report. If you must include classified information, identify and segregate any classified information in your report. Also, be sensitive to any Privacy Act issues that may arise during the course of your investigation and included in your report.

5. **Specific Areas of Concern.** In addition to addressing the general facts and circumstances and any matter you think relevant, your investigation must address the following issues:

a. Did the Soldier perceive a hostile act or a demonstration of hostile intent? If so, what specific events occurred that led the Soldier to perceive a hostile act or hostile intent? In light of the circumstances faced and the applicable ROE, were the Soldier's acts reasonable? Explain the basis for your determination (cite all supporting facts and explain your rationale).

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SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident of 26 April 2007 (16th MP BDE)

- b. Did the unit properly follow its EOF procedures, ROE, and TTPs?
- c. Were the military vehicles/checkpoints clearly marked?
- d. Were the EOF measures and equipment, ROE, and unit TTPs sufficient? Were there any deficiencies in the utility or execution of the TTPs or in the TTPs themselves under the circumstances?
- e. When did the unit last receive EOF training? If possible, provide a copy of any training materials as an enclosure to your investigation.
- f. Did any other factors contribute to the incident (e.g., training, experience, equipment, mission requirements, etc.)?
- g. Did the unit provide timely and adequate medical assistance?
- h. Could any individual, unit, or systemic measures have prevented this incident?

6. **Primary Responsibility.** Your duties as an investigating officer take priority over other duties.

7. **Suspense.** Submit the original report and one copy of the original to the 89<sup>th</sup> Military Police Brigade Office of the Staff Judge Advocate (OSJA) no later than 14 days after your receipt of this memorandum. Any requests for extension must be in writing through the OSJA.

8. **Procedures.** Follow the informal investigative procedures of AR 15-6. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. All persons will complete a Privacy Act statement. If you conduct any witness interviews telephonically, prepare a memorandum of record memorializing the interview. Use DA Form 1574 to prepare your report. Include with your report all documentary evidence, photographs, diagrams, sworn statements, and all other information or evidence you considered as a basis for your findings and recommendations.

9. **Subject Matter Experts.** Consult and associate any subject matter experts during the course of your investigation.

10. **Administrative Support.** With local command approval, an assistant may be assigned to assist you; e.g., to gather documents, to participate with you during interviews, to help organize and prepare the report, etc. You must, however, personally

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SUBJECT: Appointment of AR 15-6 Investigating Officer – Escalation of Force Incident of 26 April 2007 (16th MP BDE)

conduct all interviews of witnesses with personal knowledge of the incident (“fact witnesses”).

11. **Chronology of Investigation.** Maintain a detailed chronology of your investigative activities and include it as an exhibit to your report.

12. **Possible Criminal Conduct.** If at any time during your investigation you suspect the person you are interviewing or you intend to interview of any misconduct, which may violate any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law or policy, you must advise them of their rights under Article 31, UCMJ, before continuing with further questioning. Document rights warnings and waivers on DA Form 3881.

13. **Legal Advice.** Before proceeding with the investigation, and as necessary during the course of the investigation, coordinate with MAJ [redacted (b)(3)(b)(6)] at Camp Bucca OSJA, at VOIP [redacted (b)(2)High] or DSN [redacted (b)(2)]

FOR THE COMMANDER:



JOSEPH ANDERSON  
Brigadier General, USA  
Chief of Staff



**16th MILITARY POLICE BDE (ABN)**  
**BLUE-3 SPOT REPORT**  
BRIGADE CONTROL # 070426-09(A)

261344DAPR07  
261157DAPR07

- LINE 1: SIZE: 2X LN Vehicle, UNK # of LN Passenger
- LINE 2: ACTIVITY: EOF resulting in death of LN
- LINE 3: LOCATION: (b)(2)High West of Basrah, Iraq
- LINE 4: UNIT/GROUP ID: (b)(2)High
- LINE 5: TIME: 261001DAPR07
- LINE 6: EQUIPMENT: 2X (b)(2)High round, 1X M4
- LINE 7: SOURCE OF REPORT: 33<sup>RD</sup> MP BN
- LINE 8: REPORTING UNIT: 16<sup>TH</sup> MP BDE (ABN)
- LINE 9: POC AND TELEPHONE: RTI CPT/NCO, (b)(2)  
(b)(2)High

LINE 10: ACTION TAKEN: At 261001DAPR07 while traveling west on (b)(2)High an (b)(2)High (586-73 / M1114) element reported an escalation of force while conducting ASO, resulting in a gun shot wound to a LN. The TL in the lead gun truck reported that the squad was traveling E/B in the E/B lane of (b)(2)High conducting routine patrol. There were two LN vehicles traveling W/B in the E/B lane directly at the ASO element. These 2 LN vehicles were first observed at (b)(2)High meters because the LN vehicles were coming around a bend on the ASR. The lead gun truck activated the Galls mounted siren and air horn immediately at (b)(2)High meters. The gunner started to wave at the 2X LN vehicles and showed his weapons. The interpreter also got onto the Gall's system and yelled in Arabic for the vehicles to move out of the way. One of the two LN vehicles pulled across the median and continued to travel W/B in the W/B lane. The second LN vehicle continued its course traveling W/B in the E/B lane directly at the ASO element. The gunner then fired 1X warning shot when the LN vehicle was approximately (b)(2)High meters away. The LN

BC DBC CSM S3 PMO S1 S2 S4 CLD 007287 CHAP

(b)(5)

(b)(5)

vehicle continued to travel directly at the patrol and the gunner attempted to (b)(2) High the LN vehicle by firing a second shot at (b)(2)High. The LN vehicle finally pulled over to a gradual stop. When the third gun truck passed the LN vehicle, he observed the (b)(2)High shot had gone through the right portion of the windshield. The LN vehicle was a Euro style car resulting in the driver being on the right side of the car. After hearing this report, the squad turned around to check on the LN vehicle. As the ASO element was returning to the scene, they saw a bloody body being pulled from the LN vehicle and being put into an IP vehicle. The IP vehicle and the LN vehicle drove off before the ASO element could figure out exactly what happened. The ASO element then secured the scene and took pictures of the pool of blood on the ground. There was nothing else at the scene for evidentiary matters. The IPs came back to the scene and stated that the driver was dead from the shooting and the victim had been taken to the Safwan Hospital. The ASO element left the scene and came back to FOB Bucca for debrief. This information was forwarded to CID, who initially reported that unless a criminal act has taken place, as identified through a 15-6 investigation, this is not their purview. Currently, the IPs and LN witnesses are at (b)(2)High and we are talking to them to get more information. Story board to follow. ///more to follow///

(b)(5)

(b) (2) High  
The LN vehicle was approximately [redacted] meters away. The LN vehicle  
The LN vehicle finally pulled over to a gradual stop.  
had gone through the right portion of the windshield. The LN vehicle was a Euro style car resulting in  
the driver being on the right side of the car. After hearing this report, the squad turned around to check on the LN vehicle. As the ASO element was returning to the scene, they saw a  
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OB Bucca for debrief. This information was forwarded to CID, who initially reported that unless a criminal act has taken place, as identified through a 15-6 investigation, this is not  
their purview. Currently, the IPs and LN witnesses are at [redacted] and we are talking to them to get more information.

WARNING SHOT # 07-049 26

April 07

(b) (2) High





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# MULTI-NATIONAL CORPS IRAQ

<b>STAFF SUMMARY</b>		<b>CLASSIFICATION: UNCLASSIFIED</b>	<b>DATE: 3 JUN 07</b>
SJA		<i>EOF</i>	
Staff Section	Section Log #:	SJS Log	
TO: CG		<b>SUSPENSE: NA</b>	<b>FROM: Adlaw, SJA</b>
<b>SUBJECT: CG approve the findings and recommendations in AR 15-6 report.</b>			<b>Action Officer:</b> CPT (b)(3)(b)(6) (b)(2)
<b>ISSUE/PURPOSE: CG sign DA Form 1574 approving the findings and the recommendations concerning an EOF incident involving HHD, 705<sup>th</sup> MP BN, 16<sup>th</sup> MP BDE, in which a local national was wounded and possibly killed.</b>			
<b>BACKGROUND:</b>			
<b>ISSUE/CONCERNS: NA</b>			
<b>RECOMMENDATION: CG approve the findings and recommendations.</b>			
<b>ATTACHED DOCUMENTS:</b>			
<ul style="list-style-type: none"> <li>Tab I (DA Form 1574)</li> <li>Tab II (Legal Review)</li> <li>Tab III (AR 15-6 Investigation Report)</li> </ul>			

**Summary:** On 26 April 2007, at approximately 0950, a convoy of four M1114 HMMWVs from HHD, 705<sup>th</sup> MP BN, ~~was~~ traveling east in the eastbound lane of (b)(2)High. The convoy was traveling at approximately 35-45 MPH, when the gunner of the lead HMMWV, SSGT (b)(3)(b)(6) (586<sup>th</sup> ESFS, USAF), observed two sedans traveling west in the eastbound lane. The sedans, approximately (b)(2)High m away, were approaching the convoy at approximately (b)(2)High MPH.

SSGT (b)(3)(b)(6) began (b)(2)High directing the vehicles to move out of the lane at approximately (b)(2)High m. At approximately the same time, the driver of the HMMWV began to flash his headlights and honk his horn at the approaching vehicles. The translator in the vehicle used the Galls PA system to direct the vehicles in Arabic to "clear the way."

The first sedan heeded the warnings and moved to the westbound lane of the road. However, the second sedan continued toward the convoy in the eastbound lane. At approximately 30 m, SSGT (b)(3)(b)(6) requested and was granted permission by the TC to fire a warning shot to the right of the approaching sedan. The sedan did not respond. The personnel in the lead HMMWV then attempted to move the sedan to proper lane by "drifting" the HMMWV in the direction of the sedan, but without success. At approximately 20 m SGT (b)(3)(b)(6) fired a (b)(2)High

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 DELIBERATIVE PROCESS DOCUMENT  
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After the second shot, the sedan moved to the side of road. SSGT (b)(3)(b)(6) thought that he had missed the sedan, but one of the other HMMWVs in the convoy reported seeing a bullet hole in the sedan's windshield. The convoy turned around to check on the condition of the local national. When they reached the scene, several IP vehicles were already there and IP were moving the local national who had been shot to one of the IP vehicles for transportation to Safwan Hospital. It is unclear whether the driver was killed or just wounded. The IPs and another local national (apparently the passenger from the sedan) at the scene were very upset that the driver of the sedan had been shot and were yelling at the unit members. Thus, they were unable to treat the driver before he was removed from the scene by the IP. However, from the description of the injuries (loss of large quantity of blood from wound to upper torso and (b)(6)), it is likely that he died.

**IO's Conclusions:** The IO concluded that "[t]he unit used the proper EOF procedures and could not have prevented this incident from happening without risking harm to their self."

**IO's Recommendations:** (b)(5)

(b)(5)

**Legal Review:** Investigation is legally sufficient (TAB II).

**SJA Recommendation:** I recommend that you approve the findings and recommendations.

✓ **CG Actions:** Sign DA Form 1574 (Tab I).

\*\*\*\*\*

**NOTICE: CONFIDENTIAL LEGAL ADVICE – ATTORNEY WORK PRODUCT  
 DELIBERATIVE PROCESS DOCUMENT  
 NOT FOR PUBLIC RELEASE**

1	SJA			3	SJA				
2	CG			4	(b)(3)(b)(6)				

**COMMENTS: C = CONCUR; NC = NONCONCUR**

MEMORANDUM FOR MA. (b)(3)(b)(6) Headquarters and Headquarters Company, HHD, 705th Military Police Battalion, 16th Military Police Brigade, Camp Bucca, Iraq, APO AE 09375

SUBJECT: Further Investigative Activity – 26 April 2007 Escalation of Force Incident, Headquarters and Headquarters Detachment, 705th Military Police Battalion

1. I have reviewed the subject investigation and direct the following investigative activity.

a. Interview and gather information from the follow-on or relieving Dragon patrol at the incident site.

b. Contact the responsible Police Transition Team (PTT) for assistance in contacting the Iraqi Regional Headquarters or appropriate station chiefs and officials to obtain an Iraqi Highway Patrol and local Iraqi City Police report on the incident.

c. Contact and interview the appropriate Iraqi Police authorities or officials regarding the incident.

d. With PTT and Iraqi Police assistance, contact the driver (the surviving occupant) for an interview and make contact with the victim's family for Claims information. Coordinate your efforts with the Claims Judge Advocate

(b)(2)High

f. In light of this incident, evaluate the MNC-I SOP and whether any changes or improvements are needed (Annex 20 to Annex C to MNC-I OPOD 06-04 (SOP) 4 NOV 06).

g. Explore and fully explain (b)(2)High (b)(2)High What are the unit or team procedures and what is the intent and thinking of the Soldiers. Explain how the practice is tactically sound and effective; and whether the practice is consistent or contrary to the right of self and unit defense.

2. You have an additional 21 days to complete the investigation.

3. All requirements of the original appointment apply.

(b)(3)(b)(6)  
COL, MP  
Commanding

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**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 BG Joseph Anderson, Chief of Staff, HQ MNC-I, Baghdad, Iraq APO AE 09342  
(Appointing authority)

on 7 May 2007 (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 FOB Bucca, Iraq (Place) at 1400 (Time) on 7 May 2007 (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 1500 (Time) on 14 May 2007 (Date) and completed findings and recommendations at 1330 (Time) on 16 May 2007 (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

	YES	NO <sup>1/</sup>	N/A <sup>2/</sup>
<sup>1/</sup> 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Copy of notice to respondent, if any? (See Item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.

		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
2	<b>Exhibits (para 3-16, AR 15-6)</b>			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	<b>Notice to respondents (para 5-5, AR 15-6):</b>			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	<b>If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):</b>			
	a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	<b>Counsel (para 5-6, AR 15-6):</b>			
	a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	<b>If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):</b>			
	a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	<b>Was the respondent given an opportunity to (para 5-8a, AR 15-6):</b>			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 15-8)

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

That the Rules of Engagement (ROE) and the Escalation of Force (EOF) (Exhibit 1) measures were used properly in this particular engagement. The patrol (Exhibit 2) was a four vehicle convoy of M1114s with a gunner in each turret, and weapons mounted. The vehicles were traveling (Exhibit 3) eastbound in the eastbound lane and the oncoming vehicle was traveling westbound in the eastbound lane.

SSGT (b)(3)(b)(6) and SSGT (b)(3)(b)(6) related in their statements (Exhibits 4-7) they perceived the oncoming vehicle as a threat to the safety of their team and patrol. Of the two approaching vehicles, (b)(2)High the second vehicle failed to move into its proper lane when directed to do so by SSGT (b)(3)(b)(6) SSGT (b)(3)(b)(6) and his team used the appropriate EOF measures having the interpreter shout (Exhibit 8) "Clear the Way" in Arabic over the loud speaker, the (b)(2)High (b)(2)High SSGT (b)(3)(b)(6) showed his weapon, and (b)(2)High on the right side of the road. The vehicle continued to approach the patrol to within (b)(2)High, and SSGT (b)(3)(b)(6) finally fired a shot to (b)(2)High SGT (b)(3)(b)(6) related he aimed at (b)(2)High He thought he had missed even though the vehicle began to pull over.

All actions taken were reasonable and appropriate. Both vehicles were traveling approximately 40 miles per hour towards each other. The vehicle was identified and EOF measures began (b)(2)High The oncoming vehicle had plenty of time to respond to EOF Measures (b)(2)High. The lead vehicle in the convoy could not move out of its lane without endangering the rest of its patrol.

After notification of a bullet hole in the vehicle, MSGT (b)(3)(b)(6) (Exhibit 9-10) directed the patrol to turn around to provide assistance. In the approximately two minutes that it took the patrol to return to the scene, the Iraqi Police were already on scene and removing the body from the vehicle. Due to the tenseness of the situation, MSGT (b)(3)(b)(6) and his patrol was not able to provide assistance, interview the victim or witnesses, or inspect the vehicle that was shot.

All statements (Exhibits 4-22) state that team members conduct (b)(2)High during dispatch days and discuss (b)(2)High (b)(2)High According to training records (Exhibit 23-24), SSGT (b)(3)(b)(6) received their last (b)(2)High training on 10 Feb 07.

The unit used the proper EOF procedures and could not have prevented this incident from happening without risking harm to their self. The squad has adequate training and experience in conducting patrols, responding to incidents, and applying the EOF measures. The unit has appropriate policies to include EOF (Exhibit 25) that appear to be enforced by the leadership.

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

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

(b)(5)

**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)

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

\_\_\_\_\_  
(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)

**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.)

\_\_\_\_\_



REPLY TO  
ATTENTION OF

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

FICI-JA-AL

3 June 2007

MEMORANDUM FOR LTG Raymond T. Odierno, Commander, MNC-I, Camp Victory,  
Baghdad, Iraq, APO AE 09342

SUBJECT: AR 15-6 Investigation into an escalation of force incident by members of  
the Headquarters and Headquarters Detachment, 705<sup>th</sup> Military Police Battalion,  
16<sup>th</sup> Military Police Brigade, on 26 April 2007

1. The Report of Investigation conducted using the procedures set forth in AR 15-6 concerning the facts and circumstances surrounding an escalation of force incident by members of the 16<sup>th</sup> Military Police Brigade on 26 April 2007, which resulted in the wounding or death of a local national, is legally sufficient. The findings of the Investigating Officer, including the finding that proper escalation of force measures were followed, are supported by a preponderance of the evidence as contained in the exhibits and there are no material errors present which would affect the findings and recommendations.

2. Recommendation: I recommend that you approve the findings and recommendations of the Investigating Officer.

3. The POC for this action is CPT [redacted] at DSN [redacted] or  
[redacted]@[redacted].

FOR THE STAFF JUDGE ADVOCATE:

[redacted]  
(b)(3)(b)(6)

CPT, JA  
Administrative Law Attorney

007297

### Chronology of Investigation

1. 1310, 7 May 07, Received Appointment as Investigation Officer from MAJ (b)(3)(b)(6)
2. 1500, Contacted MAJ (b)(3)(b)(6) MAJ (b)(3)(b)(6) and notified them of my appointment, scope of investigation, and information that I required from them.
3. 1650, received story board and statements from LT (b)(3)(b)(6) by email.
4. 1528, 8 May 07, notified LT (b)(3)(b)(6) to arrange interviews with SSGT (b)(3)(b)(6) SSGT (b)(3)(b)(6) A1C (b)(3)(b)(6)
5. Received training records from LT (b)(3)(b)(6)
6. 0900, 9 May 07, Interviewed SSGT (b)(3)(b)(6)
7. 1055, 9 May 07, Interviewed SSGT (b)(3)(b)(6)
8. 1415, 9 May 07, Interviewed A1C (b)(3)(b)(6)
9. 1515, 9 May 07, Interviewed Civ/Interpreter (b)(6)
10. 0957, 10 May 07, Interviewed A1C (b)(3)(b)(6)
11. 1105, 10 May 07, interviewed TSGT (b)(3)(b)(6)
12. 1500, 10 May 07, interviewed MSGT (b)(3)(b)(6)
13. 1300, 11 May 07, Contacted MAJ (b)(3)(b)(6) to get a copy of Iraqi Police Report.
14. 15 May 07, Prepared report for SJA review.
15. 16 May 07, Report given to SJA for review.

007298

Enclure TT

Privacy Act Statement  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to: Escalation of force

incident on 26 Apr 07.

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

DISCLOSURE MANDATORY FOR INDIVIDUAL WHO MAY BE ORDERED TO TESTIFY: Providing the information is mandatory. Failure to provide information could result in disciplinary or other adverse action against you under the UCMJ or applicable Army or other federal regulations.

DISCLOSURE VOLUNTARY FOR INDIVIDUAL WARNED OF HIS RIGHTS UNDER ARTICLE 31, UCMJ, OR THE FIFTH AENDMENT OF THE U.S. CONSTITUTION: Providing the information is voluntary. There will be no adverse effect on you for not furnishing the information other than essential information that might not otherwise be available to the commander for his decision(s) in this matter.

**ACKNOWLEDGMENT**

The Privacy Act Statement above has been read to me and a copy of it has been provided to me. I understand its contents.

5 May 07  
Date

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

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

Signature  
M. S. J.  
Printed Name and Rank

Privacy Act Statement  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to: Escalation of Force

Incident on 26 April 2007.

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**ACKNOWLEDGMENT**

The Privacy Act Statement above has been read to me and a copy of it has been provided to me. I understand its contents.

10 May 2007  
Date

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

Signature

(b)(3)(b)(6) 13st  
Printed Name and Rank

007300

*Enclosure*

Privacy Act Statement  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to: Escalation of Force incident on 26 April 2007.

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ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

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**ACKNOWLEDGMENT**

The Privacy Act Statement above has been read to me and a copy of it has been provided to me. I understand its contents.

10 MAY 07  
Date

\_\_\_\_\_  
(b)(3)(b)(6)  
Signature

\_\_\_\_\_  
(b)(3)(b)(6) A26  
Printed Name and Rank

007301

Enclosure II

Privacy Act Statement  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C. 301 and 10 U.S.C. 3012

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to: Escalation of

Force incident on 26 April 2007

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

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**ACKNOWLEDGMENT**

The Privacy Act Statement above has been read to me and a copy of it has been provided to me. I understand its contents.

09 MAY 07  
Date

(b)(3)(b)(6)  
\_\_\_\_\_  
Signature  
  
(b)(3)(b)(6) Ssgt  
\_\_\_\_\_  
Printed Name and Rank

Privacy Act Statement  
(5 U.S.C. 522a)

AUTHORITY: 5 U.S.C.D. 301 and 10 U.S.C. 3012

PURPOSE: The purpose for collecting this information is to obtain facts and make recommendations to assist the appropriate authorities in determining what action to take with regard to: Escalation of force

incident on 26 April 2007.

ROUTINE USES: Any information you provide is disclosable to members of the Department of Defense who have a need for the information in performance of their official duties, and where use of such information is compatible with the purpose for which the information is collected. In addition, the information may be disclosed to Government agencies and persons outside the Department of Defense for law enforcement purposes, or if determined to be disclosable pursuant to a request submitted under the Freedom of Information Act, or if needed for Congressional or other Government Investigations.

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ACKNOWLEDGMENT

The Privacy Act Statement above has been read to me and a copy of it has been provided to me. I understand its contents.

9 May 07  
Date

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

Signature

(b)(3)(b)(6) / SSgt

Printed Name and Rank

007303

Enclosure VIII

Pages 22 through 23 redacted for the following reasons:

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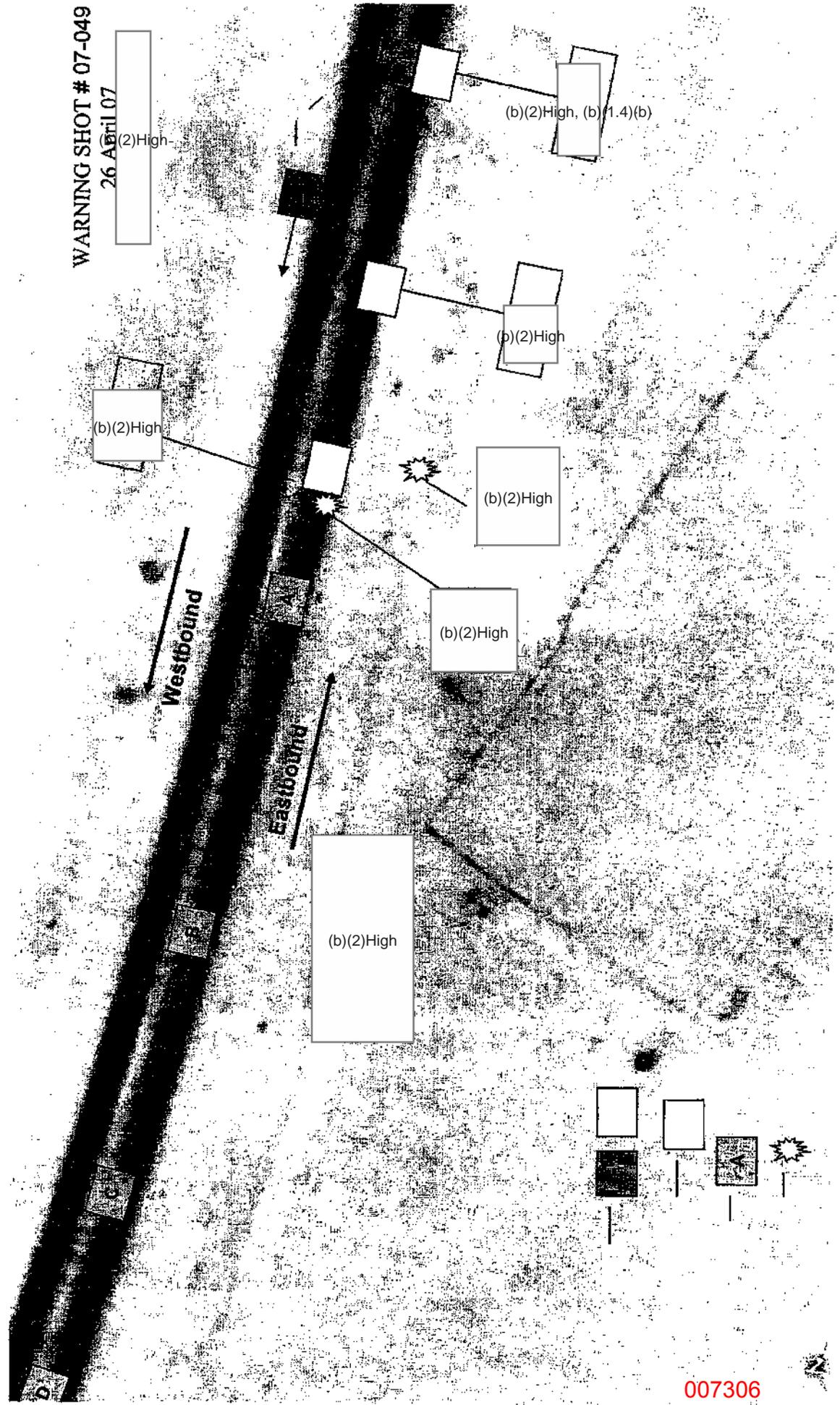
(b)(2)High

(b)(2)High, (b)(3), (b)(6)

An ASO (586) (b)(2)(H) (b)(2)(F) element reported an escalation of force while conducting ASO, resulting in a gun shot wound to the LN. The TL in the lead gun truck reported that the squad was traveling E/B in the E/B lane of (b)(2)(H) conducting routine patrol. There were two LN vehicles traveling WB in the E/B lane directly at the ASO element. These two LN vehicles were first observed at (b)(2)(H) because the LN vehicles were coming around a bend on the ASR. The lead gun truck activated the Galls mounted siren and air horn immediately at (b)(2)(H). The gunman started to wave at the two LN vehicles and showed his weapons. The interpreter also got onto the Galls system and yelled in Arabic for the vehicles to move out of the way. One of the two LN vehicles pulled across the median and continued to travel WB in the WB lane. The second LN vehicle continued its course traveling WB in the E/B lane directly at the ASO element. The gunman then fired 1X warning shot when the LN vehicle was approximately (b)(2)(H) meters away. The LN vehicle continued to travel directly at the patrol and the gunman (b)(2)(H) at (b)(2)(H). The LN vehicle finally pulled over to a gradual stop. When the third gun truck passed the LN vehicle, he observed the disabling shot had gone through the right portion of the windshield. The LN vehicle was a Euro style car resulting in the driver being on the right side of the car. After hearing this report, the squad turned around to check on the LN vehicle. As the ASO element was returning to the scene, they saw a bloody body being pulled from the LN vehicle and being put into an IP vehicle. The IP vehicle and the LN vehicle drove off before the ASO element could figure out exactly what happened. The ASO element then secured the scene and took pictures of the pool of blood on the ground. There was nothing else at the scene for evidentiary matters. The IP's came back to the scene and stated that the driver was dead from the shooting and the victim had been taken to the Safwan Hospital. The ASO element left the scene and came back to FOB Bucca for debrief. This information was forwarded to CID, who initially reported that unless a criminal act has taken place, as identified through a 15-6 investigation, this is not their purview. Currently, the IP's and LN witnesses are at Burma Gate and we are talking to them to get more information.

WARNING SHOT # 07-049

26 April 07



(b)(2)High, (b)(1.4)(b)

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

007306

Exhibit 3 of 25

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT					SUSPECT <input checked="" type="checkbox"/> WITNESS/COMPLAINANT
<b>PRIVACY ACT STATEMENT</b>					
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>					
<b>I. STATEMENT INFORMATION</b>					
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)	
20070503	0031	building 7/ Camp Bucca, Iraq	586 ESFS	OFFENSE	
				COMPLAINT	
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>					
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE		
(b)(3)(b)(6)		(b)(3)(b)(6)	ADAF/E-5		
LOCAL ADDRESS (include Zip Code)		DATE AND PLACE OF BIRTH (if required)	TELEPHONE		
A-59		(b)(3)(b)(6)	HOME	DUTY	
				1532	
PERMANENT ADDRESS OR HOME OF RECORD (include Zip Code)		MILITARY ORGANIZATION/EMPLOYER		DEROS	
(b)(3)(b)(6)		USAF		20070624	
<b>SPONSOR INFORMATION</b>					
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION	DUTY PHONE
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>					
I have been advised that I am suspected of the following offenses:					
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)		
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.				
	I have the right to remain silent - that is to say nothing at all.				
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.				
	I have the right to consult with a lawyer.				
	I have the right to have a lawyer present during this interview.				
	I may obtain a civilian lawyer of my own choice at no expense to the government.				
	I may request a lawyer any time during this interview.				
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.				
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.				
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.				
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)				
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.				
	I do not want a lawyer and I do not wish to make a statement or answer any questions.				
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.				
I fully understand my rights and that my signature does not constitute an admission of guilt.					
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER		

STATEMENT

(b)(3)(b)(6) 26 APR 07 at approximately 0950 I was performing duties as M-2 gunner/Alpha truck. We were conducting a presence patrol (b)(3)(b)(6) on (b)(2)High heading east in the eastbound lane when I noticed 2 vehicles traveling, one behind the other at about 3 meters apart, west in the eastbound lane on ASR about (b)(2)High. The vehicle in the front was a (b)(6) sedan, and the vehicle behind it was a (b)(6) sedan with two occupants. Once I noticed them I started (b)(2)High for the vehicles to move to the opposite lane. When that didn't work I had my TC, SSgt (b)(3)(b)(6) start making noise on the (b)(2)High system, while I was (b)(2)High. Still there was no change of movement on either vehicle. We then had our interpreter (b)(6) get on the loud speaker and tell the vehicles to move to the correct side of the ASR. When (b)(6) did this the (b)(6) sedan, which was in front, moved to the correct lane of travel and the (b)(6) sedan was still coming toward us at about (b)(2)High. While continuing to motioning for the vehicle to move to the westbound lane and pointing my M-4 at it, I noticed no change in the vehicles course of travel. The (b)(6) vehicle was still heading directly at us, with blatant disregard for any of the EOF steps that we had taken thus far. This vehicle was now within (b)(2)High so I asked SSgt (b)(3)(b)(6) for permission to issue a warning shot. Permission was granted and I fired one warning shot with my M-4 (b)(2)High. There was no response still from the vehicle. I continued to waive and direct the vehicle to the proper side of the ASR while SSgt (b)(3)(b)(6) was on the (b)(2)High trading back and forth with the interpreter (b)(6) who was telling them to get over. As of this point about (b)(2)High meters I had gone through all EOF procedures and asked permission from TC (b)(2)High. SSgt (b)(3)(b)(6) granted permission so I aimed center (b)(2)High. I did not see the round impact the vehicle, but I witnessed the vehicle pulling over; I told my TC that (b)(2)High they must have got the point so we continued on our route of travel. When Charlie vehicle passed the vehicle, they noticed a bullet hole in the windshield and a person slumped forward. At that point squad leader instructed us to do a U-turn and head back to the vehicle to check the status. By the time we arrived on scene which was approximately about a minute or two later we noticed 2 IP trucks on both sides of the white vehicle and two IP's were carrying a man dressed in a white gown and red head dress on. I noticed the white gown had blood on it. The IP's carried the man from the white sedan to one of their vehicles and placed him in the bed of one of the IP trucks and drove off. I then witnessed the white sedan pulling off to follow one of the IP vehicles in the westbound lane. Once the white vehicle and IP vehicle took off we secured the area, a few minutes pass and approximately 30 IP's arrived asking questions and talking with (b)(6). At that point another ASO element came out and took security of the area so we could come in and brief the

(b)(3)(b)(6) X  
 X ~~END OF STATEMENT III~~ (b)(3)(b)(6)

V. OATH/SIGNATURE

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge. (b)(3)(b)(6)

(b)(3)(b)(6) SIGNATURE OF WITNESS/INTERVIEWER (b)(3)(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 3rd day of May, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH (b)(3)(b)(6)

VI. INSTRUCTIONS FOR CONFIRMATION PAGES  
 Use plain bond paper (both sides optional). At the top right of each page, print or type "Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page of Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

007308  
 Exhibit 4 of 25

**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 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION 705th MP, ALOC	2. DATE (YYYYMMDD) (b)(3)(b)(6) 2007/05/09	3. TIME (b)(3)(b)(6) 1430	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/ADAF	
8. ORGANIZATION OR ADDRESS 586th USAF, Bldg 7, Camp Bucca, Iraq			

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

Q. MAJ Ward  
A. SSGT Lawrence (b)(3)(b)(6)

Q. Have you received the Rules of Engagement(ROE) and Escalation of Force (EOF) training?  
A. Yes (b)(3)(b)(6)

Q. Do you believe that you were well trained and understood the ROE/EOF measures?  
A. Yes, (b)(2)High  
(b)(2)High  
(b)(3)(b)(6)

Q. How many patrols have you conducted off of the FOB?  
A. We have conducted daily patrols for about 70 days (b)(3)(b)(6)

Q. Do you feel that the oncoming vehicle posed a threat to you team? Why?  
A. Yes, I did not know the intent of the oncoming vehicles. The first vehicle skidded into its proper lane but the second did not respond to (b)(2)High The vehicles were coming towards us at approximately 35-40 miles per hour (b)(3)(b)(6)

Q. Have you ever had any other incidents or close calls?  
A. On two other occasions, I was in a convoy when warning shots were fired and the vehicles responded appropriately by pulling over into their lane (b)(3)(b)(6)

Q. How long did it take you to return to the site of the vehicles after shots were fired?  
A. Not sure, it seemed like a couple of minutes (b)(3)(b)(6)

Q. Were you able to provide medical assistance?  
(b)(3)(b)(6) It was not necessary because the Iraqi Police had arrived and secured the scene. When we arrived, they were loading the body into the the bed of their truck and were about to leave. We did not get a vehicle ID number or anything. //Continued on next page//

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
-------------	---	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

007309  
Exhibit 5 of 25

9. STATEMENT (Continued)

Q. MAJ Ward

A. SSGT Lawrence (b)(3)(b)(6)

Q. After (b)(2)High do you think you should have immediately turned around to further assess the situation?

(b)(3)(b)(6) Not really, not sure what other threats were possible. I actually thought that I had missed (b)(2)High Once Charlie vehicle told us they saw a bullet hole in the windshield, we turned around to provide assistance.

Q. Is there anything you would have done different?

(b)(3)(b)(6) Personally there was nothing that I would have done different. That was what had to be done. It was unfortunate but we followed the EOF and there were no other courses of action.

Q. Did your vehicle adjust its speed as it approached the oncoming vehicles?

(b)(3)(b)(6) Yes, we slowed down to gain space, I am not sure how much but I felt a jerk.

Q. Is there any policy or procedure change you would like to see implemented to prevent this type of incident in the future?

(b)(3)(b)(6) None, I have played it over and over in my mind and believe that I did all that I could to prevent it from happening and still protect my team.

Q. Is there anything you would like to add to this statement?

(b)(3)(b)(6) No. //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 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 9 day of MAY, 2007 at FOB Bucca

ORGANIZATION OR ADDRESS

(b)(3)(b)(6)  
(Person Administering Oath)

ORGANIZATION OR ADDRESS

(b)(3)(b)(6)  
(Typed Name of Person Administering Oath)  
Art 134(b)(4) UCMJ  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

**STATEMENT OF SUSPECT/WITNESS/COMPLAINANT**

SUSPECT  
 WITNESS/COMPLAINANT

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397  
**PRINCIPAL PURPOSES:** Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.  
**ROUTINE USES:** Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.  
**DISCLOSURE IS VOLUNTARY:** SSN is used to positively identify the individual making the statement.

**I. STATEMENT INFORMATION**

DATE (YYYYMMDD) 20070426	TIME 1215	LOCATION AND INSTALLATION (Bldg/Room No) Black Jack, Camp Bucca Iraq	UNIT TAKING STATEMENT 586th ESFS	REPEAT (if known) OFFENSE COMPLAINT
-----------------------------	--------------	---	-------------------------------------	---

**II. PERSONAL IDENTIFICATION (Print or Type)**

NAME (Last, First, Middle Initial) (b)(3)(b)(6)	SSN (b)(3)(b)(6)	STATUS/GRADE Active Duty AF/ E-5
LOCAL ADDRESS (Include Zip Code) A 61 FOB BUCCA IRAQ	DATE AND PLACE OF BIRTH (if required) (b)(3)(b)(6)	TELEPHONE HOME n/a DUTY X (b)(2)
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code) (b)(3)(b)(6)	MILITARY ORGANIZATION/EMPLOYER 586th ESFS	DEGREE june 2007

**SPONSOR INFORMATION**

NAME (Last, First, Middle Initial)	GRADE	SSN	ORGANIZATION	DUTY PHONE
------------------------------------	-------	-----	--------------	------------

**III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)**

I have been advised that I am suspected of the following offenses:

ADVISED BY (Full Name and Rank)	INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)
---------------------------------	--

SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.
	I have the right to remain silent - that is to say nothing at all.
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.
	I have the right to consult with a lawyer.
	I have the right to have a lawyer present during this interview.
	I may obtain a civilian lawyer of my own choice at no expense to the government.
	I may request a lawyer any time during this interview.
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.

SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.
	I do not want a lawyer and I do not wish to make a statement or answer any questions.
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.

I fully understand my rights and that my signature does not constitute an admission of guilt.

SIGNATURE OF SUSPECT	SIGNATURE OF WITNESS/INTERVIEWER
----------------------	----------------------------------

IV. STATEMENT

(b)(3)(b) On 26 Apr 07 at approx 0940 I SSGT (b)(3)(b)(6) Truck Commander SSG (b)(3)(b)(6) Gunner and A1C (b)(3)(b)(6) Driver were in Alpha Truck Dragon 1-6 we were cleared by slayer toc for a presence patrol on (b)(2)High We were traveling eastbound in the eastbound lane at approx (b)(2)High my gunner, driver and myself observed two vehicles one a (b)(6) sedan and the other a (b)(6) sedan travelling side by side westbound in the eastbound both vehicles were heading straight for our vehicle they were traveling at approx (b)(2)High at approx (b)(2)High we employed our (b)(2)High my driver began (b)(2)High at the vehicles while my gunner was (b)(2)High The (b)(6) sedan heeded our signals it began to slow and moved into the westbound lane. The (b)(6) sedan continued its course towards our vehicle at approx (b)(2)High my gunner said he was going to fire a warning shot I said roger that he fired the warning shot (b)(2)High I notified the Squad Leader MSgt (b)(3)(b)(6) that we had fired a warning shot. The (b)(6) sedan continued on its course towards our vehicle my driver then attempted to move the (b)(6) sedan into the westbound lane by (b)(2)High The (b)(6) sedan once again did not heed our attempts to guide into the westbound lane at approx (b)(2)High from the (b)(6) sedan my gunner (b)(2)High My vehicle which was still drifting towards the (b)(6) sedan at the time had to swerve to avoid colliding with the (b)(6) sedan my truck then passed the (b)(6) sedan and we continued our original course I informed the Squad Leader that there was a second shot fired by my gunner he said roger. Then our Charlie Truck Commander TSgt (b)(3)(b)(6) came across the radio saying the vehicle had been hit and there was a bullet hole in the windshield and that we needed to turn around. At approx (b)(2)High I saw one PSD truck with approx five occupants stopped in the westbound lane there was one dismount and the hood was up it appeared to me the PSD truck was having vehicle problems. We then passed the PSD truck by approx (b)(2)High made a u-turn into the westbound lane; all this occurred within a minute. On our way back I saw the aforementioned (b)(6) sedan sitting idle in the median of the road the (b)(6) car was about (b)(2)High sitting idle on the right shoulder of the westbound lane. I then noticed about four IP trucks and approximately 8-12 angry IP's dismounted. They were screaming at me in Arabic pointing towards the squad and then back at the white vehicle I then observed two Iraqi males carrying a limp male body which was wearing a white Arabic man dress which was red with blood. I witnessed two IP's put the body into the bed of a white truck which promptly left the scene. The white sedan left approx 10-15 seconds after the white truck. I could not see who was driving either vehicles. Where the (b)(6) sedan had been there was a large pool of blood (b)(6) Delta TC SrA (b)(3)(b)(6) then used my boots as a reference to the size of the pool I do not know how many pictures were taken. One minute later approx more 3-5 IP vehicles arrived. Traffic was blocked in the eastbound by my alpha truck and westbound by delta truck. Our squad leader contacted slayer toc and informed them of a possible fatality. Slayer TOC then had another Dragon unit take over for us; so we could return to the FOB. We were relieved by another dragon unit I am unaware of which unit it was. My vehicle backed up and made our way towards FOB Bucca in the eastbound lane the rest of our vehicles followed us and we made our way back. It took approx (b)(2)High to reach FOB Bucca We were instructed by slayer TOC to clear and safe our weapons and make sure the squad leader and truck commander made their way back to the TOC asap the rest of our squad was instructed to standby at black jack. The squad leader and I made our way to the TOC and explained the series of events to the Battle Captain approx 7 minutes later 2nd Lt (b)(3)(b)(6) and CMSgt (b)(3)(b)(6) entered the TOC and asked me to explain the situation I did so. The Squad leader and myself were excused to black jack. /// End of Statement/// (b)(3)(b)(6)

V. OATH/SIGNATURE

"I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge."

SIGNATURE OF PERSON MAKING STATEMENT

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

SIGNATURE OF WITNESS (INTERVIEWER)

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)

Use plain bond paper (both sides optional). At the top right of each page, print or type "Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_\_ of \_\_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

**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 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION 705th ALOC, FOB Bucca	2. DATE (YYYYMMDD) 2007/05/09 (b)(3)(b)(6)	3. TIME 1059 (b)(3)(b)(6)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-5/ADAF	

8. ORGANIZATION OR ADDRESS  
586th ESFS, USAF, Bldg 7, Camp Bucca, Iraq

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

Q. MAJ (b)(3)(b)(6)  
A. SSGT (b)(3)(b)(6)

Q. Have you received the Rules of Engagement (ROE) and Escalation of Force (EOF) training?  
A. Yes. We conduct training ROE training (b)(2)High

Q. Do you believe that you were well trained and understood the ROE/EOF measures?  
A. Yes. (b)(2)High

Q. How many patrols have you conducted off of the FOB?  
A. We have conducted daily patrols since Mid-February. We work a 6 and 1.

Q. About how far out did you spot the oncoming vehicle?  
A. It was about (b)(2)High out. We all noticed them at about the same time and ensured that each other was aware. The vehicles were coming towards us at about (b)(2)High. At about (b)(2)High out I employed the (b)(2)High and the driver (b)(2)High (b)(2)High. The first vehicle heeded the warning and pulled over, the second vehicle continued its course.

Q. Do you feel that the oncoming vehicle posed a threat to you team? Why?  
A. Yes. It did not heed our warnings or escalation of force.

Q. Could you see the passengers in the vehicle?  
A. No, there was a glare on the windshield.

Q. How many other incidents have you been involved where you had to fire warning shots?  
A. None.

Q. What is the TTP for this type incident where a shot is fired?  
A. (b)(2)High That is the training we received from FT Lewis. //Continued on next page//

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

007313  
Exhibit 7 of 25

9. STATEMENT (Continued)

Q. How long did it take you to return to the vehicle after the shots were fired?

(b)(3)(b)(6) A. About 1 minute before we turned around and another 45 seconds or so before we got back to the incident.

Q. What was your reason for turning around?

(b)(3)(b)(6) A. The squad leader ordered it.

Q. Do you think going back to the scene was the right call?

(b)(3)(b)(6) (b)(2)High

Q. Is there anything that you would have done different?

(b)(3)(b)(6) (b)(2)High

Q. Is there a policy or procedure that you would like to see changed or implemented that may have prevented this incident?

(b)(3)(b)(6) (b)(2)High

Q. Is there anything you wish to add to this statement?

(b)(3)(b)(6) A. No. ///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 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 9th day of MAY, 2007 at Camp Bucca, Iraq

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

Art 136 (b) (4) UCMJ  
(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 PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: 705th MP, ALOC
2. DATE (YYYYMMDD): (b)(6) 2007/05/09
3. TIME: (b)(6) 1515
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(6)
6. GRADE: ID (b)(6)
7. GRADE/STATUS: CIV
8. ORGANIZATION OR ADDRESS: Titan Corp, Camp Bucca, Iraq

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

I am an interpreter assigned to the 586th EFS. On about 0945, 26 April 2007, I was sitting in the seat behind the driver when I observed two vehicles, (b)(6) approaching our vehicle. SSGT (b)(3)(b)(6) gave me the microphone and I shouted four times for the vehicles to "Clear the way". The first vehicle moved over but the second did not.

Q. MA (b)(3)(b)(6)
A. CIV (b)(6)

Q. After shouting for the vehicles to move over did you do anything else?
A. No, I observed the first vehicle move over but the second stayed between the two lanes.

Q. What happened after the shots were fired?
A. After driving for about (b)(2)High we turned around. It took about 4-5 minutes to get back to the disabled vehicle.

Q. What did you do when you returned?
A. I got out of the vehicle along with SSGT (b)(3)(b)(6) We went to see what was going on. The Iraqi Police said they were taking him to the hospital and that he was still alive. I told them there was another vehicle and that they should attempt to catch it but it got away. The first IPs on the scene were from the Highway Police and the others that came later were from the City Police.

Q. Have you ever been on a patrol where an incident happened like this?
A. No. This was my first time. I had only been on patrols for about a week. Prior to that I worked with (b)(6)

Q. Is there anything the patrols should have done different?
A. I do not think so. (b)(2)High the first vehicle moved but the second did not.

Q. Is there anything you wish to add to this statement?
A. No. ///End of statement///

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: (b)(6)
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

007315
Exhibit 8 of 25

STATEMENT OF

(b)(6)

TAKEN AT FOB Bucca

DATED 2007/05/09

(b)(6)

9. STATEMENT (Continued)

NOT USED

**AFFIDAVIT**

I, (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 Administering Oath)

WITNESSES.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 9 day of MAY, 2007 at FOB BUCCA

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT
				<input checked="" type="checkbox"/> WITNESS/COMPLAINANT
<b>PRIVACY ACT STATEMENT</b>				
<p><b>AUTHORITY:</b> 10 U.S.C. 6013; 44 U.S.C. 3101; and EO 9397  <b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.  <b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.  <b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>				
<b>I. STATEMENT INFORMATION</b>				
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)
20070426	1225	BlackJack, FOB Bucca	586 ESFS	OFFENSE COMPLAINT
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>				
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE	
(b)(3)(b)(6)		(b)(3)(b)(6)	AD Msgt	
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (If required)	TELEPHONE	
FOB Bucca		(b)(3)(b)(6)	HOME	DUTY
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER	DEROS	
(b)(3)(b)(6)		586 ESFS/USAF	20080630	
<b>SPONSOR INFORMATION</b>				
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION
				DUTY PHONE
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>				
I have been advised that I am suspected of the following offenses:				
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)	
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.			
	I have the right to remain silent - that is to say nothing at all.			
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.			
	I have the right to consult with a lawyer.			
	I have the right to have a lawyer present during this interview.			
	I may obtain a civilian lawyer of my own choice at no expense to the government.			
	I may request a lawyer any time during this interview.			
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.			
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.			
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.			
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)			
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.			
	I do not want a lawyer and I do not wish to make a statement or answer any questions.			
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.			
I fully understand my rights and that my signature does not constitute an admission of guilt.				
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER	

**IV. STATEMENT**

(b)(3)(b)(6) On 26 April, at approximately 0950 hrs, Dragon 1-6 was traveling East Bound on (b)(2)High I was the Squad Leader positioned in the second vehicle of a four vehicle patrol. My "A" vehicle TC contacted me via intra-squad radio stating warning shots were just fired at a vehicle. I had neither heard nor saw any of the shots fired, as I was positioned approximately (b)(2)High away from "A" vehicle. As I replied to the radio transmission, my vehicle passed by a (b)(6) car positioned in the median. As we drove by, I noticed the car, but did not notice occupants or a bullet hole. As my "C" vehicle passed the white vehicle, the TC, TSgt (b)(3)(b)(6) came across the radio stating he noticed a bullet hole through the windshield. I immediately instructed "A" vehicle to turn around to provide assistance if needed. As my driver turned the vehicle, I sent a message via Blue Force Tracker to the TOC stating a warning shot with a possible fatality had taken place. By the time I sent the message and removed my headset, I got out of the vehicle and noticed two Iraqi Police dragging a bloody body, dressed in a white man dress across the road into the west bound lane and into the back of a IP truck. As I approached the scene, I was met by several IP's and a disgruntled civilian, yelling and screaming. When I asked my interpreter (b)(6) what they were saying, he stated they were yelling, "They keep killing us; he wasn't doing anything wrong". I noticed the IP truck with the body take off along with the (b)(6) car with the bullet hole. A (b)(6) car was sitting on the shoulder of the west bound lane with two or three women also screaming (unknown as to what they were saying). The (b)(6) car left the scene approximately 3-4 minutes after the (b)(6) car. I approached an IP guard with my interpreter and asked where they had taken the body. The IP guard stated the body was taken to Safwan hospital. I directed my patrols to secure the west and east bound lanes, so the scene would not be driven through. Pictures were taken via digital camera. The TOC sent Dragon 1-8 to relieve us, so we could come in and debrief. I relinquished command to Dragon 1-8 when they arrived on scene, and directed the patrol to head immediately back to Camp Bucca. (b)(3)(b)(6)

**V. OATH/SIGNATURE**

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge. (b)(3)(b)(6)

SIGNATURE

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

SIGNATURE OF INTERVIEWER

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

**VI. INSTR**

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

**SWORN STATEMENT**

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**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION 705th ALOC, FOB Bucca	2. DATE (YYYYMMDD) 2007/05/10 (b)(3)(b)(6)	3. TIME 1500 (b)(3)(b)(6)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-7/ADAF	
8. ORGANIZATION OR ADDRESS 586th ESFS, USAF, Bldg 7, Camp Bucca, Iraq			

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

On 26 April, 2007 I was the squad leader positioned in the second vehicle of a four vehicle patrol. I heard over the headphones that (b)(2)High I did not hear (b)(2)High I asked for clarification (b)(2)High (b)(2)High and at that time looked to my left and observed the (b)(6) vehicle. I did not see anyone in the vehicle. As the Charlie vehicle passed, TSG (b)(3)(b)(6) notified me that he had seen a bullet hole in the windshield. I directed the patrol to turn around to provide assistance. I saw the PSD team about (b)(2)High down the road pulled over on the west bound lane near the turn around point. They may have caused the vehicles to move over to the east bound lane but the vehicles had plenty of time and room to move back over to the proper lane. It took about two minutes from the time (b)(2)High until we turned around and got back to the scene. I was surprised that the Iraqi Police were already on the scene and beginning to move the body. We approached the IPs, but was not given the opportunity to question the driver about his reason for being in the wrong lane or the opportunity to search the vehicle. While waiting, the driver of the vehicles took off. The IPs related that the person taken from the vehicle had died. We stayed at the scene for approximately 25 minutes before being relieved by Dragon 1-8 (b)(3)(b)(6)

Q. MA (b)(3)(b)(6)

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

Q. Were you aware that there was a second shot?

(b)(3)(b)(6) A. No. I heard about the warning shot and then I saw the vehicle. The second shot did not come over the headset.

Q. Are there any procedures or TTPs that you would change to help respond better or prevent situations like this from happening?

(b)(3)(b)(6) A. No. The actions were good, there were berms on east bound side, and there were no other options. (b)(5)

Q. How many other incidents have you been involved where you had to fire warning shots?

(b)(3)(b)(6) A. None. Almost daily we wave vehicles off. Hand and arm signals are usually sufficient.

Q. Are there any policies that you would like changed?

(b)(3)(b)(6) A. (b)(2)High

(b)(2)High

///continued on next page///

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB Bucca DATED 2007/05/10

9. STATEMENT (Continued)

Q. MA (b)(3)(b)(6)

(b)(3)(b)(6) A. MSGT (b)(3)(b)(6)

Q. Do you think you should have waited for the senior IPs to arrive?

(b)(3)(b)(6) No. (b)(2)High I thought it best to let the FOB Command deal with the issue. When we arrived at the main gate to FOB Bucca, the IPs were already there.

Q. Is there anything that you wish to add to this statement?

(b)(3)(b)(6) No. //End of Statement//

AFFIDAVIT

(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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of May, 2007 at FOB Camp Bucca

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

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT	
				<input checked="" type="checkbox"/> WITNESS/COMPLAINANT	
<b>PRIVACY ACT STATEMENT</b>					
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>					
<b>I. STATEMENT INFORMATION</b>					
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)	
20070426	1215	Black Jack/ Camp Bucca, Iraq	586th ESFS	OFFENSE	
				COMPLAINT	
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>					
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE		
(b)(3)(b)(6)		(b)(3)(b)(6)	Active/ E-3		
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (If required)	TELEPHONE		
A-46 Camp Bucca, Iraq		(b)(3)(b)(6)	HOME	DUTY	
			NA	X 1352	
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER		DEROS	
(b)(3)(b)(6)		586th ESFS/ SFOA		June 2007	
<b>SPONSOR INFORMATION</b>					
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION	DUTY PHONE
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>					
I have been advised that I am suspected of the following offenses:					
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)		
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.				
	I have the right to remain silent - that is to say nothing at all.				
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.				
	I have the right to consult with a lawyer.				
	I have the right to have a lawyer present during this interview.				
	I may obtain a civilian lawyer of my own choice at no expense to the government.				
	I may request a lawyer any time during this interview.				
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.				
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.				
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.				
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice: (Initial One)				
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.				
	I do not want a lawyer and I do not wish to make a statement or answer any questions.				
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.				
	I fully understand my rights and that my signature does not constitute an admission of guilt.				
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER		

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

STATEMENT

On April 26th 2007 at approximately 0950 hrs I was driving Alpha truck enroute to maintain a presence patrol on (b)(2)High In between the lemonade stand and the Iraqi checkpoint one, driving east bound in the east bound lane. I first had visual of two vehicles, one (b)(6) sedan and one (b)(3)(b)(6) 4-door sedan at approximately (b)(2)High our location driving west bound in the east bound lane. At the same time my Truck commander SSgt (b)(3)(b)(6) began to sound the (b)(2)High my gunner simultaneously began (b)(2)High. The (b)(6) sedan at approximately (b)(2)High swerved off the road and onto the west bound road. The (b)(6) sedan maintained its course directly at my truck at a speed which was about (b)(2)High to (b)(2)High the same speed as our convoy. At approximately (b)(2)High away from the (b)(6) sedan my Gunner SSgt (b)(3)(b)(6) fired a (b)(2)High. Then at approximately (b)(2)High away, the (b)(6) sedan did not succumb to our commands. At that time and distance my gunner (b)(2)High I simultaneously had to slow my vehicle down and swerve to the right in order to not hit the (b)(6) sedan. Continuing my route afterwards approximately (b)(2)High passed the location the incident took place I had seen a gray Personal Security Detail truck on the west bound lane stopped with the hood open, four personnel inside, and one person outside the truck in the road. Approximately (b)(2)High passed the the PSD truck is when I heard Charlie Truck Commander TSgt (b)(3)(b)(6) relay that he saw a bullet hole in the right side windshield of the (b)(6) sedan. At that point I was instructed by the Squad Leader MSgt (b)(3)(b)(6) to turn around and head back to the scene. When we arrived at the location I had witnessed approximately three to five Iraqi Police trucks with mounted weapons at the scene. Two individuals were carrying, then loaded the body of a man wearing a white man dress into the back of a (b)(2)High truck bed; then drove away. I then witnessed the (b)(6) 4-door sedan drive west away from the our location before my squad leader MSgt (b)(3)(b)(6) could ask any questions on the status and identification of who was inside the (b)(6) sedan. During the interaction with my squad leader and the IP's SSgt (b)(3)(b)(6) dismounted and instructed my gunner and I to block on coming east bound traffic. Moments later I heard my squad leader relay to slayer TOC via (b)(2)High that there was a possible fatality and what exactly happened. Approximately five to eight minutes later another Dragon unit arrived on scene. I then was instructed to go back to Camp Bucca and await a debrief. When we arrived to Bucca I cleared my weapons at the clearing barrels and continued to Black Jack where we conduct guardmount. When I arrived at Black Jack I spoke with Capt (b)(3)(b)(6) Chief Master Sergeant (b)(3)(b)(6) and Lt (b)(3)(b)(6) separately about what exactly happened ///End of Statement/// (b)(3)(b)(6)

V. OATH/SIGNATURE

"I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge."

SIGNATURE OF PERSON MAKING STATEMENT

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

SIGNATURE OF WITNESS/INTERVIEWER

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI INSTRUCTIONS FOR CONTINUATION PAGE(S)

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

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

007322

Exhibit 11 of 25

**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 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION ALOC	2. DATE (YYYYMMDD) (b)(3)(b)(6) 2007/05/09	3. TIME (b)(3)(b)(6) 1413	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/ADAF	

8. ORGANIZATION OR ADDRESS  
586th USAF, Bldg 7, Camp Bucca, Iraq

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

Q. MAJ (b)(3)(b)(6)  
A. AIC (b)(3)(b)(6)

Q. Have you received the Rules of Engagement (ROE) and Escalation of Force (EOF) training?  
A. Yes. (b)(2)High

(b)(3)(b)(6) Q. Do you believe that you were well trained and understood the ROE/EOF measures?  
A. Yes, well trained.

Q. How many patrols have you conducted off of the FOB?  
A. We have conducted daily patrols for over two months. We work 6 days on and 1 day off.

(b)(3)(b)(6) Q. Do you feel that the oncoming vehicle posed a threat to you team? Why?  
A. Yes, it didn't slow down, change lanes or anything to avoid us. I was thinking it was a VBIED. It was the 1st time the vehicle had gotten that close without attempting to pull over. I have been on patrols before where warning shots were fired but the vehicles pulled over resulting in no further action.

(b)(3)(b)(6) Q. How far out did you spot the oncoming vehicle?  
A. It was about (b)(2)High

(b)(3)(b)(6) Q. How did you respond when you saw the vehicle approaching?  
A. The TC and I noticed about the same time, the gunner stated he was "on it", I (b)(2)High I moved to the center of the lane to shove the oncoming vehicles into its lane. The 1st vehicle moved into its lane but the 2nd continued coming straight at us. When the vehicle was about (b)(2)High I swerved to avoid contact.

(b)(3)(b)(6) Q. Could you hear the gunner?  
A. (b)(3)(b)(6) heard him ask to (b)(2)High  
(b)(2)High ///Continued on next page///

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

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

007323  
Exhibit W of 25

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB Bucca DATED 2007/05/09

9. STATEMENT (Continued)

Q. MAJ

A. AIC (b)(3)(b)(6)

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

Q. How far did you travel after the shot before you turned around?

A. It took about 2-3 minutes to turn around and get back to the incident. The IPs were already there and moving the body.

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

Q. Do you think you should have returned to the scene?

(b)(3)(b)(6) Yes, because (b)(2)High they may need medical attention. If it had only been (b)(2)High, then we should have kept on going. We did not turn around for other incidents because no (b)(2)High

Q. What changes to policy or TTPs would you recommend?

A. (b)(5)

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

Q. Is there anything else you wish to add to this statement?

A. No. ///End of statement////////////////////////////////////

(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 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 9 day of MAY, 2007 at Camp Bucca

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Art 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT <input checked="" type="checkbox"/> WITNESS/COMPLAINANT	
<b>PRIVACY ACT STATEMENT</b>					
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>					
<b>I. STATEMENT INFORMATION</b>					
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (if known)	
20070426	1300	Blackjack Tent Camp Bucca, Iraq	586 ESFS	OFFENSE COMPLAINT	
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>					
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE		
(b)(3)(b)(6)		(b)(3)(b)(6)	AD/E-3		
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (if required)	TELEPHONE		
Camp Bucca, Iraq		(b)(3)(b)(6)	HOME	DUTY	
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER		DEROS	
(b)(3)(b)(6)		586 ESFS/USAF			
<b>SPONSOR INFORMATION</b>					
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION	DUTY PHONE
Self					
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>					
I have been advised that I am suspected of the following offenses:					
(b)(3)(b)(6) <span style="float: right;">NOT USED</span>					
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)		
SUSPECT INITIALS	and advised me that I have the following rights according to the 6th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.				
	I have the right to remain silent - that is to say nothing at all.				
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.				
	I have the right to consult with a lawyer.				
	I have the right to have a lawyer present during this interview.				
	I may obtain a civilian lawyer of my own choice at no expense to the government.				
	I may request a lawyer any time during this interview.				
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.				
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.				
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.				
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)				
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.				
	I do not want a lawyer and I do not wish to make a statement or answer any questions.				
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.				
I fully understand my rights and that my signature does not constitute an admission of guilt.					
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER		

STATEMENT

(b)(3)(b)(6) On 26 April 2007 at approximately 0950, in the turret of the second truck in our four truck unit, I witnessed a (b)(6) sedan with two males stopped, facing west on (b)(2)High. The vehicle was positioned both in the median and in the eastbound lane. As the bravo gunner (b)(2)High to move the vehicle into the other lane. The vehicle had no response and the two males appeared to be looking forward, but the passenger's head was tilted. I did not hear (b)(2)High or see damage to the vehicle. After the delta truck passed the vehicle, we turned into the westbound lane to cordon the area and I noticed an Iraqi policeman carrying a body to his truck parked in the westbound lane. The body was in a white man-dress saturated in blood and was completely limp. After the policeman dropped the body in his truck bed, he drove westbound and the (b)(6) sedan seen earlier followed him. As they departed, several Iraqi police trucks surrounded the blood stains left on the asphalt as the alpha and bravo truck commanders stepped out of their trucks and approached the Iraqi police. Our unit maintained security for approximately twenty-five minutes until we were instructed by the base tactical operation center to return to FOB Bucca.//End of Statement (b)(3)(b)(6)

V. OATH/SIGNATURE

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge. (b)(3)(b)(6)

SI (b)(3)(b)(6) SIGNATURE OF WITNESS/INTERVIEWER (b)(3)(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH (b)(3)(b)(6)

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

**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 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

1. LOCATION 705th ALOC, FOB Bucca	2. DATE (YYYYMMDD) (b)(3)(b)(6) 2007/06/09	3. TIME (b)(3)(b)(6) 0957	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/ADAF	
8. ORGANIZATION OR ADDRESS 586th ESFS, USAF, Bldg 7, Camp Bucca, Iraq			

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

On 26 April, 2007 I was the gunner in the turret of the second vehicle. I was facing towards the right covering the 12 to 3 position.

My vehicle was about (b)(2)High behind the lead vehicle and we were travelling about (b)(2)High I heard over the headphones that alpha team had (b)(2)High I did not (b)(2)High because of the headphones. After hearing that (b)(2)High I looked forward and noticed the vehicle stopped between the median and our lane. The rear of the vehicle was still in our lane. I waived at the vehicle and (b)(2)High move over but it did not. As I passed the vehicle I glanced inside and noticed the two individuals, they appeared flustered and confused. I did not see any damage to the vehicle (b)(3)(b)(6)

Q. MAJ  
A. A1C  
(b)(3)(b)(6)

Q. Have you received the Rules of Engagement (ROE) and Escalation of Force (EOF) training?

A. Yes (b)(2)High  
(b)(3)(b)(6)

Q. Do you believe that you were well trained and understood the ROE/EOF measures?

A. Yes (b)(2)High  
(b)(3)(b)(6)

Q. How many patrols have you conducted off of the FOB?

A. We have conducted daily patrols since Mid-February. We work a 6 and 1.  
(b)(3)(b)(6)

Q. How many other incidents have you been involved where you had to fire warning shots?

A. None. I have been on patrols where another vehicle fired a warning shot but it did not require further action.  
(b)(3)(b)(6)

Q. Are there any procedures or TTPs that you would change to help respond better or that may prevent situations like this from happening?

A. (b)(5)  
(b)(3)(b)(6)

Q. Is there anything that you wish to add to this statement?

A. No. */// End of Statement ///*  
(b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_'

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

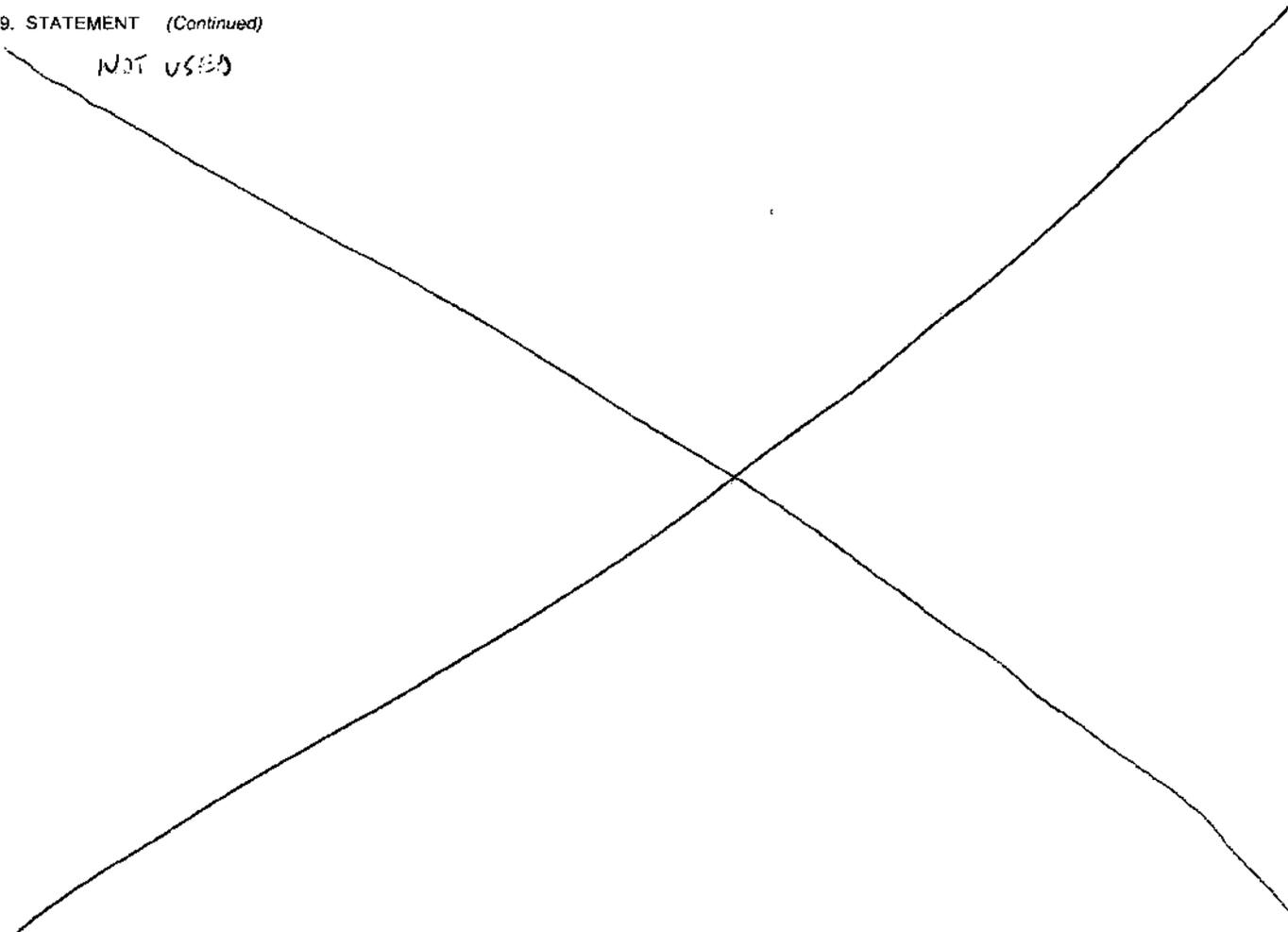
STATEMENT OF (b)(3)(b)(6)

TAKEN AT FOB Bucca

DATED 2007/06/0 (b)(3)(b)(6)

9. STATEMENT (Continued)

NOT USED



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)  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of May, 2007 at FOB Camp Bucca

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

ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

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

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

PAGE 2 OF 2 PAGES

**STATEMENT OF SUSPECT/WITNESS/COMPLAINANT**

**SUSPECT**  
 **WITNESS/COMPLAINANT**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397

**PRINCIPAL PURPOSES:** Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.

**ROUTINE USES:** Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.

**DISCLOSURE IS VOLUNTARY:** SSN is used to positively identify the individual making the statement.

**I. STATEMENT INFORMATION**

DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)
20070426	1215	Blackjack Tent Camp Bucca, Iraq	586 ESFS	OFFENSE COMPLAINT

**II. PERSONAL IDENTIFICATION (Print or Type)**

NAME (Last, First, Middle Initial)	SSN	STATUS/GRADE
(b)(3)(b)(6)	(b)(3)(b)(6)	AD/E-6
LOCAL ADDRESS (Include Zip Code)	DATE AND PLACE OF BIRTH (If required)	TELEPHONE
(b)(3)(b)(6) Camp Bucca, Iraq	(b)(3)(b)(6)	HOME: (b)(3)(b)(6) DUTY: 1532
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)	MILITARY ORGANIZATION/EMPLOYER	DEROS
(b)(3)(b)(6)	586 ESFS/USAF	

**SPONSOR INFORMATION**

NAME (Last, First, Middle Initial)	GRADE	SSN	ORGANIZATION	DUTY PHONE
Self				

**III. ACKNOWLEDGEMENT OF OFFENSES AND 6TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)**

I have been advised that I am suspected of the following offenses:

-----NOT USED-----

ADVISED BY (Full Name and Rank) \_\_\_\_\_ INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.) \_\_\_\_\_

SUSPECT INITIALS	and advised me that I have the following rights according to the 6th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.
	I have the right to remain silent - that is to say nothing at all.
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.
	I have the right to consult with a lawyer.
	I have the right to have a lawyer present during this interview.
	I may obtain a civilian lawyer of my own choice at no expense to the government.
	I may request a lawyer any time during this interview.
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.

SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.
	I do not want a lawyer and I do not wish to make a statement or answer any questions.
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.
	I fully understand my rights and that my signature does not constitute an admission of guilt.

SIGNATURE OF SUSPECT	SIGNATURE OF WITNESS/INTERVIEWER

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

007329

Exhibit K of 25<sup>14</sup>

IV. STATEMENT

(b)(3)(b)(6) On 26 Apr 2007 at approximately 0950 hrs, ASO unit Dragon 1-6 was traveling east on (b)(2)High towards Camp Bucca in a four Humvee convoy. I was in the third truck, Charlie. Alpha truck Gunner, SSG (b)(3)(b)(6) notified the other three vehicles he had fired one warning shot at a vehicle that had failed to heed the (b)(2)High and the drivers gestures with his Humvee to yield the right of way to our squad. The vehicle failed to heed the warning shot and (b)(3)(b)(6) fired one shot at the vehicle to (b)(2)High. As I passed the vehicle, I noted it was a (b)(6) four door and had come to a stop facing west halfway in the eastbound lane and the median. The person in the left front seat was slumped over and there was a hole in the windshield approximately four inches up from the hoodline and in line with the person. I reported this to MSG (b)(3)(b)(6) Dragon 1-6 Lead, via the radio, and we immediately turned our Humvees around to render aid to the individual. Less than a minute had passed since (b)(3)(b)(6) notified the rest of the convoy of the situation. When we got back to the vehicle, there were two Iraqi Police trucks parked next to it. The IPs carried an individual wearing a white man-dress and a red and white checkered head wrap to the truck parked in the westbound lane of traffic. They placed him in the back and drove west towards Safwan. As I approached the car, I noted it was a right hand drive vehicle. There was a lot of blood on the ground on the left side of the vehicle (normally the driver's side) and a trail of blood leading to where the IP truck had been parked. Before we could stop him the driver of the (b)(6) four door vehicle got in and drove away following the IP truck towards Safwan. After the vehicle left, more IP vehicles arrived. There were between 15 and 20 IPs on scene at this time. They were agitated and were asking me and (b)(3)(b)(6) through (b)(6) our interpreter, what unit was involved and the name of the person who had fired the shots. The IPs were informed they would have to request that information through official channels. Dragon 1-8 arrived and told us Slayer TOC wanted us to return immediately to Bucca. At about 1015 hrs, we loaded into our vehicles and returned. ///End of Statement/// (b)(3)(b)(6)

V. OATH/SIGNATURE

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement; Initialed all pages and corrections, and it is true and correct to the best of my knowledge. Subj

SIGNATURE OF PERSON MAKING STATEMENT

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI. INSTRUCTIONS

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom angles and sign his/her name at the bottom of each page.

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 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: 705th ALOC, FOB Bucca
2. DATE: 2007/06/11
3. TIME: 1105
4. FILE NUMBER: (b)(3)(b)(6)
5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: E-6/ADAF
8. ORGANIZATION OR ADDRESS: 586th ESFS, USAF, Bldg 7, Camp Bucca, Iraq

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 26 April, 2007 I was the Charlie truck, the third vehicle in the patrol convoy, when I heard the Alpha truck gunner state he had fired a warning shot. I did not hear the (b)(2)High warning shot because of the headphones, but, I realized that something was wrong when we passed the (b)(6) vehicle and the person in the left side seat of the vehicle was slumped over. I noticed there was a bullet hole about four inches above the hood line in front of that person. I notified the Squad Leader, MSG1 (b)(3)(b)(6) and we turned around to offer assistance. It took about one minute to get back to the scene and the Iraqi Police were already there. We approached to offer assistance, but were questioned by the IPs. We were not allowed to investigate the vehicles or ask any questions. (b)(3)(b)(6)

Q. MAJ (b)(3)(b)(6) TS (b)(3)(b)(6)

Q. Have you received the Rules of Engagement (ROE) and Escalation of Force (EOF) training?
A. Yes. We do it weekly and I have had more recent training. We now train the (b)(2)High as well as defining individual responsibilities.

Q. How many other incidents have you been involved where you had to fire warning shots?
A. None. Most of the time, the drivers are compliant. This was an odd incident. The vehicle did not respond to (b)(2)High which usually works.

Q. Are there any procedures or TTPs that you would change to help respond better or prevent situations like this from happening?

A. No (b)(5)

Q. Do you think that the PSD team up the road caused the vehicles to move over into your lane?
A. Yes, but they had plenty of room and time to move back over into their lane.

Q. Is there anything that you wish to add to this statement?
A. No. //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 OF ... TAKEN AT ... DATED ...
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT FOB Bucca

DATED 2007/06/10

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

9. STATEMENT (Continued)

Not Used

AFFIDAVIT

(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

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10th day of May, 2007 at FOB Camp Bucca

ORGANIZATION OR ADDRESS

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

(Administering Oath)

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Art 136 (b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT	
				<input checked="" type="checkbox"/> WITNESS/COMPLAINANT	
<b>PRIVACY ACT STATEMENT</b>					
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>					
<b>I. STATEMENT INFORMATION</b>					
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)	
20070426	1215	Black Jack Tent, Camp Bucca Iraq	586 ESFS	<input type="checkbox"/> OFFENSE <input type="checkbox"/> COMPLAINT	
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>					
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE		
(b)(3)(b)(6)		(b)(3)(b)(6)	Active Duty AF/E-2		
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (If required)	TELEPHONE		
BB -13A Camp Bucca Iraq		01MAY87	HOME	DUTY	
			N/A	x1532	
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER	DEROS		
(b)(3)(b)(6)		USAF 586th ESFS/SFOA	June 2007		
<b>SPONSOR INFORMATION</b>					
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION	DUTY PHONE
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 6TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>					
I have been advised that I am suspected of the following offenses:					
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)		
SUSPECT INITIALS	and advised me that I have the following rights according to the 6th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.				
	I have the right to remain silent - that is to say nothing at all.				
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.				
	I have the right to consult with a lawyer.				
	I have the right to have a lawyer present during this interview.				
	I may obtain a civilian lawyer of my own choice at no expense to the government.				
	I may request a lawyer any time during this interview.				
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.				
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.				
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.				
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice: (Initial One)				
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.				
	I do not want a lawyer and I do not wish to make a statement or answer any questions.				
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.				
I fully understand my rights and that my signature does not constitute an admission of guilt.					
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER		

IV. STATEMENT

(b)(3)(b) On 26 April 2007 at 0949L, I was on a presence patrol, driving the second vehicle in a four vehicle patrol travelling east between (b)(2)High in the east bound lane on (b)(2)High. Alpha TC, SSgt (b)(3)(b)(6) called in over the internal-comm that a warning shot had been fired. MSgt (b)(3)(b)(6) acknowledged Alphas' transmission. My vehicle then passed a (b)(6) four door sedan slowly coming to a halt in the median. I observed two individuals in the vehicle; the one closest to my vehicle appeared to be hunched over. I did not have a clear view of the vehicle prior to them coming to a halt. TSgt (b)(3)(b)(6) Charlie TC, called over the internal-comm he observed a bullet hole in the windshield of the sedan. MSgt (b)(3)(b)(6) acknowledge and ordered a turn around of the patrol. After traveling approx (b)(2)High we made a U-turn into the west bound lane and returned to the scene less than a minute later. At that time, I observed two IP vehicles already on scene and 2 IPs carrying an Iraqi male from the (b)(6) sedan to the back of an IP truck. The individual they were carrying was bleeding heavily from the upper portion of his body, so I was unable to get a good description of what he was wearing. Before we had time to dismount, the IP vehicle with the wounded individual was mobile and headed west bound followed by the (b)(6) sedan with the bullet hole. We then secured the area and MSgt (b)(3)(b)(6) dismounted the vehicle and was talking with the IPs. Within ten minutes there were approx 30 IPS on scene. We then received word from Slayer TOC, a Dragon unit was enroute to relieve us and we were to proceed back to FOB Bucca. Approx 20 minutes later, we were relieved by an Army Dragon unit and returned in the east bound lane back to Bucca. Approx 10 minutes later, we arrived back to base, cleared our weapons, proceeded to Blackjack. MSgt (b)(3)(b)(6) and SSgt (b)(3)(b)(6) proceeded to Slayer TOC and we stood by for further instructions.//////End of Statement////// (b)(3)(b)(6)

V. OATH/SIGNATURE

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge.

SIGNATURE OF PERSON MAKING STATEMENT

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

SIGNATURE OF WITNESS/INTERVIEWER

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of April 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

**STATEMENT OF SUSPECT/WITNESS/COMPLAINANT**

SUSPECT  
 WITNESS/COMPLAINANT

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397  
**PRINCIPAL PURPOSES:** Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.  
**ROUTINE USES:** Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.  
**DISCLOSURE IS VOLUNTARY:** SSN is used to positively identify the individual making the statement.

**I. STATEMENT INFORMATION**

<b>DATE (YYYYMMDD)</b> 20070426	<b>TIME</b> 1215	<b>LOCATION AND INSTALLATION (Bldg/Room No)</b> Blackjack Tent Camp Bucca, Iraq	<b>UNIT TAKING STATEMENT</b> 586 ESFS	<b>REPEAT (if known)</b> OFFENSE COMPLAINT
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**II. PERSONAL IDENTIFICATION (Print or Type)**

<b>NAME (Last, First, Middle Initial)</b> (b)(3)(b)(6)	<b>SSN</b> (b)(3)(b)(6)	<b>STATUS/GRADE</b> AD/E-3
<b>LOCAL ADDRESS (Include Zip Code)</b> Pod # H 47B Camp Bucca, Iraq	<b>DATE AND PLACE OF BIRTH (if required)</b> (b)(3)(b)(6)	<b>TELEPHONE</b> HOME DUTY
<b>PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)</b> (b)(3)(b)(6)	<b>MILITARY ORGANIZATION/EMPLOYER</b> 586 ESFS/USAF	<b>DEROS</b> 20090823

**SPONSOR INFORMATION**

<b>NAME (Last, First, Middle Initial)</b>	<b>GRADE</b>	<b>SSN</b>	<b>ORGANIZATION</b>	<b>DUTY PHONE</b>
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**III. ACKNOWLEDGEMENT OF OFFENSES AND 6TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)**

*I have been advised that I am suspected of the following offenses:*

ADVISED BY (Full Name and Rank) \_\_\_\_\_ INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (S/P, special agent, etc.)

<b>SUSPECT INITIALS</b>	<i>and advised me that I have the following rights according to the 6th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.</i>
	<i>I have the right to remain silent - that is to say nothing at all.</i>
	<i>Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.</i>
	<i>I have the right to consult with a lawyer.</i>
	<i>I have the right to have a lawyer present during this interview.</i>
	<i>I may obtain a civilian lawyer of my own choice at no expense to the government.</i>
	<i>I may request a lawyer any time during this interview.</i>
	<i>If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.</i>
	<b>MILITARY ONLY:</b> <i>If I want a military lawyer, one will be appointed for me free of charge.</i>
	<b>CIVILIANS ONLY:</b> <i>If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.</i>

<b>SUSPECT INITIALS</b>	<i>I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial Only)</i>
	<i>I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.</i>
	<i>I do not want a lawyer and I do not wish to make a statement or answer any questions.</i>
	<i>I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.</i>
	<i>I fully understand my rights and that my signature does not constitute an admission of guilt.</i>

SIGNATURE OF SUSPECT \_\_\_\_\_ SIGNATURE OF WITNESS/INTERVIEWER \_\_\_\_\_

(b)(3)(b)(6) IV. STATEMENT

On 26 June 2007 at approximately 0945, I was driving charlie truck of Dragon Unit 1-6. We were relieved from our patrol at the clover leaf and were on our way back toward Camp Bucca travelling in the east bound lane. Roughly halfway between the clover leaf and Iraqi Police checkpoint # 1, I heard a radio transmission from alpha truck TC (SSgt (b)(3)(b)(6) saying "warning shots fired." We continued on in the east bound lane and soon passed a (b)(6) sedan stopped in the median. I was driving and paying attention to the road, so I didn't notice anything other than the stopped (b)(6) sedan. We pressed on for appoximately (b)(2)High before our four trucks made a u-turn to assess the situation. Alpha truck pulled up about (b)(2)High from the (b)(6) sedan, then bravo truck another (b)(2)High behind them, myself in charlie truck about (b)(2)High behind bravo truck, and finally delta pulled about (b)(6) (b)(2)High behind my truck. By the time we got our trucks in position, there were already two IP vehicles that I could see. I was about (b)(2)High away from the incident and my view was blocked by two other trucks, so I wasn't able to see too much. My truck commander, TSgt (b)(3)(b)(6) dismounted to assist. Roughly five minutes later, approximately 5 more IP trucks arrived on scene. I sat in the truck with the gunner (SSgt (b)(3)(b)(6) to take security during the situation. Another ten minutes or so passed and TSgt (b)(3)(b)(6) came back to the truck to give us an update. He informed us a man had been shot in the chest and hauled off by one of the IP patrols. About 10 more minutes passed and another Dragon Unit arrived on scene to take over our position and informed us we were to report back to Camp Bucca. We then left the scene and proceeded back down the east bound lane to Camp Bucca. We arrived, cleared out our weapons, and stood by at the Blackjack Tent.//////End of Statement//////

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

V. OATH/SIGNATURE

"I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge."

SIGNATURE OF PERSON MAKING STATEMENT

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

SIGNATURE OF WITNESS/INTERVIEWER

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

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

007336

Exhibit 18 of 25

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT	
				<input checked="" type="checkbox"/> WITNESS/COMPLAINANT	
<b>PRIVACY ACT STATEMENT</b>					
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY;</b> SSN is used to positively identify the individual making the statement.</p>					
<b>I. STATEMENT INFORMATION</b>					
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (if known)	
20070427	1256	Blackjack, FOB Bucca, Iraq	586th ESFS	OFFENSE	
				COMPLAINT	
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>					
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE		
(b)(3)(b)(6)		(b)(3)(b)(6)	AD/E5		
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (if required)	TELEPHONE		
H-11-A, Quincy		11 June 1980	HOME	DUTY	
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER	DEROS		
(b)(3)(b)(6)		USAF	20200706		
<b>SPONSOR INFORMATION</b>					
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION	DUTY PHONE
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>					
I have been advised that I am suspected of the following offenses:					
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)		
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.				
	I have the right to remain silent - that is to say nothing at all.				
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.				
	I have the right to consult with a lawyer.				
	I have the right to have a lawyer present during this interview.				
	I may obtain a civilian lawyer of my own choice at no expense to the government.				
	I may request a lawyer any time during this interview.				
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.				
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.				
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.				
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)				
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.				
	I do not want a lawyer and I do not wish to make a statement or answer any questions.				
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.				
I fully understand my rights and that my signature does not constitute an admission of guilt.					
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER		

IV. STATEMENT

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

On 26 April 2007 at approximately 0950, I was conducting area security operations as the CROWS gunner for ASO Dragon 1-6C, the third truck in a four-vehicle column. We were traveling East bound of [redacted] I heard over the internal net two warning shots had been fired at a (b)(6) four-door sedan by SSgt (b)(3)(b)(6) the Alpha truck gunner. The vehicle appeared to be traveling westbound in the eastbound lane. Once the Bravo vehicle had passed, I had witnessed the sedan halted in the median. I tracked it with the CROWS turret, but was using (b)(2)High at the time. I had no account of how many occupants the vehicle had, nor did I notice any damage to the vehicle's windshield. It was at that time my truck commander, TSgt (b)(3)(b)(6) informed our lead vehicle a bullet hole had been spotted in the windshield and the driver was slumped over inside. We initiated a u-turn approximately (b)(2)High from the (b)(6) sedan. Once my vehicle completed the turn, I spotted two Iraqi Police trucks through the windshield which were parked in the median near the sedan. Two Iraqi Police were carrying a body dressed in all-white towards one of the police trucks. Our vehicles parked in a serpentine formation, at which time Bravo vehicle blocked the majority of view to the incident. Posted on the CROWS, I had no other contact at the scene nor did I witness anything else. Approximately 20-25 minutes later, SSgt (b)(3)(b)(6) assumed the position of Charlie truck commander and we all returned to FOB Bucca for a debrief.//////End of Statement//////

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

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

V. OATH/SIGNATURE

"I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge."

(b)(3)(b)(6)	EMENT	SIGNATURE OF WITNESS/INTERVIEWER
		(b)(3)(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

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

007338

Sxh.2.4 19 of 25

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT
				<input checked="" type="checkbox"/> WITNESS/COMPLAINANT
<b>PRIVACY ACT STATEMENT</b>				
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9397</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>				
<b>I. STATEMENT INFORMATION</b>				
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)
20070426	1200	Blackjack Tent Camp Bucca, Iraq	586 ESFS	OFFENSE COMPLAINT
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>				
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE	
(b)(3)(b)(6)		(b)(3)(b)(6)	AD/E-3	
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (If required)	TELEPHONE	
Pod H12B Camp Bucca, Iraq			HOME	DUTY
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER	DEROS	
		586 ESFS/USAF		
<b>SPONSOR INFORMATION</b>				
NAME (Last, First, Middle Initial)	GRADE	SSN	ORGANIZATION	DUTY PHONE
Self				
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>				
I have been advised that I am suspected of the following offenses:				
NOT USED				
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)	
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.			
	I have the right to remain silent - that is to say nothing at all.			
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.			
	I have the right to consult with a lawyer.			
	I have the right to have a lawyer present during this interview.			
	I may obtain a civilian lawyer of my own choice at no expense to the government.			
	I may request a lawyer any time during this interview.			
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.			
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.			
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.			
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)			
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.			
	I do not want a lawyer and I do not wish to make a statement or answer any questions.			
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.			
I fully understand my rights and that my signature does not constitute an admission of guilt.				
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER	

**IV. STATEMENT**

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

On 26 April 2007 at approximately 0945 hrs, Dragon 1-6 was on a presence patrol heading East bound on (b)(2)High. I was in the turret of the last vehicle of a four vehicle patrol, facing West bound. I heard over the radio, there were two warning shots fired at a vehicle. I then relayed to our squad leader, a (b)(6)-colored car was stopped in-between the East and West bound lanes. By this time, Alpha and Bravo vehicles were turning around into the West bound lane. I then turned around in my turret to see what was going on. There were already two Iraqi police at the incident. I saw a puddle of blood in the East bound lane. Our squad then set up a cordon to secure the scene. Our squad leader told us to stop all traffic, to which I proceeded to stop all traffic in the West bound lane. SrA (b)(3)(b)(6) delta vehicle driver, was relaying messages to Eagle TOC on what had happened and where Dragon 1-6 was located. After about twenty-five minutes, I heard Dragon 1-8 say we needed to return to base immediately. Our squad rallied up and headed East bound back to base for a debrief. ////End of Statement//// (b)(3)(b)(6)

**V. OATH/SIGNATURE**

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

I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, included all pages and corrections, and it is true and correct to the best of my knowledge. (b)(3)(b)(6)

**SIGNATURE OF PERSON MAKING STATEMENT**

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of April, 2007 (year).

**SIGNATURE OF PERSON ADMINISTERING OATH**

**VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)**

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

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

007340  
Exhibit 20 of 25

STATEMENT OF SUSPECT/WITNESS/COMPLAINANT				SUSPECT
				<input checked="" type="checkbox"/> WITNESS/COMPLAINANT
<b>PRIVACY ACT STATEMENT</b>				
<p><b>AUTHORITY:</b> 10 U.S.C. 8013; 44 U.S.C. 3101; and EO 9387</p> <p><b>PRINCIPAL PURPOSES:</b> Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.</p> <p><b>ROUTINE USES:</b> Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.</p> <p><b>DISCLOSURE IS VOLUNTARY:</b> SSN is used to positively identify the individual making the statement.</p>				
<b>I. STATEMENT INFORMATION</b>				
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (If known)
20070426	1235	Black Jack Tent Camp Bucca, Iraq	586 ESFS	OFFENSE COMPLAINT
<b>II. PERSONAL IDENTIFICATION (Print or Type)</b>				
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE	
(b)(3)(b)(6)		(b)(3)(b)(6)	AD/ E-4	
LOCAL ADDRESS (Include Zip Code)		DATE AND PLACE OF BIRTH (If required)	TELEPHONE	
Tent N-6, Rm 2 Camp Bucca, Iraq		(b)(3)(b)(6)	HOME	DUTY
PERMANENT ADDRESS OR HOME OF RECORD (Include Zip Code)		MILITARY ORGANIZATION/EMPLOYER	DEROS	
		USAF	20071010	
<b>SPONSOR INFORMATION</b>				
NAME (Last, First, Middle Initial)		GRADE	SSN	ORGANIZATION
Self				DUTY PHONE
<b>III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)</b>				
I have been advised that I am suspected of the following offenses:				
-----NOT USED-----				
ADVISED BY (Full Name and Rank)			INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)	
SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.			
	I have the right to remain silent - that is to say nothing at all.			
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.			
	I have the right to consult with a lawyer.			
	I have the right to have a lawyer present during this interview.			
	I may obtain a civilian lawyer of my own choice at no expense to the government.			
	I may request a lawyer any time during this interview.			
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.			
	MILITARY ONLY: If I want a military lawyer, one will be appointed for me free of charge.			
	CIVILIANS ONLY: If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.			
SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me.			
	I make the following choice. (Initial One)			
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.			
	I do not want a lawyer and I do not wish to make a statement or answer any questions.			
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.			
I fully understand my rights and that my signature does not constitute an admission of guilt.				
SIGNATURE OF SUSPECT			SIGNATURE OF WITNESS/INTERVIEWER	

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

On 26 April 2007, I was the driver for Delta vehicle. It was the fourth vehicle in a four vehicle convoy traveling east on (b)(2)High towards Camp Bucca. At approximately 0950 hrs, I heard over the inter-convoy radio that two shots were fired from the turret gunner of Alpha vehicle. I noticed a (b)(6) vehicle on the median. We completed a U-turn and set up a security halt. The convoy commander, MSet (b)(3)(b)(6) was having radio problems and told me to act as RTO. I came across Sheriff's net and relayed info sent to me by (b)(3)(b)(6) to Slayer TOC through Eagle TOC. The entire incident lasted approx. 40 mins. The convoy returned to Bucca at the request of Slayer TOC. I used my vehicle to block westbound traffic. I was about (b)(2)High from the (b)(2)High vehicle and from my position I was unable to see what was occurring./// END OF STATEMENT/// (b)(3)(b)(6)

V. OATH/SIGNATURE

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge. (b)(3)(b)(6)

SIGNATURE OF PERSON MAKING STATEMENT

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

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

VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

**STATEMENT OF SUSPECT/WITNESS/COMPLAINANT**

SUSPECT
<input checked="" type="checkbox"/> WITNESS/COMPLAINANT

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 8019; 44 U.S.C. 3101; and EO 9397

**PRINCIPAL PURPOSES:** Used to record information and details of criminal activity which may require investigative action by commanders, supervisors, security police, AFOSI special agents, etc.; and to provide information to appropriate individuals within DoD organizations who ensure proper legal and administrative action is taken.

**ROUTINE USES:** Information may be disclosed to local, county, state, and federal law enforcement/investigative authorities for investigation and possible criminal prosecution or civil court action. Information extracted from this form may be used in other related criminal and/or civil proceedings.

**DISCLOSURE IS VOLUNTARY:** SSN is used to positively identify the individual making the statement.

I. STATEMENT INFORMATION				
DATE (YYYYMMDD)	TIME	LOCATION AND INSTALLATION (Bldg/Room No)	UNIT TAKING STATEMENT	REPEAT (if known)
20070426	1200	Blackjack Tent Camp Bucca, Iraq	586 ESFS	<input type="checkbox"/> OFFENSE <input type="checkbox"/> COMPLAINT

II. PERSONAL IDENTIFICATION (Print or Type)				
NAME (Last, First, Middle Initial)		SSN	STATUS/GRADE	
(b)(3)(b)(6)		(b)(3)(b)(6)	AD/E-4	
LOCAL ADDRESS (include Zip Code)		DATE AND PLACE OF BIRTH (if required)		TELEPHONE
Pod #H47B Camp Bucca, Iraq		(b)(3)(b)(6)		HOME      DUTY
PERMANENT ADDRESS OR HOME OF RECORD (include Zip Code)		MILITARY ORGANIZATION/EMPLOYER		DEROS
		586 ESFS/USAF		

SPONSOR INFORMATION				
NAME (Last, First, Middle Initial)	GRADE	SSN	ORGANIZATION	DUTY PHONE
Self				

**III. ACKNOWLEDGEMENT OF OFFENSES AND 5TH AMENDMENT/ARTICLE 31 RIGHTS ADVISEMENT (Suspect Only)**

*I have been advised that I am suspected of the following offenses:*

-----NOT USED-----

ADVISED BY (Full Name and Rank)	INDIVIDUAL IDENTIFIED HIMSELF/HERSELF AS A (SF, special agent, etc.)
---------------------------------	--

SUSPECT INITIALS	and advised me that I have the following rights according to the 5th Amendment of the U.S. Constitution/Article 31 of the Uniform Code of Military Justice.
	I have the right to remain silent - that is to say nothing at all.
	Any statement I make, oral or written, may be used as evidence against me in a trial or in other judicial, non-judicial, or administrative proceedings.
	I have the right to consult with a lawyer.
	I have the right to have a lawyer present during this interview.
	I may obtain a civilian lawyer of my own choice at no expense to the government.
	I may request a lawyer any time during this interview.
	If I decide to answer questions with or without a lawyer present, I may stop the questioning at any time.
	<b>MILITARY ONLY:</b> If I want a military lawyer, one will be appointed for me free of charge.
	<b>CIVILIANS ONLY:</b> If I cannot afford a lawyer and want one, a lawyer will be appointed for me by civilian authorities.

SUSPECT INITIALS	I have read my rights as listed above and I fully understand my rights. No promises, threats, or inducements of any kind have been made to me. No pressure or coercion has been used against me. I make the following choice. (Initial One)
	I do not want a lawyer. I am willing to answer questions or make a statement or both, about the offense(s) under investigation.
	I do not want a lawyer and I do not wish to make a statement or answer any questions.
	I want a lawyer. I will not make any statement or answer any questions until I talk to a lawyer.
I fully understand my rights and that my signature does not constitute an admission of guilt.	

SIGNATURE OF SUSPECT	SIGNATURE OF WITNESS/INTERVIEWER
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0073  
Exhibit 22 of 20 (b)(3)(b)(6)

**IV. STATEMENT**

(b)(3)(b)(6) On 26 April 2007, I was the truck commander of Dragon I-6 Delta vehicle in a four vehicle convoy traveling east on (b)(2)High toward Camp Bucca. At approximately 0950 hrs, I heard from Alpha truck over the radio that two shots were fired. I saw a (b)(6) vehicle with two individuals in the median between east and westbound lane. A1C (b)(3)(b)(6) M240B gunner saw the vehicle make a complete stop in the median. (b)(3)(b)(6) transmitted over the radio to our squad leader Msgr (b)(3)(b)(6) that the vehicle had stopped. (b)(3)(b)(6) instructed all four vehicles to make a U-turn onto the westbound lane making our way to the vehicle. An Iraqi Policeman in a truck had arrived just as we got there. We came to a complete halt and had the westbound traffic stopped. I exited my humvee and approached the stopped vehicle. As I approached the vehicle, it left the scene following close behind an IP truck headed west towards Safwan. There was blood on the eastbound lane and a trail of blood leading to the westbound lane where the IP truck was parked prior to leaving. I immediately took pictures of the blood on the east and westbound lanes for evidence. (b)(6) our interpreter, told me (b)(3)(b)(6) TSgt (b)(3)(b)(6) and SSgt (b)(3)(b)(6) the individual was shot in his chest, dragged across the road, and placed into the back of the IP truck for transport to the hospital. Three more IP vehicles arrived on scene and I returned to my humvee at the back of the convoy. At approximately 1015 hrs, Dragon I-8 arrived to take control of the situation and told us to report to the TOC at Camp Bucca.//End of Statement (b)(3)(b)(6)

**V. OATH/SIGNATURE**

(b)(3)(b)(6) I hereby voluntarily and of my own free will make this statement without having been subjected to any coercion, unlawful influence, or unlawful inducement. I swear (or affirm) I have read this statement, initialed all pages and corrections, and it is true and correct to the best of my knowledge. (b)(3)(b)(6)

(b)(3)(b)(6)	ENT	(b)(3)(b)(6)
--------------	-----	--------------

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of April, 2007 (year).

SIGNATURE OF PERSON ADMINISTERING OATH

**VI. INSTRUCTIONS FOR CONTINUATION PAGE(S)**

Use plain bond paper (both sides optional). At the top right of each page, print or type "(Last name of individual making the Statement) on (Date)." At the bottom of each page, print or type: "Page \_\_\_ of \_\_\_ Pages." The individual must initial the top and bottom entries and sign his/her name at the bottom of each page.

**JOB QUALIFICATION STANDARD CONTINUATION/COMMAND JQS**

CRITICAL TASK	TASK NUMBER	TASKS, KNOWLEDGE AND TECHNICAL REFERENCES	CERTIFICATION				
			START DATE	COMPLETION DATE	TRAINEE'S INITIALS	TRAINER'S INITIALS	CERTIFIER'S INITIALS (IF REQUIRED)
<input checked="" type="checkbox"/>	1	9 line request (Ref: FM 8-10-6, Medical Evacuation in a Theatre of Operations, pages 7-7 through 7-9; CJTF-7 OIF Smart Card - 22 Nov 03)	10 FEB 07	10 FEB 07	(b)(3)(b)(6)		
<input type="checkbox"/>	2	Alarm conditions: Green/Yellow/Red/Black (Ref: Local Buco FM dated 25 Jan 06)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	3	SALUTE Reports (Ref: Basic Combat Convoy Course Student Study Guide, unit 19; CJTF-7 OIF Smart Card - 22 Nov 03, Recon SOP)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	4	ROE/IOF and Escalation of Force Procedures (Ref: IED Smart Card Tab E/MNCI ROE Card, MNCI EOF Procedures and ASO SOP Pages 18, 32-33)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	5	Duties and Responsibilities (Ref: ASO SOP Pages 7 and 8)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	6	Vehicle Load Plan (Ref: ASO SOP Page 11, 28)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	7	Clearing and Loading Procedures (Ref: ASO SOP Page 9)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	8	Sensitive Items Inspections and accountability (Ref: ASO SOP Page 11)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	9	Weapons Readiness Postures (Ref: ASO SOP Page 9)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	10	LP/OP's (Ref: ASO Training Guide Pages xx)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	11	Traffic Control Point (TCP) Set-up and Operating Procedures (Ref: SOP Page 20-22 and ASO Training Guide Page xx)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	12	SINCGARS Radio Set (Ref: FM 11-1)	10 FEB 07	10 FEB 07			
(b)(3)(b)(6)					CFETP/JQS NUMBER Truck Commander	PAGE NO. 1/4	

**JOB QUALIFICATION STANDARD CONTINUATION/COMMAND JQS**

CRITICAL TASK	TASK NUMBER	TASKS, KNOWLEDGE AND TECHNICAL REFERENCES	CERTIFICATION				
			START DATE	COMPLETION DATE	TRAINEE'S INITIALS	TRAINER'S INITIALS	CERTIFIER'S INITIALS (IF REQUIRED)
<input checked="" type="checkbox"/>	1	9 line request (Ref: FM 8-10-6, Medical Evacuation in a Theatre of Operations, pages 7-7 through 7-9; CJTF-7 OIF Smart Card - 22 Nov 03)	10 FEB 07	10 FEB 07	(b)(3)(b)(6)		
<input type="checkbox"/>	2	Alarm conditions: Green/Yellow/Red/Black (Ref: Local Bucca FM dated 25 Jan 06)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	3	SALUTE Reports (Ref: Basic Combat Convoy Course Student Study Guide, unit 19; CJTF-7 OIF Smart Card - 22 Nov 03, Recon SOP)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	4	ROE/UOF and Escalation of Force Procedures (Ref: IED Smart Card Tab E/MNC) ROE Card, MNCI EOF Procedures and ASO SOP Pages 18, 32-33)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	5	Duties and Responsibilities (Ref: ASO SOP Pages 7 and 8)	10 FEB 07	14 FEB 07			
<input type="checkbox"/>	6	Vehicle Load Plan (Ref: ASO SOP Page 11, 28)	10 FEB 07	14 FEB 07			
<input checked="" type="checkbox"/>	7	Clearing and Loading Procedures (Ref: ASO SOP Page 9)	10 FEB 07	10 FEB 07			
<input type="checkbox"/>	8	Sensitive Items Inspections and accountability (Ref: ASO SOP Page 11)	10 FEB 07	14 FEB 07			
<input type="checkbox"/>	9	Weapons Readiness Postures (Ref: ASO SOP Page 9)	10 FEB 07	14 FEB 07			
<input type="checkbox"/>	10	LP/OP's (Ref: ASO Training Guide Pages xx)	10 FEB 07	14 FEB 07			
<input checked="" type="checkbox"/>	11	Traffic Control Point (TCP) Set-up and Operating Procedures (Ref: SOP Page 20-22 and ASO Training Guide Page xx)	10 FEB 07	10 FEB 07			
<input checked="" type="checkbox"/>	12	SINGARS Radio Set (Ref: FM11-1)	10 FEB 07	10 FEB 07			
TRAINEE NAME		(b)(3)(b)(6)	CFETP/JQS NUMBER		PAGE NO.		
			Truck Commander		1/4		

AF IMT 797, 20020801, V3

PREVIOUS EDITIONS ARE OBSOLETE

007346  
Exhibit 24 of 25

Pages 65 through 70 redacted for the following reasons:

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(b)(2)High