

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

|  |                                  |                                   |                |
|--|----------------------------------|-----------------------------------|----------------|
| 1. LOCATION<br>(b)(2)High                              | 2. DATE (YYYYMMDD)<br>2006/01/26 | 3. TIME<br>0625                   | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME<br>(b)(3),(b)(6) | 6. SSN<br>(b)(3),(b)(6)          | 7. GRADE/STATUS<br>E-5/TEAMLEADER |                |
| 8. ORGANIZATION OR ADDRESS<br>C CO 14TH CEB            |                                  |                                   |                |

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

WHILE ON TRAILBLAZER PATROL FROM FOB WARHORSE TO FOB NORMANDY I OBSERVED A SUSPICIOUS BOX AT GRID (b)(2)High WHEN I NOTICED THE BOX WE WERE TO CLOSE TO STOP. I TOLD MY DRIVER TO SPEED UP AND STOP PAST THE BOX. I HALTED THE REST OF THE CONVOY BEFORE THEY REACHED THE BOX. I TOLD TRAILBLAZER 26 WHAT I HAD SEEN AND THAT WE WERE GOING TO TURN AROUND AND LOOK AT IT (b)(2)High WHEN I DID SO I NOTICED A BAG ON THE OTHER SIDE OF THE ROAD ACROSS FROM THE BOX. WHEN I LOOKED AT THE BAG I NOTICED THE EARTH WAS DISTURBED UNDER IT AN THAT THERE WAS SOMETHING ORANGE BEHIND IT. I THEN CALLED TRAILBLAZER 21 AND ASKED HIM TO SEND THE MARK BOT UP TO INVESTIGATE RATHER THAN GET CLOSER WITH THE VEHICLE. WHEN I GOT DONE TALKING TO HIM TRAILBLAZER 26 CALLED ME AND TOLD ME THAT CIVILIAN VEHICLES WERE APPROACHING FROM BEHIND US. I SAID ROGER , I'M NOT A GUN TRUCK BUT I'LL DO WHAT I CAN. I THEN GOT UP OUT OF MY SEAT AND WENT OUT THE BACK DOOR. WHEN I GOT OUT, THERE WAS A VEHICLE APPRAOCHING AND WAS ALREADY WITHIN SAFE DISTANCE TO MY VEHICLE. I TRIED TO WAVE AND SHOUT FOR THEM TO STOP BUT THEY DID NOT. I FIRED ONE SHOT INTO THE DIRT NEXT TO THE ROAD AND THEY STOPPED AND TURNED AROUND. THERE WERE 4 OR 5 OTHER CARS BEHIND THIS ONE THAT ALSO STOPPED AND BACKED UP OFF THE SIDE OFF THE ROAD AND TURNED THEIR HAZARD LIGHTS ON.A FEW MINUTES LATER I OBSERVED ANOTHER CAR COMING OUR DIRECTION AT A HIGH RATE OF SPEED. AS IT STARTED TO PASS THE CARS THAT HAD PULLED OVER IT MOVED TOWARDS THE CENTER OF THE ROAD. I IMMEDIATELY STARTED ESCALATION OF FORCE. I HAD MY DRIVER SHINE THE FRONT SEARCHLIGHT AT THEM AND THEY KEPT COMING. WHEN THEY GOT TO WHERE THE OTHER CARS HAD TURNED AROUND WHICH WAS ABOUT (b)(2)High AWAY THEY STILL HADN'T STOPPED SO I (b)(2)High THEY STILL KEPT COMING AND HADN'T SLOWED DOWN AT ALL. (b)(2)High (b)(2)High THEY STILL KEPT COMING. SO I THEN FIRED THREE SHOTS INTO THE WINDSHIELD OF THE VEHICLE. THE VEHICLE CAME TO STOP WITHIN (b)(2)High METERS OF THE BUFFALO. THE DRIVER THEN PUT THE CAR IN REVERSE AND TRIED TO BACK AWAY. WHEN HE DID SO HE WENT OF THE ROAD AND GOT STUCK IN THE MUD AND THE CAR STALLED. I THEN GOT ON THE RADIO WITH TRAILBLAZER 26 AND TOLD HIM WE NEEDED A GUN TRUCK FOR SECURITY SO WE COULD MOVE UP TO THE VEHICLE AND SEARCH IT AND PROVIDE FIRST AID IF THERE WERE ANY CASUALTIES. AS WE MOVED UP TO THE VEHICLE I COULD HEAR A MAN SCREAMING AND COULD SEE HIM WALKING AROUND OUT SIDE OF THE VEHICLE. WE STILL WEREN'T SURE IF THE VEHICLE WAS A VBIED OR NOT SO WE TOLD HIM TO GET ON THE GROUND. WHEN WE KNEW IT WAS NOT THE MEDIC STARTED FIRST AID ON HIM. I WENT TO THE VEHICLE TO SEE IF THERE WERE ANYMORE PERSONEL INSIDE. I SAW A WOMEN IN THE FRONT SEAT. SHE WAS LIMP (b)(6) AND I ALSO SAW THE MAN IN THE BACK SEAT DIRECTLY BEHIND HER. HE WAS TRYING TO HOLD HER. I COULD TELL IMMEDIATELY SHE WAS DEAD. THE MEDIC ASKED IF THERE WERE ANYMORE CASUALTIES IN THE VEHICLE. I REPORTED TO HER THAT THERE WAS A DEAD WOMEN AND ANOTHER MAN IN THE BACK WHO WAS IN SHOCK. I YELLED TO THE GUNNER OF TRAILBLAZER 21 TO CALL THE 26 ELEMENT AND TELL HIM THAT WE NEEDED MEDIVAC, WE HAD 1 DEAD AND 1 URGENT. REQUEST WAS DENIED DUE TO MEDIVAC STATUS . I WAS TOLD THAT AN IRAQI AMBULANCE WAS ENROUTE. I THEN FOUND OUT THE MAN BEHIND THE WOMAN WAS HER HUSBAND. I THEN MADE SURE TO SEPERATE HIM FROM SIGHT OF HIS WIFE. HE WANTED TO MAKE A PHONE CALL TO HIS FAMILY. I TOLD HIM HE COULD BUT I MADE SURE THE INTERPRETER WAS LISTENING TO THE CALL. WE THEN TOOK PICTURES AND GOT DISTANCES OF WHERE EVERYTHING HAPPENED. IP SHOWED UP BEFORE THE AMBULANCE AND WANTED TO TAKE ALL 3 PERSONEL IN A PICKUP. THEY WOULD HAVE HAD TO PUT

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

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

STATEMENT OF

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

TAKEN AT

17:00 HRS

DATED

2006/01/26

9. STATEMENT (Continued)

THE WOMAN IN THE BED OF THE TRUCK. I TOLD THEM TO LEAVE HER THERE AND WE WOULD STAY UNTIL THE AMBULANCE ARRIVED. THE AMBULANCE CAME SHORTLY AFTER THE IP'S LEFT WITH BOTH MEN. WE THEN CONTINUED MISSION TO FOB NORMANDY. END OF STATEMENT (b)(3),(b)(6)

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

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

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

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

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3),(b)(6) TAKEN AT 17:00 hrs DATED 2006/01/26

9. STATEMENT (Continued) end of statement (b)(3),(b)(6)

*(This section is crossed out with a large X and contains four redacted boxes labeled (b)(3),(b)(6))*

**AFFIDAVIT**

I, (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

**WITNESSES:**

SSG (b)(3),(b)(6)  
(b)(3),(b)(6)  
(b)(3),(b)(6)  
ORGANIZATION OR ADDRESS  
PVT (b)(3),(b)(6)  
(b)(3),(b)(6)  
CCO 14TH EN BN  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of JAN, 06 at (b)(3),(b)(6) 1700  
(b)(3),(b)(6) (Administering Oath)  
(b)(3),(b)(6) (Typed Name of Person Administering Oath)  
136 (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

## Privacy Act Statement

The Privacy Act Statement requires that, whenever personal information is solicited from an individual and the information will be filed as to be retrievable by reference to the name or other personal identifier of the individual, the individual must be advised of the following information.

Authority for Soliciting the Information: I have been appointed by COI (b)(3),(b)(6) 55<sup>th</sup> CSB (ME), FOB Speicher, Iraq, to investigate the Escalation of Force incident on January 26, 2006. My findings and recommendations as to appropriate action will be included in my report to COI (b)(3),(b)(6) JAW AR 15-6.

Routine Uses: Routine uses that may be made of the information: Any information you provide may be disclosed to members of the Department of Defense who have an official need to know the information for the performance of their duties. In addition, the information may be disclosed to Government agencies outside the Department of Defense.

Disclosure is Voluntary: Providing the requested information is voluntary. There will be no adverse effect on you for not furnishing the information other than certain information might not otherwise be available to COI (b)(3),(b)(6) for his consideration in making a decision regarding this matter.

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

Name/Signature (Print Sign)

2006/27/01  
\_\_\_\_\_  
(Date)

**SWORN STATEMENT**

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|  |                                  |                              |                |
|--|----------------------------------|------------------------------|----------------|
| 1. LOCATION<br>C CO AREA, FOB WARHORSE                 | 2. DATE (YYYYMMDD)<br>2006/01/26 | 3. TIME<br>0100              | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME<br>(b)(3),(b)(6) | 6. SSN<br>(b)(3),(b)(6)          | 7. GRADE/STATUS<br>02/ACTIVE |                |

8. ORGANIZATION OR ADDRESS  
(b)(3),(b)(6) @US.ARMY.MIL OR (b)(3), (b)(6) @US.ARMY.SMIL.MIL

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

I was the patrol leader of 2/C's 0500 route clearance of (b)(2)High. The order of march was C502 (Buffalo), C516 (RG31), C26 & C23 (M1114s). (b)(2)High (b)(2)High

At approximately 0615 SG (b)(3),(b)(6) stopped the patrol at (b)(2)High to investigate a suspicious box on the south side of the road. After he stopped he started having radio problems and was unable to communicate with my vehicle. My vehicle conducted its (b)(2)High searches, (b)(2)High for C502 to investigate the box. We sat on site for about 10 minutes when C516 opened its rear door and put out the Markbot. I tried hailing C502 on the radio for a SITREP but was received no reply. The Markbot moved forward of C516 to investigate whatever C502 observed. Traffic started to thicken as we sat on the road. Up until this point, we had only passed a few civilian vehicles on the road so traffic was very light. While trying to hail C502 on the radio, I saw a vehicle approach from the east at a high rate of speed. I radioed for Buffalo to shine its spotlight at the car to wave it off. C502 finally replied on the radio that he was trying. I observed tracer fire from C502 at the car as it closed within (b)(2)High. The car stopped and turned around, as did all the traffic following behind it. As we continued investigation, cars continued to approach from the east, but with traffic turning around (b)(2)High from C502 and with C502 spotlighting the cars as they approached there was no problem having cars get too close to C502. A few minutes later another car fast approached from the east. I lost sight of it as it traveled behind view of C502, but I observed tracer fire again. A few moments later SG (b)(3),(b)(6) came on the radio and said that he needed a security vehicle in front of him immediately. C516 then pulled in front of C502 to pull security. I was trying to get a SITREP from C502 when a call went out on the radio for a medivac - one urgent and one KIA. I then called the medivac up to Bandit X-Ray. When Bandit X-Ray read the info back they said that I was east of CP 328. I then knew the grid I gave was wrong so I asked C23 to give me a grid (b)(2)High I then radioed the correct grid to Bandit X-Ray. 2L (b)(3),(b)(6) was typing the 9-line medivac request on the BFT when he saw that our vehicle icon was jumping all over the map and we concluded that C26's (b)(2)High must be on the fritz. LT (b)(3),(b)(6) completed the 9-line and compiled a SITREP for C Co and Rugged TOC. He sent both messages several times. Bandit X-Ray informed me that air medivac was red and that they were contacting JCCC to request a ground ambulance. I drove C26 up to the scene to assess if anything further needed to be done and to relay the medivac status to the Soldiers on the ground. SS (b)(3),(b)(6) the medic, was treating the driver of the civilian car, the husband who was in the rear seat was standing somewhat calmly by his injured friend. At around 0700 I marked the LZ with some white chemlights since it was still dusk and I figured that the ambulance would arrive shortly. I returned to the truck to give an update to C23 when he radioed he needed interpreter help with civilian traffic at his position. I returned to pickup the interpreter, but he was listening to the husband talk on his cell phone. I determined that listening to the conversation was more important so waited for him to finish. By then C23 had the traffic problem fixed and no longer needed the interpreter. SG (b)(3),(b)(6) placed the husband in C516 to separate him from his dead wife. He again wanted to use his cell phone so the interpreter went into C516 to listen. The IPs arrived in a single small pickup truck. To evacuate the casualty faster, the IPs took the driver and the husband to the Mugdadiyah hospital. They wanted to transport the woman's body in the back of the pick up, but that would not be sensitive to the husband so the patrol waited with three IPs until the ambulance arrived. The ambulance picked up the KIA. The patrol then waited for IP vehicles to arrive to transport the remaining three IPs. We didn't want to leave the IPs dismounted at the scene with out protection and transportation. After the IPs were picked up, the patrol CM to FOB Normandy.

*No Name follows*

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

|             |  |                   |
|-------------|--|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT<br>(b)(3),(b)(6) | PAGE 1 OF 1 PAGES |
|-------------|--|-------------------|

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9. STATEMENT (Continued)

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

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(b)(3),(b)(6)  
SSG  
C Co, 14 EN BN  
(b)(3),(b)(6)  
(b)(3),(b)(6)

FOB Warhorse, Iraq  
ORGANIZATION OR ADDRESS

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of JAN, 06 at 1151

(b)(3),(b)(6)  
(b)(3),(b)(6)  
(Typed Name of Person Administering Oath)  
136  
(Authority To Administer Oaths)

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

Name/Signature (Print/Sign)

27 Jan 06  
\_\_\_\_\_  
(Date)

007397

**SWORN STATEMENT**

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**PRIVACY ACT STATEMENT**

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|   |                                       |                               |                |
|---|---------------------------------------|-------------------------------|----------------|
| 1. LOCATION<br><i>F03 Warhorse</i>                          | 2. DATE (YYYYMMDD)<br><i>20060126</i> | 3. TIME                       | 4. FILE NUMBER |
| 5. LAST NAME FIRST NAME MIDDLE NAME<br><i>(b)(3),(b)(6)</i> | 6. SSN<br><i>(b)(3),(b)(6)</i>        | 7. GRADE/STATUS<br><i>E-4</i> |                |

8. ORGANIZATION OR ADDRESS  
*2nd ALC/14th EN BN*

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

*While investigating a possible IED on (b)(2)High, Sgt (b)(3),(b)(6) went to the back of the buffalo to pull security to our rear, while I kept eyes on the possible IED. During so I heard him shoot his m16 once, pause, shot again, pause, rapid fire afterwards I looked back to see what happened. I saw a car immediately behind the buffalo, it revved its engine a reversed back 100 meters, after words, Sgt (b)(3),(b)(6) the Medic and the 1st squad vehicle went up to it, to ~~order~~ give medical aid to anyone hurt.*

|             |   |                       |
|-------------|---|-----------------------|
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|-------------|---|-----------------------|

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9. STATEMENT (Continued)

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

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

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

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

Statement)

WITNESSES:

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

619 14 PLOVIN

ORGANIZATION OR ADDRESS

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

7/2/14 EN BN

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27 day of JAN, 06 at \_\_\_\_\_

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

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

(Typed Name of Person Administering Oath)

136

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE OF PAGES

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

20050127  
(Date)

007400