



DEPARTMENT OF THE ARMY  
1<sup>st</sup> BRIGADE, 1<sup>ST</sup> ARMORED DIVISION  
RAY BARRACKS, FRIEDBERG, GERMANY  
APO AE 09074



AETV-THN-CO

07 March 2007

MEMORANDUM FOR Commanding General, MNF-W

SUBJECT: Addendum to Investigation into the 2 February 2007 Hostile Fire Incident in Southern Ramadi Resulting in 2 Coalition Forces KIA.

1. Enclosed is further evidence to consider in the Hostile Fire Incident which took place at COP Grant in Southern Ramadi on 2 February 2007.
2. I have reviewed the completed investigation and find that it is incomplete. The investigating officer bases his conclusion on two main pieces of evidence, the M-PAT fragmentation found at COP Grant and the Pioneer UAV feed. I believe that these two pieces of evidence alone are inconclusive to determine that a friendly fire incident occurred. The area in and around COP Grant is a dirty battlefield. Before the combat outpost was established, it was inhabited by insurgents and the statement from a TF 1-37 Company XO verifies that numerous tank rounds were fired in that vicinity. Also, pieces from an M-PAT tail fin were not the only fragmentation found on COP Grant. On the roof of the building, there were pieces of green shrapnel, consistent with enemy munitions, located closer to the point of impact.
3. The fragmentation collected at COP Grant was delivered to the Camp Ramadi EOD team five days after the engagement. The EOD team conducted a thorough analysis of the fragmentation and determined that it was from an M-PAT tail fin. They also determined that it was fired recently due to the lack of oxidation. However, the tail fin of a tank round is made of aluminum and therefore no rust or corrosion would form on the fragmentation. A different EOD team traveled to COP Grant and conducted crater analysis on site. They determined that the impact was a result of 73mm recoilless rifle rounds, an enemy weapon system. This discrepancy is important to note. As explained above, the results of prior engagements in that vicinity could account for the tank fragmentation found; however, it is clear that the crater analysis is specific to this incident and therefore those results should be given more weight. Based on my observation of the fragmentation, I noticed that there were some deformities on the pieces of the tail fin that had been collected. These deformities indicate that the fragmentation could have ricocheted off an intended target from a previous engagement and landed at COP Grant. Taking into consideration all of this evidence, it is very likely that the fragmentation found has nothing to do with this specific engagement.
4. The video feed from the UAV shows a projectile coming from the east to the west, heading towards COP Grant. The investigating officer assumes first, that the projectile, which you see on screen for 1/6<sup>th</sup> of a second, is a tank round and secondly, that it came from one of the two tanks from Charlie Company, 2-37 Armor, located on Mu'Laab St., responding as QRF to assist COP Eagle's Nest. I feel that the UAV feed is inconclusive evidence to prove a fratricide occurred. Extensive review and analysis of the UAV feed still cannot decisively prove that the projectile was a tank round. The feed does not show the round coming from one of the tanks. I understand the investigating officer's finding that the angle of fire that the projectile is traveling is consistent with one of the tanks located on Mu'Laab St. However, the tanks located on Mu'Laab St. only fired one

main gun round at an enemy location southwest of their position. Eye-witness sworn statements from Soldiers who observed the impact and physical evidence of a hole in the target building prove that the one round fired, hit its intended target.

5. While the investigating officer heavily relied on the UAV feed and the tank fragmentation as described above, he diminished the significance of other evidence.

a. Sworn statements from the tank crew clearly describe each and every step that was taken prior to firing the main gun round. Every precaution was taken to prevent a fratricide incident. Prior to the engagement, the target house was marked by coax and confirmed by both tank commanderson the ground as well as the company commander, CPT(3), (b) located at COP Eagle's Nest.

b. Sworn statements from the tank crew and from CPT(3), (b) verify that they observed the round instantaneously hit the target building consistent with an MPAT time of flight for less than 100 meters. If the round had actually overshot the target and traveled over 900 meters to hit COP Grant, it would have been in the air for almost two seconds and would not have had the instantaneous impact observed by the eyewitnesses. CP(3), (b) states that not only did he observe the impact, but he felt the vibrations from the impact at his location, under 200 meters from the target building.

c. The sworn statement from the driver of Tank 31 verifies that there was no impact on COP Grant after the main gun round was fired. SPC(b)(3), (b)(6) was the driver of Tank 31 and through the night sight, oriented west, COP Grant was directly in his line of sight. He kept COP Grant in his line of sight during the engagement to ensure that none of the small arms fire was heading directly west towards the friendly position. After he heard the initial boom when the tank round was released, he saw nothing through his sight, indicating that the tank round did not travel west, towards COP Grant.

d. The sworn statement from the gunner of Tank 33 explains that when he lased the target building, the computer system in the tank gave him flashing zeros, indicating that the range is less than the computer can index. Due to this, SPC(3), (b) the gunner, had to manually enter 200 meters into the computer system. In accordance with the enclosed firing table for an M8301A, a round aimed at 200 meters would strike its target almost one meter below the point of aim. At 900 meters, the same round would strike a target almost 3 meters below the point of impact. Because the pictures clearly show that COP Grant was hit on the roof, the tank crew would have had to be aiming almost three meters above the building to have impacted that spot. Regardless of whether it was an M8301A or an OR round that was fired, the firing tables would be the same.

e. Pictures of building 39 in sector P-10 taken after the engagement provide physical evidence of a hole in the structure consistent with the impact of an Obstacle Reducing (OR) round.

f. The description of the Soldiers wounds is not consistent with the blast damage that would result from an OR round. Although the casualty reports were not submitted with the initial report, SPC(3), (b) located at COP Grant during this incident, provided a statement explaining the Soldiers injuries. They both received shrapnel wounds. However, the effect of an OR round on a human body would've caused disintegration of the body.

g. The SIGACT from COP Grant as well as the statement from CPT(3), (b), located on COP Grant during the incident, explains that they were in a TIC with the enemy. Soldiers on COP Grant were receiving incoming small arms fire, RPG, and mortar rounds when the two US Soldiers were killed. The enemy was positioned in six different locations east of the COP, in between COP Grant and COP Eagle's Nest. The projectile fired and viewed on the UAV feed could very possibly have been coming from one of the enemy positions involved in the complex attack on COP Grant.

AETV- THN-CO

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6. Although the UAV feed appears to be proof that this was a friendly fire incident, it is only one piece of evidence to consider. By analyzing the physical damage to the target building, soldier statements from the tank crew, and the sworn statement of CPT (b)(3), (b)(6) (the commander at COP Eagle's Nest), there is significant evidence that disproves the fratricide conclusion. The original investigation leaves numerous gaps and relies too heavily on inconclusive evidence while disregarding other evidence. After thoroughly reviewing all the evidence, I believe that we cannot conclusively state that friendly fire killed our Soldiers on 2 February 2007 at COP Grant.

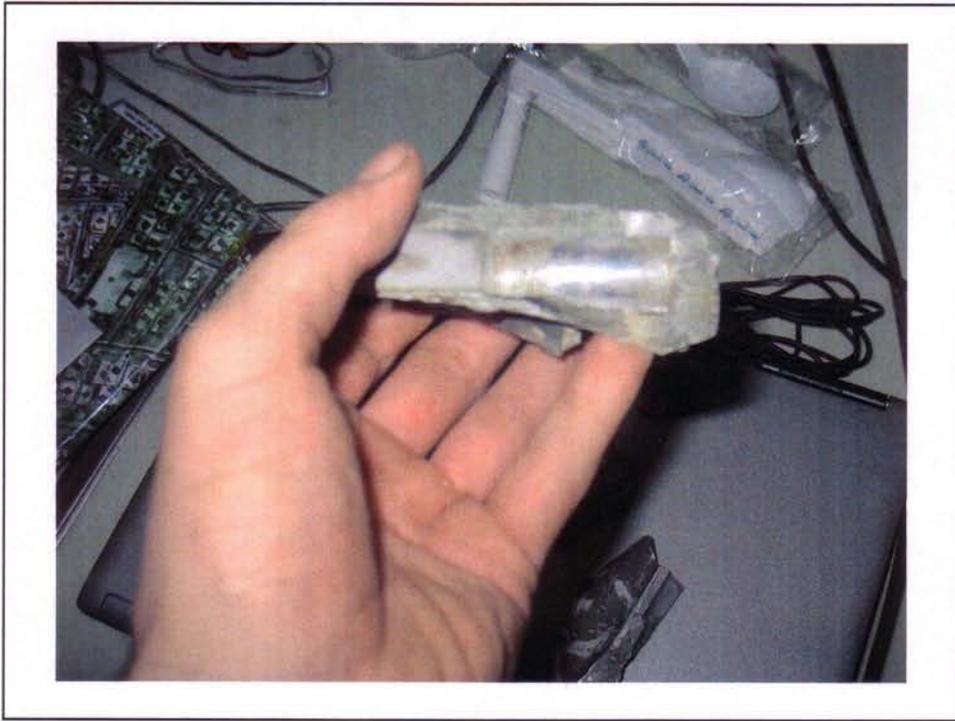
7. When Soldiers are killed in combat, it is always a tragic incident. When there is an allegation that a Soldier was killed by friendly fire, it also becomes an extremely serious incident since there are severe consequences associated with reaching that conclusion. If after careful review and consideration of each piece of evidence collected, it is determined that this was a fratricide, the necessary steps will be taken. However, based on what I have reviewed, I am not convinced that this is the case. I hesitate from classifying their deaths as such when I feel that the evidence does not support that conclusion and there is reasonable doubt. We are obligated to provide the families of these two Soldiers an accurate report of the incident. My recommendation is to lay out the evidence on both sides for the families and classify the death of these two Soldiers as cause unknown. Based on the evidence collected and presented, we cannot know for certain how these Soldiers were killed. If we incorrectly assume and ultimately report that this was a fratricide incident, without unequivocal proof to support that conclusion, we do a disservice to the families of our two Soldiers killed during combat.

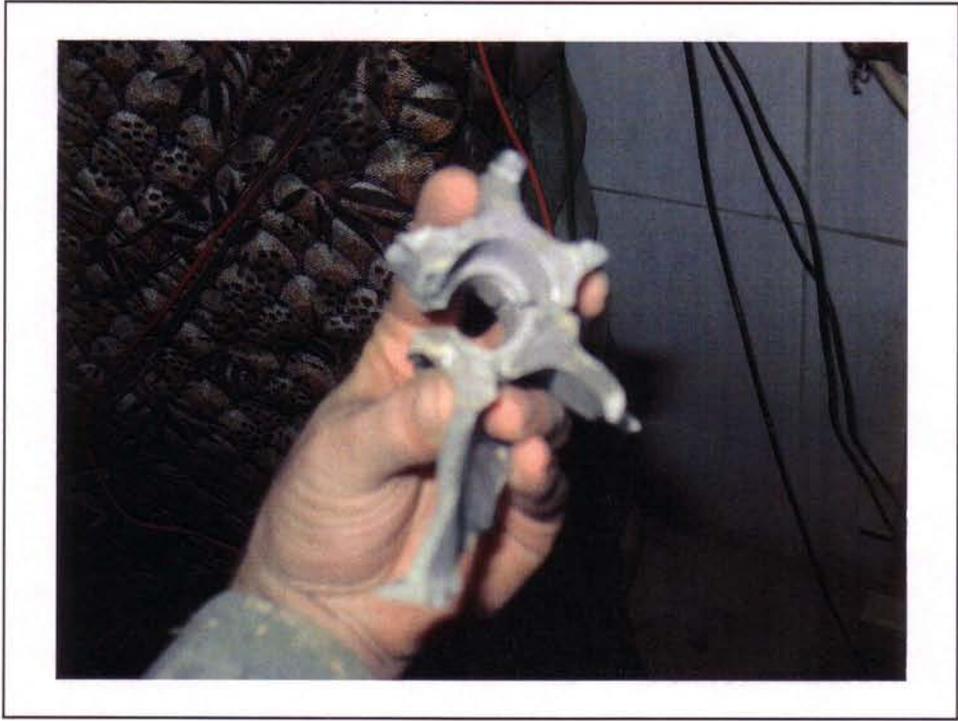
(b)(3), (b)(6)

COL, Armor  
Commanding











# 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:** 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 Bay Barracks, Friedberg GE	2. DATE (YYYYMMDD) 20070307	3. TIME 1145	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O3/CPT	
8. ORGANIZATION OR ADDRESS Co 1-37 AR RCT			

9. I, CPT (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
The engagement at COP Grant on 2 FEB 07 began with small arms and machine gun fire from the east. An AIF machine gun position was neutralized near the intersection of 20th & baseline. The position was app. 2-3 houses from the intersection. Heavy fire continued from the East and south east. One of the tanks to the east reported some fires appeared to be coming from the Eagle's Nest because it was very high and was moving over the buildings to the due east of COP Grant. I immediately advised Eagle's Nest and told them to check fire to the west. The volume of fire remained steady from AIF positions, and there were no more reports of possible fire from Eagle's Nest made by my elements. App 25 minutes into the engagement, there was a lull for 1 - 1 1/2 minutes. A heavy round then impacted COP Grant, and immediately the COP was engaged by a heavy volume of AIF small arms from the North, south, and ~~west~~ east. These fires lasted for 5-7 minutes then dissipated. It appeared the enemy was engaging (after the round impacted) from new positions. Rounds (small arms) were impacting the wall of the CP, which rarely happens during engagements. \* Nothing follows \*

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

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT \_\_\_\_\_ 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 CPT (b)(3), (b)(6) TAKEN AT Ray Barracks DATED 07 MAR 2007

9. STATEMENT (Continued)

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

**AFFIDAVIT**

I, (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7<sup>th</sup> day of MARCH, 2007 at Ray Barracks, Friedberg

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

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

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

CPT (b)(3), (b)(6)  
(I typed name of Person Administering Oath)  
ART 136, UCMJ  
(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

# SWORN STATEMENT

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## PRIVACY ACT STATEMENT

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**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Bay Barracks Friedberg, GE	2. DATE (YYYYMMDD) 20070307	3. TIME 1147	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 / Active	
8. ORGANIZATION OR ADDRESS HHC 1-37 AR BN, 1-1AD			

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

On the 2nd of February C/1-37 was attack by an unknown explosive projectile. My role with C/1-37 was a forward deployed intelligence analyst at CP Grant. I got <sup>3), (b)</sup> I received shrapnel pieces that were gathered that morning, and I also took pictures of the impact area and the shrapnel pieces that were found. I went to the roof twice that night. I went once to see ammo <sup>3)</sup> to the towers and soldiers on the roof. There was a large amount of people on the roof. Mostly, the people were from the incoming unit. After I was done I went back down to the CP to help out with RTO. I didn't go back up to the roof until some time later when permission was granted for main gun release on a building to our northeast. I went to the roof about two feet to the left of the impact area. After the building was hit I went back to the CP. Shortly after I came down, I would say about 20-30 minutes, we received an unknown round that impacted.

10. EXHIBIT	11. INITIALS OF MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT 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) SPC TAKEN AT Ray Barracks DATED 20070307

9. STATEMENT (Continued)

the roof of the building I was in. After that all the soldiers started coming down from the roof. There were a few soldiers that were slightly injured and were sent to the Aid Station. After the majority of the soldiers came down we did accountability and discovered that a Gator soldier and an incoming unit soldier were still missing. I am not sure who all went to the roof to find them, but it was hard to find them because they were both blown back from the explosion and were in unpredictable locations. From what I heard from second hand <sup>3), (b)</sup> ~~word~~ was that McPeck wasn't hurt to bad except for his (b)(6) (b)(6) when the medics found him, he was already dead. The other soldier landed to the south of McPeck. He was hit almost dead on. He took shrapnel to the bottom of his Sapi plate which (b)(6) I also believe that a (b)(6) (b)(6) I personally did not see their bodies - first hand. After all of the injured was eased to Camp Ramada, different soldiers began to bring me different type of shrapnel pieces from both the roof and the courtyard of the point of impact. That morning I took pictures of the point of impact from the roof and the ground, and sent them higher. Most of the rebar was still intact, but was bent to the west. There was one large piece of shrapnel that was found in the courtyard. Although there were alot of soldiers on the roof only a few were injured

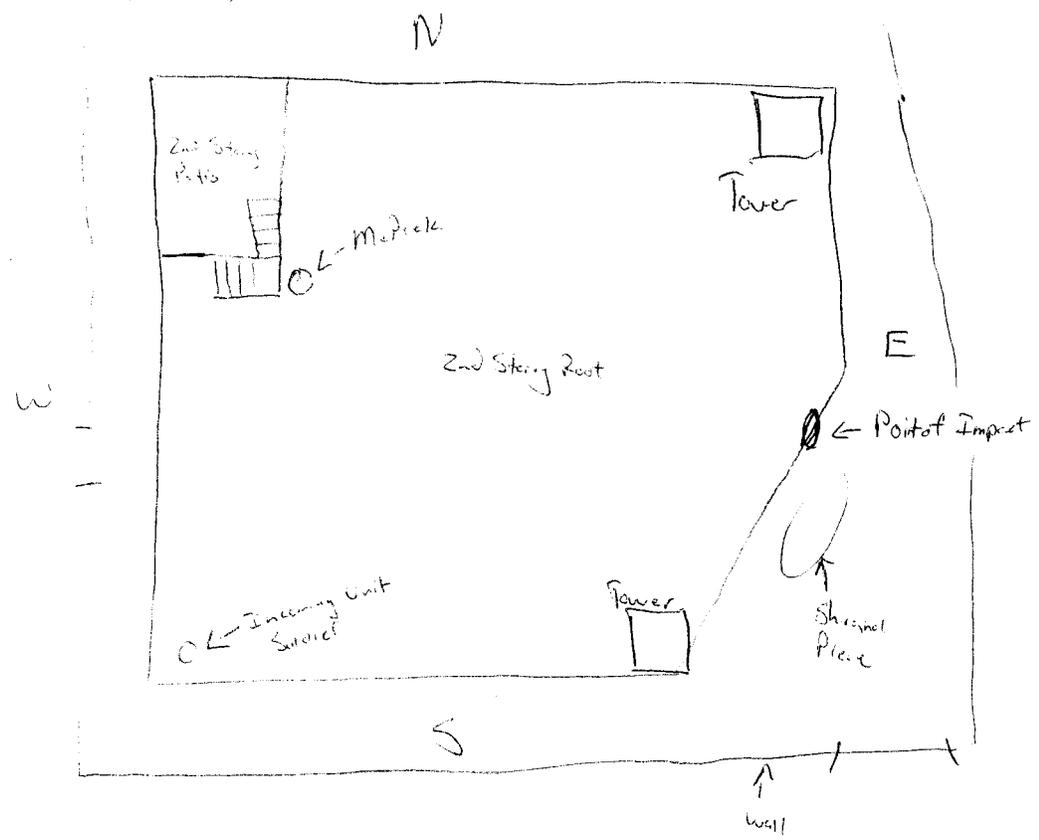
INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3), (b)(6) SPC TAKEN AT Ray Barracks DATED 20070307

9. STATEMENT (Continued)



AFFIDAVIT

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

*[Signature]*  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7<sup>th</sup> day of MARCH, 2007 at Ray Barracks, Friedberg

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

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

\_\_\_\_\_  
\_\_\_\_\_  
ORGANIZATION OR ADDRESS

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

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

# SWORN STATEMENT

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

## PRIVACY ACT STATEMENT

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**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 Ray Barracks, Germany, APO AE 09074	2. DATE (YYYYMMDD) 2007/02/28	3. TIME 1415	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS O-2/RA	
8. ORGANIZATION OR ADDRESS C Co, 2-37 AR Bn, 1/1 AD, APO AE 09074			

9. I, 1LT (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
The purpose of this statement is to reiterate and elaborate on my previous sworn statements regarding the engagement vic OP EAGLE'S NEST on 2 Feb 2007.  
I was on duty as heavy QRF platoon leader during the night, with SSG (b)(3), (b)(6) as my wingman. We were both in our company CP listening to radio traffic from OP EAGLE'S NEST, which was receiving heavy small arms, RPG, and mortar fire. We heard Dog 6 call over the radio saying that the OP had been hit with 7 RPGs, so I ordered my tank and SSG (b)(3), (b)(6) tank to assume REDCON 1 status, meaning ready to deploy within 5 minutes in support of troops in contact. The batteries on my tank were old and when we arrived to a tank, it was necessary to slave start the engine. After the tank was fully functional and prepared for combat with the Thermal Imaging Sights functional and working, I heard Dog 6 report over the radio that a tenth RPG hit OP EAGLE'S NEST and that he was requesting heavy QRF support, which was approved as blue 3 (SSG (b)(3), (b)(6) callsign) and I began moving through the ECP. Blue 3 took the lead, I followed in a section column formation, and we moved west on ASR Michigan, then turned left (South) on Canal Rd, then turned right (West) on Milaab Rd towards OP EAGLE'S NEST. When we initially turned South on canal, I made radio contact with Dog 6, who informed me that the contact was extremely heavy and recommended that our tanks close hatches due to the large amount of small arms and RPG fire and to change one of my radios to monitor his company net; at this point I was monitoring the C/2-37 company net and D/1-9 company net on my radios. Blue 3 and I closed hatches and continued to move. When we turned West on Milaab Rd, Dog 37, the platoon sergeant for the platoon on site, told me that there was an incoming GMLRs strike on the L6 sector and to halt the movement of my tank section east of OP EAGLE'S NEST. Blue 3 stopped his tank on the north lane, just east of the barrier obstacles on the road (maybe 5-10 meters away). I maneuvered my tank to the left (south) of his tank, held position on line with him, approximately 3-5 meters away, and Blue 3 and I began scanning for enemy. Almost immediately after we were set, we observed OP EAGLE'S NEST receiving fire from buildings in the vicinity of the P10 sector, and both myself and Blue 3 began receiving small arms fire from the same location. I reported the contact to Eagle's Nest and confirmed with Dog 37 that he did not have any men outside of the OP, and he confirmed that everybody was inside. Both Blue 3 and myself engaged the sources of enemy fire with short bursts of 7.62mm coax, at ranges of 300-400 meters to the west. I then called Dog 37 to find out when the GMLRs was going to hit and he said within a minute. Blue 3 and I continued to scan for targets and engage with short bursts of coax when the GMLRs hit in the L6 sector. I could not see exactly where the GMLRs hit, because it was obscured by OP EAGLE'S NEST, but there was no obscuration in the intersection because the wind was blowing from the south to the north, and so our engagement area remained clear and visible. After the GMLR strike, we still continued to receive contact for about 3 minutes. Blue 3 and myself continued to engage with coax, but we were not able to successfully destroy the enemy because they were inside buildings. The range was less than 400 meters, and the contact was on the north of the P10 sector; I know that the engagement distance was that close because the vast majority of all engagements I've been in since May have all been at a max range of 500m, but usually within 200 meters. Also I could see the tracers hitting the target buildings where the insurgents were, and there was very little arcing on the rounds. I told Blue 3 to continue to push forward closer to the intersection so that we could get better fires on the northeast corner of P10 without risking injury to soldiers in OP Eagle's Nest. We moved forward again, breaking our line and Blue 3 in the lead of our section column, and we continued to engage insurgents in the northeast of P10. During this time, both Blue 3 and myself experience several malfunctions with our coaxial machineguns; mine was stopping every few rounds fired. In order to conduct immediate action on a tank coaxial machinegun, it is necessary to max elevate the main gun so that the gunner can check the weapon. My gunner, SGT (b)(3), (b)(6) elevated the gun, and I moved over from the TC station to the loader's station to put the turret in manual mode; this is done for safety, because it prevents the breech from moving and potentially crushing the gunner while working on the coax. SGT (b)(3), (b)(6) found that casings were getting stuck in the barrel. I gave him the spare barrel that we kept in the loader's station and he changed barrels out, after which the machinegun worked perfectly. SSG (b)(3), (b)(6) was also having issues with his coax, as he was getting misfeeds and he also had to elevate his main gun several times; our platoon SOP for this is for one tank to cover the other and pick up the wingman's sector until the fault is corrected. During the time SGT (b)(3), (b)(6) was fixing our coax, SSG (b)(3), (b)(6) coax was also down, so he covered me using his .50 cal, and once my coax was fixed I covered him while he fixed his coax. This way at least one tank was maintaining contact with the enemy. Because we weren't decisively destroying the enemy, I called Dog 6 and requested the use of one main gun round in order to destroy the enemy inside the hardened buildings and to break their morale. Dog 37 asked where we intended to fire, I told him that the intended target was in the northeast corner of P10. He asked if I was talking about Bldg 170, and I replied that my map was outdated and the numbers were innaccurate, but that it was the

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3), (b)(6)	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"  
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF ILT (b)(3), (b)(6) TAKEN AT \_\_\_\_\_ DATED 2006/02/28

9. STATEMENT (Continued)

northeast of P10 and that it was the building that had the insurgents shooting at us (which I later found was 39, not 170, however at night it is difficult to tell the difference between the two and they are right next to each other, so this explains both Dog company's and our confusion as to the exact building number. I felt that the exact number was not very important, as they are right next to each other and the correct building to engage is the one containing enemy that is firing at friendly positions, and the precise number of the house in that case loses some relevance) and asked him to mark it. He told me that he didn't have anything to mark it with. I anticipated the main gun use being approved given the number of RPGs that hit Eagle's Nest, so I pushed forward past Blue 3 up to the intersection so that we could get a better and safer shot at the building; also, from where I was set previously, I could not see building 39 or 170. Bleu 3 remained behind me, and, and I moved up past him on his right (north) side, about 30 meters away from him; I was in the north lane of Milaab Rd along Easy St., he was in the south lane of Milaab Rd. We now had an extremely clear shot at building 39, could identify insurgents engaging us with small arms, and could return fire. My hull was oriented due west, with my turret oriented south/southwest. My driver, SPC (b)(3), (b)(6) was oriented west directly towards COP Grant with his driver's night sight, and reported seeing multiple flashes of the COP getting hit. I know that the turret was not in line with the hull pointing towards COP Grant because when I looked down, I could see SPC (b)(3), (b)(6) through the turret guards next to SGT (b)(3), (b)(6) because of the way that crew positions are set up in the tank, this is only possible when the turret is pointed to the left in relation to the hull. Blue 3 was oriented west at this point and was busy trying to clear his machinegun stoppages.

At this point Dog 6 called back and said that the use of one and only one main gun round was approved. I expected to be the one firing the main gun round, so I moved over to the loader's station and began to lower the breech, because I only had a 3 man crew. We keep our breeches raised during normal operations because when the breech is lowered and open, it puts a lot of stress on the springs inside of the gun, and because main gun use has to be approved by a field grade, there was never a situation where we had to fire main gun in an instant, there was always time to get approval and work the breech once approval was given. After I opened the breech but before I opened up the ammunition stowage rack, I radioed Blue 3 and told him that I was going to push my tank forward to get a better shot, and he called back and said that he would do it. I agreed, told him that he would engage the building, and to move his tank forward to ensure that he had a clean shot. After a brief pause, SSG (b)(3), (b)(6) maneuvered his tank approximately 15 meters forward and to the left (south) of my tank and into the intersection. The way our tanks were oriented, his hull was oriented to the southwest and was in line with the target building, my tank's turret-hull orientation remained the same and my gun tube and optics were oriented at building 39, with my line of sight just to the left and above SSG (b)(3), (b)(6) tank. I could tell that he was looking at the same thing I was, which was several insurgents taking pot shots at us with AK-47's. I called up Dog 37 and told him that I was going to mark the target building with coax and for him to confirm that both Eagle's Nest and my wingman were both tracking on which building was to be engaged with main gun. I engaged the building with coax, and Dog 37 reported over the radio that the building I had marked was 170 and that it was a historical enemy fighting position. I then called SSG (b)(3), (b)(6) to confirm that he saw the building that I had just marked, and he replied that he did, and that it was going to take him a minute to get ready to fire. SSG (b)(3), (b)(6) also had a three man crew, and because neither of us battlecarried, SSG (b)(3), (b)(6) also was forced to move over to the loader's station, open his breech, load the main gun round, and then move back to the TC station after arming the gun, and then setting the recoil guards in place. Once he returned to his TC station, I called on the radio and asked him if his SDZ's were clear. He replied that his SDZ's were clear. I then went to open protected posture to confirm myself that his SDZ was clear. It is extremely important to note that because of the layout of buildings near Eagle's Nest, it would have been physically impossible for me to mark building 39 with coax from where my tank was originally situated. I would have had a block of buildings between my tank and the target, my proximity to the block would have prevented me from shooting over the top of them; there is no possible way that I could have successfully marked building 39 with coax without having moved all the way up to the intersection of Milaab Rd and Easy St.

The SDZ for a main gun round is a 20 degree deviation from the center of the axis of the gun, with 15 degrees on either side for the petals if the round has petals. The arming distance for a main gun round is no more than 60 meters. The building that his gun was layed on was outside of 60 meters in distance; in addition, I could see that there was no possible way that friendly forces were located within the 35 degree danger zone of either side of the main gun's axis. Also, directly west of his tank were several buildings that were lying between his tank and OP Grant. During this deployment, I have fired over 40 tank main gun rounds at enemy fighting positions, several of those engagements located at OP Eagle's Nest both before and after the OP was established. I was also present when OP Eagle's Nest and OP Grant were established; my tank was set in an overwatch position on Farouk Rd, just west of the Easy St./Milaab Rd. intersection oriented west for a combined total of 36 hours during both day and night hours. I have been on a QRF which deployed to OP Eagle's Nest on more than 20 occasions. As such, I am extremely familiar with the layout of the area and the location of friendly forces and positions, as well as appropriate and safe use of tank main gun in an urban environment. After a similar investigation involving a potential fratricide in December 2006, both myself and my tank commanders are extremely conscious towards potential fratricide and fratricide avoidance, and I knew that OP Grant was located 900 meters to the west and I did not want to be responsible for friendly casualties. Considering the factors at hand, being that the round would arm and detonate on target with little to no chance of the round not detonating and ricochet towards friendlies, that all friendly forces were outside of the SDZ, and that SSC (b)(3), (b)(6) did not have a clear line of sight to OP Grant, I deemed that Blue 3's SDZ was clear and it was safe to shoot.

I then called SSG (b)(3), (b)(6) on the radio and told him to report when his tank was ready to fire. A little less than a minute later, he told me that he was ready to fire. I then called Dog 6 on his net and reported to him that we were ready to fire and that both tank commanders confirmed that the SDZ was clear of friendly forces. Dog 6 acknowledged and gave permission to send the round. I then told SSG (b)(3), (b)(6) to fire. He didn't fire initially, so I called him again on the radio and told him that he was clear to fire. He still didn't fire at that point, and after a few seconds he called me and said "Round on the way", I relayed "Round on the way" to Dog 6, and then I told Blue 3 to fire. From the time I requested main gun up to the time that the main gun round was actually fired, I would guess that a minimum of four minutes had elapsed, due to the tanks repositioning, SDZ analysis, crew duties, and radio crosstalk.

Blue 3's main gun had several immediate noticeable effects. First, the target was successfully impacted and the round successfully detonated within 200 meters. I know this because I saw the flash of the gun tube and the explosion on building 39 the instant that I heard the boom from the main gun firing; if SSG (b)(3), (b)(6) had actually been engaging OP Grant, there would have been a noticeable delay of almost a full second before the round would have hit the OP. Secondly, when the round impacted and detonated on building 39, a lot of dust came off of the building, and obscured the building itself. The wind was also blowing from south to north, because the dust blew into the intersection and obscured visibility to our west. Our general practice is to follow main gun up with a burst of 7.62mm machinegun fire to ensure that enemy forces are destroyed. I told my gunner (SGT (b)(3), (b)(6) to engage where Blue 3 had shot with coax, but he said "Sir, I can't see it because of all the dust there, I think we should wait for it to clear out, I don't want to be shooting when I can't see." I agreed with him and my tank ceased fire. A third effect was that my driver was still oriented west towards OP Grant, and because he was using his driver's night sight to see, he was unable to see anything off to the sides of the tank, he just had a straight line of sight with OP Grant. After Blue 3 fired the main gun round, SPC (b)(3), (b)(6) asked what SSG (b)(3), (b)(6) had shot, because he couldn't see what he had shot

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

9. STATEMENT (Continued)

at. This means that my driver did not see the impact of the main gun round because he was looking west at OP Grant, and therefore the round could not have traveled west down Farouk Rd. and into OP Grant, because SPC (3), (b) had been observing OP Grant receive mortar and RPG contact, and he would have certainly seen a main gun round had hit OP Grant. I also reviewed pioneer UAV footage taken that night; at the time 39:45 a projectile is traveling along Farouk Rd moving from East to West. Given the layout of my tanks, this could not have been a main gun round. Milaab Rd, which was the central axis between my tanks, and Farouk Rd do not run in a straight line. At the intersection of Easy St. and Milaab Rd there is a traffic circle, and Farouk Rd is offset to the south in relation to Milaab Rd. It is impossible for a round fired in line with Milaab Rd to travel along Farouk Rd, parallel perhaps, but along the path of the road it is simply physically impossible.

After the dust cleared from the main gun round, there was no enemy contact. I called SSG (3), (b) to confirm his BDA against the enemy, and he confirmed two enemy KIA. After about 5 minutes, we began receiving small arms contact again, this time further west, along Farouk and also west on Baseline rd, which runs parallel to Farouk. I then had SPC (3), (b) maneuver my tank further west and slightly to the north, so that I could observe north on Easy St, and my view to the west was partially obstructed by a power line tower. My gunner identified insurgents firing from a rooftop and from windows north of Baseline. I initially told him to engage, but then immediately ceased firing my tank. SGT (3), (b) then told me that he didn't want to fire until we had 100% confirmation of where OP Grant was in relation to our new position. He scanned to the left of where the insurgents were, I would say a deviation of 35 to 40 degrees, and we successfully identified OP Grant. He then scanned back to the right for about 15-20 degrees and identified another building with an unusual silhouette and asked me if that was part of OP Grant. I looked through the GPS and double checked with my map, and confirmed that it was NOT OP Grant, it was a mosque. SGT (3), (b) continued to scan to the right for another 30 degrees until he had the reticle layed on the building with the insurgents. He lased to the target multiple times to ensure that he was not receiving false returns. The electrical tower was to our west, so our gun tube was oriented northwest, and the maximum range returned was 500 meters. Because OP Grant is over 900 meters to the west and there was a significant amount of deviation and distance between the insurgents and OP Grant, I ordered SGT (3), (b) to fire. I could see the tracers hitting the targeted building, confirming that it was a good lase, since tracer burnout for 7.62 is 900 meters and the trajectory of the bullets was flat. Both SSG (3), (b) and my tank continued to engage insurgents using machineguns. SSG (3), (b)'s tank ran out of 7.62mm coax ammunition in his ready box, and had expended his .50 caliber ammunition, so he was forced to max elevate his gun and backed up east of my tank so that I could cover him while he opened ammo cans and reloaded his ready box. Once he was up, he moved southwest again, and helped me engage the insurgents with my .50 cal by looking through his thermals and talking me on by watching my tracers. Shortly thereafter, I also ran out of 7.62mm coax in my ready box, and was forced to max elevate the gun, and open ammunition cans to reload the ready box. As soon as I had finished reloading the ready box, Dog 6 called and told us that OP Grant was conducting casevac and to stay on a watch and shoot status. He then assigned sectors of fire, with one tank covering north on Easy St. and the L6 sector, with the other tank covering south on Easy St and the P10 sector. I again repositioned my tank to better observe north on Easy St. by moving further west, and SSG (3), (b) moved his tank further to the west to get a better view down Easy St. We remained on station for another 30 minutes without receiving any enemy contact before Dog 6 released us back to Camp Corregidor.

After reviewing the tape, I noticed the object flying from East to West. Nine seconds before the object appears, it shows the intersection at OP Eagle's nest, and my tanks have not yet moved into the intersection; they are still on Milaab Rd. As far as I can tell, despite what the time on the video says, it could not have been a main gun round from SSG (3), (b) because the main gun round was not fired until AFTER I marked building 39 with coax, and based on my tank's last visible position before the object, there is no physically possible way I could have successfully marked building 39 with coax. During the time frame of 45:00 through 45:22, one tank is moved up towards the intersection of Milaab and Easy street and is engaging enemy, the other tank is sitting further East on Milaab. This would have had to have been before the main gun round was fired; as I said before, I had anticipated on being the tank to fire the main gun round, but SSG (3), (b) said that he would fire it, at which point he moved past me after sitting behind me initially and moved into position to fire. This was also the position that I marked building 39 from, not the location shown at minute 39:45. The footage shown from 45:00 to 45:22 is footage of my tank engaging enemy forces before the main gun engagement, not footage of my tank marking building 39. I did not mark building 39 until after SSG (3), (b) had moved his tank forward, and his tank was in front of mine when he fired the main gun round, NOT behind mine. I have a great deal of familiarity with the area around OP Eagle's Nest in all conditions possible in Iraq, and I can say with complete confidence that the positioning of my tanks is as I described and the sequence of events, as best as I can remember almost a month later, is accurate.

AFFIDAVIT

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

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

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of March, 2007 at \_\_\_\_\_

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

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

ART 136, UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS \_\_\_\_\_

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

**PRIVACY ACT STATEMENT**

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

LOCATION BLDG 4002 Friedberg GERM	2. DATE (YYYYMMDD) 2007 02 28	3. TIME 1545	4. FILE NUMBER
LAST NAME FIRST NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-6 / RA	
ORGANIZATION OR ADDRESS Cco 2/37 AD APO AE 09074			

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

On the night of February 2, 2007 at around midnight I was told to start getting the guys ready cause eagles nest was under attack. So I spun up the guys and listened in the TOC awaiting orders. After we heard that eagles nest had received 9 RPG's LT (b)(3), (b)(6) said forget waiting on the word and said want up. So all of our guys ran out to the tank at around 0057 → 0115 on the way down michingean I was in the lead and informed that there was a possible IED on the route down there. So I just told my driver to slowly approach michingean & canal intersection. So after we past the possible IED along the intersection I told my driver to pick it up. When I turned west on Al Malab Lt. (b)(3), (b)(6) asked me to drop to dog's net. So I told my driver slow down while I moved over to the loader station to switch one of my radios over to the dog net.

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

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

STATEMENT OF SSG (b)(3), (b)(6) TAKEN AT 4002 RAY DATED 2007 02 28

STATEMENT (Continued)

MADE A RADIO check with Blue 1 & Dog 6 on the Dog net. then continued to Drive towards the Eagles nest. After traveling AROUND 100 to 200 meters west on Al Malab we was told the situation by Dog 6 and was told to button up (meaning close or Hatch) Due to the fact of a GULRS strike on the north west corner of CP 343 (bldg 170 zone 16) so we did so. During that time I was trying to lay suppressive fire to the shallow (short) west but I HAD a lot of stoppages so blue 1 maintained suppressive fire while the GULRS strike was going on AND I fixed my malfunction.

After I fixed my malfunction AND the gulrs strike was completed Lt (b)(3), (b)(6) requested to fire 1 main gun round. (now that requested as got to be approved by a field grade officer) so that will take some time to get permission. so after we got approval I told Lt (b)(3), (b)(6) I'll load one up he said ok so I HAD to jump over all my guards and load a main gun round OR. (Obstacle Reducer) so I moved my tank through barriers at night and around a Humvee (which is not easy to do also take some time) then when I got to the corner of easy Dog 6 said Hit BLDG 170 in zone P10. so I told him I didn't have

STATEMENTS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT (Continue)

A map with all the BLDG numbers. So I asked for them to mark the BLDG. That is when I saw round come from the north to south around CP 343. (corner of easy street & Al Malab) so after the round marking the target my DRIVER SAID he saw rounds being shot towards our front of the tank when I put my gun on the bldg. he saw guys on the roof/patio 2 men. So he went to laser with the LRF (Laser Range Finder) And we was so close that the RANGE was flashing 0000. so I told him index coax that is the machine gun then laser. And he got 110 m. then he opened up his CCP (computer) and index 200 m. I told him to open it back up and make sure the RANGE button was not lit up. After that Lt. (b)(3), (b)(6) SAID whats the hold up. I told him Round on the way. And he SAID send it. we fire where we saw the men get and followed through with coax. 7.62. After that all firing stopped, my self and Blue 1 (Lt. (b)(3), (b)(6)) did a Refit cause the coax really holds 2400 Round. But that is so heavy so I have my box broke down to 8x 400 round belts. so I back up (while Blue 1 pulled security. the we both pulled security.

**AFFIDAVIT**

I, SSG (b)(3), (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS \_\_\_\_\_ 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)  
1LT (b)(3), (b)(6)  
C/2-37 AR, APO AE 09074  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of March 2007 at \_\_\_\_\_

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

CPT (b)(3), (b)(6)  
(Type name of person administering Oath)  
ART 136, UCMJ  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

TITLES OF PERSON MAKING STATEMENT  
(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 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 Ray Barracks GE	2. DATE (YYYYMMDD) 20070228	3. TIME 1400	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3), (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E4	
8. ORGANIZATION OR ADDRESS Cca 2/37 AR BN			

9. I, (b)(3), (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
On 02 Feb. 2007 at around 0130. My tank crew 31 and 33 were called on GRF to the Mulab District, to assist the Eagles Nest because they were receiving heavy contact. After the tanks were preped and ready to roll we proceeded out of FOB Corrigador. I was the driver of the 31 tank which was the second tank on the way to the Eagles Nest. It went 33 then 31. We proceeded with caution due to the route not being cleared. We headed west on ASR Michigan to Canal Street. Took a left on Canal street and headed south. I kept great distance from 33 because the route was not cleared, that way I could speed up and slow down to throw off possible trigger men. After 5 to 10 minutes we reached the intersection of Mulab Way and Canal street. We took a right and headed west on mulab way. Because of GMLR Strikes due west we were told to hold our position 250 to 300 meters shy of Eagles Nest. After the GMLR strikes we then continued to Eagles West, upon reaching the Eagles West threw my Night Sight I could see Tracer fire coming at us and 33. Both tanks suppressed the house. Due to being in the drivers hole I could not see what building we were engaging. Lt. (b)(3), (b)(6) then requested for Main gun, it was authorized. Only 1 main gun round was authorized. Lt. (b)(3), (b)(6) told 33 they could have the shot. 33 moved over into the south lane while I positioned 31 into the north lane. The only thing I could see thru my drivers Night sight was due west. Positioning the tank took 5 minutes to do. I kept moving so my gunner could get better angles and better observation. 33 still did not shoot. A few minutes after that 33 fired main gun. The hull of the tank was facing west, so I could see down towards OP Grant. After the initial boom I saw no ~~round~~ tank round traveling west. After we fired, the small arms fire stopped. And we stayed on station for 30 to 45 minutes before RTB

nothing follows

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

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

Ray Barrack

DATED

20070228

STATEMENT (Continued)

(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 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES:

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

1LT (b)(3), (b)(6)  
12-32 AR, APC AE 09074  
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of March, 2007 at

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

CPT

(Type

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

ART 136, UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

# SWORN STATEMENT

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## PRIVACY ACT STATEMENT

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**CLOSURE:** Disclosure of your social security number is voluntary.

LOCATION <b>CAMP CORRIEVIDOR</b>	2. DATE (YYYYMMDD) <b>20070228</b>	3. TIME <b>1100</b>	4. FILE NUMBER
LAST NAME FIRST NAME MIDDLE NAME <b>(b)(3), (b)(6)</b>	6. SSN <b>(b)(6)</b>	7. GRADE/STATUS <b>E-5 - AD</b>	
ORGANIZATION OR ADDRESS <b>C CO 2137 AR</b>			

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

ON THE 2ND OF FEB 2007, MY QRF SECTION WAS CALLED OUT TO REACT TO CONTACT. C 33 AND C31 WERE MOBILIZED TO THE MULAAB AREA. UPON ENTERING THE SECTOR DOG 6 DIRECTED US TO WHERE MOST OF THE CONTACT WAS. WE STOPPED EAST OF EAGLES NEST, DUE TO A BMLRS STRIKE AT L6 BITO. C33 FLEW SW AND MY TANK REMAINED WEST ON MULAAB. MY SECTION INSTANTLY STARTED RECEIVING CONTACT FROM ALL SIDES. A MASS OF AIF WERE RUNNING ON ROOFTOPS ON FAROUK AND MULAAB. BEFORE ENGAGING I MADE SURE NO FRIENDLIES WERE PRESENT, SO AS TO AVOID COLLATERAL DAMAGE. USING COAX ON THE AIF WAS INEFFECTIVE, DUE TO THEM USING COVER. 1LT (b)(3), (b)(6) CALLED FOR 1 ROUND OF MAINGUN. SSG (b)(3), (b)(6) IDENTIFIED AIF IN BUILDING 39. LT (b)(3), (b)(6) AND I SCANNED THE AREA TO ENSURE THE LOS WAS SAFE. LT (b)(3), (b)(6) GAVE THE COMMAND TO FIRE, SSG (b)(3), (b)(6)'S GUNNER SPC (b)(3), (b)(6) FIRED THE ROUND. THE ROUND SMASHED INTO BUILDING 39. CONTACT FROM BUILDING 39 CEASED, WHILE AT THIS TIME C31 WENT BLACK ON COAX. AFTER THIS BOTH TANKS ENGAGED AIF WEST OF FAROUK WAY. A FEW MINS LATER CEASE FIRE WAS GIVEN, DUE TO INDIRECT FIRE ON OP GRANT.

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

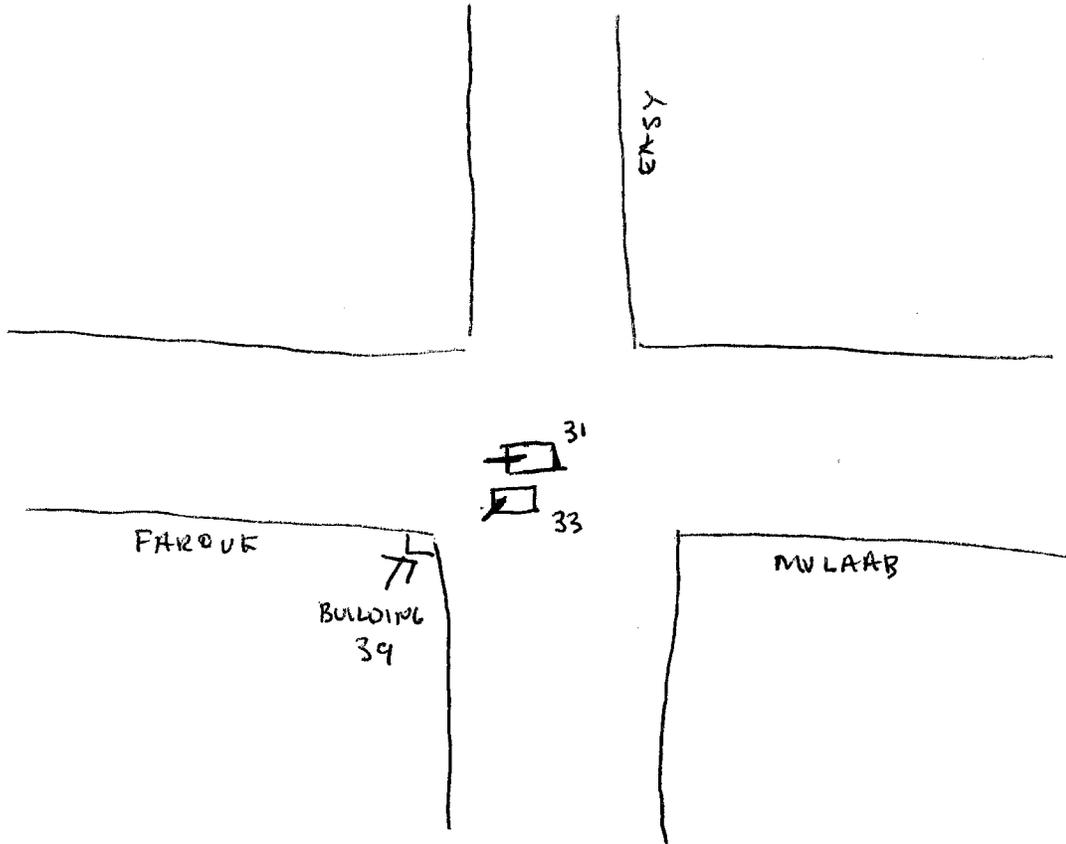
AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF (b)(3), (b)(6) TAKEN AT Ray Barzaciez DATED 20070228

STATEMENT (Continued)

DURING THIS ENGAGEMENT SELF RESTRAINT AND SAFETY WERE USED BY BOTH TE'S. THE GUNLINE WAS CHECKED TO ENSURE NO FRIENDLIES WOULD BE HURT. I PERSONALLY SAW THE ROUND SMASH INTO BUILDING 39. I LAZED THE TARGET BUILDING, I RECEIVED FLASHING ZERO'S SAYING THE TARGET IS CLOSER THAN 200 METERS.



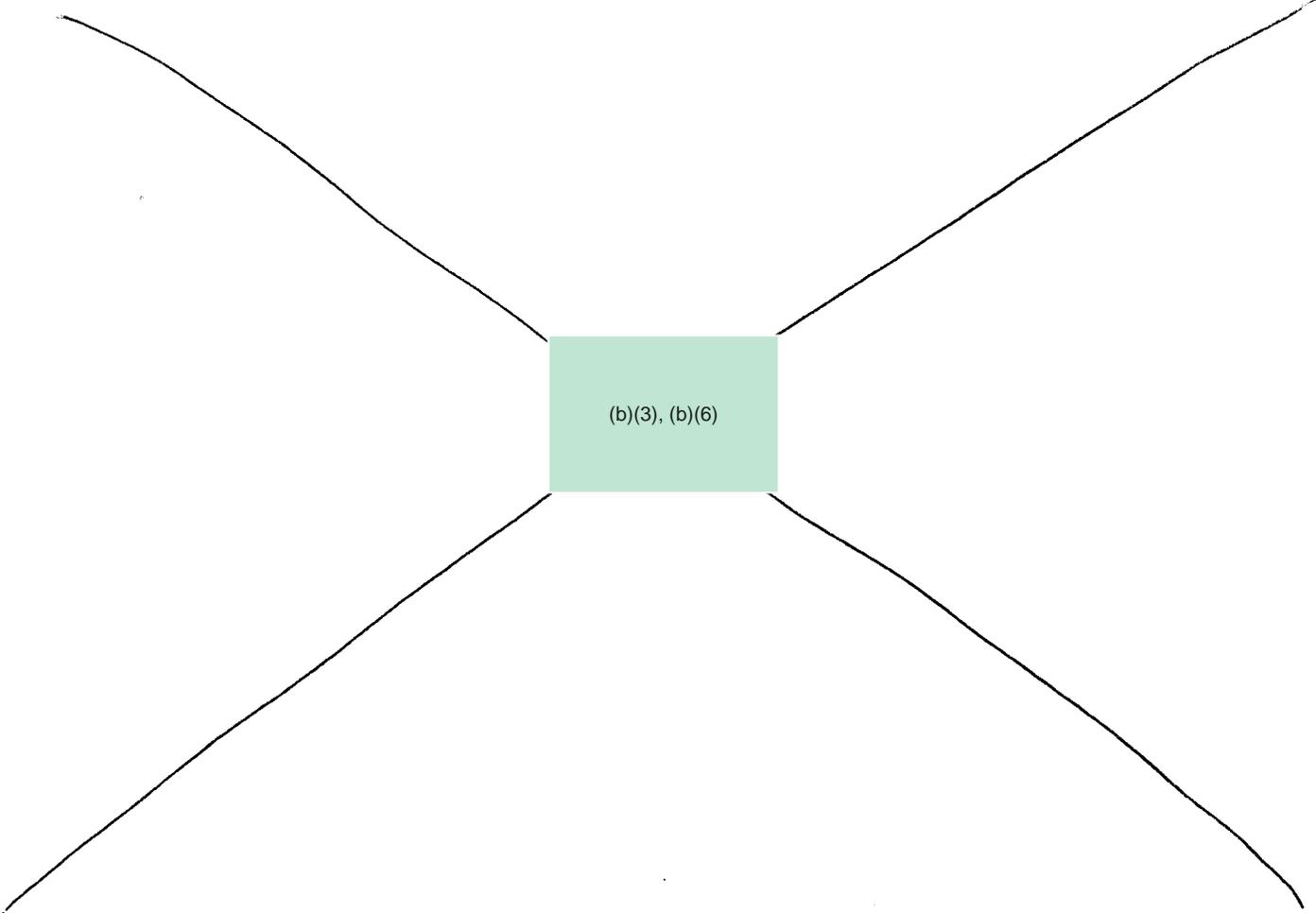
STATEMENT OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF 56T (b)(3), (b)(6) TAKEN AT CAMP COLEWELL DATED 2007 02 28

STATEMENT (Continued)



**AFFIDAVIT**

I, 56T (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:**

\_\_\_\_\_  
(b)(3), (b)(6)  
1LT (b)(3), (b)(6)  
B/2-37 AR, APO AE 09074  
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of March, 2007 at \_\_\_\_\_

\_\_\_\_\_  
(b)(3), (b)(6)

CPT (b)(3), (b)(6)  
(T)

ART 136, UCMJ  
*(Authority To Administer Oaths)*

\_\_\_\_\_  
ORGANIZATION OR ADDRESS

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

## PRIVACY ACT STATEMENT

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

LOCATION <u>Ray Barracks</u>	2. DATE (YYYYMMDD) <u>20070228</u>	3. TIME <u>1154</u>	4. FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <u>(b)(3), (b)(6)</u>	6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>SPC</u>	
ORGANIZATION OR ADDRESS <u>CCO 2-37</u>			

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

On Feb 2nd 2007 a DRF call was placed because eagles nest was under contact. We quickly reacted. Blue 1 was with us. Our call sign is Blue 3. We pulled up to eagles nest. We stayed short of the intersection of Mulaab Wy. and Easy St. We stopped short of the intersection to await for the GMLR strikes. The GMLRS seemed to fall for awhile. We did not get the ok to push forward until the GMLRS were close. The GMLRS hit pretty close. Once we were cleared to move forward we moved closer to the intersection. Immediately I PID personnel on the roof. The personnel were definitely not U.S. or Iraqi Army. I did as I had no sign that they were hostile my driver actually saw tracer rounds. I began to engage with coax and the coax kept jamming. I tried to elevate my gun several times to try and fix the problem.

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

AT 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 Ray Barracks DATED 28 Feb 2007

STATEMENT (Continued)

The coaxial engagements were clearly ineffective. Blue 1 then requested main gun. Before I fired I clearly saw the building marked by coax. The house numbers had a discrepancy, 170 or 39. But I had visual at all times. I clearly saw the building and the insurgents because we were so close. There was no question on where I was shooting. The time we got cleared and the time we shot was several mins long. First thing was who would take the shot. Being as we were closer and we were frustrated because of the coax jam we decided I should take the shot. We then moved closer so I could get a better shot. The target building was southwest of OP Grant was west of us. I never even seen the OP because I was locked on the target building from the start. I lased got flashing zeros. I then manually indexed 200 meters. There was a gap between the clearance and <sup>3), (b</sup> another the actual shot. I finally shot and with the size of the insurgents and buildings there was no way they were 900 plus meters away. At that distance the guys on the roof would be smaller. Another thing is I chased main gun with coax and finally got the coax to fire. Again I saw the rounds hit no way was I going to hit that accurately at 900 m. Also this was the only time my fires shifted west but only a little past the building because guys were fleeing. We then received a seize. Stayed on stationed 30 mins and then we left.

STATEMENTS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF SFC

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

TAKEN AT

Rox Barracks

DATED

28 Feb 2007

STATEMENT (Continued)

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

**AFFIDAVIT**

I, SFC

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

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

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

(Signature of Person Making Statement)

WITNESSES:

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of March, 2007

at

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

1LT (b)(3), (b)(6)  
C1237 AR, APO AE 09074  
ORGANIZATION OR ADDRESS

CPT

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

(Type name of Person Administering Oath)

ART 136, UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

# SWORN STATEMENT

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## PRIVACY ACT STATEMENT

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**UTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**ICLOSURE:** Disclosure of your social security number is voluntary.

LOCATION <u>Ray Barracks, SE</u>	2. DATE (YYYYMMDD) <u>20070228</u>	3. TIME <u>1400</u>	4. FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME <u>(b)(3), (b)(6)</u>	6. SSN <u>(b)(6)</u>	7. GRADE/STATUS <u>E4</u>	
ORGANIZATION OR ADDRESS <u>C<sup>o</sup> 12-37 AR BN</u>			

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

On 02 FEB, 2007 at around 0130 hours both my tank crew (C33) and the C31 tank were called out on a QRF mission in the Mulab district at the Eagle's Nest to help suppress the enemy in which they were taking heavy contact from. I am the driver for the C33 vehicle. Upon receiving the call both crews hastily preped the tanks and moved out of camp Corrigan. After spring from Corrigan my TC (tank commander) instructed me where we were heading but to drive slow and take caution because he was told by higher that the route had not been cleared and most likely had IED's and/or IRL's along the way. We were lead tank and I first started heading west on ASR Michigan, passed ECP 7 West, and then took a left on Canal st. heading south. SSgt (b)(4), (b)(6) (my TC) told me to slow the pace down and take even more notice to the ground at this point. It took us apx. 5 mins to reach the end of Canal, where we then took a right onto Mulab Way heading towards the Eagle's Nest. When we reached what I'd call halfway down the road of Mulab Way, apx. 200-300 m shy of Eagles Nest, my TC instructed me to stop and hold my position because of a GMLR strike about to take place directly in front of us. The only thing I had observed out of drivers nightsight periscope up to this point was a friendly Hummer to our front left (on the opposite side of the road) about 25m - stationary. After apx. 5 mins of initially stopping I observed the GMLR strike off into the

EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <u>(3), (b)</u>	PAGE 1 OF <u>3</u> PAGES
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STATEMENT OF (b)(3), (b)(6) TAKEN AT Ray Barrick DATED 20070228

STATEMENT (Continued)

into the distance, directly in front of us - 400-600m out (or so it seemed). After a few GMLR strikes, we received word that it was clear to push ahead. So my TC instructed me to move forward, and we came to a stop just shy of the intersection of Mulab Way and Easy St. At this time I began to see enemy small arm tracers flying in our direction. We then move about 25m closer to the intersection, while the C31 tank remained a little bit behind us on the other side of the road. C31 began firing small arms at a specific location/building which couldn't have been any further than 250m away. We tried assisting C31 by suppressing what was now confirmed by higher as the "target building", however due to a coax jam we were unable to do so. After of about 5 mins of C31 suppressing the enemy and our crew struggling to fix our coax machine gun, Lt (b)(3), (b)(6) (C31 TC) received the go ahead to fire 1 main gun round into the target building. Just to confirm which building was to be hit, C31 sent a few bursts of coax and wait for PID from higher just to be sure. After confirmation that the building was in fact the building with AIF in it, my TC informed C31 that we would re-position closer to get a clear shot. After repositioning we had a clear shot of the target building. My TC loaded what I believe was an OR round, my gunner manually input the range, indexed main gun, and after a short while fired. Although a little hesitant - apx. after 10 mins of receiving the order, 1 (one) main gun round was fired. All surrounding units got equipment and personnel accounted for. For the most part the contact had subsided. And we remained on station for apx. 30 mins until given the go ahead to RTB.

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF (b)(3), (b)(6) TAKEN AT Ray Barracks DATED 20070228

STATEMENT (Continued)

[Large redacted area with a large 'X' drawn over it]

(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:**

(b)(3), (b)(6)  
1LT (b)(3), (b)(6)  
112-37 AR, APO AE 09094  
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 2 day of March, 2007 at

(b)(3), (b)(6)  
CPT (b)(3), (b)(6)  
ART 136, UCMJ  
(Authority To Administer Oaths)

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