

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, _____, 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.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS


(Signature of Person Making Statement)

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


(Signature of Person Administering Oath)


(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM)
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 <i>Amn Station</i>	2. DATE (YYYYMMDD) <i>2005 02 04</i>	3. TIME <i>1230</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS <i>R 154</i>	
8. ORGANIZATION OR ADDRESS <i>*Aco 2-502 101st ABAL DIV</i>			

9. *[REDACTED]* WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Explain COT & ROE in your own words?
 COT is to try to stop a situation before I gets Deadly.
 ROE are Rules that we follow so innocent people Dont Die in Combat.
2. What was your duty Position and what truck were you in?
 Duty Pos. 3-1 A TL I was on Rear Passenger Seat.
3. Did you know that 3rd PLT had a Dismounted Patrol west along Fat Bay?
 No I did Not know the were out there.
4. What was suspicious about the Blue Bongo truck?
 It's rate of speed the weapon out the window the truck didn't stop.
5. Did you believe the Bongo truck had Hostile fire or was displaying hostile intent. why did you believe this? Yes I Belived the truck was Hostile they were moving Fast and had weapons out the window?
6. How many escalation of force or warning shots have you PLT Fired? I have fired 3 warning shots and 60 S-54 round at Enemy.
7. What is the general Situation at your AO. Bad there's alot of enemy out there they have lots of IED's and They really what all of us Dead and they want to take the Gator Swamp.
8. Did you observe weapons in/out side the truck? Yes I saw the Weapon out the window.
9. Did you observe any one standing in the Back. what were they Doing?
 I saw no persons Back there.

10. EXHIBIT	PERSON MAKING STATEMENT	PAGE 1 OF <u>4</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.

STATEMENT OF _____ TAKEN AT _____ DATED _____

D. STATEMENT (Continued)

10. Did you find at the Bango truck, what did you shoot at? YES I found 3 rounds at the truck. I found center mass of the truck.
11. Who else in your vehicle fired at the truck. Did you order you to fire? NO and my self fired at the Bango No. 1. I fired on my own.
12. Have you observed suspicious Bango trucks in you AO. YES
13. Did you know 2nd PLT was west on _____ Did you know they were dismounted? NO I did not know they were out there.
14. Did you assist with casualty evac. or did you observe? I Assisted
15. Did you find any of 2nd PLT weapons and the ground. What type of weapon? I found 1 m4 down behind the truck on Fat Boy
16. Did your vehicle have head sets to communicate? NO
17. When was the last time you observed ROE in your patrol. that morning in Patrol Brief
18. At any time did you know 2nd was dismounted west of Fat Boy? NO
19. Do you have previous combat experience? YES OEF MAR 03-Dec 04
20. What special equipment do you think your PLT need to better conduct your mission. We need more Binos. We need scopes for our m-140
21. What is the VBIED threat in you area? High
22. Who else in the patrol fired at the Bango truck. _____
23. What lessons learned from this incident and what should we share with other units. SOP on marking and taking civilian trucks. For a message we need good comms cant do nothing without comms.

INITIALS OF PERSON MAKING STATEMENT _____

PAGE 2 OF 4 PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

B. STATEMENT (Continued)

84. Have you / your Platoon trained on Non Standard Evaluations Prior to Combat? No.

85. How was your Comms. up to the Incident? Comms. Sucked we were In and out of Comms.

86. Any thing else you need to share? NO

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 4 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Nothing Follows

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[Signature]
(Signature of Person Making Statement)

WITNESSES:

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

[Signature]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

[redacted] was interviewed [redacted] at the 232201
November 2005 and testified in substance as follows:

I feel comfortable to answer the questions you are about to ask me, Sir. To the best of my knowledge, my section and company has a friendly recognition signal for day and night. For the daytime the signal is the FM to acknowledge there in the vehicle and the star cluster smoke and for nighttime, white lights, two flashes and for vehicles using RG, military they will flash back to and for civilians they will stop, turn on their hazard lights and just sit there. It was about 0700 today when we held formation about the mission today. [redacted] told us it was a sniper in our area to be looking for that. Periodically, we are read the Rules of Engagements before a mission. To the best of my knowledge, all vehicles have at least one; some vehicles have two ACIP and CINGARS in them. I am a driver and I heard all the radio checks. This radio actually goes to the company but they radioed us before we radioed them. There is no radio check between platoons. There was a radio check to the company today but not to the other platoon. We left the wire about 0800 and we drove around. We stopped at a Moss for a while then back on [redacted]. We dropped the detainee off. We drove around some more looking for the crossing. I heard on the radio if we could push down to the other platoon sector near Usifiyah to look for the canal crossing. We ran into a couple of problems with road blockings. We were asked over the radio did we have an accidental discharge. We told them no. We came to a big berm the dismount crew pushed through. While we were sitting there we heard mortal fire coming from a distance. [redacted] our gunner called down that there was small arms fire going on. Then it came over the radio. This was just communication within the platoon. Nothing came across the net from the company but second platoon contacted us to see if we were in the firefight. Second platoon did not give us any indication that it was them in the firefight but it was coming from the direction. [redacted] came over the radio saying since we were going in the direction of the firefight to be looking out for it. I was in the second vehicle, the first vehicle stopped. I saw a blue Bongo truck coming toward us on the right side of the road at great rate of speed. The first vehicle engaged. My M4 was up there since the SOP said use M4 first. He engaged with the M4 first but it malfunctioned. He laid the 240 into the truck. I saw people low crawling out the trunk one guy crawled into the water. [redacted] called back cease fire, and then our gunner yelled it back. After we found out it was friendly, everybody was trying to give them first aid. No one saw the guy that went into the water. He came out of the water to my door. He was standing there with a gunshot wound to the leg. There were about 6 occupants of the blue Bongo. The driver, the passengers and the rest were in the bed of the Bongo truck. The people in the Bongo were from second platoon and the Iraqi Army. We knew that there were American casualties when we saw the IBAs and when the guy came out of the water; we saw that he was Iraqi Army and not a terrorist. I cannot direct you to an American casualty. I was directed to the casualty in front of me. We were not briefed that morning about none of our platoons, companies, or battalions to be in that area. I have nothing else I can recall to share with you.

STATEMENT OF _____ TAKEN AT _____ DATED _____

B. STATEMENT *(Continued)*

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AFFIDAVIT

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(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

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

THORITY: Title 10 USC Section 201; Title 5 USC Section 2951; E.O. 6397 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: Zawi & IRAQ
2. DATE (YYYYMMDD): 2005 28
3. TIME: 0600
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. ORGANIZATION OR ADDRESS: 304th TPC Garmunte CA (303rd TPC)

I, [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
[Large diagonal line across the page]
see Attached

10. EXHIBIT
11. INITIALS: [Signature]
12. DATE TAKEN AT:
13. DATE DATED:
PAGE 1 OF PAGES

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

[redacted] was interviewed by [redacted] NOV05, and testified in substance, as follows:

My name is [redacted] my social [redacted]

I am willing to freely answer question regarding the mission on yesterday.

Could you clarify the question?

~~I believe that the unit has a far or near recognition signal to identify friendly vehicles or personnel if they do not have communications.~~

The SOP I am most familiar with is the ROE, which is the stop hand signals, warning shot, try to disable the vehicle, and then shot to kill.

I receive information last night I was going out on this mission.

On the 22nd two nights ago.

I receive it from [redacted] and then I coordinated it through [redacted]

~~I was giving and enemy Sitrep at that time.~~

I was told in the area of [redacted] there was a high number of IED's as well as, regular mortar attacks, and a sniper operating with a white vehicle, and they believe the blue bongo trucks were delivering IED's.

The morning of the mission we receive a mission brief from [redacted] went over the sniper in the area, that he was very affective and was using a white vehicle, he was using Armour piercing rounds and that there were a lot of IED's in the area and we were going to a area we and never been before, so we were not sure what to expect in the morning.

I don't believe he went over the ROE or the Escalation of force during the briefing.

To the best of my knowledge we had communication equipment, but a lot of it was hampered by the use of the jammers and warlocks and other anti IED devices.

We SP'ed, we went down [redacted] got off on [redacted], went down a different route, so we could patrol the area they just had taking from 1st Battalion, we located two Mosque and a Clinic, and one store, we talked to a number of some what friendly individuals in the area. As we made our way up [redacted] we located a roadblock. [redacted] and second vehicle went to locate a way around the roadblock, my vehicle and [redacted] vehicle set up a snap TCP. We went and cordon and knock on of couple of houses in the area. I believe it was two houses, the first house we talk to the

[redacted]

guys and searched his house and didn't find anything, and the other one we knocked on the door. [redacted] man invited us in, so we quickly searched here house, it yielded a mortar. [redacted] we did a more in depth search so we found about five magazines and about two hundred rounds. She told us the husband was not home at the time, but we think we believe we seen him earlier, but we were not able to find him. At that point we started to hear rifle fire as we got back to our vehicles, as we were waiting on a word from [redacted]. [redacted] started out as one or two rounds, and then it was successive bursts. The rounds were coming from up the road, probably about...

Off to the west of the unnamed road we were traveling on.

By my estimation the rounds was about 600 kilometers off or so.

It was about 600 kilometers, it was a good distance.

No, I am sorry, it was 6 kilometers.

It sounded like US weapons, we were not able to get anyone on the radio. I don't believe, at least we weren't, and we did not here any on my radio, we decided we were going to go and investigate, and if it was US forces try to link up with them and aid them if they needed it. We found away around the barrier in the road, and continued toward the sounds of the weapons, we started to small explosions, I would guest them as grenades, they did not have the same sound as something bigger like a mortar. As we were coming down, still hearing some gunfire, we saw a white bongo truck speeding down the opposite side of the canal, heading towards us.

We were on the side that we are on right now, they were on the opposite side.

As we approach, the bongo truck sped up, it started speeding toward the US vehicles, it look like I saw weapons, and it look like someone may have been shaking there hand outside the vehicle or something, I was three vehicles back, so I am not completely sure on the ROE that was use, it started getting close, and it started to look like what we trained to look for VBIED's, the first vehicle fired, and I ordered my gunner to engage also, because was at the 6 o'clock position. After we stop, they sent the dismounts to check the vehicle. [redacted] had jumped out of the vehicle when they call for medics, I rushed out of the vehicle and responded with my CLS bags. I treated [redacted] don't know his name, the guy with the shoulder injury and knee injury.

I am not sure if any of the KIA's were engaged prior to the incident, from the rifle fire we heard 6 kilometers away. They said that they possibly had been engaged, all I know is the basic, we didn't really have time to talk to them about it in depth, there was some sort of engagement, they had been separated from their other vehicles, and they had to take the bongo truck to get out of there. I have no clue as to what they disposition were up to the point where we engage them. [redacted] was the only one who was able to really able to communicate, he only suffered an injury to his knee. Everyone else was injured and was not able to talk to us, and eve [redacted] was trying to administer some sort or first aid.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

THORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9307 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 CAMP XXXXXX	2. DATE (YYYYMMDD) 20051205	3. TIME 1700	4. FILE NUMBER
5. LAST NAME (PRINT) XXXXXXXXXX	6. GRADE XXXXXX	7. GRADE/STATUS E-5/SGT	
8. ORGANIZATION OR ADDRESS 3015+TPC			

9. ~~XXXXXXXXXX~~ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 23 November while operating as team leader for TPT 1452 I was traveling in the Area of ~~()~~ on a patrol with ~~sgt~~ 2-502 BCT. While the platoon leader reconed a route my team and I ~~reconed~~ heard the sound of gunfire in the distance. I got the lieutenant on the radio and asked what his course of action was, the lieutenant asked if I wanted to take my team in or if I wanted to investigate the small arms fire. I choose to continue on with the mission. We linked up with the lieutenant via the route he had reconed and continued along route for boys after no more than ten minutes of driving we saw the white bongo truck driving towards our vehicles and picking up speed. We observed individuals in the truck, and had no reason to believe they could be anyone but Iraqis. as the vehicle continued to pick up speed the front driver escalated the threat level and engaged. I ordered my gunner to fire, which he did briefly firing 7-15 shots before people in the vehicle in front of us dismounted into our field of fire. I saw one person jump off of the vehicle and some one called for medics. I responded and aided in controlling bleeding and shock. Medivacs were called and arrived within 15 min to evacuate the wounded.

I have been previously deployed to Afghanistan where I operated with 10th SFG and 10th Mountain 2-22. I am fully qualified on all the weapon systems on my vehicle and have had them zeroed. The patrols intended mission was to go into an area that was recently recleared from 1 Bn 502 BCT and engage the populace while conducting a presence patrol. Our secondary mission was to identify clinics, schools, mosques and businesses in the area. We had been briefed by the platoon leader that ~~there~~ would be at the safehouse and would take us back at shift change to campstriker. During the previous two weeks Aco as a whole had found numerous caches and arrested a number of IED makers, as well as taking small arms fire, and losing 4 soldiers to IEDs. VBIED though not common are a threat at all times, and were made more likely by the recent raid of a vehicle factory in our AO. On this particular morning I do not recall getting an ROE Brief, but we were warned of possible VBIED's.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT XXXXXXXXXX	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ~~XXXXXXXXXX~~ TAKEN AT ~~XXXXXXXXXX~~ DATED ~~XXXXXXXXXX~~

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STATEMENT OF _____ TAKEN AT _____ DATED _____

B. STATEMENT (Continued)

Patrol was also warned of mortar and small Arms fire, as well as IED's. I know from previous missions that the ROE is to shout, point weapon, warning shot, attempt to disable vehicle ~~was~~ shot to kill. I find in my experience this works when dealing with most Iraqis, and has next to never had to escalate past warning shots. I think that if the Bongo truck had obeyed the same rules as the Iraqis follow they would probly not have been identified as an enemy. Bongo trucks are common enough that even if we were looking for a white bongo we might have just searched it and moved on if it had not had soldiers in it. it is possible that the bongo tried to contact us using their radio by + ~~press~~ ^{perhaps} I did not hear any message come across my radio, ~~perhaps~~ due to the jamming devices we were employing.

nothing follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 ^{of 4} PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Nothing follows

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

4. STATEMENT (Continued)

nothing follows

AFFIDAVIT

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(Signature of Person Making Statement)

WITNESSES:

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT 

PAGE 3 OF 3 PAGES

Standard Questions

1. What is your duty position. What vehicle were you traveling in, where were you seated and what duty position. I ~~was~~ was a team leader driving in the third vehicle in the TC seat
2. What is your combat experience. Are you an OIF veteran? I have served in Afghanistan with 19th Group special forces and 2-22 10th Mountain
3. Are you zeroed and qualified on the weapon system you were manning on the patrol. yes
4. What was your Patrol's Mission on the 23rd of November. The Patrol's mission was a presence patrol with NAI of identifying schools, mosques, and clinics, as well as engaging the IED threat
5. Where you aware 2nd Platoon was operating West along Fat Boy. What did you know I was not about 2nd Platoon's activities/mission and location on the 23rd of November. aware that second platoon was on Fat Boy I was told to believe they were at Gator Swamp
6. What is the general enemy situation in your area of operations. Enemy personnel use our area as a storage and ~~well~~ location for explosives and insurgent fighters
7. What is the VBIED threat to your platoon and company. a VBIED factory was raided around the same time as the incident occurred
8. Prior to the Mission on the 23rd did the Patrol leader review Escalation of Force and ROE? How often do you review EOF-ROE. I don't believe he did
9. Have you been in an escalation of force situation where warning shots or disabling shots into an Iraqi vehicle occurred. I have had to use the escalation of force before
10. In your own words explain escalation of force and how it would apply in the event of an approaching suspicious Iraqi vehicle. normal ROE would apply unless there were reasons to advance it fast because of the threat
11. What enemy contacts by what type have you been involved in (IEDs, Mortars, RPGs, Small Arms, VBIEDs) since you assumed the zone. I have been mortared several times.
12. How is radio communications out in sector. Comms is made inconsistent by the jamming devices
13. Have you observed bongo trucks in your AO. Have they been involved with/near suspected AIF activity. Bongo trucks are one of the most popular vehicles they have been used in several known AIF activities
14. As you remember the incident with 2nd Platoon, explain in detail what you recall from the time you observed the Bongo truck up to the point you realized it was friendly forces.
15. Did you observe any weapons exposed outside the Bongo Truck, or muzzle flashes, or anyone standing in the bed of the truck above the cab. I thought I saw weapons. The flashes I think were caused by the bullets hitting the truck. I did not see anyone standing
16. Did you fire into the Bongo Truck. With what weapon/how many rounds estimated. Did anyone in your crew fire as well. No I remained in my vehicle
17. Did you observe any friendly markings or signals on the Bongo Truck. From the truck I firing into the Bongo. No I did not see any identifying marks
18. At 1600 several soldiers recall hearing small arms fire do you recall this event and what the vehicle's location was any. yes I did we were getting into our truck to await the return
19. How far do you estimate the ~~small~~ arms fire was to the west. 3.6 kilometers?
20. Did you ever hear any communications on the radio from 3rd Platoon to 2nd Platoon or to the company after the gunfire. I was not in the vehicle
21. Anything else you would like to share. I think if the bongo truck had followed the road it would not have been shot at.

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

THORITY: Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (SSM)
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.
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1. LOCATION CAMP STUYVESANT	2. DATE (YYYYMMDD) 2005 12 05	3. TIME T 1420	4. FILE NUMBER
5. LAST NAME FIRST NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E5	
8. ORGANIZATION OR ADDRESS 304 Tactical Coy of Company			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) What is your duty position, what vehicle were you traveling in, where were you seated and what duty position? 636 Lightened Mechanic / 374 Psychological Operator. 3rd truck, Gunner

2) What is your combat experience? Are you a OIF vet 1st time deployed.

3) Are you Zeeed and qualified on the weapon system you will manning with Patrol? Yes

4) What was your patrol's mission on the 23rd of Nov? Detainee drop off / NEW sector survey.

5) Where you aware of 2nd platoon operating West along [REDACTED] what did you know about 2nd Platoon's activity/mission and location on 23rd Nov? No idea they were out there.

What is the general enemy situation in your area of operations? A lot of IED's, Sniper small arms contact

7) What is the VBIED threat to your platoon and company? I'd say moderate to low

8) Prior to the mission on the 23rd did the patrol leader review ESOB or force and ROE? How often do you review EOF-ROE? I was not briefed, I was watching a detainee. My Team goes over EOF-ROE on a regular base

9) Have you been in an escalation of force situation where warning shots or disabling shots into an Iraqi vehicle occurred? I have fired a warning shot at car before.

10) In your own words explain EOF and how it would apply in the event of an approaching suspicious Iraqi vehicle

5 steps:

- Hand [REDACTED] - shot to disable vehicle
- Point weapon w/ Hand Arm - shot to kill
- Fire a warning shot

10. EXHIBIT	[REDACTED] PERSON MAKING STATEMENT	PAGE 1 OF _____ PAGES
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STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

11) What enemy ^{contacts} by what type have you been involved in since you assumed the zone. MC - Nom with 3/502. But they have been 100% and small area attacked.

12) How is Radio Communication out in sector? with Warlocks and MMB (Jammers) on very bad.

13) Have you observed Bongo trucks in your AO? Have they been involved with/near suspected AIF activity? Yes. Bongos have been used in planting and blowing IED, as well as snatching people for SA attacks.

14) Do you remember the incident w/ 2nd Recon, Explain in detail what you recall from the time you observed the Bongo truck up to you realized it was friendly forces. At first, it was just a former. Then the truck would start & stop. Then it sped towards us. I saw muzzle flash and heard gun fire. IED engaged the truck. After shooting stopped, someone went over and saw they were U.S. Soldiers.

15) Did you observe any weapons exposed outside the Bongo Truck, or Muzzle Flash, or anyone standing in the bed of the truck above the cab? I did see muzzle flash, but no people standing.

16) Did you fire into the Bongo truck. with what weapon/nom mun? (round)? Did any of my crew fire as well?

Yes I fired into the passenger side of the cab. with my 240G about 4-6 Rds. my crew did not get out of the truck.

17) Have you had to fire warning shots in EOF in the AO. Detail?

Yes. One time a car would not stop I had time to go thru EOF steps. I fired a warning shot, car stopped.

INITIALS OF PERSON MAKING STATEMENT

PAGE

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PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

18) Did you overhear SA Fire to your west around 1600?

Yes, it sounded like a fire fight.

19) Did you observe any US-17 Panels on the truck?

No

20) Anything else of importance we should know.

I saw the Army and I saw my job we did what was right on our respective.

21) Did the Benz pull over and turn on its hazard lights

no. It pulled over once, the speed towards us.

Nothing follows

C

INITIALS OF PERSON MAKING STATEMENT



PAGE OF PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

Nothing follows

AFFIDANT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH _____, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. _____ 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 _____ INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

Standard Questions

1. What is your duty position. What vehicle were you traveling in, where were you seated and what duty position.
2. What is your combat experience. Are you an OIF veteran?
3. Are you zeroed and qualified on the weapon system you were manning on the patrol.
4. What was your Patrol's Mission on the 23rd of November.
5. Where you aware 2nd Platoon was operating West along Fat Boy. What did you know about 2nd Platoon's activities/mission and location on the 23rd of November.
6. What is the general enemy situation in your area of operations.
7. What is the VBIED threat to your platoon and company.
8. Prior to the Mission on the 23rd did the Patrol leader review Escalation of Force and ROE? How often do you review EOF-ROE.
9. Have you been in an escalation of force situation where warning shots or disabling shots into an Iraqi vehicle occurred.
10. In your own words explain escalation of force and how it would apply in the event of an approaching suspicious Iraqi vehicle.
11. What enemy contacts by what type have you been involved in (IEDs, Mortars, RPGs, Small Arms, VBIEDs) since you assumed the zone.
12. How is radio communications out in sector.
13. Have you observed bongo trucks in your AO. Have they been involved with/near suspected AIF activity.
14. As you remember the incident with 2nd Platoon, explain in detail what you recall from the time you observed the Bongo truck up to the point you realized it was friendly forces.
15. Did you observe any weapons exposed outside the Bongo Truck, or muzzle flashes, or anyone standing in the bed of the truck above the cab.
16. Did you fire into the Bongo Truck. With what weapon/how many rounds estimated. Did anyone in your crew fire as well.
17. HAVE YOU BEEN IN LINE WARNING SITUATIONS IN EOF'S IN THE PAST, CAN YOU EXPLAIN THE DETAILS.
18. DID YOU EVER HEAR SMALL ARMS FIRE TO THE WEST AROUND 1600?
19. DID YOU OBSERVE ANY VBIED PANELS ON THE TRUCK?
20. ANYTHING ELSE OF IMPORTANCE WE SHOULD KNOW.
21. DID THE BONGO RUN OVER AND TURN AT ITS HAZARDS?

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. 8397 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 ZWO IPAG	2. DATE (YYYYMMDD) 2005 11 24	3. TIME 0700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. GRADE [REDACTED]	7. GRADE/STATUS [REDACTED]	
8. ORGANIZATION OR ADDRESS + 304 Tactical Psych Company			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SEE ATTACHED


10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	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.

[REDACTED] as interviewed by [REDACTED] at 240728L Nov 05 and testified, in substance, as follows:

My name is [REDACTED] My social security number is [REDACTED]

I am willing to answer freely your questions concerning the incident that occurred yesterday.

To the best of my knowledge the unit does not have a SOP for near or friendly recognition signals.

I found out that I was going on this mission the night prior when my Team Chief, [REDACTED] told me.

He told me that at 0800 we were linking up with Alpha Company and going out on a patrol to an area we hadn't been in yet; and we were going to do some face to face and find key leaders and do the local basic PsyOp.

On the morning of the 23rd, I did not receive a mission brief because I was guarding the detainee in the truck.

Prior to the mission, we were advised on vehicles to look out for and about a sniper that had been in the area.

We were told to look out for black BMWs, Mercedes, and shiny red Opels have been used as spotters and people who plant IEDs; and then there's sniper rolling around in a white vehicle.

I was not briefed prior to rolling out yesterday on rules of engagement, escalation of force or actions on contact.

I am familiar with those terms though. Escalation of force is a five step process. Starting with the simplest, just getting the driver's attention, going to hand and arm signals, if it's possible, throw something at them, point your weapon at the vehicle or hostile force trying to get their attention, fire a warning shot, and the last step would be deadly force.

We headed out onto our route and did a little zig zag through the area. I don't recall where we were first at, but we eventually made our way out to [REDACTED] and pulled off on a small little side road and let the detainee go in that area after he was found to be clear. From there, we headed out looking for a suspected bridge that was used for insurgent crossings in this area; we were going to try to get a grid on that. We found ourselves on [REDACTED] at a roadblock. Two trucks broke free from our four truck convoy to find a way around and myself and the tail truck stayed behind at the roadblock. We heard gunfire coming from, roughly, directly in front of us. About that time [REDACTED] had pulled up about 300 yards in front of us on a crossing road. He walked back to

where we were at, told us how to get around, and we were going to go and find out where the gunfire was coming from and see if it was something we could help with.

I can't speak for every other truck, but we were pretty amped up just because it was kind of exciting that we might get a chance to get our hands on the enemy. So we got ourselves mentally ready for what might happen. We sat low in our truck and went over procedures, what to fire on, stuff like that. Then we drove up on the right hand side of the canal and from that point we saw a Bongo truck approach from a distance. At first it was nothing unusual. Then they started waving and started speeding towards us and we opened fire.

I'm not sure if the lead vehicle used any escalation of force. Before I know everyone opened fire. We heard gunshots and, because I happened to be facing the side of the road the truck was coming on, all I heard was some gunshots and I saw sparks come from the passenger side window and everyone opened up fire and the vehicle was extremely close.

There was traffic on the radio before and during the incident, but I don't recall what it was. I believe they called higher to let them know that we were facing a possible VBIED heading toward us.

There is nothing else that I would like to add for this inquiry.

A handwritten signature, possibly "J. J.", written in black ink on a white background.

STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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STATEMENT #1

[REDACTED] was interviewed by [REDACTED] at 240657NOV05, and testified in substance, as follows:

My name is [REDACTED], and my social [REDACTED]

I am comfortable answering questions regarding the incident that happen at 1630hrs on November 23.

I am not sure if there is a Standard Operating Procedure for friendly and near recognition signals or mounted and dismounted soldiers in this Platoon, Company or Battalion.

I found out I was going on this mission the night before.

I was told by team chief [REDACTED] I was going on this mission.

[REDACTED] told me the Sitrep, threat brief and warning order for the mission.

To the best of my memory, we were going to be traveling down the road a new area looking for some people to ask to find a bridge were some possible snipers were in the area.

We received a mission brief the morning of the mission prior to leaving Camp Striker.

[REDACTED] gave the briefing.

[REDACTED] gave the briefing about an hour before the mission.

[REDACTED] briefed us about; what to expect, and to make sure we knew what we was doing, about going down a clear route in a new are to met people, and to make sure they were aware of the sniper that was out there.

I don't remember whether or not Rules of Engagement, actions on contact, or escalation of force discuss during the brief.

I am familiar with those terms.

My understanding of those terms is; you wave a vehicle to stop, point your weapon, fire a warning shot, fire at the vehicle if it does not stop fire at the driver.

To the best of my knowledge our patrol vehicles had commo in them.

In our truck, we have the: [REDACTED]

They were fully mission capable yesterday.

To make sure that they were working, we did a commo check before we left, and they were working during the mission and they are still working right now.

I believe that we did commo checks with someone else other than someone from inside the Platoon. It is not something we really pay attention to.

I was in the third vehicle in the order of March during the patrol.

We SP'ed, went somewhere east of " " and just started walking down the road, and came up to a Mosque, we dismounted so we could go and talk to and meet the people, to see what was going on, I was not told what they talked about, I am not really sure what happen in those conversations, but they just met a few people came and got back in the vehicle, we rolled back down, and we road by a school, the convoy turned around, came back by and stop dismounted and went to the school, met with the people there, let them know about the sniper in the area, and just mounted back up, then we continued down a dirt road, to get to the hardball road, there was a canal and we was trying to find a bridge, that was part of the mission objective. We had to turn around, because we not authorized to go any further toward Lutifyhah. So we went back to find Shakaryhah bridge. That took us to these houses were the area was blocked. The first to vehicles tried to find away around, the two rear vehicles dismounted and went in a couple of the houses to talk to people. We introduce our self and did a random search, were we found mortar sites in one of the house and some extra magazines and rounds. Then we heard the gunfire, and we were called forward to meet the rest of the patrol. That's when the bongo truck came and I saw someone waving their arm out the window and it didn't stop, as far as the shots fired, I am not really sure on that.

What caused all of that I don't know, I was driving in the third vehicle.

You could see the bongo truck coming, it look like someone had they arm out the window and hey were just coming toward the vehicle, but they were not stopping.

There is nothing I would like to add to this interview at this time.

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

AFFIDAVIT

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WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (DSM).
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 <i>Camp Striker</i>	2. DATE (YYYYMMDD) <i>2005-11-25</i>	3. TIME <i>1350</i>	4. FILE NUMBER
6. FULL NAME (LAST, FIRST, MIDDLE INITIAL) <i>[REDACTED]</i>			7. GRADE/STATUS <i>CIVILIAN Iraqi</i>
8. ORGANIZATION OR ADDRESS <i>Syop A.P.O.T 14, 62</i>			

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

When we keeping going in our mission on the side of the canal for irrigation I saw and the other saw a purge on the other side of the river or the irrigation canal opposite to us about more than 50 meters and the gunman began to shooting this purge ~~to~~ and I saw in the purge a masked man with a uniform dressing and ~~the~~ ~~start~~ of shoot towards this vehicle after the stopping the shooting I saw 2 victims and 2 injured guys with the translator. So after that we doing the aid treatment and we hold the injured to the red cross hleebites. I remember I saw the masked man when he subscribing at the beginning of shooting.

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 _____"
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STATEMENT OF

TAKEN AT

DATED

B. STATEMENT (Continued)

Q1: THE "MASKED MAN WITH A UNIFORM": WAS IT AN
ACU OR DESERT/DCU UNIFORM?

A1: Desert uniform

AFFIDAVIT

I, _____, 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.

(Signature of Person Making Statement)

WITNESSES:

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ORGANIZATION OR ADDRESS

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ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT



PAGE _____ OF _____ PAGES

[redacted] as interviewed by [redacted] and testified in substance, as follows:

My name is [redacted] my social i [redacted]

I am willing to freely answer question regarding the mission on yesterday.

Could you clarify the question?

~~I believe that the unit has a far or near recognition signal to identify friendly vehicles or personnel if they do not have communications.~~

✓ The SOP I am most familiar with is the ROE, which is the stop hand signals, warning shot, try to disable the vehicle, and then shot to kill.

I receive information last night I was going out on this mission.

On the 22nd two nights ago.

I receive it from [redacted], and then I coordinated it through [redacted]

~~I was giving and enemy Sitrep at that time.~~

I was told in the area of [redacted] there was a high number of IED's as well as, regular mortar attacks, and a sniper operating with a white vehicle, and they believe the blue bongo trucks where delivering IED's.

The morning of the mission we receive a mission brief from [redacted]. He went over the sniper in the area, that he was very affective and was using a white vehicle, he was using Armour piercing rounds and that there were a lot of IED's in the area and we were going to a area we and never been before, so we were not sure what to expect in the morning.

I don't believe he went over the ROE or the Escalation of force during the briefing.

To the best of my knowledge we had communication equipment, but a lot of it was hampered by the use of the jammers and warlocks and other anti IED devices.

We SP'ed, we went down [redacted] got off on [redacted] went down a different route, so we could patrol the area they just had taking from 1st Battalion, we located two Mosque and a Clinic, and one store, we talked to a number of some what friendly individuals in the area. As we made our way up [redacted] we located a roadblock. [redacted] vehicle went to locate a way around the roadblock, my vehicle and [redacted] vehicle set up a snap TCP. We went and cordon and knock on of couple of houses in the area. I believe it was two houses, the first house we talk to the

[redacted]

guys and searched his house and didn't find anything, and the other one we knocked on the door and the woman invited us in, so we quickly searched here house, it yielded a mortar site, so we did a more in depth search so we found about five magazines and about two hundred rounds. She told us the husband was not home at the time, but we think we believe we seen him earlier, but we were not able to find him. At that point we started to hear rifle fire as we got back to our vehicles, as we were waiting on a word from [redacted] started out as one or two rounds, and then it was successive bursts. The rounds were coming from up the road, probably about...

Off to the west of the unnamed road we were traveling on.

By my estimation the rounds was about 600 kilometers off or so.

It was about 600 kilometers, it was a good distance.

No, I am sorry, it was 6 kilometers.

It sounded like US weapons, we were not able to get anyone on the radio, I don't believe, at least we weren't, and we did not here any on my radio, we decided we were going to go and investigate, and if it was US forces try to link up with them and aid them if they needed it. We found away around the barrier in the road, and continued toward the sounds of the weapons, we started to small explosions, I would guest them as grenades, they did not have the same sound as something bigger like a mortar. As we were coming down, still hearing some gunfire, we saw a white bongo truck speeding down the opposite side of the canal, heading towards us.

We were on the side that we are on right now, they were on the opposite side.

As we approach, the bongo truck sped up, it started speeding toward the US vehicles, it look like I saw weapons, and it look like someone may have been shaking there hand outside the vehicle or something, I was three vehicles back, so I am not completely sure on the ROE that was use, it started getting close, and it started to look like what we trained to look for VBIED's, the first vehicle fired, and I ordered my gunner to engage also, because was at the 6 o'clock position. After we stop, they sent the dismounts to check the vehicle, [redacted] had jumped out of the vehicle when they call for medics [redacted] rushed out of the vehicle and responded with my CLS bags. I treated Private, I don't know his name, the guy with the shoulder injury and knee injury.

I am not sure if any of the KIA's were engaged prior to the incident, from the rifle fire we heard 6 kilometers away. They said that they possibly had been engaged, all I know is the basic, we didn't really have time to talk to them about it in depth, there was some sort of engagement, they had been separated from their other vehicles, and they had to take the bongo truck to get out of there. I have no clue as to what they disposition were up to the point where we engage them. [redacted] was the only one who was able to really able to communicate, he only suffered an injury to his knee. Everyone else was injured and was not able to talk to us, and ever [redacted] was trying to administer some sort or first aid.



The only thing I would like to add to assist in this investigation, is honestly, the way the truck look, it look like a possible VBIED coming at us.

I do not have any thing else to add at this time.



STATEMENT OF _____

TAKEN AT _____

DATED _____

9. STATEMENT (Continued)

14. In your own words Describe the actions toward the Buggy Truck.
The vehicle was speeding towards us and did not intend to stop.
15. Did you see/hear firing from the truck or Alphas? NO
16. Was anyone standing in the bed of the truck? Did you observe anyone? NO
17. Who from truck 4 and truck 3 engaged w/ fire with the Buggy truck.
NO one from truck 4, 240 from truck 3.
18. In your assessment was the patrol prepared for the mission? YES
19. Were you aware you/3rd PLT was supervising in 2nd PLT but his fire. NO
20. Was the patrol ever/rehearsed or trained on non-standard event with civilian vehicles. NO
21. What is the Day/Night Recognition signals. FM Radio, VS 17 Panels, Star cluster, 2 IR flashes, 1 2/14, 02 wheel light flashes
22. Do you as a leader carry US 17 panels - YES
23. Has your vehicle reached to use an EOP. YES - vehicle was actively approaching my vehicle, we stopped, I stepped out and pointed my weapon at the vehicle after they gunned but returned and killed such a close call
24. Was your Penton wounded any true dismounted panels. How close were the vehicles. NO - vehicles are more than 1000 meters away
25. What special equipment does your gunner have. Binos, Day IR, M4
26. Is your gunner qualified on the LRU served weapon. NO
27. What special equipment do you need to operate in this zone, BETTER OPTICS, more personal
28. Do you believe the Buggy truck was a threat and why. YES, VBICDS ARE VERY Common. This vehicle had no intention to stop. We have had a couple other incidents with the same trucks
29. What do you think happened (SSG-Boss point of view)
I'm NOT SURE

INITIALS OF PERSON MAKING STATEMENT

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PAGE

2 OF 5

PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

- 30. What Radio Traffic Did you hear from 2nd PIT As to their updates. NOT much, I was Dismounted most of the Patrol.
- 31. Were you + LT were Dismounted while you were moving - For Box, to find suspected ZED's. Yes
- 32. What experience factors do you have to deal w/ B-type Trucks. A few when my bus was blown up and I was top a blue/white 2-20 speedway. occurred on Eisenhower Blvd just off, then pick them up they think they know and stop at our positions.
- 33. What lessons learned to share - Mark your vehicles, cause you have comms, but leave in such small elements.
- 34. Any other pertinent information to share. NO

End of Statement

INITIALS OF PERSON MAKING STATEMENT [Signature] PAGE 3 OF 5 PAGES

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

No Test Follows

INITIALS OF PERSON MAKING STATEMENT

K [Signature]

PAGE 4 OF 5 PAGES