



REPLY TO
ATTENTION OF

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

FICI-JA-AL

FEB 19 2006

MEMORANDUM FOR RECORD

SUBJECT: Adoption and Approval of AR 15-6, EOF Incident – 205th MI BDE

1. On 27 January 2006, Soldiers of the 205th MI Brigade were involved in an EOF incident that resulted in the death of a local national female. Several days later on 31 January 2006, the Battalion Commander appointed an investigating officer to conduct an AR 15-6 investigation into the facts and circumstances surrounding the subject incident. The investigation was completed and received a legal review by the Brigade Judge Advocate on 5 February 2006.

2. Pursuant to MNC-I OPORD 05-02, FRAGO 183, EOF incidents that result in death are to be appointed and approved by me. I reviewed the enclosed AR 15-6 and conclude that it provides a sufficient account of the incident. For this reason, I ratify the appointment of the investigating officer and adopt and approve his findings and his recommendations to place a siren on lead convoy vehicles, to conduct additional EOF and ROE training, and to conduct training on follow-up measures to be taken after EOF incidents occur. However, I find that no further investigation is necessary.

3. POC for this action is MAJ [redacted] MNC-I Administrative Law at [redacted] @iraq.centcom.mil or DSN [redacted]

Encl
as

PETER W. CHIARELLI
Lieutenant General, USA
Commanding



MULTI-NATIONAL CORPS IRAQ

STAFF SUMMARY		CLASSIFICATION: SECRET U	DATE: 13 FEB 05
SJA			
Staff Section	Section Log #:	SJS Log	
TO: CG		SUSPENSE:	FROM: Adlaw, SJA
SUBJECT: CG adopt and approve the findings and one recommendation in 205 th MI BDE AR 15-6.		Action Officer: MAJ (b)(3)(b)(6) (b)(2) (b)(2)	
ISSUE/PURPOSE: CG sign memo adopting the findings and one of the recommendations of an EOF accidental death; SJA recommends concluding the investigation.			
BACKGROUND:			
ISSUE/CONCERNS: 205 th inadvertently initiated 15-6 based on an initial belief that the accidental death did not result from EOF.			
RECOMMENDATION: CG adopt findings, but cease any further investigation.			
ATTACHED DOCUMENTS: AR 15-6			
<p>REMARKS: Brief synopsis: On 27 Jan 06, a three vehicle convoy belonging to B Company, 250th MI BN traveled from Baghdad to Camp Delta in Al Kut. The convoy traveled a road that paralleled the Tigris River commonly referred to as (b)(2)High to bypass heavier traffic and because of the increased presence of IPs. This route had them pass over the Dam Bridge. The convoy waited for the IPs to clear the bridge by halting traffic from coming down the left lane and having the right lane pullover. The convoy made a right turn onto the bridge. As the first vehicle turned right to begin crossing the bridge in the left lane, the gunner in the first vehicle noticed that a (b)(6) four door pickup truck stopped in the right lane began turning its wheels indicating that it was about to enter the lane of travel. The gunner went through EOF measures (signaled with hands and arms, yelled to stop, and aimed his (b)(2)High at the truck's front, left tire). The pickup accelerated into the HMMWV's lane, hitting the front right end of the HMMWV with the driver side of the pickup truck. During the acceleration of the pickup, the gunner fired one shot at the tire, but due to the truck's sudden movements, the shot impacted into the lower center or right side of the back window. The driver then raised his hand where the gunner could see them, indicating that he would now cooperate. The HMMWV backed up so the pickup truck could go back to its original parked position. The IP motioned for the convoy to proceed over the bridge with rear members of the convoy seeing people, including adults and children, getting out of the truck. Approximately 24 hours later, the unit received word from the Poles that a woman may have been shot as a result of this EOF. The woman was the (b)(6) (b)(6). The Poles provided photos of the pickup truck that the woman was traveling in, which show a truck with clear windows and a bullet hole in the center of the rear seat. Approximately a week before this incident, a contractor's vehicle was hit by an IED in the same area. The convoy was aware of this and on a heightened state of alert.</p>			
IO's recommendations:		(b)(5)	
(b)(5)			



REPLY TO
ATTENTION OF

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

FICI-JA-AL

16 February 2006

MEMORANDUM FOR Commander, MNC-I, Camp Victory, Baghdad, Iraq, APO AE 09342

SUBJECT: AR 15-6 Investigation, EOF Incident Resulting in One Local National Death --
150th MI BDE

1. The Report of Investigation concerning the facts and circumstances surrounding aforementioned incident is legally sufficient. The findings of the Investigating Officer are supported by a preponderance of the evidence as contained in the exhibits. There were no material errors present which would affect the findings and recommendations.
2. Both the Investigating Officer and the Appointing Authority recommended that the incident be investigated further by interviewing the pickup truck driver, the Iraqi doctor who examined the body, and Iraqi policemen at the bridge. However, based on the investigation already conducted, the preponderance of the evidence indicates that the EOF resulted in the death of a female local national. While there may be differing accounts on the exact description of the white pickup truck and on the exact number of people in the white pickup truck, several members of the convoy remembered seeing additional people in the white pickup truck in addition to the driver. This fact, coupled with the fact that the gunner in the lead vehicle fired a one round into a white pickup truck, results in the logical conclusion that the round fired killed the local national female in the white pickup truck. Additionally, any TTPs that would be learned from this incident have already been captured.
3. The POC for this action is CPT (b)(3)(b)(6) at (b)(3)(b)(6) @iraq.centom.mil or at DSN (b)(2)

FOR THE STAFF JUDGE ADVOCATE:

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

MAJ, JA
Administrative Law

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

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(3)(b)(6)
(Appointing authority)

on 27 JAN 06 (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 Al Kut, Iraq at 1600
(Place) (Time)
on 01 Feb 06 (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.)

MAJ (b)(3)(b)(6) Investigating Officer

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 2100 on 03 FEB 06
(Time) (Date)
and completed findings and recommendations at 1800 on 04 FEB 06
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
FOOTNOTES: 1/ Explain all negative answers on an attached sheet. 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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

The following narrative is a summation of the facts given both orally and in writing from the soldiers involved in the incident which occurred on 27 January 2006. At approximately 1615 hours, (b)(2)High vehicle convoy was returning from Baghdad, Iraq and heading east-southeast along what is known as (b)(2)High to Al-Kut, Iraq. The convoy approached an intersection and had to make a right turn to cross what is known as the Dam Bridge. The oncoming traffic in the left lane was halted at the far end of the bridge and the lane cleared for passage. The convoy made the right turn, then proceeded in the left lane, passing a row of cars which had been halted. SPC (b)(3)(b)(6) the gunner in B19, the lead vehicle, saw the driver's side tire of a (b)(6) 4-door pickup, with what appeared to be tinted windows, turn to the left. SPC (b)(3)(b)(6) used hand and arm signals and yelled at the driver to stop and remain in position. Vehicle B19 does not have a siren in it. In SPC (b)(3)(b)(6) sworn statement, he claimed that no one other than a male driver was observed in the vehicle. SPC (b)(3)(b)(6) presented his (b)(2)High as a show of force, then took aim at the driver's side to disable the pickup if it showed aggressive steps to impede the procession of the convoy. The pickup truck driver ignored the warnings and show of force, then proceeded to quickly accelerate into the path of the convoy, causing B19 to strike the rear driver's side door. SPC (b)(3)(b)(6) fired a shot from his (b)(2)High intending to hit the tire of the truck. Due to the pickup's sudden acceleration, the shot missed its intended target and penetrated the back window. The Iraqi police motioned for the convoying vehicles to continue traveling, which they did, and an adequate investigation of the scene was never conducted by the soldiers in the convoy.

I am unable to prove with complete certainty that the shot fired from SPC (b)(3)(b)(6) (b)(2)High caused the death of the local national in question, (b)(6) due to insufficient and /or questionable evidence. The key pieces of evidence used were as follows:

1. sworn statements
2. photographs of a (b)(6) 4-door pickup truck
3. an Iraqi autopsy report
4. an Iraqi police report.

The vast majority of testimony concludes that a shot was fired by SPC (b)(3)(b)(6) which penetrated the rear window of a 4-door (b)(6) pickup truck. The occupants of SPC (b)(3)(b)(6) vehicle all described the pickup truck as having tinted windows which prevented the observance of passengers. SPC (b)(3)(b)(6) the gunner in the last vehicle, was facing to rear of the convoy and pulling security. He recalls seeing a woman exit the vehicle from the rear passenger seat then reach back in to retrieve a small child. He also recalls seeing a person exit from the driver's side back seat. The Polish MPs of the Multinational Division Central South Military Police Platoon provided photographs of a vehicle which show what appears to be a bullet hole penetrating the top of the rear seat cushion. A photograph of the rear seat shows a light red stain located on the passenger side. It appears that an attempt had been made to clean whatever caused the stain. The Polish MPs told us that they can produce the fired bullet, but it is unlikely that they will do so until we provide them with copies of sworn statements given by our soldiers. (b)(6) translated medical and police report both described her death as being caused by a gunshot wound to the lower back. Given the angle of the trajectory that appears in the vehicle photos, it seems unlikely that the bullet would have entered her lower back unless she moved forward.

After analyzing the evidence presented, I feel reasonably certain that the round fired from SPC (b)(3)(b)(6) (b)(2)High entered the rear window of the pickup truck. It also seems likely that the fired round would have hit the woman that SPC (b)(3)(b)(6) saw exiting from the right rear door of the vehicle. However, the following additional evidence should be acquired before a final determination can be made:

1. the bullet found in (b)(6) body for ballistics testing
 2. DNA testing of the red stain appearing on the back seat of the pickup truck
 3. an interview of the pickup truck driver by U.S. authorities
 4. an interview of the Iraqi doctor who performed the autopsy of (b)(6) by U.S. authorities
 5. an interview of the Iraqi Policeman who witnessed the accident by U.S. authorities.
- (see continuation sheet)

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

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

I, MAJ (b)(3)(b)(6) recommend that a board of officers be comprised to further the investigation and gather the additional evidence stated in my findings to confirm beyond a reasonable doubt that the death of (b)(6) was caused by the bullet fired by SPC (b)(3)(b)(6) I also recommend that as a minimum, the lead vehicle of all convoys have a siren present while traveling.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)	<div style="border: 1px solid black; width: 150px; height: 40px; margin: 0 auto; text-align: center;">(b)(3)(b)(6)</div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 5px;"> (Investigating Officer) (President) MAS </div>
(Member)	(Member)
(Member)	(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)	(Member)
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SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

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

After reviewing the facts I personally believe that the evidence collected so far points to the probable conclusion of the death of (b)(6). The fact that a body was never produced or photographed is not unusual in a country where the custom is to bury the deceased within 24-48 hours after death. The questionable evidence pointed out by the investigating officer revolves around the quality of the reports collected from the Iraqi officials. Again Iraq has different procedures from the United States and their methods for documenting accidents and deaths is not the same as what is required in the United States.

However, I also feel that the gunner SPO (b)(3)(b)(6) followed the ROE and EOF as prescribed by MNC-I (See Tab I and Section IV-Findings of the DA Form 1574). The fact that he was aiming at the drivers side front tire and then somehow hit the rear windshield of the truck is explainable once you understand that the two vehicles (HUMMWV and the (b)(6) pick-up) were both moving and then collided. Somewhere in between the motion of the two vehicles and their collision a shot was fired and in the process the gunners aim was thrown off. In my opinion SPO (b)(3)(b)(6) action was one of perceived self defense because he felt a threat to his vehicle and it's occupants. Eleven days prior to this incident a civilian contractors vehicle was hit by an IED approximately .5 miles on the same road from where this incident took place (See Tabs M and N). This fact was known by the team and probably increased their apprehension as they approached the bridge. Lastly, the team did not stop at the incident because they were waived through by the Iraqi Police and did not observe anyone wounded or hurt inside or outside of the vehicle.

I do not recommend

(b)(5)	(b)(5)
--------	--------

(See continuation sheet)

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

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

06 Feb 06

In order to determine whether or not ROE and EOF policies were violated, positive vehicle identification is required. The truck which appears in the Polish MP's photographs does not appear to have tint; therefore, it seems reasonable that other passengers should have been visible by SPC (b)(3)(b)(6) given the illumination at 1615 hours on 27 Jan 06. SPC (b)(3)(b)(6) should not have viewed a vehicle transporting a woman with a child as a threat and therefore not fired even a disabling shot upon it.

If the vehicle did have tinted windows as described by sworn testimonies, I believe that SPC (b)(3)(b)(6) reacted appropriately by firing a shot meant to disable the vehicle. An IED detonated approximately one mile from where the incident under investigation occurred on 18 Jan 06. Even though there were no recently reported VBIEDs in the area, the recent IED incident caused members of the team to be overly cautious while traveling in that particular area of Al-Kut. The pickup truck described by all occupants of SPC (b)(3)(b)(6) vehicle could fit the description of a vehicle used as a VBIED (b)(2) High.

SPC (b)(3)(b)(6) viewed the vehicle as exhibiting hostile intent and posing a threat to himself and the other soldiers in the convoy by attempting to pull out into the path of the convoy after using hand and arm signals, shouting verbal warnings, and presenting his (b)(2) High. His weapon was fired with the intent to disable the vehicle, not to injure the driver nor vehicle passengers.

Continuation sheet of DA Form 1574, SECTION VIII – ACTION BY APPOINTING
AUTHORITY , completed by LTC (b)(3)(b)(6) on 6 Feb 06

Future preventive measure should include:

1. The installation of sirens on HUMMWVS so local nationals can here the approach of Coalition Force vehicles.
2. Re-emphasis on EOF and ROE training.
3. More training on procedures for what to do after an EOF occurs and a local national is either wounded or killed.

Finally, a solatia like payment of \$2,500 was made on 28 Jan 06 by the Commanding General MND-CS (MG Czerwinski) to the Governor of the Al Kut province. This information was confirmed by COL (b)(3),(b)(6) (Corps LNO to MND-CS) VOIP: (b)(2) Efforts should be made to ensure that this payment was delivered to the husband of the (b)(6).



DEPARTMENT OF THE ARMY
HEADQUARTERS, 415th TACTICAL EXPLOITATION BATTALION
Camp Victory, Iraq
APO AE 09342



S: 7 February 2006

LANG-TCA-X

31 January 2006

MEMORANDUM FOR MAJ (b)(3)(b)(6) HSC 415th Tactical Exploitation battalion

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding a serious incident involving THT 819 and 805 of B CO, 415th TEB using escalation of force thereby resulting in the possible injury and death of a local national in the Al Kut area on 27 January 2006.
2. In your investigation, use informal procedures under AR 15-6. All witness statements will be sworn. From the evidence you will determine events leading up to the serious incident, proof of death of a local national and whether Rules of Engagement (ROE) and Escalation of Force (EOF) policies were violated.
3. Submit your findings and recommendations in four copies on DA Form 1574 to this headquarters, ATTN: LANG-TCA-Z within 7 days.

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

LTC, MI
Commanding

Chronology of investigation:

At approximately 011600 FEB 06, I arrived at Al Kut. I then proceeded to begin private questioning of the occupants of B19 as well as the gunners of the two follow-on vehicles.

At approximately 012100 FEB 06, two Polish MPs, one a 2LT and the other a 1LT, entered our building with documents as well as photographs that they were willing to provide to us to aid our investigation in return for sworn statements taken from our soldiers. SFC (b)(3)(b)(6) informed them that he would have to consult higher headquarters before releasing any documents.

At approximately 021000 FEB 06, the Polish MPs returned to inquire if we had been granted permission to release the sworn statements to them. They took an unclassified thumb drive from me and returned about two hours later with digital photographs of the pickup on it along with copies of an autopsy diagram and narrative and another document in Arabic. They informed us that rumors were being circulated that it was Polish forces that fired a weapon that killed an Iraqi woman.

At approximately 021200 FEB 06, SFC (b)(3)(b)(6) and I acquired a truck similar to the one that was involved in the accident and tried to reenact the events that took place as well as take photographs that would indicate the angle the bullet took as it entered the vehicle.

At approximately 022100 FEB 06, I concluded my investigation.

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 can accurately be identified
 ROUTINE USES: Your social security number is used as an additional means of identification to facilitate filing and retrieval
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Delta, Al Kut, Iraq	2. DATE (YYYYMMDD) 2006/01/30 (b)(3)(b)(6)	3. TIME 1800 (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-4/SPC	
8. ORGANIZATION OR ADDRESS B Company 415 th MI BN (TE), Camp Echo, APO AE 09332			

9. (b)(3)(b)(6) SPC (b)(3)(b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 27 JANUARY, 2006 AT APPROXIMATELY 1615 HLT, I, SPC (b)(3)(b)(6), WAS THE GUNNER IN THE LEAD VEHICLE IN A CONVOY LEAVING FROM BAGHDAD, IZ TO CAMP DELTA LOCATED IN AL KUT, IZ. I WAS ARMED WITH A (b)(2)High THE CONVOY APPROACHED A TWO LANE BRIDGE LOCATED ON A DAM IN THE CITY OF AL KUT WHEN A GROUP OF IRAQI POLICE IN CHARGE OF TRAFFIC CONTROL ON THE BRIDGE INDICATED FOR THE CONVOY TO STOP. THE IRAQI POLICE BEGAN TO CLEAR THE ONCOMING LANE OF VEHICLES FOR THE CONVOY TO CROSS THE CONGESTED BRIDGE QUICKLY. AFTER THE ONCOMING LANE WAS CLEARED AND FORWARD TRAFFIC WAS DIRECTED TO STOP AND REMAIN IN PLACE. THE IRAQI POLICE WAVE FOR US TO CROSS THE BRIDGE AND WE PROCEEDED IN THE LEFT LANE. DURING THIS TIME I WAS ALSO DIRECTING TRAFFIC USING HAND AND ARM SIGNALS AND VERBAL COMMANDS TO STOP. AS WE BEGAN TO CROSS THE BRIDGE I SAW THE DRIVERS SIDE TIRE OF A (b)(6) FOUR DOOR PICKUP WITH TINTED WINDOWS TURNING WHEELS TO A POSITION THAT WOULD ALLOW HIM TO CUT US OFF AND STOP OUR CONVOY. I SAW THAT THERE WAS A MALE DRIVER WITH HIS WINDOW DOWN TURNING HIS STEERING WHEEL TO THE LEFT. THE DRIVER WAS THE ONLY PERSON IN THE PICKUP. I USED HAND AND ARM SIGNAL AND YELLED STOP TO HIM TO KEEP THE DRIVER IN HIS CURRENT LOCATION. AT THAT TIME I TOOK AIM WITH MY (b)(2)High ON THE DRIVERS TIRE TO STOP THE PICKUP IF HE SHOWED AGGRESSION BY ACCELERATING AND BLOCKING THE CONVOY. THE DRIVER DISOBEYED MY HAND AND ARM SIGNALS AND MY VERBAL COMMANDS AND THE PICKUP ACCELERATED AT A HIGH RATE OF SPEED INTO OUR LANE AND MADE CONTACT WITH OUR M1114. AS THE DRIVER ACCELERATED AND IT WAS CLEAR THAT GOING TO GET IN OUR PATH I FIRED ONE SHOT FROM MY (b)(2)High AT THE TIRE. DUE TO THE DRIVER SUDDENLY MOVING THE SHOT IMPACTED AT THE LOWER RIGHT SIDE OF THE BACK WINDOW. AFTER THE ROUND WAS FIRED THE DRIVER PUT HIS HANDS UP WITH HIS PALMS FACING TOWARD ME TO SHOW THAT HE WOULD NOW COOPERATE. AT THE TIME SFC (b)(3)(b)(6) THE TC OF THE LEAD M1114 SAID TO STOP. AFTER SFC (b)(3)(b)(6) SAID TO STOP I RAISED THE BARREL OF MY (b)(2)High TO SHOW THAT I WAS NOT GOING TO FIRE AGAIN AS LONG AS HE WOULD COOPERATE. AFTER HE PUT HIS HANDS DOWN I GESTURED FOR HIM TO MOVE BACK. THE M1114 MOVED BACK APPROXIMATELY ONE FOOT AND THE (b)(6) PICKUP RETURNED TO ITS ORIGINAL POSITION IN ITS OWN LANE. THE IRAQI POLICE GESTURED FOR US TO MOVE ON. WE LEFT THE AREA SINCE AN IED HAD BEEN DETONATED IN THE IMMEDIATE AREA LESS THAN A WEEK AGO AND WE DIDN'T FEEL COMFORTABLE DISMOUNTING IN THAT AREA. WE CROSSED THE BRIDGE AND RETURNED TO CAMP DELTA. APPROXIMATELY TWENTY-FOUR HOURS AFTER THE INCIDENT OUR TEAM HEARD RUMORS THAT THE CONVOY HAD SHOT A FEMALE THAT WAS IN THE PASSENGER SEAT AND DIED FROM THE INJURIES LATER THAT AFTERNOON. I SAW NO OTHER PASSENGERS IN THE VEHICLE AND DID NOT SEE ANY (b)(3)(b)(6)

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

SPC

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

TAKEN AT

Camp Delta, Al Kut

DATED

2006/01/30

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

STATEMENT (continued)

(b)(3)(b)(6) STATEMENTS FROM THE DRIVER THAT THERE WAS ANYONE ELSE IN THE VEHICLE. NO FURTHER INFORMATION. (b)(3)(b)(6)

(b)(3)(b)(6) SPC Daniel, James (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 OF THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30 day of JANUARY 2006

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

(Signature of Person Administering Oath)

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

(Typed Name of Person Administering Oath)

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

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS
THTB19

Bco415
IMI TEB

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

(b)(3)(b)(6) (b)(3)(b)(6)
PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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 can accurately be identified.
ROUTINE USES: Your social security number is used as an additional means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Delta, Al Kut, Iraq	2. DATE (YYYYMMDD) 20060202 (b)(3)(b)(6)	3. TIME 2315 (b)(3)(b)(6)	4. FILE NUMBER
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5. LAST NAME FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E-4/SPC
--	------------------------	----------------------------

8. ORGANIZATION OR ADDRESS
B Company 250th MI BN (TE), Camp Echo, APO AE 09332

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

The vehicle in the photo provided by the Polish MPs does not look like the vehicle that our HMMWV stuck. The vehicle we struck was solid (b)(6) with no marking whatsoever and did not have any bars near the back of the window. The dent that is on the driver's side of the truck does not appear in the correct location either. I think that the dent was higher and a little bit closer to the front portion of the vehicle. I vividly recall the point of impact of the bullet as being at the lower right hand corner of the back window, not at the middle of the vehicle. Once the bullet made impact, the window cracked, but did not shatter and remained intact. The tint of the window as I recall was much darker than that of the vehicle in the photo. The broken glass that appears in the back of the truck in the photo does not appear to have any tint on in at all. The vehicle that I struck appeared much newer than the vehicle in the photo. END OF STATEMENT (b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	(b)(3)(b)(6)	PAGE 1 of 2 PAGES
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ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF (b)(3)(b)(6) TAKEN AT 2315 DATED 02 Feb 06

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

2315

Camp Delta, Al-Kut, Iraq

DATED

02 Feb 06

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

STATEMENT (continued)

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

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

NO FURTHER INFORMATION

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

(b)(3)(b)(6) SPC (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, WITHOUT UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(3)(b)(6)

WITNESSES

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

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

Subscribed and administered

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

Authorized by law to administer oaths 2006

(Signature)

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

(Typed Name of Person Administering Oath)

Investigating Officer (Authority To Administer Oaths)

THH 805, 415th MI TEB

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYYMMDD) 20060202	3. TIME 2147	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-4/SPC
8. ORGANIZATION OR ADDRESS B Company 250th MI BN (TE), Camp Echo, APO AE 09332				

9. (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 My back was turned to the wreck when it happened, because I was in the third vehicle and therefore providing rear security. The civilian vehicle that was struck by B19 was a four door (b)(6) truck with a thin red stripe on the side. I did not witness the HMMWV strike the civilian vehicle. The only thing I heard was the shot fired. When I turned to view the scene of the accident, there were people getting out of the vehicle. A female got out of the back right seat, and calmly reached back in to get a small child out of the back seat. There was a person that got out of the driver's side back seat and the driver as well. All of them got out calmly. An IP, who was in front of us, was waving us on, and pointing and saying something to the other vehicle. As we passed the vehicle, SFC (b)(3)(b)(6) heard on the radio that the shot was fired. END OF STATEMENT. (b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF (b)(3)(b)(6)"		TAKEN AT 2140 DATED 02 Feb 06

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED
 DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE

STATEMENT OF

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

TAKEN AT
2140

Camp Delta, Al-Kut, Iraq

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

DATED
02 Feb 06

STATEMENT (continued)

(b)(3)(b)(6) NO FURTHER INFORMATION.

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

(b)(3)(b)(6) SPC (b)(3)(b)(6) (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 FEAR, WITHOUT THREAT OF PUNISHMENT, WITHOUT COERCION,
UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. (b)(3)(b)(6)

WITNESSES

(b)(3)(b)(6) *PC*

(b)(3)(b)(6) *SPC*

(b)(3)(b)(6) *SGT*
RESS

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

Subscribed and sworn to before me and administered by law to (b)(3)(b)(6) 2006

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

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

Investigating Officer
(Authority To Administer Oaths)

THH 805, 415th MI TEB

ORGANIZATION OR ADDRESS

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

PAGE 3, DA FORM 2823, DEC 1998

(b)(3)(b)(6)
PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

AUTHORITY:

PRINCIPAL PURPOSE:

ROUTINE USES:

DISCLOSURE:

PRIVACY ACT STATEMENT

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

1. LOCATION

Camp Delta, Al Kut, Iraq

2. DATE (YYYYMMDD)

20060202

3. TIME

2218

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

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

6. SSN

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

7. GRADE/STATUS

E-4/SPC

8. ORGANIZATION OR ADDRESS

B Company 250th MI BN (TE), Camp Echo, APO AE 09332

9. (b)(3)(b)(6)

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

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

The vehicle in the photo taken by the Polish MPs does not fit my description of the vehicle, our convoy had struck. The vehicle we struck had a thin red stripe down the side and no bars on the rear window. END OF STATEMENT

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

10. EXHIBIT

11. INITIALS

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

PERSON MAKING STATEMENT

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

ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF

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

TAKEN AT

PAGE 1 OF 2 PAGES

2140

DATED

02 Feb 06

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00
USAPA V1.00

STATEMENT OF

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

TAKEN AT

Camp Delta, Al-Kut, Iraq

DATED

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

2140

3. STATEMENT (continued)

(b)(3)(b)(6) NO FURTHER INFORMATION.

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

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

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

SPC
SFC
SSG

(b)(3)(b)(6)
making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on _____ day of _____, 2006

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

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

Investigating Officer
(Authority To Administer Oaths)

THT 805, 415th MI TEB

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE (b)(3)(b)(6) PAGES

SWORN STATEMENT

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

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

PRIVACY ACT STATEMENT
Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
To provide commanders and law enforcement officials with means by which information can accurately be identified.
Your social security number is used as an additional means of identification to facilitate filing and retrieval.
Disclosure of your social security number is voluntary.

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYY MM DD) 2006/01/31	3. TIME 1800	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/SFC		
8. ADDRESS B Company 415 th MI BN (TE), Camp Echo, APO AE 09332				

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

(b)(3)(b)(6) 27 JANUARY 2006 AT APPROXIMATELY 1615, I, SFC (b)(3)(b)(6) WAS THE LEAD VEHICLE IN A CONVOY LEAVING FROM BAGHDAD GOING TO CAMP DELTA, AL KUT, IRAQ. AS WE APPROACHED THE MAIN INTERSECTION IN THE CITY OF AL KUT, WE WERE STOPPED BY IP'S SO THEY COULD CLEAR ALL ON-COMING TRAFFIC TO ALLOW US PASS THE DAM BRIDGE SAFELY. THERE WERE APPROXIMATELY FOUR OR FIVE IP'S DIRECTING TRAFIC AT THIS INTERSECTION. AFTER ALL ON-COMING TRAFFIC WAS CLEARED, THE IP'S SIGNALLED TO MY VEHICLE TO TAKE THE ON-COMING LANE, WHICH IS THE NORMAL PROCEDURE WHEN TRAFFIC IS CONGESTED ON THE BRIDGE. MY VEHICLE CLEARED THE TURN AND APPROACHED THE BRIDGE. THE TRAFFIC ON OUR RIGHT HAND SIDE WAS ORDERED TO STAY IN PLACE TO ALLOW US TO PASS SAFELY. THERE WAS A (b)(6) SMALL CREW CAB PICK-UP WITH TINTED WINDOWS AND A MALE DRIVER, ABOUT FOUR CARS TO OUR FRONT. AS WE APPROACHED THE BRIDGE, I NOTICED THE DRIVER, WHOSE WINDOW WAS DOWN, TURNING HIS STEERING WHEEL TO THE LEFT. I COULD ALSO SEE THE TIRES OF THE TRUCK TURNING TO THE LEFT. SFC (b)(3)(b)(6) WAS THE GUNNER OF MY VEHICLE. HE WAS (b)(2)High TO STOP THE PICK-UP AND YELLING STOP. AFTER SEEING THE DRIVERS WHEELS TURNING, THE GUNNER DREW DOWN WITH HIS (b)(2)High ON THE DRIVERS SIDE FRONT TIRE. THE DRIVER OF THE PICK-UP, AFTER DISOBEYING ALL ORDERS GIVEN BY THE IP'S AND THE GUNNER, ACCELERATED AT A HIGH RATE OF SPEED AND TURNED INTO THE RIGHT FRONT CORNER OF THE BUMPER OF MY M114. AT THE MOMENT THE PICK-UP ACCELERATED, MY GUNNER FIRED ONE ROUND, BECAUSE THE DRIVER ACCELERATED, THE POINT OF AIM CHANGED AND THE ROUND FROM THE (b)(2)High WENT INTO THE BOTTOM RIGHT HAND CORNER OF THE REAR WINDOW. AFTER IMPACT, THE DRIVER WAS LOOKING DIRECTLY AT ME WITH BOTH HANDS UP AND HIS PALMS FACING ME AS IF TO SAY HE WAS NOT PASSING A THREAT. I RETURNED THE GESTURE WITH BOTH OF MY HANDS AND YELLING TO EVERYONE IN THE VEHICLE TO STOP. THE DRIVER OF THE PICK-UP THEN, PUT HIS HANDS DOWN AND I DID THE SAME. MY DRIVER BACKED UP ABOUT ONE FOOT AND THE DRIVER OF THE PICK-UP BACKED HIS TRUCK INTO THE POSITION THAT THE IP'S HAD ORIGINALLY ORDERED HIM TO STAY IN. DUE THE OVERLY CONGESTED AREA AND THE FACT THAT AN IED WENT OFF LESS THAN ONE MILE FROM THIS LOCATION, I DID NOT FEEL IT WAS SAFE TO STOP THE CONVOY ANY LONGER OR TO GET OUT OF THE VEHICLES. THE IP WHO WAS STANDING ON THE SIDE OF THE ROAD NEAR THE VEHICLE MOTIONED FOR (b)(3)(b)(6) CONTINUE ON, SO I TOLD MY DRIVER TO CROSS THE BRIDGE AND CONTINUE TO CAMP

10. EXHIBIT	11. INITIALS (b)(3)(b)(6)	TAKEN AT (b)(3)(b)(6)	PAGE (b)(3)(b)(6)	DATED (b)(3)(b)(6)
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND PAGE NUMBER MUST BE INDICATED

STATEMENT OF

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

TAKEN AT

Camp Delta, Al Kut

DATE
2006

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

STATEMENT (continued)

(b)(3)(b)(6) TA. TWENTY-FOUR HOURS AFTER THE INCIDENT MY INTERPRETER RECEIVED A PHONE CALL FROM A LOCAL LEADER IN TOWN. HE TOLD MY INTERPRETER THAT A WOMAN WAS ALSO IN THE VEHICLE AND SHE DIED FROM THE GUN SHOT. HE ALSO SAID THAT THERE WAS NO ROUND FOUND AND THAT THE BODY OF THE WOMAN WAS ALREADY BURIED IN NAJAF AND THAT THEY DID NOT KNOW WHERE THE (b)(6) PICK-UP WAS TO LOOK AT FOR EVIDENCE. NO FURTHER INFORMATION

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

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

ON PAGE 2

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

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE 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 UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

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

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

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

(b)(3)(b)(6)
SEC
SFC

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

ORG
THT819

Bco415
M: TEB

CPL MAURITZ, RYAN

(Typed Name of Person Administering Oath)

UCO THT 819
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS (b)(3)(b)(6) ING STATEMENT

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

PAGE 3 OF FORM 2823, DEC 1998

PAGE

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 can accurately be identified.
ROUTINE USES: Your social security number is used as an additional means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Delta, Al Kut, Iraq	2. DATE (YYYYMMDD) 20060202	3. TIME 2005	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)	7. GRADE/STATUS E5	

B Company 250th MI BN (TE), Camp Echo, APO AE 09332

(b)(3)(b)(6), (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 On Friday, 27 January 2006, at approximately 1615, we were returning from Baghdad enroute to Al Kut. I was the gunner of the 2nd vehicle in our three vehicle convoy. As we were making a right turn to cross the bridge which crosses a dam, I was making sure traffic was stopped at the intersection. In the process of stopping the traffic, I heard a shot fired from the first vehicle, B-19. When I looked, I saw that a (b)(6) four-door pick-up truck had been struck after pulling in front of B-19 and was wedged up against another car. As my vehicle continued moving past the pick-up involved in the accident, I noticed a bullet hole at the bottom center of the rear window. I also saw that there were at least two children in the vehicle along with several adults. I was able to make eye contact with these people and observed that all looked OK. By this time, an Iraqi policeman (IP) had approached the vehicle and it appeared that he was asking the driver what had transpired. The IP did not act as if anyone had been injured. END OF STATEMENT (b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	(b)(3)(b)(6)
ADDITIONAL PAGES CONTAIN THE HEADING 'STATEMENT OF (b)(3)(b)(6)		TAKEN AT 2005 DATED 2 FEB 06

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
2006

Camp Delta, Al-Kut, Iraq

(b)(3)(b)(6)
DATED
2 FEB 06

9. STATEMENT (continued)

(b)(3)(b)(6) **FURTHER INFORMATION**

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

(b)(3)(b)(6) (b)(3)(b)(6) (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. *SFC*

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

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

SFC
SPC

THT 805, 415th MI TEB

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3, DA FORM 2823, DEC 1998

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

(Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, on this _____ day of _____, 2006.

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

(Administering Oath)

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

(b)(3)(b)(6) (b)(3)(b)(6)
PAGE 2 OF 2 PAGES

USAPA V1.00

SWORN STATEMENT

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

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 can accurately be identified.

ROUTINE USES:

Your social security number is used as an additional means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

PRIVACY ACT STATEMENT

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYYMMDD) 20060202	3. TIME 2103	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)		6. SSN (b)(3)(b)(6)		7. GRADE/STATUS E5
8. ORGANIZATION OR ADDRESS B Company 250 th MI BN (TE), Camp Echo, APO AE 09332				

9. (b)(3)(b)(6) I, (b)(3)(b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 After observing the pictures taken of the supposed pickup truck that was shot, I feel that this is not the truck that I saw fired upon by SPC (b)(3)(b)(6). To the best of my recollection, the truck that was fired upon was a (b)(6) 4-door pickup with a stripe which ran down the side. I cannot state with any degree of certainty what the color of the stripe was. The truck also did not have anything around the back window like the bars that appear in the photo. END OF STATEMENT (b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	(b)(3)(b)(6)
ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF (b)(3)(b)(6)		PAGE 1 of 2 PAGES
TAKEN AT 2005		DATED 2 FEB 06

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
2103

Camp Delta, Al-Kut, Iraq

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

DATED
2 FEB 06

9. STATEMENT (continued)

(b)(3)(b)(6) NO FURTHER INFORMATION (b)(3)(b)(6)

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

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

SPC

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

SPC

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

SPC

ORGANIZATION OR ADDRESS

THT 805, 415th MI TEB

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3, DA FORM 2823, DEC 1998

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

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, on _____ February, 2006

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

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

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

(Typed Name of Person Administering Oath)

Investigating Officer

(Authority To Administer Oaths)

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

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

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 can accurately be identified.
ROUTINE USES: Your social security number is used as an additional means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYYMMDD) 20060203 (b)(3), (b)(6)	3. TIME (b)(3)(b)(6) 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6)		6. SSN (b)(3)(b)(6)		7. GRADE/STATUS E6
8. ORGANIZATION OR ADDRESS B Company, 415 th MI BN, Camp Echo, APO AE 09332				

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

While approaching the Dam Bridge in Al-Kut, the traffic had stopped. The Iraqi Policeman had stopped the civilian traffic and was giving our convoy hand signals to proceed around the stopped civilian traffic. As the lead vehicle proceeded around the stopped traffic, a civilian pickup truck pulled out directly in front of the HMMWV, causing it to strike the pickup on the driver's door. I saw the gunner pointing his weapon in an aggressive manner, but did not hear a shot. The HMMWV then reversed. The civilian truck reversed to allow the convoy to pass. An IP walked in front of our HMMWV to the pickup truck. As our HMMWV passed the civilian pickup, I saw other occupants in the vehicle. There was no panic or anything in the civilian vehicle. The only occupants that stood out in the vehicle were a small child and the driver. The small child stood out because at that time I knew a shot had been fired and the driver because I was staring at him as my vehicle passed by the civilian truck.

END OF STATEMENT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 of 4 PAGES 1400	DATED 20060203
ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF SSG (b)(3)(b)(6) TAKEN AT			

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED
DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00

STATEMENT OF

SSG

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

TAKEN AT

(b)(3)(b)(6)
1400

DATED

20060203 (b)(3)(b)(6)

STATEMENT (continued)

(b)(3)(b)(6) NO FURTHER INFORMATION (b)(3)(b)(6)

(b)(3)(b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND
EN I 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)

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

(b)(3)(b)(6) (Statement)
Subscribed and sworn to before me, a person authorized by law to
administer oaths (b)(3)(b)(6) 2006
(b)(3)(b)(6) (ath)

B Co., 415th MI TEB

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

Investigating Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

(b)(3)(b)(6) (b)(3)(b)(6)
PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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 can accurately be identified.
ROUTINE USES: Your social security number is used as an additional means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYYMMDD) 20060203 (b)(3)(b)(6)	3. TIME 1105 (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 SGT/E5
8. ORGANIZATION OR ADDRESS B Company, 250 th MI BN (TE), Camp Echo, APO AE 09332				

9. (b)(3)(b)(6), (b)(3)(b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 I approximately 1600 on 27 January 2006, I was driving the third vehicle in the convoy, B-17, en route to Camp Delta, Al Kut, Iraq. As we approached the intersection on the near side of the dam from (b)(3)(b)(6), the two vehicles in front of me came to a stop. I stopped approximately (b)(2)High behind the second vehicle and waited for the Iraqi Police officers to clear traffic from the intersection and the bridge. I saw the Iraqi Police officers gesture for the convoy to proceed, and the two vehicles in front of us began to move forward. I moved my vehicle forward as well, but the other two vehicles stopped before I reached the intersection. I watched one Iraqi Police officer run past my vehicle to get where the first vehicle stopped, and my truck commander, SFC (b)(3)(b)(6) asked if someone had just fired. The Iraqi Police officer then gestured us forward, and the two preceding vehicles continued onto the bridge. I followed in the third vehicle and as we drove past a truck, SFC (b)(3)(b)(6) stated, "There's a bullet hole in the window." We continued past the truck, but I did not see the truck or any of its occupants. I did not see the collision, and I did not see the shot fired. I can provide no further pertinent information concerning this incident. END OF STATEMENT. (b)(3)(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6)		(b)(3)(b)(6)
ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF SG (b)(3)(b)(6)		PAGE 1 OF 2 PAGES	TAKEN AT 1105 DATED 20060203

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00
USAPA V1.00

9. STATEMENT (continued)
NO FURTHER INFORMATION.

I, (b)(3)(b)(6) (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, WITHOUT UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT, AND WITHOUT COERCION.

WITNESSES

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

SSG

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

[Signature]

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

Subscribed
administered

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

by law to
2006

B Co., 415th MI TEB

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

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

Investigating Officer
(Authority To Administer Oaths)

PAGE

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

PAGES

SWORN STATEMENT

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

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 can accurately be identified.

ROUTINE USES:

Your social security number is used as an additional means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

PRIVACY ACT STATEMENT

1. LOCATION Camp Delta, Al Kut, Iraq	2. DATE (YYYYMMDD) 20060203 (b)(3)(b)(6)	3. TIME 1400 (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 E7	
8. ORGANIZATION OR ADDRESS B Company, 415 th MI BN, Camp Echo, APO AE 09332			

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

On 27 July 2006, at approximately 1610 my convoy was involved in an escalation of force with property damage. I was the Commander of a three M114 Gun-truck convoy, positioned in the front passenger seat of the third M114 Gun-truck. I had directed the route of travel from Camp Victory, Baghdad, IZ to Camp Delta, Al Kut, IZ and briefed the route to both Truck Commanders. When we entered the city limits of Al Kut, IZ a decision was made to travel the road which parallels the Tigris river and bypasses the heavier traffic on the main road. This road is known as (b)(2)High due to the large presence of Iraqi Police guarding the road. In route to the Dam Bridge, my convoy was stopped at the turn because of heavy traffic on the Bridge. An Iraqi Police officer used hand signals to halt my convoy while he cleared the on-coming traffic off the Bridge. The Iraqi Police officer then signaled for the convoy to move forward across the Bridge. The lead vehicle began to move forward and I started scanning the vehicles to my right that we were passing. At approximately 1610 I heard a gunshot and asked who shot? The driver of my Gun-truck stated "it was not a gunshot", but the gunner said "yes it was". I radioed forward asking who shot? The Truck commander of the second M114 Gun-truck responded "we did", just as my vehicle passed a (b)(6) pickup truck. The truck was backing up on the concrete medium that separates the right and left lanes of the Bridge. I could see the rear window of the truck and clearly saw a bullet hole in the right bottom quarter of the rear window. The rear window of the (b)(6) pickup truck was shattered but still in place. I could not see into the vehicle. I could not tell whether or not the windows were tinted. I radioed again and asked if anyone in the vehicle had been injured? The Truck commander of the first M114 Gun-truck responded, he did not believe anyone was injured because the driver motioned with his hands then backed away from the convoy. When we arrived at Camp Delta, the incident was discussed, and I directed SFC (b)(3)(b)(6) to contact the OMT and write a serious incident report with as much detail as possible. END OF STATEMENT

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

10. EXHIBIT	11. INITIALS (b)(3)(b)(6)	PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 of 2 PAGES
ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF SFC (b)(3), (b)(6)		TAKEN AT 1400	DATED 20060203

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED
DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE USAPA V1.00 USAPA V1.00

STATEMENT OF

SFC

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

TAKEN AT

1400

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

DATED

20060203 (b)(3)(b)(6)

9. STATEMENT (continued)

NO FURTHER INFORMATION (b)(3)(b)(6)

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

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

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. THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES

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

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

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

Subscribed and sworn to before me and administered by law to (b)(3)(b)(6) on 2006

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

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

Investigating Officer
(Authority To Administer Oaths)

B Co., 415th MI TEB

ORGANIZATION OR ADDRESS

INITIAL (b)(3)(b)(6) ON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYYMMDD) 20060203 (b)(3)(b)(6)	3. TIME 1400 (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 E7
8. ORGANIZATION OR ADDRESS B Company, 415th MI BN, Camp Echo, APO AE 09332				

9. **MAKE THE FOLLOWING STATEMENT UNDER OATH:**
After viewing the photographs, provided by the Polish MPs, of a pickup truck that was supposedly involved in the incident with my convoy, I conclude that it is not the same vehicle. I clearly saw the rear window of the truck with the bullet entry hole in the right quarter of the rear window. In addition, there were no metal bars covering the rear window of the white pickup truck involved in the incident. **END OF STATEMENT**
(b)(3)(b)(6)

10. EXHIBIT	11. INITIAL (b)(3)(b)(6)	PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 of 2 PAGES
ADDITIONAL PAGES CONTAIN THE HEADING "STATEMENT OF		SFC (b)(3)(b)(6)	TAKEN AT 1400 DATED 20060203
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED			

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00
USAPA V1.00

STATEMENT OF

SFC

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

TAKEN AT

1400

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

DATED

20060203

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

9. STATEMENT (continued)

(b)(3)(b)(6) NO FURTHER INFORMATION (b)(3)(b)(6)

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

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

I, RANDALL S. COPE 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 THE INFLUENCE OF ANY OTHER PERSON, WITHOUT UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

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

Subs
admi

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

Authorized by law to
ary 2006

(Signature of Person Administering Oath)

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

Investigating Officer
(Authority To Administer Oaths)

B Co., 415th MI TEB

ORGA (b)(3)(b)(6) DDRESS

INITIALS OF PERSON MAKING STATEMENT

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

SWORN STATEMENT

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

AUTHORITY:
PRINCIPAL PURPOSE:
ROUTINE USES:
DISCLOSURE:

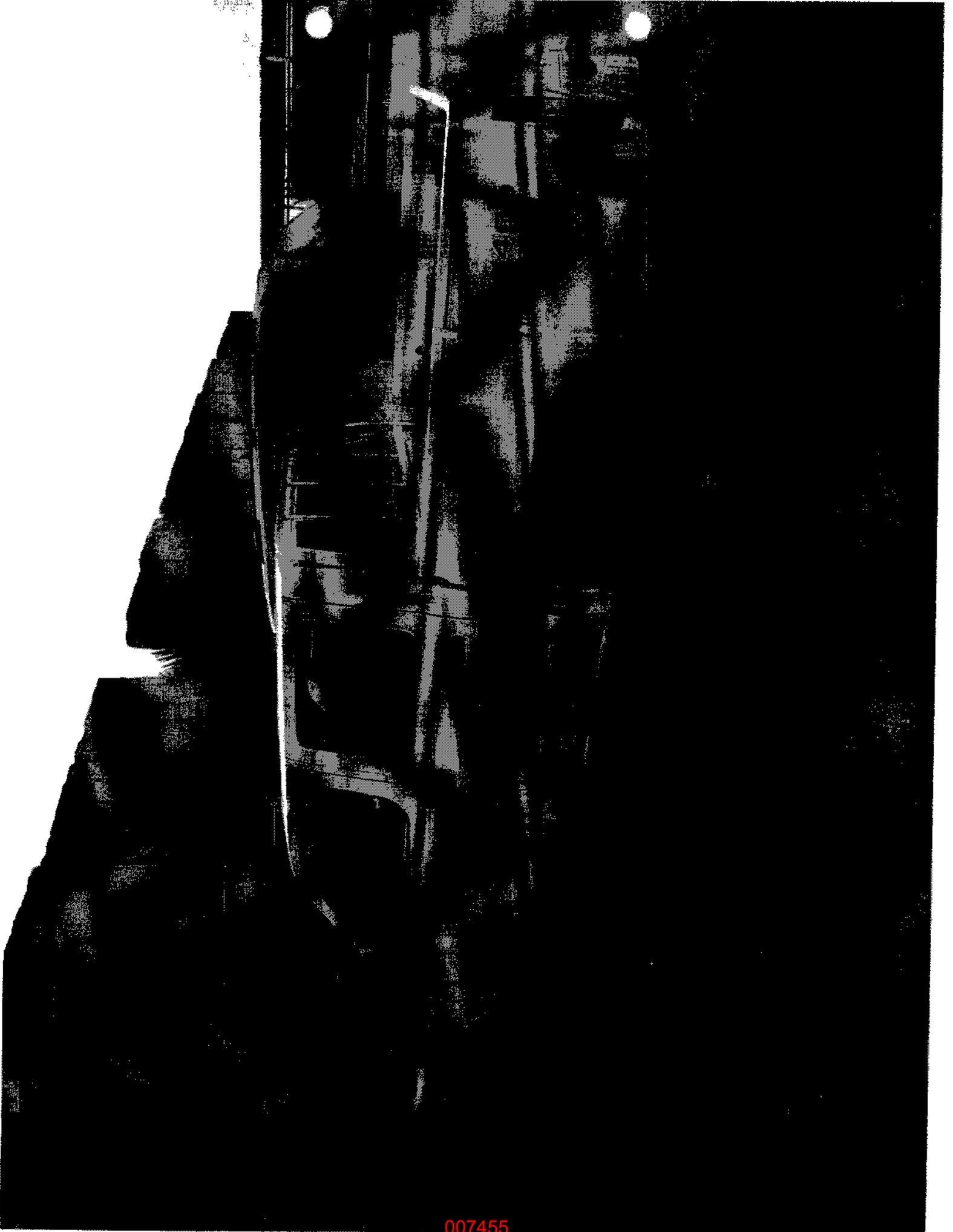
PRIVACY ACT STATEMENT
Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
To provide commanders and law enforcement officials with means by which information can accurately be identified
Your social security number is used as an additional means of identification to facilitate filing and retrieval.
Disclosure of your social security number is voluntary

1. LOCATION Camp Delta, Al Kut, Iraq		2. DATE (YYYYMMDD) 2006/01/30	3. TIME 1800	4. FILE NUMBER (b)(3)(b)(6)
5. LAST NAME FIRST NAME (b)(3)(b)(6) ME		6. SSN (b)(3)(b)(6)		7. GRADE/STATUS E-4/SPC
8. ADDRESS B Company 415 th MI BN (TE), Camp Echo, APO AE 09332				

I, SPC (b)(3)(b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
ON 27 JANUARY 2006 AT APPROXIMATELY 1615, I, SPC (b)(3)(b)(6) WAS THE DRIVER FOR THE LEAD VEHICLE IN A CONVOY LEAVING FROM BAGHDAD GOING TO CAMP DELTA, AL KUT, IRAQ. AS WE APPROACHED THE TURN TO THE DAM BRIDGE, THE IP'S SIGNALLED FOR ME TO STOP SO THEY COULD CLEAR ALL ON-COMING TRAFFIC TO ALLOW US PASS THE DAM BRIDGE SAFELY. AFTER ALL ON-COMING TRAFFIC WAS CLEARED. THE IP'S SIGNALLED TO MY VEHICLE TO TAKE THE ON-COMING LANE TO THE BRIDGE. AS I WAS TURNING ON TO THE BRIDGE, A FOUR DOOR (b)(6) TRUCK PULLED OUT IN FRONT OF ME. I HIT THE DRIVER'S DOOR OF THE TRUCK. I HEARD A SHOT FIRED BUT DID NOT SEE WHERE THE SHOT ENTERED. I BACKED THE M1114 UP SO THAT THE DRIVER COULD MOVE OUT OF THE WAY. SPC (b)(3)(b)(6) TOLD ME TO GO SO I CONTINUED THE ROUTE BACK TO CAMP DELTA.

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

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



007455



007456



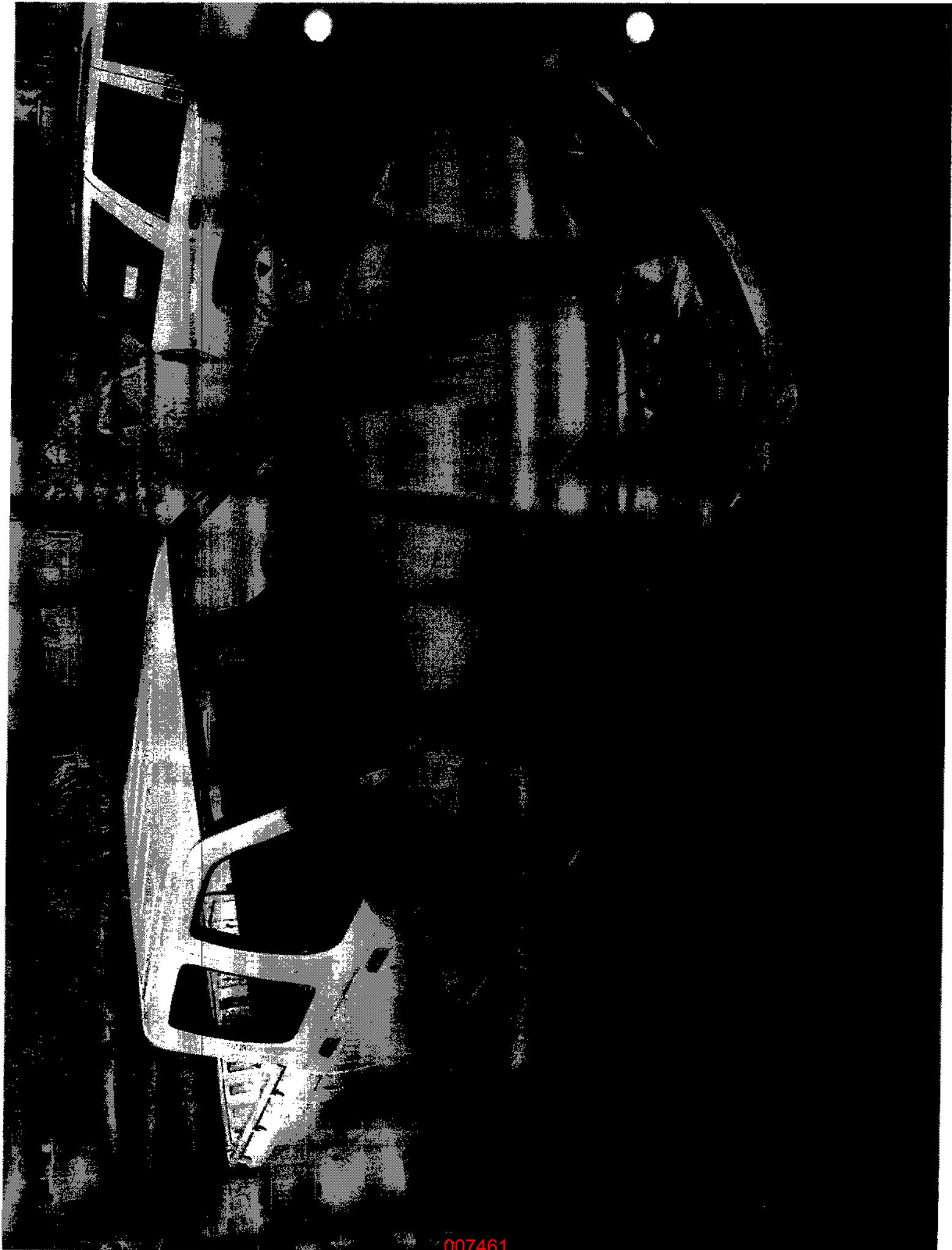
007457







(b)(6)



007461



007462

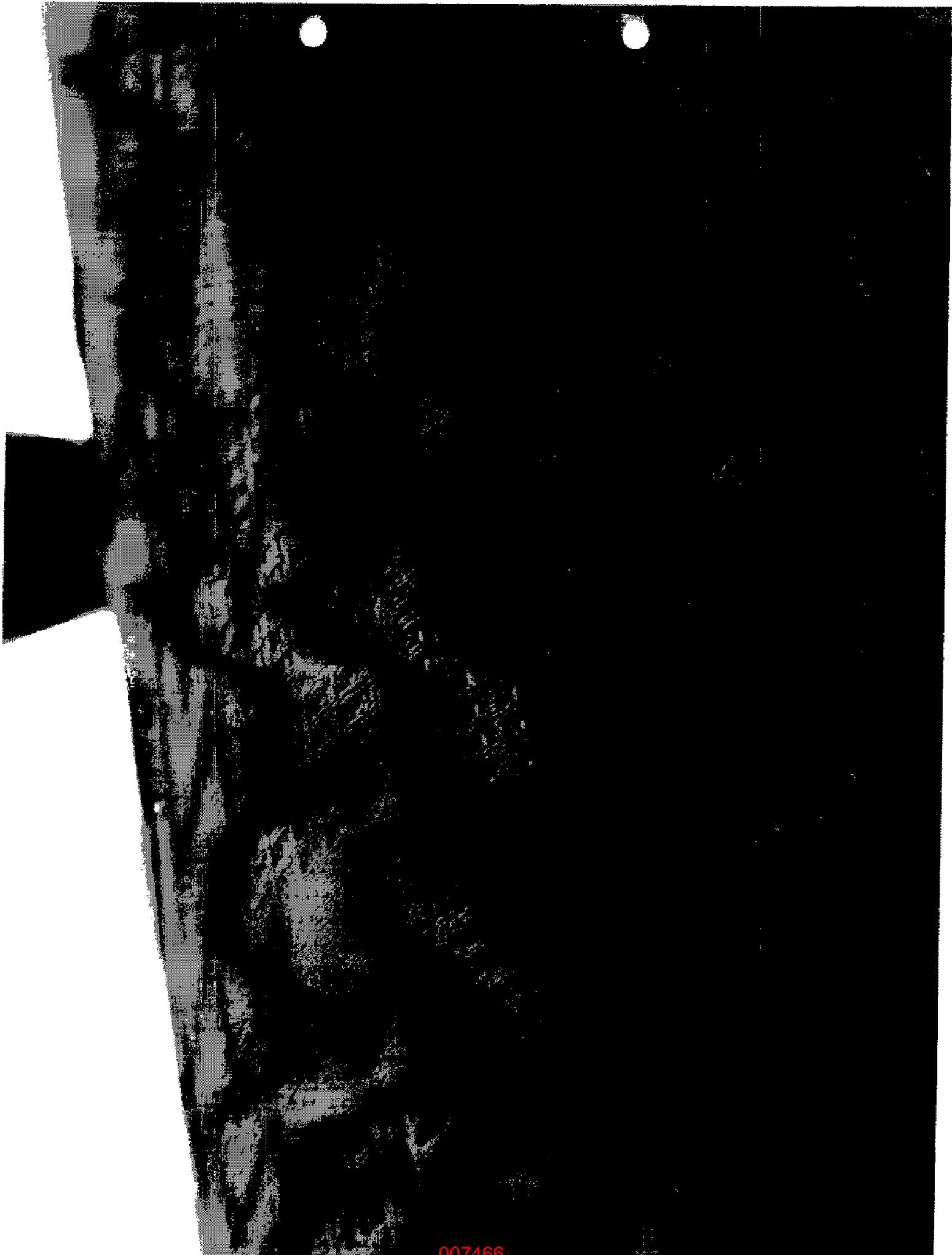


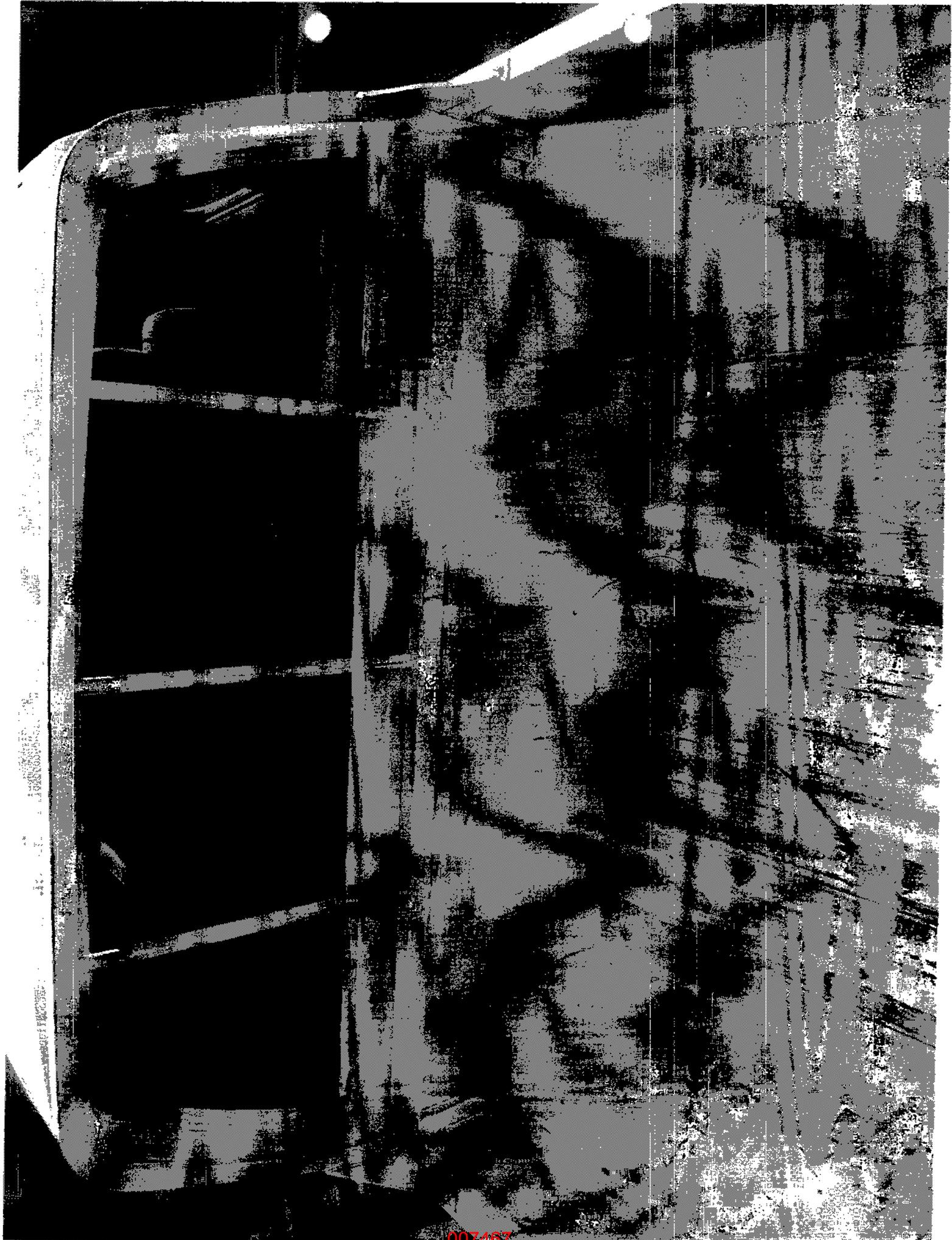
007463



007464

007465





007467





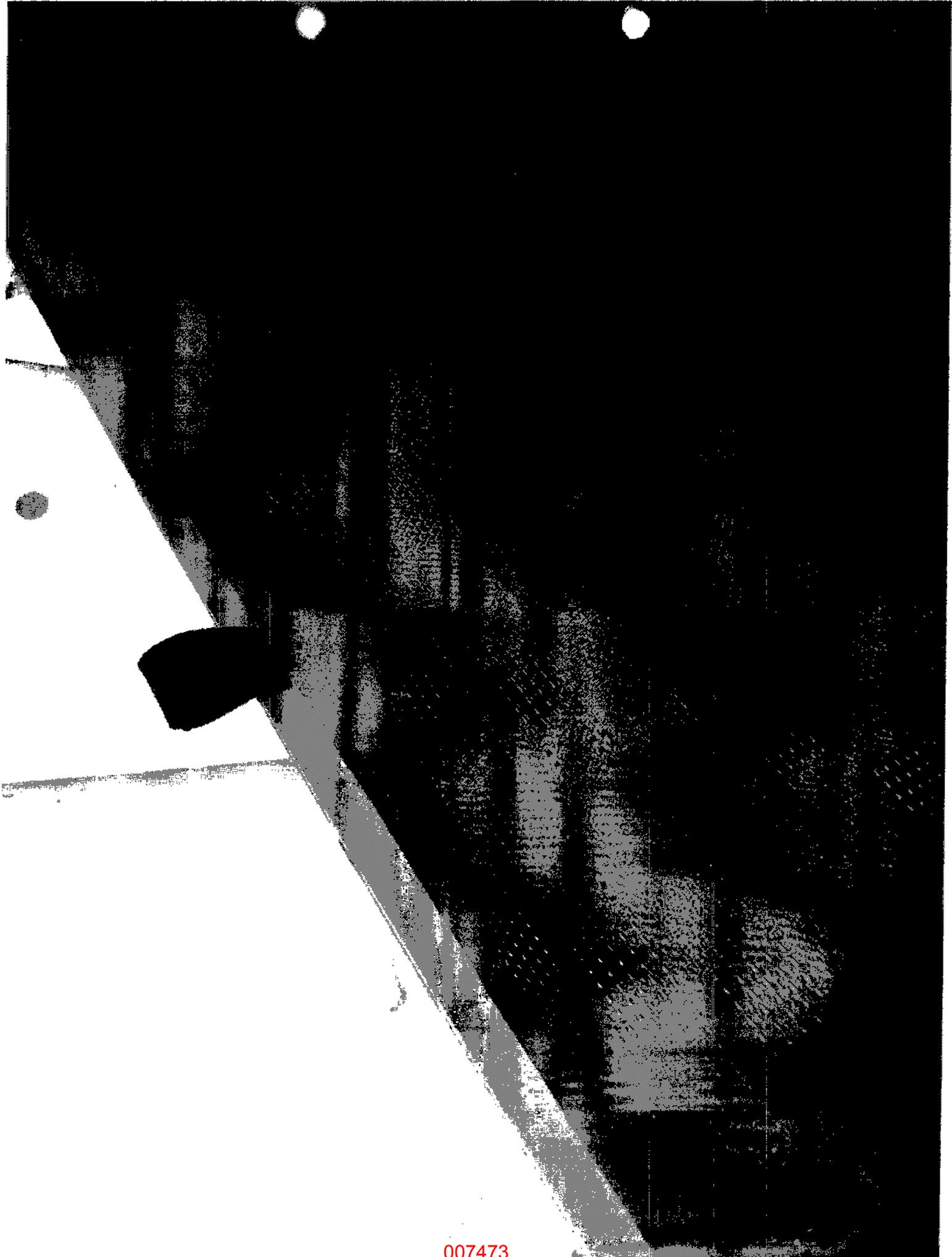
007470



007471



007472



007473

This is a re-enactment photo taken to show the possible trajectory angle from the gunner's turret.



It appears from the x-rays that we found small fragments in the back, as it is shown in the upper picture. The cause of the Death was a gun shot went into the organ.

Not a translation: (the bullet entry was above the right hip as depicted in the left picture)

Page 56 redacted for the following reason:

Foreign Language Text

In the name of God and all of his merciful.

To: Coalition Forces Commander/ Diwaniyah
Sincerely.

Subject: Accident

On Friday, 27 January 2006, at 1600, in a (b)(6) 2003 Nissan government pickup truck, with no license plate, was driven by (b)(6). The vehicle was carrying the family of the governor, and one of the governor's maids. The vehicle was shot after it was hit by a hummer (We do not know who the hummer belonged to) at Al-Kut Bridge. As a result of the accident, the maid, (b)(6) was killed, disturbed the governor's family members, and damaged the vehicle. We would like you to take the necessary investigations with this accident.

Wassit Governor

(b) (6)

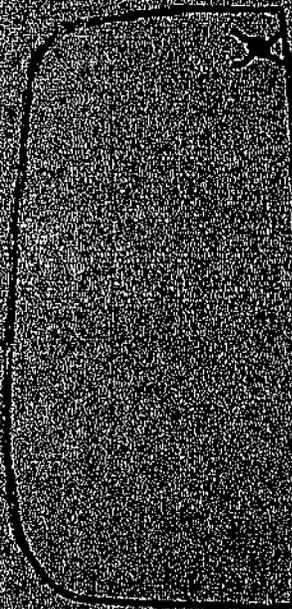
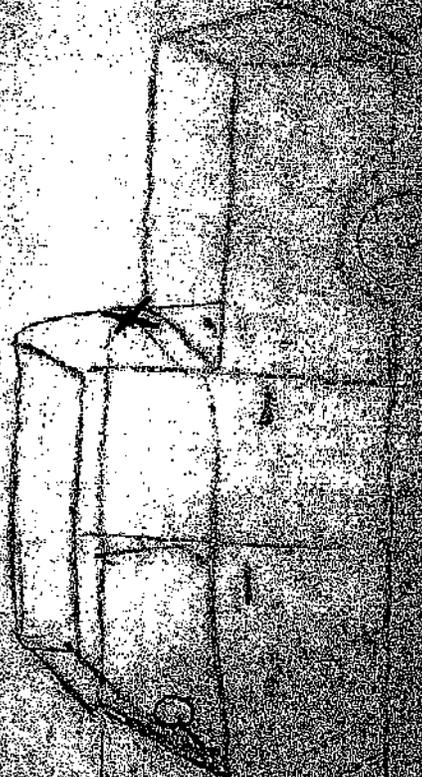
28 January 2006

Page 58 redacted for the following reason:

Foreign Language Text, (b)(6)

11 01 2006 11 17





View of

30-01-2006

Pages 61 through 62 redacted for the following reasons:

(b)(2)High

①

K & police station

Expose of incident Area

- 1- The place is located (b)(2)High far from the Al-baldah police station.
- 2- The incident was the truck (Pickup) 4 doors got shoot by American patrol, when the patrol was coming from opposite direction.
- 3- It look like got shoot from the rear window of the vehicle and went the ballit through the rear seat.
- 4- I didn't see anything else that helps the investigation.

②

Al-Kut police
Station
1/27/2006

Mr. Investigating Magistrate Honorable

- * We got information that ~~there~~ there is a woman got shoot by American forces, and she is recently in General Al-zahra hospital, according to that we went to the hospital and we found out that she died and her name is (b)(6) (b)(6) years old, and they checkup the dead body, and all the information (forms) are attached to informing with our regards.
- * We wrote down the speech of her husband (b)(6). The speech attached to informing.
- * Attaching the expose and the sketch of the incident for initiation.
- * Attaching the necropsy indication under number (b)(6) on 1/27/2006.
- * Attaching Medical report for the dead body for informing and concerning with regards

The officer

- ① 1 Study the proceeding and the sketch of the incident and necropsy indication.

③

- ② attached medical report
- ③ get going for personal affairs
- ④ for informing the deputy of prosecutor.

2/ Mr. Investigating Magistrate Honorable
Greeting

Please, we asking for your approval to
have a copy of the investigation forms
for the grievant ([redacted]) the
husband of victim ([redacted])
for sending them to Coalition forces.

with many respect
and regards

[redacted]
(b)(6)

The officer

I studied and provide her
copies of investigation papers

The escort magistrate

5

Kut police Station
1/27/2006

Proces-Verbal

The Statement of the grievant ([redacted])
[redacted] (b)(6) [redacted] (b)(6) - born in [redacted] (b)(6), lives
in Kut - Hai Al-Jihad - The mayor, name is
[redacted] (b)(6) - and his job is a gainer, and
his Statement is as follow:-

At 5:00pm at ^{the} same day, I was in my home in
[redacted] (b)(6), I informed by one person that my
wife get shoot by American Forces, and she is
in Emergency room. So after that I went to
the hospital and I found out that she died,
then we took her to AL-Zahraa hospital.

I presentment against American Forces and
I ask for death benefit

The lieutenant

[redacted] (b)(6)

The grievant

[redacted] (b)(6)

The investigation officer

Checkup on the dead body

We informed that there is a woman got shoot by American occupancy forces, and we went to emergency hospital, then we checkup on the dead body and we found out:

1. - The body is belong to the woman her age is (b)(6) years old and her name is (b)(6).

2. There is a place of shooting at the bottom of the left side at the back - and the bullet doesn't go through and the wounded is unorganized.

3. The dead body is wearing a black Dishdasha.

4. That is all.

(b)(6)

The investigation officer

Pages 69 through 75 redacted for the following reasons:

Foreign Language Text, (b)(6)

Al Kout Police Station .

Jan. 27, 2006

Mr. (b)(6) investigative judge

* we were informed about the presence of a woman shot by a bullet from the American forces who is currently present in Al Zahraa ^{general} hospital . We went to the mentioned hospital and found that the dead woman is (b)(6) who is about (b)(6) years of age .

We examined the body and enclosed are the statements to review .

* The husband of the deceased woman, name (b)(6), took his statement as you find enclosed the necessary documents .

* We send you the plan for the place of the incident to review .

* We, also, enclosed ^{the} certificate of the autopsy (b)(6) on Jan. 27, 2006 to review .

* We enclose the coroner's report of the deceased to review and see what you need to do .
with our appreciation .

The Officer

- 1- I reviewed all the above documents and -they are enclosed
- 2- The coroner's report
- 3- The plaintiff's statement
- 4- The review of the deputy divider

Mr. Investigation judge esquire.

Greeting

please approve to photocopy the investigative documents requested by the plaintiff.

(b)(6)

husband of the deceased

(b)(6)

(b)(6)

(b)(6) so that we can send it to the NNF.
please accept our gratitude.

Signature

(b)(6)

officer
I reviewed, the man has to be provided with copies of the necessary documents.

Al Kout Police Report
Jan. 27, 2006

Police Report

The plaintiff
born (b)(6), lives in (b)(6), Al Jihad district
his mother's name is known by (b)(6)
(b)(6). He is unemployed (self-employed)
informed us with the following:
At 5 o'clock of today's evening, I was present
at home, in Al Jihad district; he told me
a person informed him that his wife named
(b)(6) was shot by the occupation forces.
Currently, she is in emergency in the hospital
I went, immediately, to the hospital, mentioned,
and found the dead body of my wife, she
was transferred to Al Zahraa General Hospital
and hereby I like to submit my complaint
against the American forces and also for
compensation.
This is my statement.

The plaintiff

(b)(6)

LT,
Investigation Officer
Signature

Police Report:

Husband's statement
to Police

Al Kout Police station
Jan. 27, 2006

Examining a dead body

We were informed about a dead woman shot by
convoy from the American occupying forces.
We went to the emergency area and we examined
the body and found the following:

1. The body is of a dead woman about (b)(6) years of age called (b)(6)
2. The presence of a bullet entering the right lower section of the back, this wound is irregular and is not going all the way through
3. The body is wearing a (b)(6)
4. I did not see anything else that benefits, in the person.

signature

Police Report

Dead Body

(b)(6)

Emergency - - - - - Jan. 1, 2006 The 4th
Al Kout police station without Jan. 27, 2006

It is hereby at - - - - -

- 1- Conscious does not exist during examination
- 2- Vital signs: blood pressure zero, heart beat zero during examination.
- 3- Eye pupil dilated, during examination
- 4- An irregular opening exists in the back of the female patient with the presence of severe bleeding, during examination and it looks like it is the entrance of the a fire shot.
- 5- The necessary first aid was administered but the female patient died in the emergency room during the first aid.
- 6- The dead body was switched to the coroner in Al Zahraa hospital to determine the reasons of death

signed -

Leas

EMERGENCY RM Report

UNCLASSIFIED

Classification: ~~SECRET//REL TO USA MCFI~~ U

(b)(3)(b)(6)
1LT, USA
OMT 81 OIC
B. Co 415th MI TEB
TF Cottonmouth
(b)(2)

Classification: ~~SECRET//REL TO USA MCFI~~ U

From: MND-CS C2 LNO
Sent: Sunday, January 29, 2006 9:35 PM
To: (b)(3)(b)(6), 1LT (b)(3)(b)(6)
Subject: ~~(S)~~ SPOTREP U
Importance: High

Classification: ~~SECRET//REL TO USA MCFI~~ U
At 291800CJAN06 MND CS TOC received information from BCT TOC that they received information from KUT province governor that on 27JAN at about 1600 hrs during the car accident a governor's home maid (b)(6) years old (b)(6) was killed in Al KUT (b)(2)High IAW IP statement an American HMMVVs going in opposite direction hit the civilian car (with mentioned home maid) and then opened fire. She was shot ones and died in spite the resuscitation action.

(b)(3)(b)(6)
Staff Sergeant, USMC E-6
MND-CS HQ C2 OPS LNO
Camp Echo Al Diwan iyah, APO AF 09332
Email: (b)(2)High @ (b)(2)High

DSN (b)(2)
VOIP (S) (b)(2)
CENTRIX: (b)(3)(b)(6) @centcom.mcfi.cmil.mil
SIPR: (b)(3)(b)(6) @s-iraq.centcom.cmil.mil
NIPR: (b)(3)(b)(6) @ (b)(2)High

Classification: ~~SECRET//REL TO USA MCFI~~ U

UNCLASSIFIED



DEPARTMENT OF THE ARMY
415TH MI BN (TEB)
CAMP ECHO, IRAQ
APO AE 09332

LANG-TCA-B

27 January 2006

MEMORANDUM FOR RECORD

SUBJECT: Serious Incident Report

1. **REPORT MADE BY:** SFC [redacted] (b)(3)(b)(6)

- a. Rank: SFC
- b. Name: [redacted] (b)(3)(b)(6)
- c. Duty: SFC, Convoy Commander
- d. Unit: Co. B, 415th MI BN

2. **TYPE OF REPORT:** SIR

3. **TYPE OF INCIDENT:** Vehicle accident and Warning Shots

4. **DTG OF INCIDENT:** 27 JAN 06; 1615

5. **LOCATION OF INCIDENTS:** On [redacted] (b)(6) Al Kut, South of the intersection of ASR [redacted] (b)(2)High and MSR [redacted] (b)(2)High, in the city of Al Kut.

6. **UNITS INVOLVED:** Co. B, 415th MI BN

7. **UNIT ADDRESS:** Camp Echo, Ad Diwaniyah, Iraq 09332

8. **LIST OF PERSONNEL INVOLVED:**

- 1. SPC [redacted] (b)(3)(b)(6)
- SSN: [redacted] (b)(3)(b)(6)
- Race: [redacted] (b)(3)(b)(6)
- Sex: Male
- Age: [redacted] (b)(3)(b)(6)
- Position: SECURITY
- Security Clearance: SECRET
- Unit and Station of Assignment: B Co 415 TEB
- Duty Status: Security SPC

9. **NARRATIVE:** On 27 January 2006, at approximately 1430hrs, [redacted] (b)(2)High [redacted] (b)(2)High departed Camp Victory en route to Camp Delta. The vehicles were traveling southbound in the city of Al Kut, approaching the Dam

LANG-TCA-B

SUBJECT: Serious Incident Report

Bridge and front gate of Camp Delta. SPC (b)(3)(b)(6) was the gunner in the lead vehicle. At approximately 1610 SPC (b)(3), (b)(6) was directing traffic to clear the entrance of the Dam Bridge when the convoy was stopped by Al Kut IP's. The IP's cleared all oncoming traffic to allow the convoy to cross the bridge safely. After being waved onto the bridge the lead vehicle entered the bridge at approximately (b)(2)High miles and hour, while SPC (b)(3)(b)(6) was directing traffic with hand and arm signals. A (b)(6) four door pick-up with tinted windows ignored all signs from SPC (b)(6) and IP's and turned in front of the lead vehicle from the right hand side of the convoy. There was no time for the lead vehicle to stop. The (b)(6) pick-up turned directly into the lead vehicle's front bumper hitting the M114 on the right corner. At this time, feeling an immediate threat to the safety of the convoy and persons on his team SPC (b)(6) fired one shot with his (b)(2)High into the right hand corner of the rear window of the pick-up. The pick-up then immediately stopped and pulled over to the right side of the road and was no longer a threat to the convoy. There were no injuries or damage to U.S. personnel or equipment. There was no injury to the civilian involved. There was damage to the driver side rear fender and a small hole were the bullet entered the rear window.

10. **TIME UNIT COMMANDER WAS NOTIFIED:** Upon arrival at FOB Delta; 1630

11. **UNIT COMMANDER:** 1LT (b)(3)(b)(6)

12. **DRUGS OR ALCOHOL INVOLVED:** None.

13. **ESTIMATED COST OF DAMAGE:** None

14. **COMMANDER'S EVALUATION AND OTHER COMMENTS.**

a. **IMPACT ON OPERATIONAL READINESS:** None

b. **INDICATE COMMANDER'S JUDGMENT OF CAUSE:** N/A

16. **ACTIONS TAKEN BY UNIT COMMANDER:** Reported to BN TOC and initiated a Serious Incident Report. Will continue convoy training and go over the ROE during convoys.

17. **AUTHENTICATION and POC #:**

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

SFC, USA

Convoy Commander

007503

Pages 84 through 86 redacted for the following reasons:

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



DEPARTMENT OF THE ARMY
TASK FORCE COTTONMOUTH

415th Military Intelligence Tactical Exploitation Battalion
Camp Victory, IRAQ
APO, AE 09342

LANG-TCA (15-6)

2 February 2006

(U) MEMORANDUM FOR RECORD

(U) SUBJECT: Preliminary Record of Investigation of SIR in AL KUT Dated 27 January 2006

1 ~~(S//REL)~~ The following narrative is a summation of the facts given both orally and in writing from the Soldiers involved in the incident which occurred on 27 January 2006. At approximately 1615, a (b)(2)High vehicle convoy was returning from Baghdad, Iraq and heading east southeast along (b)(2)High to Al Kut. The convoy approached an intersection and had to make a right turn to cross the Dam Bridge. The oncoming traffic in the left lane was halted at the far end of the bridge and the lane cleared for passage. The convoy then proceeded in the left lane passing a row of cars which had been halted. SPC (b)(3)(b)(6) the gunner in B19, the lead vehicle, saw the driver's side tire of a (b)(6) four-door pickup with what appeared to be tinted windows turning to the left. SPC (b)(3)(b)(6) raised hand and arm signals and yelled at the driver to stop and remain in position. B19 does not have a siren in it. In SPC (b)(3)(b)(6) sworn statement, he claimed that no one other than a male driver was observed in the vehicle. SPC (b)(3)(b)(6) then took aim with his (b)(2)High on the driver's side to stop the pickup if it showed aggressive steps to impede the procession of the convoy. The driver of the pickup ignored the warnings and show of force then proceeded to quickly accelerate into the path of the convoy and the MI 114 struck the rear driver's side door. SPC (b)(3)(b)(6) then fired a shot from his (b)(2)High intending to hit the tire of the truck. Due to the sudden acceleration of the pickup, the shot missed its intended target and penetrated the lower right side of the back window. After the round was fired, the driver put his hands up with his palms facing towards the MI 114 to show that he would now cooperate with SPC (b)(3)(b)(6) request.

U 2. ~~(S//REL)~~ I am unable to prove the death of the local national in question at this time with any degree of certainty due to insufficient and/or questionable evidence. I personally interviewed the occupants of B19, SFC (b)(3)(b)(6), SPC (b)(3)(b)(6), SPC (b)(3)(b)(6), and Mr. (b)(6) the contracted interpreter. They all described the vehicle as having tinted window which prevented the observance of occupants. None of them remember seeing anyone other than the driver being present in the vehicle. The occupants of vehicle B19 recall that after the pickup truck was struck, the driver raised his hands to indicate he no longer posed a threat. Nothing in his demeanor indicated that neither he nor any vehicle occupants were injured. SFC (b)(3)(b)(6) the TC of B19 and SPC (b)(3)(b)(6) both recall the fired bullet penetrating the lower right side of the rear window of the pickup truck. SPC (b)(3)(b)(6) the driver of B19, did not see where the shot impacted the vehicle. SGT (b)(3)(b)(6) the gunner of B9, the second vehicle, recalls that the bullet penetrated the lower middle portion of the rear window of the pickup truck. SPC (b)(3)(b)(6) the gunner of the third vehicle, stated that when he turned to see the scene of the accident, there were people getting out of the vehicle. A female got out of the back right seat, and reached back in, calmly, to get a small child out of the back seat. SPC (b)(3)(b)(6) also recalls a person getting out of the driver's side back seat as well as the driver. He stated that all of them got out in a calm manner. An IP, who was in front of them waived them on, pointed and was saying something to the other vehicle. The Polish MPs of the Multinational Division Central South Military Police Platoon provided the attached photographs of the vehicle which they claim was involved in the incident. The vehicle shows what appears to be a bullet hole penetrating the middle top portion of the rear seat cushion. The provided photographs of the rear seat show a light red stain located on the passenger side. It appears that an attempt had been made to clean whatever caused the stain. The back portion of the rear seat does not appear to show any signs of having had any blood present, however, the attached autopsy diagram shows where a bullet entered the lower right side of the woman's back. If enough blood was flowing out of the woman's body to cause a stain approximately three feet in diameter, the question arises as to why there is no stain on the back of the seat if the wound was to the lower back. We took a photograph taken from the gunner's position to indicate the probable angle the bullet took as it entered the vehicle. From the angle, it appears very unlikely that the bullet could have

LANG-TCA (15-6)

(U) SUBJECT: Preliminary Record of Investigation of SIR in AL KUT Dated 27 January 2006

struck the lower back of a passenger who was sitting in the rear seat unless they moved forward out of the sitting position. None of the passengers of B19 recall the white pickup truck involved in the accident as having the metal bars situated along the back window as shown in the photographs.

U 3. ~~(S//REL)~~ If the vehicle in the photograph provided by the Polish authorities is not the vehicle involved in the accident, I believe that SPC ~~(b)(3)(b)(6)~~ reacted appropriately by firing a shot meant to disable the vehicle which sped into the path of his vehicle. An IED detonated approximately one mile from where the incident under investigation occurred on 18 Jan 06. Even though there were no recently reported VBIEDs in the area, the IED incident caused member of the team to be overly cautious and suspect of the Al Kut area. The pickup truck described by the B19 occupants SPC ~~(b)(3)(b)(6)~~, SFC ~~(b)(3)(b)(6)~~ and Mr. ~~(b)(6)~~ had tinted windows which prevented them from seeing other passengers and fit the description of a vehicle used as a VBIED. If the vehicle in the photograph provided by the Polish authorities is in fact the vehicle involved in the accident, I think a woman seated in the back seat along with other passengers should have been clearly visible by the SPC ~~(b)(3)(b)(6)~~ and that he should have not viewed the truck as a VBIED threat. As stated earlier, SPC ~~(b)(3)(b)(6)~~ did use hand and arm signals as well as verbal shouts to try to persuade the truck from pulling out. In my opinion ~~(b)(5)~~

~~(b)(5)~~

4. (U) Sequence of events of informal AR 15-6 Investigation:

U a. ~~(S)~~ Approximately 011600 FEB 06, I arrived at Al Kut. I then proceeded to begin private questioning of the occupants of B19 as well as the gunners of the two follow-on vehicles.

U b. ~~(C//REL)~~ Approximately 012100 FEB 06, two Polish MPs, one a 2LT and the other a 1LT, entered our building with documents as well as photographs that they were willing to provide to us to aid our investigation in return for sworn statements taken from our soldiers. SFC ~~(b)(3)(b)(6)~~ informed them that he would have to consult higher headquarters before releasing any documents.

U c. ~~(C//REL)~~ Approximately 021000 FEB 06, the Polish MPs returned to inquire if we had been granted permission to release the sworn statements to them. They took an unclassified thumb drive from me and returned about two hours later with digital photographs of the pickup on it along with copies of an autopsy diagram and narrative and another document in Arabic. They informed us that rumors were being circulated that it was Polish forces that fired a weapon that killed an Iraqi woman.

U d. ~~(C//REL)~~ Approximately 021200 FEB 06, SFC ~~(b)(3)(b)(6)~~ and I acquired a truck similar to the one that was involved in the accident and tried to reenact the events that took place as well as take photographs that would indicate the angle the bullet took as it entered the vehicle.

(U) FOR THE APPOINTING AUTHORITY:

// Original Signed//

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

MAJ, FA
Investigating Officer



DEPARTMENT OF THE ARMY
HEADQUARTERS, 205th Military Intelligence Brigade
VICTORY BASE, BAGHDAD, IRAQ
APO AE 09342

REPLY TO
ATTENTION OF

AETV-MI-CJA

05 February 2006

MEMORANDUM FOR COMMANDER, 415TH Tactical Exploitation Battalion, Camp Victory
Iraq, APO AE 09342.

SUBJECT: Legal Review of 415th MI BN AR 15-6 Investigation

1. **Summary.** The 415th MI BN AR 15-6 Investigation into the circumstances surrounding a serious incident involving THT 819 and 805 of B CO is legally sufficient. A legal review of the evidence and the findings themselves has shown that the investigation complies with the legal requirements of AR 15-6.

2. **Background.** During a convoy leaving Baghdad, an Escalation of Force incident occurred in the city of Al Kut. Iraqi Police (IP) had cleared a path for (b)(2)High vehicle American Convoy. One white pick up truck ignored hand and arm signals, a pointed weapon, and shouts and drove in front of the lead vehicle in the convoy. The truck was struck by the HUMVEE and a single shot from an (b)(2)High rifle was fired at the front right tire of the pick up truck. The shot missed, and went through the back window of the cab. The next day, an Iraqi report came through the Polish Division of MNC-I that a woman had been shot in the back and killed by an American. Apparently the shot fired by SPC (b)(3)(b)(6) went through the rear window of the Iraqi vehicle and mortally wounded a woman. The convoy was unaware at the time of the injured passenger, and was waived through by the IPs on the scene. The Investigating Officer (IO) recommends

(b)(5)

3. **Discussion.**

a. The tragic loss of life surrounding this case cannot be directly attributed to SPC (b)(3)(b)(6). The IO states that further investigation may lead to more information that would assist in making a decision on whether or not SPC (b)(3)(b)(6) is in fact responsible for the death. The IO does not make a determination on what, if anything, should be done to the Soldier in the alleged fatality due to lack of evidence. It is the IO's responsibility to gather all information necessary to be able to make a determination. However, further investigation seems unlikely to reveal any additional information about the legality of SPC (b)(3)(b)(6) firing a shot. The findings lead to the conclusion that the Soldier followed his Rules of Engagement, and attempted several non-lethal means to stop the pick up truck. Only when non-lethal methods failed, was a shot fired. That shot may possibly have caused a fatality, but it appears from the evidence that the Soldier was justified in taking that shot.

AETV-MI-CJA

SUBJECT: Legal Review of 415th MI BN AR 15-6 Investigation

(b)(3), (b)(6) (b)(5)

4. Conclusion. The IO has complied with the legal requirements of AR 15-6, and there are no substantial errors in the report that render it legally insufficient. The evidence supports the findings and recommendations of the IO. Although a further investigation may reveal more information, the essential findings of the IO seem unlikely to change. (b)(5)

(b)(5)

5. POC. The point of contact is (b)(2)

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

CPT, JA
Command Judge Advocate