

**Findings (cont.)**

27. (b)(6) stated that she did not know why her husband did not respond to the Marines actions and stop the car.

28. (b)(6) stated that her husband had bad eyesight.

Page 12 redacted for the following reason:

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(b)(5)



UNITED STATES MARINE CORPS  
1ST BATTALION, 1<sup>ST</sup> MARINES

(b)(1)

FPO AP 96426-0155

BY FPOIN DESK TO:

(b)(2) Low

Legal

12 May 06

From: Commanding Officer

To: Captain (b)(6), USMC, (b)(6)

Subj: INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE  
TASK FORCE 1/1, CHARLIE COMPANY ESCALATION OF FORCE  
INCIDENT ON 12 MAY 2006

Ref: (a) AR 15-6

1. This appoints you, per chapter III of the reference, to inquire into the facts and circumstances surrounding Charlie Company escalation of force (EOF) incident that occurred on 12 May 2006.
2. Investigate the cause of the EOF, resulting injuries and damages, and any fault, neglect, or responsibility therefor, and recommend appropriate administrative or disciplinary action if warranted. Report your findings of fact and recommendations in the proper format by 14 May 06, unless an extension of time is granted. If you have not previously done so, read chapter III of the reference in its entirety before beginning your investigation.
3. You may seek legal and procedural advice from Major (b)(6) 1-10 SJA, during the course of your investigation.

(b)(6)

Acting

# Annex C

| SWORN STATEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| For use of this form, see AR 180-45; the proponent agency is ODCSOPS                                                                                                                                                                                                                                                                                                                                                                                                                         |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |
| <b>AUTHORITY:</b><br><b>PRINCIPAL PURPOSE:</b><br><b>ROUTINE USES:</b><br><b>DISCLOSURE:</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                  | <b>PRIVACY ACT STATEMENT</b><br>Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)<br>To provide commanders and law enforcement officials with means by which information may accurately.<br>Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.<br>Disclosure of your social security number is voluntary. |                                 |
| 1. LOCATION<br>(b)(1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 2. DATE (YYYYMMDD)<br>2006 05 13 | 3. TIME<br>1000                                                                                                                                                                                                                                                                                                                                                                                                             | 4. FILE NUMBER                  |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME<br>(b)(6)                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  | 6. SSN                                                                                                                                                                                                                                                                                                                                                                                                                      | 7. GRADE/STATUS<br>O-1/active   |
| 8. ORGANIZATION OR ADDRESS<br>Fourth Platoon, Charlie Company, (b)(2) Low                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |
| 9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH. THIS STATEMENT IS MADE TO SUPPLEMENT MY EARLIER SWORN STATEMENT TO 1ST LT (b)(6) ON 12 MAY 2006.                                                                                                                                                                                                                                                                                                                              |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |
| After the escalation of force incident, I questioned the passenger in the car, (b)(6) age 53. She stated that she and her husband, the deceased (b)(6) were returning from their son's funeral when they came upon the Marine checkpoint. (b)(6) stated that she did not know why her husband did not stop the vehicle before he was killed. She did state that (b)(6) had very bad vision and that this may have been the reason that he did not stop. We then issued (b)(6) a claims card. |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |
| 10. EXHIBIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  | 11. INITIALS<br>(b)(6)                                                                                                                                                                                                                                                                                                                                                                                                      | 12. DATE<br>ON MAKING STATEMENT |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  | PAGE 1 OF 2 PAGES                                                                                                                                                                                                                                                                                                                                                                                                           |                                 |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.                                                                                                                                                                                                                                                                                |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |

DA FORM 2823, DEC 1998

DA FORM 2823, JUN 72, IS OBSOLETE

USAPA V1.00

STATEMENT OF (b)(6) TAKEN AT 1000 DATED 13 May 06  
9. STATEMENT (Continued)

NO ENTRIES ON  
THIS PAGE

(b)(6)

INITIALS

AFFIDAVIT

I, (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 ACCURATE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

COERCION,

(b)(6)

WITNESSES:

\_\_\_\_\_

ORGANIZATION OR ADDRESS

\_\_\_\_\_

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of May, 2006, at Abu Ghraib

(b)(6)

Swearing Oath

(b)(6)

Captain USMC

(Typed Name of Person Administering Oath)

UCMJ Article 135(a)(1)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

VOLUNTARY SWORN STATEMENT

Date: 10/5/2006  
(DD/M/YYYY)

I, Second Lieutenant (b)(6), do hereby make the following  
(PRINT RANK, FIRST NAME, MI, LAST NAME)

statement free and voluntarily to:

First Lieutenant (b)(6)  
(PRINT RANK, FIRST NAME, MI, LAST NAME)

whom I know to be the Investigating Officer.

My current billet is: Platoon Commander

My current unit address is: \_\_\_\_\_  
(FULL UNIT ADDRESS)

My rotation date is \_\_\_\_\_.

My duty phone number: \_\_\_\_\_ (duty phone number)

At 1000 on 12 May 2006 I gave the order to my platoon sergeant to establish a snap vehicle checkpoint (SVCP) EVO of grid (b)(6) as (b)(1). This ASR is in (b)(1) in Iraq. I gave the order to my driver, LCpl (b)(6) at 1005 to move on to (b)(1) to trap the vehicles between my platoon sergeant's vehicle and my own. I was in place 300m to the east of the western blocking position established by my Plt Sgt. I orientated east. I had my dis mounts do their 5m and 25m checks around the vehicle while this was happening Cpl (b)(6) vehicle was doing the same 15-20m behind me in the eastbound lane facing the west. His turret gunner, Cpl (b)(6) was orientated east. I was in the westbound lane.

As we established our position, traffic stopped 800m to our east, creating a large jam in the road numbering in excess of 20 vehicles. Before my Marines could establish trigger lines and warning signs on the road, a single vehicle, a gray, 4-door Audi, passed the traffic jam and approached my vehicle at a high rate of speed. The vehicle was closing the distance between the stopped traffic 800m to my east and myself very rapidly. As the car got closer, LCpl (b)(6) my turret gunner, and Cpl (b)(6) began waving

Initials: (b)(6)

Page 1 of 2

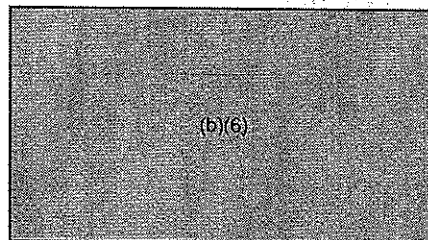
## VOLUNTARY SWORN STATEMENT (continuation page)

Date: 12/5/2006  
(DD/M/YYYY)Name: Second Lieutenant (b)(6)  
(PRINT RANK, FIRST NAME, MI, LAST NAME)

red flags. These flags are an early warning device for oncoming traffic used to give civilians a warning to stop. The flags were waved from 300m east of our position until 150m line where LCpl (b)(6) shot a pen flame at the vehicle. It did not stop. At that point I exited my vehicle and presented my weapon to the vehicle. It did not stop. At 100m I fired 2 tracer at the road in front of the vehicle, then 3 more at the tires on the passenger side. Both tires were hit and deflated. The vehicle continued toward me. At 75m (b)(6) handed LCpl (b)(6) to fire his M406 machinegun at the vehicle's engine. A 5-8 round burst at the vehicle hit the head. The vehicle continued toward us. At 50m Cpl (b)(6) engaged the vehicle with his M2 .50 caliber machine gun. He shot 14 rounds at the driver's compartment. The vehicle stopped 20m in front of my vehicle.

As soon as it stopped I had the company's five Corporal, HM3 (b)(6) LCpl (b)(6) and LCpl (b)(6) approach the vehicle to search it and assess casualties. On scene the corporals reported one civilian KIA and his wife, who was not harmed. The vehicle had no suspicious contents. After the scene was secure I called the COC and submitted my EOF report, requested IP/IA assistance and waited for further guidance.

I had my reinforced squad hold a tight cordon around the incident site while the IP showed up on scene. This occurred at 1230. By 1345 they had taken possession of the civilian casualty, his widow and their vehicle. At 1300 we broke down the cordon and headed to (b)(7) to link up with the remainder of my platoon.



(b)(6)

20060512

Initials: (b)(6)

Page 2 of 2

VOLUNTARY SWORN STATEMENT

Date: 12/05/2006  
(DD/MM/YYYY)

I, Corporal (b)(6) do hereby make the following

statement for

(b)(6)

whom I know to be the Investigating Officer.

My current billet is: Armory Custodian / Turret gunner

My current unit address is: \_\_\_\_\_  
(FULL UNIT ADDRESS)

My rotation date is \_\_\_\_\_

My duty phone number: \_\_\_\_\_ (duty phone number)

Around 1010 we set up in a snap VCP. I was in the turret of one of two vehicles on the Eastern London. Approx. 800m vehicles had seen us and stopped. As the dismounts jumped out and did the 5 and 25m checks I noticed a car moving toward our position at about 60mph. After myself and Lt (b)(6) waved our flags to slow the vehicle down, it wasn't showing any signs of slowing down. When the vehicle was at 150m, from our position, Lt (b)(6) shot up a pop up. After the pop up went off and the car wasn't slowing down, I made the .50 cal condition 1 and Lt (b)(6) jumped out of his vehicle. His vehicle was about 15m North East of the vehicle I was in. When the suspected VBIED vehicle was at 100m Lt (b)(6) shot 4 M16 tracer rds at it. At 75m Lt (b)(6) opened up with the M240 in his turret. When the car still wasn't slowing down,

Initials: (b)(6)

Page 1 of 2

VOLUNTARY SWORN STATEMENT (continuation page)

Name: Carpocal  
(PRINT NAME)

(b)(6)

Date: 12 5 2006  
(DD/MM/YYYY)

I opened up with the .50 cal with 14 rds until the car stopped. When the car stopped Lt. (b)(6) signaled cease fire. When all firing stopped Doc (b)(6) ran up to the car to assess the casualties. Then the high back moved up to the car to search and help with the casualties. Approximately 5 minutes my vehicle pushed East of the high back to provide security. We waited for the Ips until 1230 when they arrived. Then at 1300 we parked back to (b)(1)

(b)(6)

1205 2006

Initials: (b)(6)

Pages 20 through 21 redacted for the following reasons:

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(b)(1), (b)(2)Low, (b)(6)