

STATEMENT OF

TAKEN AT

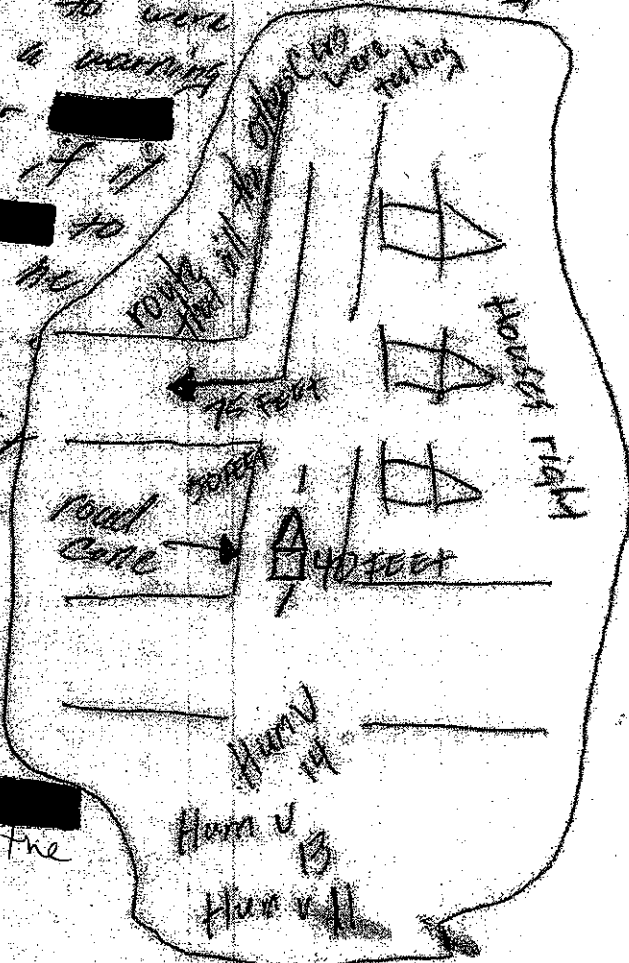
Ruston, Va

DATE

07 FEB 06

9. STATEMENT (Continued)

about 600 to 800 feet away from us. As the blue passenger was traveling down the street myself a [redacted] gave the first hand signal to the vehicle for about 30 to 40 sec. Once the vehicle was within 75 to 100 feet away from us myself [redacted] and [redacted] pointed our weapons in the direction of the vehicle hoping that he/she would take the same turn as the rest of the car's were taking. As the situation escalated to where we were forced to use a warning shot. But before myself or [redacted] took the shot I asked if it was OK to [redacted] if [redacted] to take a warning shot and he said yes. So [redacted] did so and [redacted] into the air shot his [redacted] After that the vehicle did not stop. Still traveling at about 10 to 15 mph myself and spc C-11e decided to disable the vehicle and [redacted] shot one round into the engine.



INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES

STATEMENT OF

TAKEN AT

Rustyniyah

DATED

0 FEB 00

9. STATEMENT (Continued)

After the shots were taken the blue pursuit took a hard left turn right into a telephone pole. And at that point in time we were still not sure if the vehicle was VBIED or not so we approached the vehicle still take precautions and found out that one of the rounds that myself and [redacted] had gone through the window and hit the man in the forehead killing him instantly. After we checked the vehicle out for an VBIED's and discovered that there were no threats. So we still continued pulling security and then the IT's showed up to investigate the situation and assess the damage to the vehicle. After that was done our medic [redacted] looked at the man and found out exactly where he was hit. And then we stood for the area back to Rustyniyah.

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

STATEMENT OF

TAKEN AT

ELSTAMOUNT DATED

6 FEB 66

9. STATEMENT (Continued)

FOLLOW-UP QUESTIONS

- ① WHAT WAS YOUR AWT OF AIR WHEN YOU FIRED THE WEAPON? ^{ALL}
- ② OTHER THAN TRAFFIC CONES, DID YOU HAVE ANY OTHER SIGNS WARNING DRIVERS TO STOP?

① My point of aim was into the engine block.

② No other warning signs were put up just the road cones - /End of Statement / -

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 5 PAGES

EX 4

STATEMENT OF

TAKEN AT

Rustanigah

DATED

6 FEB 08

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 5. 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:

[REDACTED]
[REDACTED] FT, W. COA
577-6287, Fed Prison, SAH, IPAD
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4 day of FEB, 2008 at ROB Rustanigah

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

SWORN STATEMENT

For use of this form, see AF 190-46; the proposing agency is DDGSPS.

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 307; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943; SSAP.

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 FOB Rustenburg	2. DATE (YYYYMMDD) 20060206	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS B Co. 3/67 AR BN			

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

On Sunday Feb. 5 I was finishing taking care of a range local who had cut his finger. I had my head in the HH, closing my aid bag when I heard what sounded like a weapon fire. I turned around to see a soldier fire his weapon. a second weapon discharge was heard almost at the same time. I grabbed my aid bag and started running towards the fire. [REDACTED] motioned to me to stop. A blue car veered to the right at the HH's blocking the road and crashed. I couldn't see what the car had ran into. I heard "medic" being called and took off running. as I ~~was~~ looked over the scene as I approached a blue passat had hit a telephone pole. A rather large man in a maroon shirt sat hunched over towards the steering wheel a large wound pouring blood was visible. brain matter + CHF dropped from the man's forehead. I ran to the driver side window. The window was rolled down. He was definitely dead. I reached in and touched the man no movement. I relayed the message that he was dead and walked back to my HH, dropped off my aid bag and returned to the scene. The IP soon arrived. After what seemed like they were deciding how to remove the body from the car. I asked our interpreter what they were saying. He said they think (the IPs) that it was a direct hit. I walked over to LT and showed him the two bullet holes. one had entered the windshield passed thru the dash board at an angle as to how it hit in the roof of the car.

10. EXHIBIT I	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
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

FOB Rustenburg

DATED

6 FEB 68

9. STATEMENT (continued)

A small hole was present in the fabric of the roof and a corresponding dent the shape of a bullet was visible on the roof. I showed the LT that the bullet that hit the man entered the windshield at a angle (see A). By this time the IP's had the man out of the car laying face down on a blanket from they had taken from a neighboring house. I ~~put~~ put on my latex gloves and rolled the man over showing LT ~~the~~ where the bullet entered in to the skull the man had reading glasses sitting on the dash board of his vehicle. There was a bullet hole in the glassed on the right glass, the only way those glasses could have been hit was if they were on the mans forehead. The wound was consistent with an upward angle shot. The bullet had to be quite deformed to leave such a crater in the mans head. The whole was larger at the bottom and split upward to his hair line, same as the windshield. There were small sparkling fragments that glimmered as I rolled his body over. I assumed that since bone/flesh/brain doesn't sparkle it must have been his glasses shards.

WOUND
FOLLOWING

A.



INITIALS OF PERSON MAKING STATEMENT

PAGE

2

OF

PAGES

STATEMENT OF

TAKEN AT

FOB Rustenburg

DATED

6 FEB 86

9. STATEMENT (Continued)

NOT
Follows

AFFIDAVIT

WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT 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 6 day of February, 1986, at FOB Rustenburg

(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

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 3031; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

FOB ANJTIMIYAH, IRAQ

2. DATE (YYYYMMDD)

2006 02 06

3. TIME

1013

4. FILE NUMBER

5. LAST NAME FIRST NAME WHOLE NAME

6. SSN

7. GRADE/STATUS

03/ACTIVE

8. ORGANIZATION OR ADDRESS

B/3-67AB, FOB ANJTIMIYAH IRAQ

9.

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. Describe the events that lead to an escalation of force on 05 FEB 06. Include the following in your statement, if known.
 - a. What was your patrol's mission?
 - b. What caused your patrol to search the parking lot?
 - c. Describe your security perimeter. Include a sketch. Estimate the following, as you remember it:
 - i. Locations of US and IP vehicles.
 - ii. Locations of US and IP personnel.
 - iii. Locations of any warning signs that were posted.
 - iv. Any physical barriers to stop traffic that were used.
 - d. Who first identified the driver of the VW as a threat?
 - e. What did the driver of the VW Passat do that showed hostile intent?
 - f. What graduated responses were used to try to stop the vehicle prior to firing at it? For each graduated response, indicate the following:
 - i. How far away was the vehicle?
 - ii. Who executed the graduated response action?
 - iii. What was the driver's response?
2. Describe the actions were taken after the incident. Include the following, if known:
 - a. What actions were taken to treat the local national after he was shot?
 - b. What damage was done to the vehicle?
 - c. Was a claims card issued? If not, why not?

I WAS NOT ON THE PATROL, BUT FROM MY INITIAL INVESTIGATION THE BELOW STATEMENT IS WHAT I BELIEVE TO BE FACTS.

THE MISSION OF THE PATROL WAS AN AREA RECON WITH A PURPOSE TO GAIN INTEL FOR FUTURE OPS. THE PATROL WAS TASKED WITH THE AREA OF BALADIAT AND WHILE IN THE AREA THE PATROL STOPPED TO SECURE A PARKING LOT AND TALK WITH LOCALS IN THE AREA. THE PATROL ESTABLISHES A PERIMETER WITH CONES AND SOLDIERS APPROX. 50 METERS FROM THEIR VEHICLES WHICH WERE SET-UP IN A BLOCKING POSITION IN THE ROAD. [REDACTED] AND [REDACTED] WERE PULLING SECURITY WITH [REDACTED] AS THE USOC OF THE AREA. THE VEHICLE, VW PASSAT, WAS FIRST SEEN AT APPROX. 200M AWAY FROM THE SOLDIERS AND THEY USED HAND SIGNALS TO GET THE VEHICLE TO STOP OR DRIVE A DIFFERENT DIRECTION. AT APPROX. 100M AWAY VERBAL COMMANDS WERE GIVEN IN CONJUNCTION WITH THE HAND SIGNALS. THE VEHICLE WAS TRAVELING AT APPROX. 15-20 MPH AND WAS SHOWING NO SIGNS OF STOPPING. AT APPROX. 50M [REDACTED] SHOT

10. EXHIBIT

J

11. INITIALS OF PERSON MAKING STATEMENT

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PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

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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

FOB AUSTIN, TEXAS

DATED

6 FEB 04

B. STATEMENT (Continued)

was fired (5.56mm) over the vehicle, there was approx. a one to two second pause and both [redacted] and [redacted] fired one shot each with the intent to disable the vehicle. One round struck the hood of the vehicle and the other round went through the windshield hitting the driver in the forehead. The soldiers then took cover, but the vehicle veered off the road and stopped when it hit a light pole. A search of the vehicle found nothing. The medic on the scene attempted to render first aid, but pronounced the individual dead. LT Weaver, ILS, and the medic investigated the incident and determined that the shot which struck the driver in the forehead was a Rocket because of where the round entered the windshield was approx. 12 inches below where it struck the individual. The medic also concluded it was a Rocket due to the nature of the impact into the man's forehead, it was not a clean entrance wound. From talking with the soldiers on the scene, the ILS also felt the vehicle was a possible UH-60 and took cover before the vehicle was finally stopped. The ILS found a cell phone number in the man's pocket and determined it was his son's cell number. They attempted to call but got no answer. I do not know if a claims card was setup, but I believe it was not. I also do not know the exact damage to the vehicle. BDE Legal taught ROE/EOF on 25 JAN 04 and ADE/EOF is brief in every Patrol Brief prior to leaving the FOB. ————— END OF STATEMENT —————

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

FBI AUSTIN, TX DATED 6 FEB 06

9. STATEMENT (Continued)

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 6 day of FEB, 2006 at FBI AUSTIN, TX

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION FOR Bushamayah	2. DATE (YYYYMMDD) 06 Feb 06	3. TIME 11:17	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS 1	
8. ORGANIZATION OR ADDRESS Bushamayah camp			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

On Sunday, 05 Feb 06, we did a patrol in Al-Baladiyat area that we are in charge of, and we got accident by a VP IED and our soldiers shoot the man, three or four shots, and in the same time IP patrol came, one vehicle with three guys, it was 1st LT and his two Sergeant. They saw the accident clearly, because they were driving to close to us, and after that, they did jump on the ground to see the guy, and we found him dead. I asked the Iraqi LT if he saw the accident, and he answers as follow: we saw a car was driving towards us (American convoy) and go back, we thought he is VP IED and he didn't stop.

10. EXHIBIT K	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE READING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"		
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