

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 [REDACTED] 2. DATE (YYYYMMDD) 24 DEC 01 3. TIME 1500 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS E-4 / PLT MEDIC
 8. ORGANIZATION OR ADDRESS B Co 2-327 INF 101st AIRBORNE (ASLT) DIVISION

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

ON JAN 01, 2002, B Co, 2nd PLT, 3rd SQUAD WAS SENT TO RAHEEM AWA DISTRICT TO RESPOND TO RIOTING. CIVILIANS WERE BURNING TIRES, BURNING CARS AND THROWING ROCKS. RAHEEM AWA POLICE WERE INSIDE THE POLICE STATION GROUNDS. WHEN RIOTERS DID NOT DISPERS, RAHEEM AWA POLICE FIRED WARNING SHOTS INTO THE AIR. THE IPS CONTINUED TO FIRE WARNING SHOTS FOR ABOUT 5-10 MINUTES. RIOTERS DIDN'T DISPERS AND STARTED TO THROW MORE ROCKS AT IP PERSONNEL AND B Co, 2nd PLT, 3rd SQUAD. [REDACTED] ARRIVED WITH 2nd SQUAD AND SECURED POLICE STATION. 3rd SQUAD WAS TASKED WITH FLANKING THE RIOTERS AND CALMING DOWN CROWDS. 3rd SQUAD MOVED TO A NORTH WEST POSITION FROM RAHEEM AWA POLICE STATION. 3rd SQUAD WAS WAITING FOR POLICE TO STOP FIRING IN OUR DIRECTION, WHEN A WHITE FOUR DOOR SEDAN ENTERED OUR AO TO OUR EAST SIDE. DISMOUNTS WERE OUT AND YELLING FOR CAR TO STOP MOVING. CAR KEPT ON SLOWLY MOVING INTO OUR AO.

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

STATEMENT OF

TAKEN AT

KIRKUK PATROL BASE

DATED

2006 01 01

9. STATEMENT (Continued)

3RD SQUAD DISMOUNTS KEPT ON YELLING FOR VEHICLE TO STOP. WHEN IT REMAINED MOVING IN OUR DIRECTION, DISMOUNTS AND GUNNER FROM CLOSEST TRUCK OPENED FIRE ON VEHICLE AND DRIVER. VEHICLE CAME TO A SLOW STOP. I, MYSELF, WAS IN REAR VEHICLE OBSERVING SITUATION. ABOUT 1 MINUTE AFTER CEASE FIRE WAS CALLED, (2) CIVILIANS WERE BROUGHT TO ME IN THE MIDDLE OF OUR TRUCKS. THESE CIVILIANS WERE BYSTANDERS DIRECTLY ACROSS FROM VEHICLE AND WOUND FORCES. THE DRIVER OF THE VEHICLE WAS BEING GIVEN AID BY [REDACTED] AND [REDACTED] ONE CIVILIAN HAD A SUCKING CHEST WOUND AND THE OTHER CIV. HAD INTERNAL BLEEDING. BOTH CIVILIANS WERE TRANSPORTED BY 2ND PCT, 3RD SQUAD TO KIRKUK GENERAL HOSPITAL. ONE CIVILIAN WAS DOA AT THE HOSPITAL. THE OTHER CIVILIAN HAD MAJOR INTERNAL BLEEDING AND WAS IN CRITICAL CONDITION UPON ARRIVAL. THE DRIVER OF THE VEHICLE WAS DEAD ON SCENE AND LEFT WITH REMAINING 2ND PCT ELEMENTS. AFTER DROPPING OFF THE INSURGED AT HOSPITAL, 3RD SQUAD LEFT TO CONTINUE MISSION.

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

8. STATEMENT (Continued)

EX6

EX6

EX6

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 INFLUENCE.

(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 Oaths)

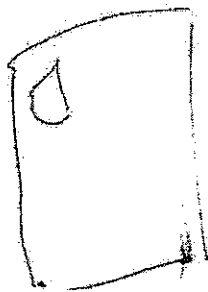
INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

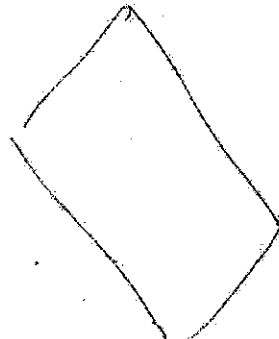
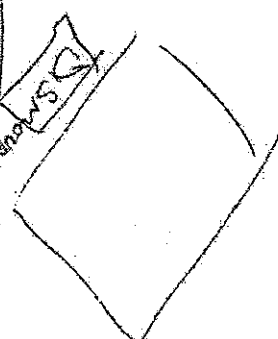
[REDACTED]

FIELD

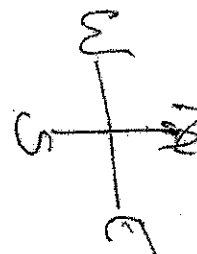
BUILDINGS



SMALL BUILDINGS



FIELD



EX6

-nervous b/c of situation

-rear veh. -watching guys throw rocks

-going 5-10 mph

-yelled stop - showed up us

-no gun order

-shot for 3 to 5 seconds.

-runner ~~was~~ yelling to stop - dismounts

came around

-talked to some guys - made eye-contact w/ driver

Driver - never saw - 2 EFRs - shit up everywhere

-screamed up - no help - still worked on

-shot on right side - exit wound - sucking

chest wound

EX6

- ~~working on other~~

guy

-alright to move - went down hill

-no other shots - just rocks

-dismounts brought out cars

-waiting 10 mins for FCA (didn't start)

EX6

5 mins - ~~put them back~~

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
 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>Kirkuk patrol base</i>	2. DATE <i>01 Jan 06</i>	3. TIME <i>0225</i>	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	8. ORGANIZATION OR ADDRESS <i>B Co 2/327 INF</i>		
6. SSN [REDACTED]	7. GRADE/STATUS <i>E-5 Team leader</i>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army *HH4 2327* and wanted to question me about the following offense(s) of which I am

suspected/accused: *EUF Rohan Ave Riet*

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

I do not have to answer any question or say anything.

Anything I say or do can be used as evidence against me in a criminal trial.

For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] <i>EXL</i>
1a. NAME (Type or Print) [REDACTED]		
b. ORGANIZATION OR ADDRESS AND PHONE <i>B Co 2/327 INF</i>		4. SIGNATURE OF INVESTIGATOR [REDACTED] <i>EXL</i>
2a. NAME (Type or Print) [REDACTED] <i>1LT, FA</i>		5. TYPED NAME OF INVESTIGATOR [REDACTED] <i>1LT</i> <i>EXL</i>
b. ORGANIZATION OR ADDRESS AND PHONE <i>HH4 2-327 IN</i>		6. ORGANIZATION OF INVESTIGATOR <i>HH4 2-327 IN</i>

Section C. Non-waiver

1. I do not want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2023) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:

- a. Your official position.
- b. Nature of offense(s).
- c. The fact that he/she is a suspect/accused.

2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."

- a. "You do not have to answer my questions or say anything."
- b. "Anything you say or do can be used as evidence against you in a criminal trial."
- c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

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 [REDACTED] 2. DATE (YYYYMMDD) 20060101 3. TIME 1520 4. FILE NUMBER
 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS 6-51 Team leader
 8. ORGANIZATION OR ADDRESS 2pt. B6. 2/327 INF

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 while responding to a riot at the Rahleemsaah ^{police station} my squad was sent to the north of the police station to surround the rioters. My squad set into a position at a street corner. Myself and my platoon Sergeant went to the top of the building at the street corner we were having rocks thrown at us and the rioters were setting things on fire in the street. A white Mitsubishi came up on us from the North and starting to turn into our position we yelled at the driver, showed intent to use our weapons by charging them and aiming them he would not heed the warnings. [REDACTED] shot first he shot at the tires and the driver would not stop I engaged the vehicle from the roof the vehicle stopped. Once all the shooting was ceased the crowd showed us that there were two other members of the crowd that had been wounded by stray rounds we had the other two individuals brought to our position we treated them and the driver of the vehicle. I went down to the street to treat the driver of the vehicle. [REDACTED] soon after that [REDACTED] the rest of the [REDACTED] squad casevaced the two members of the crowd that were still alive to Kinkuk general hospital. We did not casevac the driver as he was dead we placed that body in a Humvee and withdrew to the police station where it was turned over to his family.
 End of statement

10. EXHIBIT 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF _____ PAGES

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

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

EX/6 STATEMENT OF [REDACTED] TAKEN AT Kirkuk patrol base DATED 01 Jan 06

9. STATEMENT (Continued)

EX/6 INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 1 PAGES

EXC

STATEMENT OF [REDACTED] TAKEN AT Kirkuk petrol base DATED 01 Jan 06

9. STATEMENT (Continued)

EXC

[REDACTED]

EXC

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]

(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)

B.L. 2/728 INF 101st ABN.

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

EXC

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE / OF / PAGES

Steering Patrol Leader
- fired 1st

SWP

EXL

- on roof w/ IP firing out to the left

- cleared BLDG OUT

EXL

- Car from N

made
decision

- yelling - crowd LCF - showed wrist/charge 240

↓
people to his car

- driver into squad - made eye contact

- shot tires out

- cars fired fired shot time 2 sec.

guy in car hit 15 times

- rioters pointed to 2 WIA [redacted] - LNs being [redacted]
into perimeter

EXL

driver of white - hit bad

EXL

- treated one of victims

- show - show - shove - shoot - [redacted] sed

EXL

240 - had charged

guys in Bldg - confined to bldg - IP kicked
out of Bldg

EXL

- directed LNs to bring

2x WIA into perimeter

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
 DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION <u>KPB</u>	2. DATE <u>1 JAN 06</u>	3. TIME <u>01:28</u>	4. FILE NO.
5. NAME (Type or Print) [REDACTED]	8. ORGANIZATION OR ADDRESS <u>BCO 2-327 IN</u>		
6. SSN [REDACTED]	7. GRADE/STATUS <u>E-7</u>		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army HHC 2-327 and wanted to question me about the following offense(s) of which I am suspected/accused: ECF Return Aug. Riot

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
 2. Anything I say or do can be used as evidence against me in a criminal trial.
 3. For personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] <u>ETG</u>
1a. NAME (Type or Print) [REDACTED]		
b. ORGANIZATION OR ADDRESS AND PHONE <u>BCO 2-327 IN</u>		4. SIGNATURE OF INVESTIGATOR [REDACTED] <u>EXL</u>
2a. NAME (Type or Print) <u>1LT</u> [REDACTED]		5. TYPED NAME OF INVESTIGATOR <u>1LT</u> <u>EXL</u>
b. ORGANIZATION OR ADDRESS AND PHONE <u>HHC 2-327 IN</u> [REDACTED]		6. ORGANIZATION OF INVESTIGATOR <u>HHC 2-327</u>

Section C. Non-waiver

1. I do not want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
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- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

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SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

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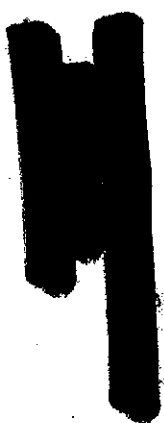
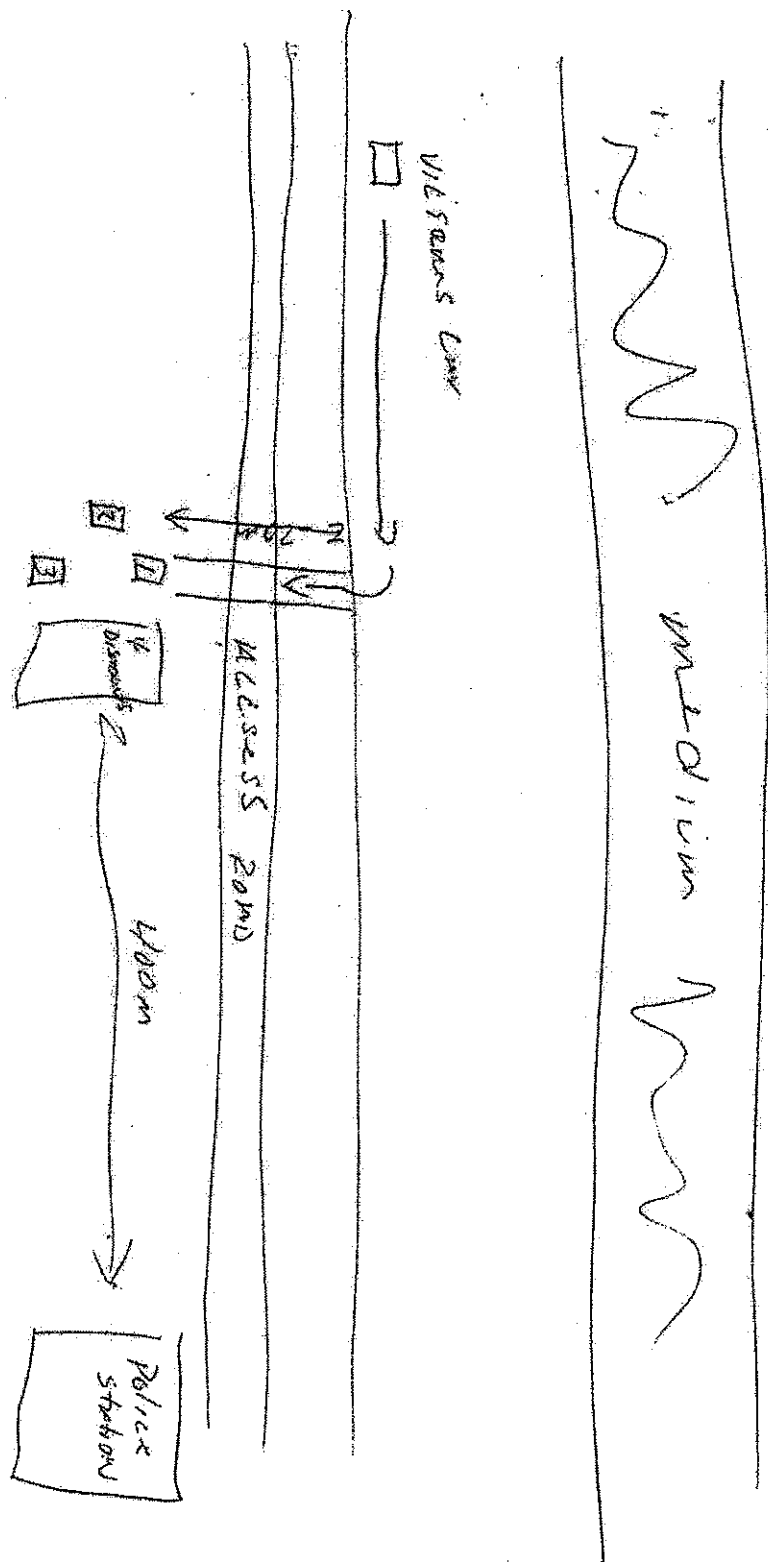
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COMMENTS (Continued)

2



EX6

SWORN STATEMENT

For use of this form, see AR 190-46; 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 [REDACTED] 2. DATE (YYYYMMDD) 20060101 3. TIME [REDACTED] 4. FILE NUMBER [REDACTED]
 5. LAST NAME/FIRST NAME/MIDDLE NAME [REDACTED] 6. SSN [REDACTED] 7. GRADE/STATUS E-7 RSG
 8. ORGANIZATION OR ADDRESS B Co 2-329 INF

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
 ON 1 JAN 06 AT APPROX. 12:15 HRS OUR ^(2ND PLT) MISSION WAS CHANGE TO SUPPORT
 1ST PLT B Co IN THE VIC [REDACTED] Raheem Awa police station.
 2ND PLT ENTERED THE MARKET AREA COMING FROM THE NORTH HEADING
 SOUTHWARD. THE STREETS WERE FILLED WITH 400 TO 500 PROTESTORS CHANTING
 IN MASS WITH 3 TIRES ACROSS THE ROAD BURNING. 2ND PLT STOPPED ITS
 APPROACH [REDACTED] 2ND PLT DISMOUNTED
 TO CONFRONT THE LOCALS ABOUT THE PROBLEMS THEY WERE HAVING. THE
 VIC. [REDACTED] FROM ABOUT IS WHERE WE ENCOUNTER A FLOODED STREET
 OVER FLOW WITH SEWAGE. THE LOCALS EXPLAINED THEY WERE UPSET
 BECAUSE THE DAY PRIOR (31 DEC 05) MAINTENANCE PERSONNEL WERE
 WORKING ON STREETS AND BROKE A PIPE. THE LOCALS FEELINGS
 FLARED WHEN THE MAYOR/ENGINEER CAME TO THE SITE OF A
 FLOODED MARKET STREET AND LEFT. THE LOCALS WERE ENRAGED
 THAT THE LOCAL GOV'T WAS DOING NOTHING WITH THE FLOODED STREETS
 AND SHOPS AS WATER CONTINUED TO RAISE. THE LOCALS PRESENTED
 ME WITH A GLASS OF WATER FROM THEIR DRINKING SPICKERS
 THAT SHOWED SIGNS OF CONTAMINATION AND SMELLED OF FUEL AND
 URINE. I SPOKE WITH 1ST PLT [REDACTED] AND DECIDED TO CONTACT

10. EXHIBIT [REDACTED] 11. INITIALS OF PERSON MAKING STATEMENT [REDACTED] PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

STATEMENT OF [REDACTED] TAKEN AT 20:00 HRS DATED 15 JAN 06

9. STATEMENT (Continued) HIGHLY ON the foul water. MY interpreter TID A LOCAL leader to be a SPOKES person who ask the people to control their Hostilities and put out the fires as we resolved the issues. THE LOCALS tentions flamed as they spoke out AGAINST the LOCAL police department, AN ISSUE which happened BEFORE OUR arrival. I^{had} called my interpreter contact the [REDACTED] to locate local Gov't officials. Tentions flamed as the police came to help us forces during crowd control. I then learned of a beating the police did on 2 individuals. I resolved the issue with the police and the individuals when teenagers and children began throwing rocks at the police. The police responded with warning shots, ^{2nd PLT soldiers} ~~the soldiers~~ immediately took action and walked the police in doing so. THEN the children began throwing rocks at my soldiers we mounted vehicles and pulled back [REDACTED]. The crowd advanced AGAIN, and then requested ORF. I directed the ORF TO HALT [REDACTED]. THEN I noticed protesters burning [REDACTED]. TIMES IN that location, we moved our lines to [REDACTED]. THEN I requested ORF to come to my location. we tried again to calm the crowd thru talks, then the police began to fire once again sparking a heavy volume of rock to be thrown. 2nd PLT vehicles and personnel began to suffer damage. A decision was made to fall back to the police station then we would flank a section of 2nd PLT

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

EXb

STATEMENT OF Sgt [REDACTED] TAKEN AT 12:00 HRS DATED 1 JAN 06

9. STATEMENT (Continued) ELEMENTS to the west of crowd using BACK streets and search for a good exit/escape route. Shots began to be fired by EP's as we approached the crowd from to angles we were able to break up the crowd. we and put a section established security. A white car approached from the north and turned on our street soldiers yelled Kef, stop, halt and waved, the car continued and then was engaged. The driver died while 2nd platoon personnel began to render aid to the driver. The local's brought two others hit from deflection bullets to the scene where 2 medics and 3 EPR soldiers worked on all 3. The crowd calmed immediately and began to disperse. Local leaders began to run off rock throwers. The local hospital could not be reached and we loaded 2 injured locals in our vehicles and rush them to the hospital. The driver of the car died moments after treatment. 2nd platoon loaded the body and removed it back to the police station where the family meet with us. The hospital had to dispatch a second vehicle to recover the body for the family nothing follows

EXb

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 Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

EXb

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 AEEKB	2. DATE 20060101	3. TIME 0156	4. FILE NO.
5. NAME (Last, First, MI) [REDACTED]	6. ORGANIZATION OR ADDRESS Bco 2/327 BN, 1 BCT, 101 ABN		
6. SSN [REDACTED]	7. GRADE/STATUS E-4/Driver		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army HHC, 2-327 and wanted to question me about the following offense(s) of which I am suspected/accused: FCF Return Arms 0-2d

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

[REDACTED] not have to answer any question or say anything.
 [REDACTED] anything I say or do can be used as evidence against me in a criminal trial.
 [REDACTED] or personnel subject to the UCMJ I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE [REDACTED] EXL
1a. NAME (Type or Print) [REDACTED]		
b. ORGANIZATION OR ADDRESS AND PHONE Bco 2/327 BN, 1 BCT, 101 ABN		4. SIGNATURE OF INVESTIGATOR [REDACTED] EXL
2a. NAME (Type or Print) [REDACTED] 1LT, FA		5. TYPED NAME OF INVESTIGATOR [REDACTED] 1LT EXL
b. ORGANIZATION OR ADDRESS AND PHONE HHC 2-327 IN [REDACTED]		6. ORGANIZATION OF INVESTIGATOR HHC, 2-327 IN

Section C. Non-waiver

1. I do not want to give up my rights
☐ I want a lawyer ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

1. WARNING - Inform the suspect/accused of:
 - a. Your official position.
 - b. Nature of offense(s).
 - c. The fact that he/she is a suspect/accused.
2. RIGHTS - Advise the suspect/accused of his/her rights as follows:

"Before I ask you any questions, you must understand your rights."

 - a. "You do not have to answer my questions or say anything."
 - b. "Anything you say or do can be used as evidence against you in a criminal trial."
 - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

- d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a Waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?"

(If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.*

SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

PRIOR INCRIMINATING STATEMENTS:

1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

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 [REDACTED]	2. DATE (YYYYMMDD) 20060101	3. TIME 1500	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 / Driver	
8. ORGANIZATION OR ADDRESS Rco 21327 BN, 1 BCT, 101 ABN DIV			

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

We circle around I was trail vehicle both vehicle's in front pulled side by side each other. Rocks were thrown at the two vehicles in front of me. Then dismounted keeping personal and vehicles back. After the rocks that were thrown stop. A white vehicle pulled up was told to stop pulled forward was told to stop again weapons were drawn. The vehicle still came the personal in front was [REDACTED] else followed [REDACTED] shot first then everyone the vehicle stopped. A group a cross the street advised us that two personal were hit [REDACTED] waved to bring them to us. Are medic started treatment with are EFR's the Driver in the vehicle was dead. We loaded the two personal in are vehicles and headed to Kirkuk Hospital in route the one of the two we were taking to the Hospital died. We got to the Hospital and down loaded personal then got called to an other location.

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

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

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

EX6
STATEMENT OF

TAKEN AT Kuku patrol Base DATED 2006/1/1

9. STATEMENT (Continued)

EX6
INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

EX6

STATEMENT OF

TAKEN AT

Kirkuk patrol Base DATED 2006 0101

9. STATEMENT (Continued)

EX6

EX6

AFFIDAVIT

I, [REDACTED], 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.

[REDACTED]
(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

[REDACTED]
(Signature of Person Administering Oath)

Bco 2/327RN, 1BCT, 101ABN

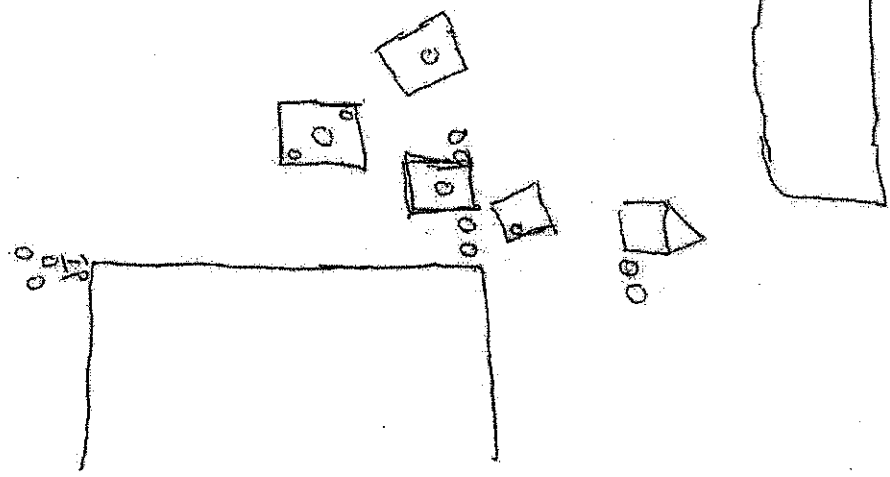
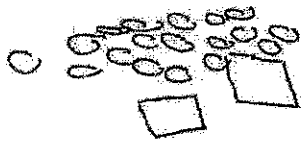
[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES



9A

EX6

[REDACTED]

don't shoot



[REDACTED]

no info
veh. fired

- Trail Veh.

- rocks being thrown @ CF (truck over behind
vehs)

- some CF on top of roof

- warned people not to come into area (PAX
responded)

- CF - yelling @ vehicles / weapons drawn

- Veh. continued

EX6

[REDACTED]

1st to fire - the rest of

section opened fire - shot for 4-5 seconds

- veh. stopped - crowd dispersed

EX6

[REDACTED]

directed LAs to bring 21 WINS

- moved behind veh - yelled for EFR

- another squad came up

- driver still alive - bleeding / twitching

EX6

[REDACTED]

made decision to exit w/ HUMVEEs

- med. 1 - don't hit humps - 3 mins before

helicopter - DOA

shouted - raised - stop - leaned forward / up

- when shooting stopped people dispersed