



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM  
1ST BRIGADE COMBAT TEAM  
(b)(1)  
APO AE 09376

REPLY TO  
ATTENTION OF:

(b)(2) LOW

MEMORANDUM FOR Captain (b)(6) Headquarters and Headquarters  
Company, 1<sup>st</sup> Brigade Combat Team, Multinational Division Baghdad, (b)(1)  
Iraq APO AE 09376

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. This confirms your per voco appointment as an investigating officer, pursuant to AR 15-6, to conduct an informal investigation into the facts and circumstances surrounding an escalation of force resulting in the death of one local national.
2. You will:
  - a. Make findings as to whether Soldiers from the BSTB complied with the Rules of Engagement and used proper escalation of force;
  - b. Make findings as to the identity of the individual engaged by US forces;
  - c. Make any other findings you deem appropriate in connection with the above matters.
3. You will make recommendations based upon your findings.
4. All witness statements will be sworn on DA Form 2823, if possible. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report. If during the course of your investigation, you develop information suggesting a person has violated the Uniform Code of Military Justice, you will advise the person of his or her Article 31 UCMJ rights before questioning the person. Use DA Form 3881 to conduct any such rights advisement.
5. Use the informal procedures set out in AR 15-6 in your investigation. You will submit the findings and recommendations, original and two copies, of your report as exhibits to the Staff Judge Advocate on DA Form 1574 within ten days of receipt of this appointment. Any requests for extensions should be made through your legal advisor to me.

(b)(2)Low

SUBJECT: Appointment as AR 15-6 Investigating Officer

6. This investigation takes priority over all other duties. You should contact MAJ (b)(6) (b)(6) 1<sup>st</sup> Brigade Combat Team, for a procedural briefing prior to initiating your investigation. If you have any questions, MAJ (b)(6) can be reached at the 1BCT TOC.

(b)(6)

Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 1<sup>ST</sup> BRIGADE SPECIAL TROOPS BATTALION  
10<sup>TH</sup> MOUNTAIN DIVISION (LIGHT INFANTRY)  
(b)(1) IRAQ APO AE 09376

(b)(2) Low

23 October 2005

MEMORANDUM FOR COMMANDER, 1<sup>st</sup> Brigade Combat Team, (b)(1) Iraq  
APO, AE 09376

SUBJECT: 15-6 Investigation, Escalation of Force, A/1<sup>st</sup> BSTB

1. I have read the report and concur with the findings of the Investigating Officer. The actions taken by the Soldiers of A/1<sup>st</sup> BSTB were within the procedures established by the Brigade, Battalion and Company and consistent with the Rules of Engagement (ROE).

2. POC for this memorandum is the undersigned at 242-4922.

(b)(6)

LTC, MI  
Commanding

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

## SECTION I - APPOINTMENT

Appointed by

UTC

(b)(6)

(Appointing authority)

on

(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at

(Place)

at

(Time)

on

(Date)

(If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)

The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at

(Time)

on

(Date)

and completed findings and recommendations at

(Time)

on

(Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

### A. COMPLETE IN ALL CASES

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

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

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

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

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

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

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

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

See attached memorandum.

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

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

See attached memorandum.

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

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

\_\_\_\_\_  
(Recorder)

(b)(6)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

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

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

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

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

The findings and recommendations of the (investigating officer) (board) ~~(b)(6)~~ ~~approved~~ ~~(disapproved)~~ ~~(approved with following exceptional substitutions)~~. (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

(b)(6)

DEPARTMENT OF THE ARMY  
HQ, 1<sup>ST</sup> BRIGADE COMBAT TEAM, 10<sup>TH</sup> MOUNTAIN DIVISION (LI)  
(b)(1) IRAQ APO AE 09376

(b)(2)Low

15 October 2005

MEMORANDUM FOR RECORD

SUBJECT: A/IBSTB, Escalation of Force, 15-6 Investigation (13 October 2005)

1. **PURPOSE.** The purpose of this memorandum is to document my findings and present recommendations regarding my investigation of an escalation of force incident involving A/IBSTB on 13 October 2005.

2. **FINDING.** I find that the actions taken by soldiers of A/IBSTB on the afternoon of 13 October 2005 at the intersection of Routes (b)(1) were commensurate with established and published brigade, battalion, and company guidelines.

3. **FACTS.**

A. While on site, attempting to disable an IED located at (b)(1) a L/N approached the (b)(2)Low team via an alleyway, traveling from East to West (see diagram; Buffalo is vehicle number 5).

B. Upon identification of the L/N, all personnel located in vicinity of vehicles 1, 2, and 3 (see diagram) began signaling - using vehicle horns, shouting, and waving - to stop the L/N's advance.

C. The L/N continued to advance and SPC (b)(6) fired a warning shot.

D. The L/N acknowledged the warning by stopping, turning around, and moving back East along the alleyway.

E. Approximately 10-20 minutes later, the same L/N approached the Buffalo vehicle, this time approaching from North to South (see diagram "L/N Final Approach").

F. Upon identification of the L/N, all personnel, again, began signaling; the L/N continued to approach.

G. Both SGT (b)(6) (located to the west of vehicle number 1) and SGT (b)(6) (located between vehicles 1 and 2) fired warning shots at the L/N.

H. The L/N stopped, acknowledged both warning shots, and continued advancing toward the Buffalo vehicle.

I. At approximately 30m from his location in the turret of vehicle number 3, SPC (b)(6) fired one, short burst of 3 to 5 rounds from his M249, wounding the L/N.

J. SGT (b)(6) SPC (b)(6) and PFC (b)(6) immediately approached the L/N - who was, at this point, lying on the ground and bleeding - and moved him back to a safe location between vehicles 2 and 4.

K. PFC (b)(6) unit medic, began administering aid to the L/N.

(b)(2)Low

SUBJECT: A/1BSTB, Escalation of Force, 15-6 Investigation (13 October 2005)

4. **DISCUSSION.**

A. The facts previously listed were gleaned from sworn statements provided by soldiers involved in the incident (see Exhibits C thru T) and interviews held with soldiers on the evening of 14 October 2005. I believe the L/N demonstrated hostile intent by acknowledging the warning shots and continuing to advance. The L/N's actions, eerily, resemble those of reported suicide bombers, and further support my position of hostile intent.

B. As of the authoring of this document, final disposition of the wounded L/N is still unknown. MAJ (b)(6) 42<sup>nd</sup> MP Brigade S3, has his MP units contacting local Iraqi Police to gather further information on this incident.

(b)(6)

6. POC for this document is the undersigned at VOIP (b)(2)Low or

(b)(6)

(b)(6)

Page 10 redacted for the following reason:

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(b)(1)

1. **PURPOSE.** To report critical and time sensitive events to the Commanding General (CG).

2. **SCOPE.** This tab applies to all units assigned or task organized to 3d IN Div (Mech).

3. **PROCEDURES.** Commander's Incident Report (CIR) is intended to provide the CG with immediate notification of an incident involving 3d IN Div (Mech) soldiers and/or equipment. As much information as possible should be included in the initial report but immediate notification should not be delayed unnecessarily. Additional information should be provided as soon as possible.

4. **CIR will be submitted in following format:**

LINE 1: Unit reporting: 1 BSTB

LINE 2: Incident: EOF

LINE 3: Date/time group (DTG) incident occurred: 131424OCT05

LINE 4: Location of incident: (b)(1)

LINE 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
(b)(6)	2LT	A/1BSTB	(b)(6)	M		(b)(6)

LINE 6: Summary of incident: 131424OCT05: LT (b)(6) is the OSC for EOD escort. EOD arrived on an IED site via (b)(1) 1-87 (outer cordon) reported that (b)(2) Low (b)(6) fired a warning shot at a vehicle that did not stop and was approaching the IED. LT (b)(6) is responsible for setting the inner cordon. Reportedly, the round ricocheted off the ground and struck the LN driving the vehicle through the abdomen. A/1BSTB is continuing mission and LN is being medevaced.

LINE 7: Damage to government and/or civilian property: 1x LN wounded.

LINE 8: Commander reporting: 1BSTB BTL CPT, 1LT (b)(6), (b)(2) Low

On Scene Commander will provide full details after mission complete.

*Exhibit A*

## AMENDED BASED ON DEBRIEF

1. **PURPOSE.** To report critical and time sensitive events to the Commanding General (CG).
2. **SCOPE.** This tab applies to all units assigned or task organized to 3d IN Div (Mech).
3. **PROCEDURES.** Commander's Incident Report (CIR) is intended to provide the CG with immediate notification of an incident involving 3d IN Div (Mech) soldiers and/or equipment. As much information as possible should be included in the initial report but immediate notification should not be delayed unnecessarily. Additional information should be provided as soon as possible.
4. **CIR will be submitted in following format:**

LINE 1: Unit reporting: 2<sup>nd</sup> Platoon, A Co, 1<sup>st</sup> BSTB

LINE 2: Incident: Escalation of force, gunshot wounds local national

LINE 3: 131420OCT05

LINE 4: Location of incident: (b)(1)

LINE 5: Personnel Involved (based on initial report):

LAST NAME	FIRST NAME	MI	RANK	UNIT	SSN	SEX	DOB	AGE	ETH GRP
(b)(6)	(b)(6)	(b)(6)	LT	2/A/1BSTB	(b)(6)	M	(b)(6)	(b)(6)	(b)(6)
			SPC	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			SGT	2/A/1BSTB		M			
			SSG	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			PFC	2/A/1BSTB		M			
			SPC	2/A/1BSTB		M			

LINE 6: Summary of incident: During an EOD escort mission, 2<sup>nd</sup> platoon was located at (b)(1) (b)(1) when a local national on foot entered the exit ramp from the residential area to the east of the IED, and upon entering the exit ramp he was inside of the outer cordon. When the security detail saw the local national they immediately began shouting and waving to the local national to get him to clear the area, however he continued to walk towards the EOD element. SGT (b)(6) fired one warning shot when the LN was approximately 30m away. The LN did not flinch or change course when the shot was fired, and PFC (b)(6) fired 2 shots in one burst with the M249 mounted on one of the turrets. The first round was aimed at the feet of the LN, and the second round rose and hit him in the (b)(6) 2 personnel were immediately sent to bring the LN back to the inner cordon, and the medics attached to both

*Exhibit B*

EOD escort and (b)(2)Low treated him at that time. After treatment, IPs picked up the LN to transport him to the hospital.

LINE 7: Damage to government and/or civilian property: One LN wounded.

LINE 8: Commander reporting: (b)(6) A Co CDR

**AMENDED BASED ON DEBRIEF**

# 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  
**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 (b)(1) Iraq	2. DATE (YYYYMMDD) 2005 10 15	3. TIME 1330	4. FILE NUMBER
5. (b)(6)	6. (b)(6)	7. GRADE/STATUS O-3/CPT	
8. ORGANIZATION OR ADDRESS ACC 1st BSTB 110 MTN			

9. I, CPT (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:  
 On 13 OCT 05, I accompanied my 1st platoon on a (b)(2) Low Route (b)(1) operation. As we were conducting an interrogation along the North (b)(1) access ramp, the buffalo confirmed an IED. Two vehicles which were in front of the Buffalo secured the North (b)(1) lanes to shut down vehicle traffic. The two trail vehicles, which were behind the Buffalo, cordoned the (b)(1) intersections East and West. It was apparent that we did not have sufficient combat power to cordon the area. Requested assistance from (b)(2) Low for additional vehicles. 4 vehicles arrived from 1-87 which went to secure the South (b)(1) lanes as well as as East (b)(1). In my opinion, we still required additional forces to secure the site so we requested additional forces from Summit 1-1. I believe 2 vehicles from the 42nd BDE arrived and were dispatched to reinforce the cordon to the West (b)(1) intersection. At this point, I felt comfortable with the outer cordon and EOD's ability to conduct their mission without being in danger. EOD arrived on the scene and located their inner cordon directly behind the buffalo vehicle. They immediately conducted a 5m and 25m sweep of their area and began deploying the robot. I linked-up with LT (b)(6) and started to discuss the situation. We were both located behind the two vehicles of the inner cordon when we heard the Buffalo horn and several soldiers shouting stop, Kief, and the Humvee blowing

10. EXHIBIT C	11. INITIALS (b)(6)	MAKING STATEMENT	PAGE 1 OF 4 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 RE-INDICATED.

STATEMENT OF (b)(6) TAKEN AT 1600 hrs DATED 14 SEP 05

9. STATEMENT (Continued)

their horn. I then heard two shots fired from M4s. I then heard a three-round burst from an M249. I asked LT (b)(6) to find out what was happening. He proceeded to move back to his vehicle and talk to his NCOIC. I moved around to the front of the vehicles so I could see what happened. I observed a LN laying down on the road. LT (b)(6) then told me one of his Soldiers had shot a LN who had refused to prior escalation of force warnings. I was later told he had approached the cordon earlier and had been told to move back, which he did. I was also later told SGT (b)(6) and SGT (b)(6) had fired warning shots, which he acknowledged but ignored. I then ordered LT (b)(6) to send some Soldiers out to recover the LN. The LN was recovered and brought back to the vicinity of EODs HAMMUR. Our medics began to treat him and I directed LT (b)(6) to call for the JPs and an ambulance. At this point, I noticed BG (b)(6) <sup>Horst</sup> was on the scene and he walked up to my location and began asking what happened. I explained to him we had an IED and a LN had either tried to approach the IED or the EOD vehicles, I was unsure at that point. He asked who fired the shot, I replied I did not know yet. He replied that he wanted to talk to the gunner, I replied he was still pulling security and I didn't know who actually fired the shot. The JPs arrived and I asked them if they could evacuate the LN and take him to the hospital. The JPs responded that they would take him to the hospital and evacuate him using their pick-up

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 4 PAGES

STATEMENT OF (b)(6) TAKEN AT 1600 hrs DATED 14 SEP 05

9. STATEMENT (Continued)

→ truck. The IPs then backed their pick-up to our location. BG <sup>Horst</sup> (b)(6) said we needed an Iraqi ambulance to evacuate the LW. I replied we had called 1-87 and requested an ambulance but they could not guarantee it would arrive.

→ BG <sup>Horst</sup> (b)(6) then directed me to load the LW on the IP truck and send my medic with him to ensure he was kept stable. I asked him again if he wanted my medic to go and he said yes because he has an I.V., your medic needs to go. I instructed LT (b)(6) to prepare to escort the IP truck to the hospital. This also decreased the security of the site because the route clearance vehicles were being used in the outer cordon. As LT (b)(6) began pulling in his vehicles,

→ I moved back to the LW. BG <sup>Horst</sup> (b)(6) said that I did not have to send my medic along because he had pulled his IV out. The IPs then loaded the LW and evacuated him. We then heard large volumes of small-arms fire as well as 30mm fire. It appeared to come from the outer cordon on North (b)(1). I asked LT (b)(6) for a sitrep and he said the Bradley was engaging AIF. Shortly after, SGT (b)(6) and I received small-arms fire extremely close to our positions. We took cover behind LT (b)(6) vehicle and observed the buildings to our East and West. I also believe that vehicles from 1-87 were engaged but I could not confirm it at that time.

SGT (b)(6) got my attention and said there was a group of individuals over by the guard rail at the overpass. I moved over to see

INITIALS OF PER (b)(6) STATEMENT

PAGE 3 OF 4 PAGES

STATEMENT OF

(b)(6)

TAKEN AT

1600 hrs

DATED

14 SEP 05

## 9. STATEMENT (Continued)

if ~~there were~~ my Soldiers and why they standing in the open. I saw  
 BG (b)(6) sitting on the guard rail surrounded by his PSD. LT (b)(6)  
 received air clearance and EOD detonated the IEDs. However, before the  
 detonation, (b)(2) Low 3-7 called LT (b)(6) and said BG (b)(6)  
 had instructed them to move North and they were breaking the cordon.  
 LT (b)(6) instructed them to remain in place, EOD had not detonated yet.  
 After returning back to the FOB, I then found out the LN had approached the  
 cordon before, he was approximately 10-20m in front of the Buffalo  
 and PFC (b)(6) had shot him. SSG (b)(6) and SGT (b)(6) said he used  
 "text book" escalation of force. Also, the LN was dressed in all white,  
 no beard, had no F.O. and was carrying a large handful of money.  
 I thought he was a suicide bomber and I am sure my Soldiers did  
 as well. I stand behind all of their actions and I believe  
 proper escalation of force was used.

## AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
 WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 4. 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

## WITNESSES:

(b)(6)  
 A Co 1st BSB (b)(1) J. J. J.  
 OR (b)(6)  
 (b)(6)  
 A Co 1st BSB (b)(1) J. J. J.  
 (b)(6)

Subscribed and sworn to before me, a person authorized by law to

administer oaths at (b)(1) OCT 05  
 IRAQ

(Typed Name of Person Administering Oath)

LT, USA  
 (Authority To Administer Oaths)

INITIALS OF PERSON STATEMENT

(b)(6)

PAGE 4 OF 4 PAGES