

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 COL (b)(3),(b)(6), Commander, 3rd BCT, 82nd Airborne Division
(Appointing authority)

on 8 December 2006 *(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 2-505 PIR, FOB Brassfield-Mora, Iraq at 1900
(Place) (Time)
 on 8 December 2006 *(Date)* *(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)* The following persons *(members, respondents, counsel)* were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing evidence at 2230 on 8 December 2006
(Time) (Date)
 and completed findings and recommendations at 1800 on 13 December 2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

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

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

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		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)?			X
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)?			X
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			X
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)?			X
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?			X
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)?			X
	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)?			X
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?			X
	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)?			X
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?			X
	b. Did each member successfully challenged cease to participate in the proceedings?			X
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?			X
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			X
	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)?			X
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)?			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.				

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

The *(investigating officer) (board)*, having carefully considered the evidence, finds:
See attached memorandum.

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

In view of the above findings, the *(investigating officer) (board)* recommends:
See attached memorandum.

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

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

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

(b)(3),(b)(6), MAJ, QM
(Investigating Officer) (President)

(Recorder)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

APPROVED []

DISAPPROVED []

APPROVED WITH THE FOLLOWING EXCEPTIONS / SUBSTITUTIONS: []

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

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

008106



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
82d AIRBORNE DIVISION
COB SPEICHER, IRAQ, APO AE 09393



AFVC-JA

14 December 2006

MEMORANDUM FOR Commander, 3d Brigade Combat Team, 82d Airborne Division, COB Speicher, Iraq

SUBJECT: Legal Review of 15-6 Investigation – Escalation of Force (EOF) Incident Resulting in Local National Fatalities, HHC, 2d BN, 3BCT, 82d ABN DIV

1. In accordance with the provisions of AR 15-6, paragraph 2-3(b), I have reviewed the informal investigation conducted by MAJ (b)(3),(b)(6) into the circumstances surrounding the subject EOF incident, which occurred on 7 December 2006. The investigation is legally sufficient.

a. I note that that the investigating officer did not advise SPC (b)(3),(b)(6) of his Article 31 rights. The investigating officer indicated that he spoke to SPC (b)(3),(b)(6) first and at no time throughout the interview did he believe that SPC (b)(3),(b)(6) had violated the ROE. It was not until he gathered other evidence which provided an overall picture of the incident that he concluded that the engagement violated MNC-I ROE. In any event, sufficient independent evidence exists to support the investigating officer’s findings;

b. There is sufficient evidence to support the investigating officer’s findings that the engagement was not conducted in accordance with MNC-I and 3BCT ROE and EOF procedures;

c. The recommendations are adequately supported by the findings.

2. You have the option of

a. Approving the investigating officer’s findings and recommendations in current form;

b. Approving the investigating officer’s findings and recommendations with exceptions, substitutions, or additions;

c. Disapproving the findings and recommendations or any portion thereof;

d. Returning the report to the investigating officer for additional action as you may direct.

3. I am the point of contact for this review at (b)(3),(b)(6) @ (b)(2) High, or VOIP (b)(2)High

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

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

MAJ, JA
Brigade Judge Advocate

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 82nd BRIGADE SUPPORT BATTALION
3rd BRIGADE COMBAT TEAM, 82nd AIRBORNE DIVISION
COB SPEICHER, APO AE 09393

**REPLY TO
ATTENTION OF:**

AFVC-CE

13 December 2006

MEMORANDUM FOR COMMANDER, 3rd BCT, 82nd Airborne Division, COB
Speicher, Iraq, APO AE 09393

SUBJECT: AR 15-6 Findings and Recommendations

1. After consulting MAJ (b)(3),(b)(6), the 3BCT SJA, the focus of my investigation was to ascertain whether the Troopers involved in the 2nd Bn, 505th PIR Commander's movement with his Personal Security Detachment (PSD), which resulted in an Escalation of Force (EoF) with a civilian vehicle on or about 0712300DEC06, violated MNC-I Escalation of Force guidelines and procedures and whether the engagement was IAW MNC-I and 3BCT Rules of Engagement (RoE).
2. My findings do not indicate that the Troopers of the 2nd Bn, 505th PIR PSD, willingly violated MNC-I and 3 BCT RoE or EoF guidelines or procedures (Enclosure II.). However, I do find that the scenario does not support the criteria for establishing hostile act/intent as outlined in the RoE/EoF procedures. This is because the battalion's TTP, described in paragraph 3., does not allow a mounted element the ability to properly maintain positive control of civilian traffic moving in the opposite direction, while entering and exiting FOBs. I also do not find that positive identification (PID) was established prior to the EoF. Furthermore, I find that rather than a warning shot, shots were fired with the intent of disabling the oncoming vehicle which was perceived to be a threat.
3. The facts and circumstances surrounding the incident are as follows:
 - a. The 2nd Bn, 505th PIR TTP for dealing with civilian traffic while entering and exiting a FOB is that civilian vehicles must stop, regardless of the direction of travel. Escalation of Force measures such as waving flags are routinely used to accomplish this. There is no way to physically control or block civilian traffic in the oncoming lane. Therefore, this TTP is ineffective. The continued use of this TTP will inevitably contribute to additional EoF incidents as occasional civilian vehicles do not see or respond to Coalition Forces attempting to halt traffic with signal flags from the opposite lane.
 - b. The 2nd Bn, 505th PIR PSD leadership briefs the RoE and EoF prior to all movements. But I do not find that the gunner firing the shots fully understood what constitutes hostile intent.
 - c. On or about 071230DEC06 the 2nd Bn, 505th PIR Commander was returning to FOB Brassfield-Mora from Patrol Base Olsen with his PSD on (b)(2) High. The element was in the process of entering the FOB from the South vic. (b)(2) High (See story board Exhibit A. and

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SUBJECT: AR 15-6 Findings and Recommendations

diagram Exhibit B.). The movement consisted of 4 x M1114s with 4 x turret mounted M2s and 1 x green BMW sedan and its occupant that was being escorted back to the FOB to be detained. It was led by the Platoon Leader of the Battalion Mortar Platoon/PSD, 1LT (b)(3),(b)(6). Civilian traffic was stopped approximately 100-200 meters North of the FOB entrance in the opposite lane.

d. The first M1114 had already turned right on the entrance road to the FOB. Several Troopers were dismounted, including the Battalion CSM, escorting the green BMW sedan through the Non-coalition entrance to the FOB. The second M1114 was stopped at the Entry Control Point prior to turning right on the road to the FOB. The gunner of the second M1114, SPC (b)(3),(b)(6), after waving his flag at the stationary civilian vehicles in the South-bound lane, looked away for a moment. He then noticed movement in the South-bound lane. Looking North, he saw a grey van followed by a red car "Speeding" past/between the stationary vehicles. According to his sworn statement (Exhibit C.) several other occupants of the second M1114, including LTC (b)(3),(b)(6) noticed that the grey van and red car were traveling at a high rate of speed (between 50-70 MPH.) and had rapidly (less than 1 minute) closed the distance between the stationary civilian vehicles and the 2nd Bn, 505th PIR element to approximately 75 meters. Several of the occupants of the second M1114 said "Watch out for that van".

e. According to his sworn statement (Exhibit D.) SPC (b)(3),(b)(6) waved his flag in an attempt to get the van and sedan to stop and told the other occupants that "They are not stopping". SPC (b)(3),(b)(6) then "Showed his M2" by traversing it back and forth and aiming it at the van. He had his M4 in the turret but did not have time to show it as an EoF measure. The interpreter, also riding in the second M1114, started to yell at the driver of the van through the loudspeaker telling him " The driver of the grey vehicle...STOP! STOP!...the grey vehicle". The grey van and the red car did not respond by slowing or stopping.

f. SPC (b)(3),(b)(6) then fired a burst of 3-6 rounds at the engine compartment of the van in an attempt to "Disable" the van. He did this, rather than firing a warning shot, due to the PSD having dismounted Troopers near the PSD vehicles and the van's proximity to the FOB entrance. He stated that he definitely felt that the van posed a threat to the PSD as he has never experienced a vehicle that did not stop when signaled to do so. He also stated that EoF measures short of firing a warning shot are routinely used and that he had yet to personally fire a warning shot. As SGT (b)(3),(b)(6) states in his sworn statement, (Exhibit E.) he saw the rounds impact the ground in front of the vehicle and into the front of the vehicle. At least one round hit the windshield of the van on the passenger side. The van then slowed to a stop in the South-bound lane.

g. Once stopped, the driver of the grey van got out and ran to the passenger side of the vehicle. LTC (b)(3),(b)(6) then ordered the PSD to establish security around the vehicle and render first aid. He then conducted an assessment of the situation and realized that the front passenger of the vehicle, an adult female, had been killed due to a severe head injury. Three other passengers were also wounded. One was a young male with a severe facial wound, a military age male with a shrapnel wound to the leg, and a young child with a bullet wound to the leg. First aid was rendered and two additional uninjured military age males said that they were not related to the family that owned the van. They were traveling to Baghdad and asked to be allowed to continue their journey. They were then released.

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SUBJECT: AR 15-6 Findings and Recommendations

h. The PSD then took the body of the adult female and the three wounded individuals to FOB Brassfield-Mora where they were treated by the Battalion Surgeon. The driver and his youngest son followed the PSD back to the FOB. The two individuals that were seriously wounded were MEDEVACed by air to Balad. The individual with the shrapnel wound to the leg was treated and released. The Driver of the vehicle was provided with the appropriate claims paperwork and then released, with an IA escort, with his wife's remains and his young son. The staff also took his cell phone number in order to provide him updates on his injured son.

4. In my opinion, this engagement was not in accordance with the MNC-I EoF and RoE guidelines and procedures, despite the gunner believing that the grey van was displaying hostile intent toward Coalition Forces, as a possible VBIED, by passing stopped civilian vehicles and not responding to signals to stop. The driver of the van was simply attempting to continue to his destination. The patrol did use graduated measures of force within the time permitted by the situation. [REDACTED] (b)(2) High

[REDACTED] (b)(2) High
[REDACTED] (b)(2) High. In this instance an M4 was available but time did not permit the gunner to show it or use it to fire a warning shot. He did intend to engage the van in order to disable it without first firing a warning shot. However, EoF measures should not have been initiated in this case. The actions of the driver of the van did not meet the criteria for establishing hostile intent nor was the PID requirement met before initiating EoF. Furthermore, I do not find that the gunner had a full understanding of what constitutes hostile intent.

5. The following recommendations are made to help prevent similar EoFs in the future:

a. The TTP of stopping all civilian traffic, without physically blocking each lane, when entering or exiting a FOB should be reviewed and amended to mitigate the chances of having a similar EoF incident in the future as the Iraqi populace should not be expected to see or respond to signals from the opposite lane. A vehicle should be placed in the opposite lane in order to physically block any oncoming civilian traffic, if that is the intent, or civilian traffic should be allowed to pass Coalition Forces in the opposite lane without constraint.

b. The 2nd Bn, 505th PIR PSD should be provided with the current MNC-I EoF guidelines and procedures and the MNC-I/3BCT Rules of Engagement RoE/EoF card and attend refresher training in order to ensure complete understanding of its contents at the lowest level.

c. A new RoE/EoF card, containing the current guidance on warning shots (appropriate use of, placement, and preferred weapon) should be produced and distributed throughout the 3rd BCT and included in the monthly EoF training. (See attached example: Enclosure III.).

6. POC is MAJ [REDACTED] (b)(3),(b)(6) @ [REDACTED] (b)(2)High (VOIP).

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

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

MAJ, QM
Investigating Officer

008110

ENCLOSURES:

- I. Appointment Orders
- II. Current MNC-I and 3 BCT RoE/EoF guidelines
- III. Proposed MNC-I and 3 BCT RoE/EoF guidelines



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
 82d AIRBORNE DIVISION
 COB SPEICHER, IRAQ, APO AE 09393



REPLY TO
 ATTENTION OF

AFVC-C

DEC 8 2006

MEMORANDUM FOR MAJ (b)(3),(b)(6), HHC, 82d BSB, 82d Airborne Division, APO AE 09393

SUBJECT: Appointment Order for AR 15-6 Investigating Officer

1. You are hereby appointed as an Investigating Officer to inquire into the circumstances surrounding an escalation of force incident that resulted in local national injuries and a fatality on 7 December 2006, vicinity entrance control point to FOB Brassfield-Mora. From the evidence, you will make findings and provide recommendations, at minimum, regarding the following issues:

- a. What were the facts and circumstances surrounding the incident?
- b. Was the engagement conducted IAW MNC-I EOF guidelines and procedures? Was the engagement conducted IAW MNC-I and 3BCT Rules of Engagement (ROE)?
- c. What recommendations should be made to reduce similar incidents in the future?

2. You will conduct your investigation in accordance with Army Regulation (AR) 15-6, "Procedures for Investigating Officers and Boards of Officers." Your investigation is an informal proceeding in which no respondent is formally designated. As such, Section II of AR 15-6 does not apply. If, during the course of your investigation, you come to suspect that anyone involved has violated any provisions of the Uniform Code of Military Justice (UCMJ), you must advise that person of his or her rights using DA Form 3881, Rights Warning Procedure/Waiver Certificate, prior to questioning.

3. Immediately upon receipt of this appointment, you are to contact your legal advisor, MAJ (b)(3),(b)(6), at VOIF (b)(2)High. Your legal advisor will provide you with legal guidance and assistance in this investigation. This investigation is your primary duty until completed. Submit your findings and recommendations within 7 days on DA Form 1574. All requests for extension will be made to me in writing. A copy of any such request and approval will be included in your report.

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

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

COL, IN
 Commanding

Pages 11 through 12 redacted for the following reasons:

(b)(2) High

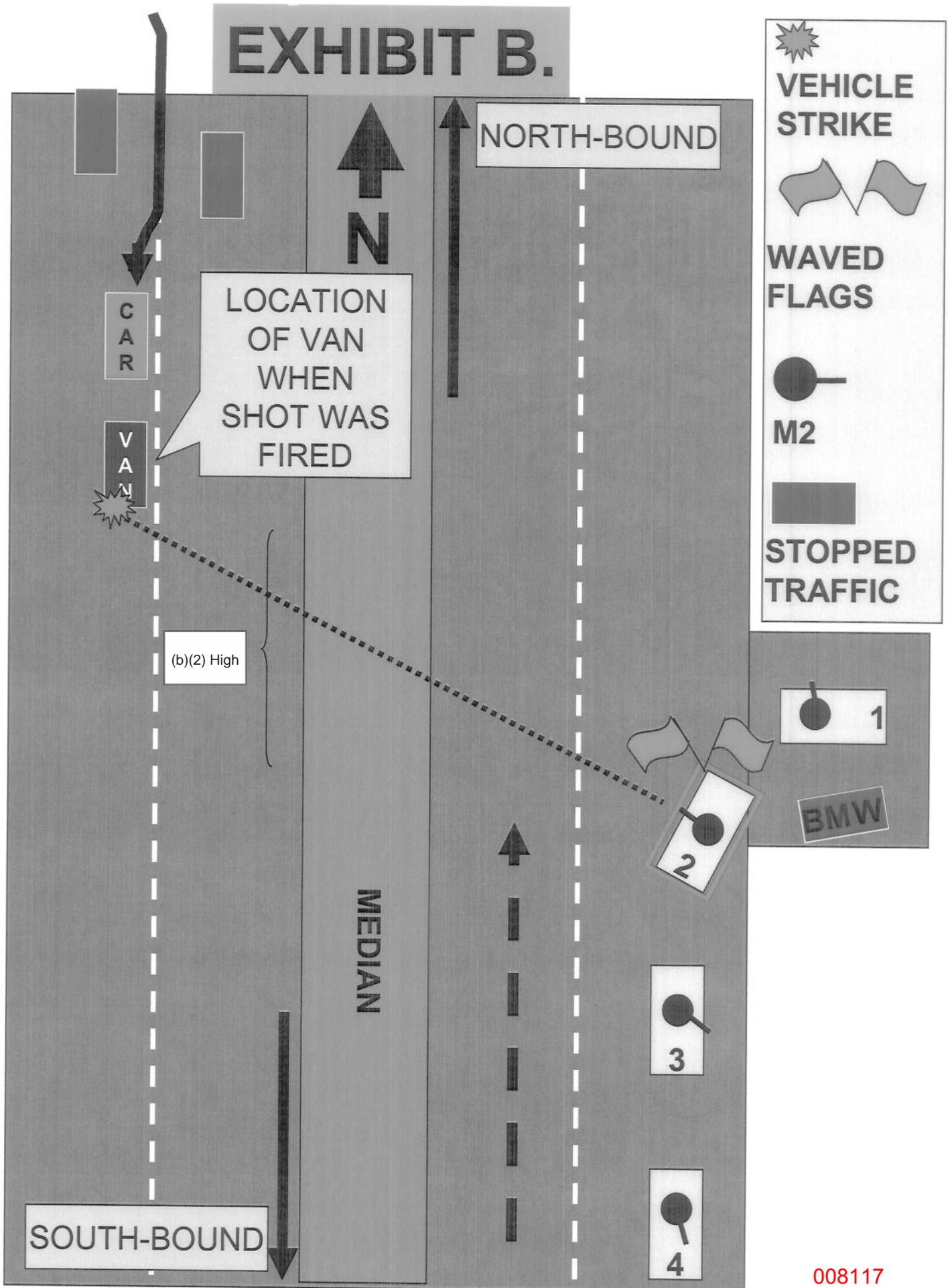
EXHIBITS:

- A. Story Borad
- B. Incident Diagram
- C. Sworn Statement of LTC (b)(3),(b)(6)
- D. Sworn Statement of SPC (b)(3),(b)(6)
- E. Sworn Statement of SGT (b)(3),(b)(6)

Page 14 redacted for the following reason:

(b)(1) 1.4a

EXHIBIT B.



SWORN STATEMENT

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

LOCATION FOB Brassfield-Mora	DATE (b)(3),(b)(6) 07 DEC 06	TIME 1500	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	SOCIAL SECURITY NUMBER 586-42-023 (b)(3),(b)(6)		GRADE/STATUS 05/USA
ORGANIZATION OR ADDRESS HQ, 2d Battalion, 505th PIR, 3BCT, 82d ABN DIV			

I, _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1230 hours, I was returning to FOB Brassfield-Mora from PB Olson. I was escorted by my PSD, the Battalion Mortar Platoon, under the command of 1LT (b)(3),(b)(6). We had a combat patrol consisting of four HMMWVs and one civilian BMW we had detained moments earlier on (b)(2) High. (b)(3),(b)(6) was the TC of the second vehicle, with 1LT (b)(3),(b)(6) the lead, CSM (b)(3),(b)(6) in the third vehicle, and SFC (b)(3),(b)(6) in the rear vehicle. The BMW was between my vehicle and CSM (b)(3),(b)(6) vehicle. We were driving north on (b)(2) High. As we approached the entry control point (ECP) of FOB Brassfield-Mora, I observed the lead vehicle, TC'd by 1LT (b)(3),(b)(6) lag down local national (LN) traffic approaching via the southbound lane from the other direction. I observed all LN traffic halting about (b)(2) High from our entry point. CSM (b)(3),(b)(6) dismounted with a couple of troopers to guide the detained BMW through the search lane of the ECP. As this was happening, my vehicle turned right (East) behind 1LT (b)(3),(b)(6) vehicle on to the FOB. As we made the turn, I noticed a grey van, now at my 9 o'clock, having weaved through stopped traffic, driving at a high rate of speed towards the side of my vehicle from the southbound lane. The vehicle came within (b)(2) High of my vehicle within seconds. Several occupants in my vehicle started yelling something to the effect of "watchout for that van". Within several seconds, I heard my gunner firing a burst of 5-6 rounds of 50 cal towards the vehicle. I saw the initial burst hit the dirt to the left of the vehicle, but the last two rounds or so struck the left side of the vehicle (the actual right side of the vehicle because it was heading towards us from the opposite direction), one bullet hitting the windshield on the passenger side. I saw the driver of the van run to the passenger side. From his actions, I could tell that something bad had happened. I ordered the patrol to establish security and conduct first aid. I went to the vehicle to conduct an assessment. The female sitting on the passenger side was killed by severe head trauma. We began administering first aid to a young male with a severe facial wound and a young child of about eight years of age with a bullet wound to the leg. The driver was crying and asking me why I killed his wife. He asked me why we couldn't just shoot at the tires. I apologized for the mishap but told him to calm down so we could work on the MEDEVAC. There was also three MAMs in the back, two uninjured, the third had a small shrapnel to the arm. The MAMs stated that they and the severely injured MAM aforementioned, were not related to the family. They were hitching a ride to Baghdad with the victim's family. Two of the MAMs asked to continue their journey to Baghdad. They were released. The patrol took the body of the deceased female and the three wounded victims back to FOB Brassfield-Mora. The driver and his youngest son (about 4 years old) followed us back to the FOB. The Battalion Surgeon treated the victims and conducted aerial medevac of the two seriously wounded patients to Balad. The driver was released with his uninjured young son and the body of his deceased wife. They were escorted by an IA patrol we had requested from FOB 7. The lightly wounded male was treated for his minor shrapnel wound and released. The battalion staff ensured the driver had claims paperwork for his loss. The staff also took down his cellular phone number to ensure we can provide him updates on his injured son.

END OF STATEMENT

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

EXHIBIT	INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED."
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	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 E4
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8. ORGANIZATION OF ADDRESS
HHC 2-505 (53)

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

WHILE PSD 2-505 RTD TO FOB BRASSFIELD MOBA
AFTER DETAINING A VEHICLE ALONG THE WAY FROM A PATROL, WE HATED OUTSIDE OF THE FOB'S ECP IN ORDER TO PROPERLY ALLOW THE DETAIN VEHICLE TO ENTER THE INBOUND FOREIGN NATIONAL LANE. I NOTICED THAT 2P9 (CSM) HAD DISMOUNTED HIS VEHICLE TO BEST GUIDE THE DETAIN VEHICLE AND OUR INTERPRETER UTILIZED THE PA. SYSTEM EQUIPPED IN OUR TRUCK TO INSURE THE VEHICLE UNDERSTOOD WHAT WAS BEING ASKED OF HIM. I LOOKED UP ONWARDS NORTH ON THE MSR TO ENSURE THE CONVOYS SAFETY AND THE SAFETY OF OUR DISMOUNT. I WAVED MY FLAG (US FIVE PANEL) AT THE STOPPED VEHICLES ON THE SOUTH BOUND LANE NORTH OF US. AND LOOKED BACK BELOW AS WE WERE ABOUT TO PROCEED I NOTICED SPORADIC MOVEMENT OUT THE CORNER OF MY EYE IN THE NORTH OF MY VEHICLE. WHEN I SCANNED BACK UP ALONG THE (b)(2) High I SAW A GRAY VAN FOLLOWED BY A RED CAR SPEEDING PAST ALL OF THE STOPPED VEHICLES ALONG THE (b)(2) High SOUTH BOUND LANE NORTH OF OUR CONVOY & DISMOUNT

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued) I AGAIN WAVED MY VS 5 FLAG AND TOLD EVERYONE IN THE TRUCK "THEY ARE NOT STOPPING" I SEEN THAT THE VEHICALS WERE APPROACHING VARY RAPIDLY. I REALIZED THAT THEY HAD ENTERED OUR MAXIMUM ALLOWBIE STAND OFF DISTANCE WITH US HAVING PERSONNEL WORKING OUTSIDE OF OUR TRUCKS I I WENT TO THE NEXT SAFE STEP IN MY EOP AND SHOWED MY M2 SO CAL. TO THE VEHICALS AND GOT NO RESPONSES VIA DECELERATION NOR DID THE TWO VEHICALS SHOW ANY ATTEMPT TO TURN TOWARDS THE SHOUIDER. AS THE VEHICALS PROCEEDED I ATTEMPTED TO DISABLE THE LEAD VEHICAL (MINI VAN) BY SHOOTING THE ENGINE BICK/COMPARTMENT. I CLEARLY SEEN NOW THAT BOTH VEHICALS HAD BEGAN TO STOP AND I RAISE MY GUN AND WE PUSHED OUR CORDON PAST THE DISABLED VAN TO ASSESS THE SITUATION AND EVALUATE ANY CASUALTIES. IT WAS THEN THAT I NOTICED BECAUSE OF THE VEHICALS SPEED IT DROVE INTO THE GUN BURST & TOOK CASUALTIES (b)(3),(b)(6) END

I, (b)(3),(b)(6) AFFIDAVIT, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGNS 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.

WITNESSES:
JFC (b)(3),(b)(6)
ORGANIZATION OF ADDRESS
53 HHC 21505 IIR
FBI Bangor/Field Mary INAQ
ORGANIZATION OF ADDRESS

(b)(3),(b)(6)
(Signature of Person Making Statement)
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7 day of December, 2006 at (b)(3),(b)(6)
(Signature of Person Administering Oath)
(b)(3),(b)(6)
(Typed Name of Person Administering Oath)
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT PAGE OF 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 may be accurately identified.
ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION ECP Brassfield-Mora	2. DATE (YYYYMMDD) 20061207	3. TIME 1231	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS HHC 2-505 PIR			

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

AT approximately 1231 on 7 Dec 06 our convoy was pulling into The ECP at FOB Brassfield-Mora. The steel 6 vehicle in front of me had already made the turn into the coalition entry lane. I had placed my vehicle at a 45° in the Northbound lane of the MSR to provide security and help direct a Iraqi National vehicle into the non coalition lane. The other two vehicles in our convoy were stopped behind my truck in the North Bound lane.

I was looking out my passenger side windows to insure that the local national went where it was supposed to. I heard my gunner spc (b)(3),(b)(6) say "why aren't they stopping" I turned and looked out my driver side window to see a gray van with a red car proceeding towards us but the south bound lane at a high rate of speed. There were quite a few other vehicles in the south bound lane that were stopped. I then heard one burst of fire from (b)(3),(b)(6) so I saw rounds impact in front of the vehicle and then into the front of the gray van. The van then slowed and stopped on the west side of the road. I then drove north on the North Bound lane past the gray van to pull security to the north so aid could be rendered to the occupants.

End of statement Nothing further

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

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

STATEMENT OF (b)(3),(b)(6) TAKEN AT 1600 DATED 7 December 06

9. STATEMENT (Continued)

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

AFFIDAVIT

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

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

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 07 day of December, 2006 at

ORGANIZATION OR ADDRESS
S-3 FHC 2/505 PIR
FOB BRUSHICK MORA IRAQ

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

ORGANIZATION OR ADDRESS

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

(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES