



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ APO AE 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

7 February 2006

MEMORANDUM FOR Commander, Multi-National Division-Baghdad, Camp Liberty, Iraq
09344-3029

SUBJECT: Review of AR 15-6 Investigation - Escalation of Force Incident Occurring on 25
January 2006

1. I have reviewed the above-referenced investigation and recommend the following:

a. _____ recommend the investigating officer's findings and recommendations be
approved.

b. _____ recommend the investigating officer's findings and recommendations be
disapproved.

c. K recommend the investigating officer's findings and recommendations be
approved with the following exceptions/substitutions:

- CONDUCTED PAYMENT WILL BE DONE

2. Point of contact for this memorandum is _____, at

COL, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

26 January 2006

MEMORANDUM FOR: [REDACTED] Company, 3rd Battalion, 67th Armor Regiment,
506th Regimental Combat Team, Multi-National Division-Baghdad, Camp Rustamiyah, Iraq
09390

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the incident involving B Company, 3-67 Armor Battalion, that occurred on or about 25 January 2006, during which a local national was apparently shot and killed during a mission. Your investigation will focus on the following areas:

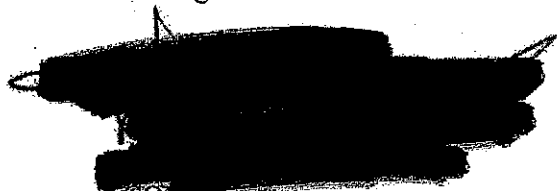
- a. What were the facts and circumstances leading to the shooting?
- b. Did the shooting comply with the Rules of Engagement?
- c. What was the name and address of the local national?
- d. Is a CERP condolence payment to the local national's family appropriate?
- e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident? What lessons can be learned for future mission planning?
- f. Were there any other civilian casualties or property damage?

2. In your investigation, all witness statements will be taken on paper and sworn using DA Form 2823. If you discover any suspected criminal misconduct you must first read the individual their Article 31, UCMJ Rights, prior to taking their statement. From the evidence, you will make findings as to whether any criminal laws or Army regulations have been violated. In addition to your findings, you will make recommendations for any appropriate action to be taken. These recommendations may include but are not limited to: UCMJ or administrative actions concerning one or more individuals, additional training, policy changes, etc. Conduct your investigation pursuant to AR 15-6. Additionally, seek advice from RCT Legal prior to commencing your investigation (VOIP 673-1104/1020).

AFZB-KG-CO

SUBJECT: Appointment as Investigating Officer

3. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1700 2 February 2006. Any requests for an extension should be made to me verbally or in writing.

A large, irregular black redaction mark covers the signature area of the document.

COL, IN
Commanding

6

For use of this form, see AD 15-6. For electronic version, see www.gsa.gov.

SECTION I-APPOINTMENT

on 26 January 2006 (Date) (Attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

on 26 January 2006 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an addendum the time each session began and ended, the place, persons present and absent, and explanation of absence, 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 3.2 and 3.3a, AR 15-6.)

The Investigating officer/Board finished gathering/hearing evidence at 1400 on 1 February 2006
(Time) (Date)
and completed findings and recommendations at 1700 on 1 February 2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO NA

Are the following attached and numbered consecutively with Roman numerals: (Attached in order listed)

a. The letter of appointment or a summary of oral appointment data?

6. Copy of notice to respondent, if any? (See item 9, below)

2. Other correspondence with respondent or counsel, if any?

2. All other written communications to or from the appointing authority?

2. Privacy Act Statements (Certificate, if statement provided, will be)

Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses):

g. Information as to sessions of a formal board not included on page 1 of this report?

h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or inquiry.

FOOTNOTES

1) Explain all negative answers on the attached sheet

2. Line of the N/A column transcribes a positive representation of the circumstances described in the question and not occur in first two months of life.

		YES	NO	NA
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?	X		
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. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 3-3b, 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)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
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 5-5c, 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 ☐)			
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 NA 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:

Bravo Company, 3-67 Armor Commander [REDACTED], four soldiers from Headquarters Platoon, Bravo Company, 3-67 Armor, 1st Platoon, Delta Company, 3-67 Armor, three soldiers from 301st Psychological Operations Company, and the 3-67 Armor S-2 went on a cordon and knock mission in order to investigate a suspicious compound VIC MB 50630 90595 at 252225JAN06. (See Exhibits A-K). The compound consisted of a guard shack, several 20ft milvans, a latrine, and scattered wire bundles, which were surrounded by cloth covered metal fencing used to restrict access and visibility into the compound. (See Exhibits A-C, F, J, L, M). Outside the fenced in area were numerous steel pipes and one 20ft milvan. (See Exhibits A-C, E, H, L). The element arrived at the compound and began the cordon when local national [REDACTED] was spotted inside the guard shack. (See Exhibits A-F, H-M). Once identified, [REDACTED] set up an overwatch position until the cordon was established. (See Exhibits A-C). The soldiers were not able to gain access into the compound because the gate opening in the fence was locked. (See Exhibits E, F, H, J). Through holes in the covered fencing, [REDACTED] and [REDACTED] pulled security on the shack in locations noted on Exhibit L. (See Exhibits C, E, F, L, O-Q). After completing the cordon, [REDACTED] PSYOPS attachment [REDACTED] and the interpreter were also at the fence, and each verbally contacted [REDACTED] saying, "Hello, we are Americans, open the door," in both English and Arabic. (See Exhibits A-F, H-K). When contacted, the local national stared at them through the window of the shack and in less than a minute, had turned around, reached for, charged, and aimed an AK-47 (Romanian) toward the soldiers at the gate. (See Exhibits A-K, O-R). [REDACTED] all saw the man grab for, charge, and aim the weapon at them. (See Exhibits A-K, O-R). Realizing the local national's hostile intent, [REDACTED] fired three times from his M-4. (See Exhibits A, C, F, J, R). At the same time [REDACTED] fired one 5.56mm round from his M-4, and [REDACTED] fired two 5.56mm rounds from his M-4, for a total of six 5.56mm rounds fired. (See Exhibits A-E, I-K, P). The local national had been shot and fell out of sight to the floor of the shack. (See Exhibits A, B, E, F, S). Bravo company soldiers gained entry into the compound after the gate opening was unhinged. (See Exhibits A-C, E, F, J). The shack was then breached by [REDACTED] who broke the window on the door to the shack, and reached in to unlock it. (See Exhibits B, F, J, O, Q). Upon entering the shack, a medic was called to administer first aid. (See Exhibits A-F, I-K). After assessment, the medic did not feel a pulse on the man, and identified one gunshot wound to the head, and two gunshot wounds to the chest. (See Exhibits A-F, I-K). One spent 7.62 shell casing that matched the caliber of the AK-47 was found on the floor of the shack, near the local national's body. (See Exhibits A, B, F, H-K, S). The shack was further searched, and bullet holes from the unaccounted for rounds, including the one fired by the local national, were identified. (See Exhibits B, F). The local Iraqi police were found, brought to the scene, continued their own investigation, and collected the body, personal effects, and the AK-47 along with its two magazines. (See Exhibits A-C, E, F, H-K, S).

At approximately 260100JAN06 local national [REDACTED] died from gunshot wounds inflicted by [REDACTED]. (See Exhibits A-F, J, N, R, S). However, [REDACTED] all acted accordingly based on the Rules of Engagement standards. The local national clearly indicated hostile intentions by charging and aiming an AK-47 toward these soldiers once they announced they were American soldiers who wanted to talk to him. By firing on the local national, these soldiers were only trying to protect themselves and the soldiers around them. Bravo Company has made every effort to ensure their soldiers are constantly reminded of the ROE standards. These standards are reviewed before every mission, including this one, and the company received a formal ROE training on 24JAN05. (See Exhibits G, O-R). In adherence to division policy, it is company policy that all soldiers carry their ROE reference cards with them at all times, and only the PSYOPS attachment, [REDACTED] was not carrying his. (See Exhibits O-R). Property damage caused by US soldiers amounted to a broken window, and three bullet holes in the shack. (See Exhibits B, F, J, O-R). Due to the unquestionable hostile intent demonstrated by the local national, the family of [REDACTED] should not be considered for any Commanders Emergency Response Program condolence payments.

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

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

No UCMJ action taken against [REDACTED].

Bravo Company 3-67 Armor continue to ensure Rules of Engagement review is included in every mission brief.

Bravo Company 3-67 Armor conducts regular spot checks to ensure all soldiers, including attachments, carry their ROE card at all times.

The family of [REDACTED] not be considered for any CERP condolence payment.

SECTION VI - AUTHENTICATION (para 2-17, 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)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 2-15, 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) are (approved) (disapproved) (approved with following exceptions/ 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.)

I approve the findings and recommendations.

James D. Thurgman

MC, U.S. Army
Commanding General

INDEX OF EXHIBITS

1. Exhibit A - SIR
2. Exhibit B - [REDACTED] sworn statement dated 28JAN06 C
3. Exhibit C - [REDACTED] sworn statement dated 28JAN06 C
4. Exhibit D - [REDACTED] sworn statement dated 28JAN06 C
5. Exhibit E - [REDACTED] sworn statement dated 28JAN06 C
6. Exhibit F - [REDACTED] sworn statement dated 28JAN06 C
7. Exhibit G - [REDACTED] sworn statement 31JAN06 C
8. Exhibit H - TOC SITREP debrief C
9. Exhibit I - TOC Duty Officers Log (see page 2)
10. Exhibit J - PSYOPS SITREP (see page 2)
11. Exhibit K - BDE SIGACTS report
12. Exhibit L - Sketch of compound
13. Exhibit M - Photo of shack
14. Exhibit N - Photo of picture ID collected from local national
15. Exhibit O - [REDACTED] sworn statement dated 31JAN06 C
16. Exhibit P - [REDACTED] sworn statement dated 31JAN06 C
17. Exhibit Q - [REDACTED] sworn statement dated 1FEB06 C
18. Exhibit R - [REDACTED] sworn statement 31JAN06 C
19. Exhibit S - Photo of 7.62mm round, AK-47, and two magazines of ammunition next to local national's body

Exhibit A

Exhibit A

SIR Format

From: B/3-67 AR

Thru: 500th RCT SDNCO

To: 4th ID/ Division Operation Center

Subject: SIR

1. Category:
2. Type of incident: EOF
3. Date and time: 260100L JAN 06
4. Location: [REDACTED]
5. Personnel involved:

A. Subject: [REDACTED]

- A. Rank or grade: CPT
- B. Social Security Number: [REDACTED]
- C. Race: Caucasian
- D. Sex: Male
- E. Age: 30
- F. Position: Company Commander
- G. Security clearance: SEC
- H. Unit and station of assignment: B/3-67 AR, Fort Hood, TX
- I. Duty status: Active

B. Additional personnel involved: [REDACTED]

- J. Rank or grade: [REDACTED]
- K. Social Security Number: [REDACTED]
- L. Race: Caucasian
- M. Sex: Male
- N. Age: 29
- O. Position: M1114 Driver
- P. Security clearance: None
- Q. Unit and station of assignment: B/3-67 AR, Fort Hood, TX
- R. Duty status: Active

B. Additional personnel involved: [REDACTED]

- S. Rank or grade: CPL
- T. Social Security Number: [REDACTED]
- U. Race: Black
- V. Sex: Male
- W. Age: 30
- X. Position: M1114 Gunner
- Y. Security clearance: None
- Z. Unit and station of assignment: B/3-67 AR, Fort Hood, TX
- AA. Duty status: Active

6. Summary of incident: At 260100 JAN06, the B/3-67 AR patrol with PSYOPS and Hound 2 stopped at a location where metal cylinders were found the night prior (250100 JAN06). The task of the patrol was to conduct a cordon and knock IOT engage any individuals in the area. Upon arrival the patrol identified 1

individual in a guard shack inside a fenced in area. He was standing in an open window looking right at us. We established an over watch position and continued to finish establishing the cordon. After establishing the cordon, we attempted to establish contact with the individual by yelling "Hello, American Soldiers" in both English and Arabic. At this point, the individual went from watching us from the window to the rear of the guard shack and picked up his AK-47. He charged the weapon and pointed the weapon at B/3-67AR and PSYOPS soldiers. We continued to identify ourselves until the last possible moment. Once the weapon was pointed at us we engaged the individual with 6 shots. B/3-67AR soldiers fired 3 shots and PSYOPS fired 3 shots. The individual fell to the ground and we immediately moved to the shack to clear the area and render medical attention. The medic on site assessed the individual and was unable to identify a pulse. The individual died as a result of his wounds. The medic identified 1 GSW to the head and 2 GSW to the chest. The IPs were called to the scene. After a search of the area we recovered 1x AK-47 with 2 magazines. One round was found in the chamber of the weapon and 1 spent shell casing (7.62x39) was found on the floor of the shack. All personal effects, evidence, and the body were turned over to the IPs.

7. Other Information:

A. Racial: N/A

B. Training Involvement: None

8. Remarks: [REDACTED] was deployed to OIF I. [REDACTED] have not been deployed to OIF or OEF.

9. Publicity: N/A

10. Commander reporting: [REDACTED]

11. Point of contact: [REDACTED]

12. Report originated by: [REDACTED]

13. Released by:

14. Unit Notifications:

A. Telephone

Position	Name	DTG	Instructions
Battle CPT	3-67AR TOC	260100JAN06	
BN CDR	[REDACTED]	260115JAN 06	

B. Email

Position	Name	Time	Instructions
BDE SO			

DA now requires additional information on SIRs whenever possible. Specifically: "Was the soldier recently deployed to OIF/OEF? If so, what were the start and end dates of deployment?" This is of particular interest involving accidents.

FOD / DOC NCO: _____

Time Received: _____

FOD / DOC NCO Actions:

DOC OIC / NCOIC Disposition:

Exhibit B

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is DDOSDP			
LOCATION FOG RVJ TAMIAH, IRAQ	DATE 28 JAN 06	TIME 1109	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O3/ACTIVE	
ORGANIZATION OR ADDRESS B/3-67AA, 4 IN, FOG RVJ TAMIAH, IRAQ			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
ON 26 JAN 06 at approximately 0100, my patrol conducted a cordon & knock of a fenced in compound that had steel pipes all around its perimeter. We had visited the site the night prior, but had no contact w/ any individuals in the area. Round 2, [REDACTED], wanted to join us on the patrol because of the nature of the pipes and because he had received some intel on the area. Once we arrived at the location we noticed that a guard was present so I set 2 soldiers in an overwatch position to maintain eyes on until the cordon was establish. Once the cordon was set, myself, 1st Sgt (Voodoo), and our interpreters attempted to make contact. At this time the individual inside was standing in an open window of the guard shack looking directly at us. I believe he was unable to identify us at this point because of poor lighting and we were behind the entrance fence. We made contact w/ the individual by first yelling "Hello, American Soldiers!" several times in English and then in Arabic. The individual very non-chalant turned around, walked towards the back of the guard shack, grabbed his AK-47, changed the weapon, and then pointed it at us. I was standing directly behind my 2 soldiers and 1st Sgt soldier that were overwatching the individual. All 3 soldiers relayed to me exactly what the individual was doing and none of them fired until the weapon was pointed at my soldiers. 6 rounds were fired and the individual fell to the ground.			
EXHIBIT B	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE READING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2823, JUL 72

SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED

14899C 12 01

Exhibit B

STATEMENT (Continued)

We then entered and cleared the area so we could conduct medical aid if required. Once we cleared the area, the medic assessed the individual, but could not find a pulse. He notice that he had 1 GSW to the head and 2 GSW to the chest, we also notice 1 spent shell casing on the floor of the guard shack that was 7.62mm x 39 and that we could account for all 6 of our shots, but still found a 7th hole in the guard shack. ~~At~~ ^{AT} the I/Os were called and all evidence and the body were turned over to them to include the AK-47 w/ 2 magazines. The damaged caused during this was 4 bullet holes in the guard shack and a broken window in the door which was caused by me as we had to brake the window I/O let our selves in because the shack was locked from the inside. END OF STATEMENT

NIS

NIS

NIS

NIS

AFFIDAVIT

I, [REDACTED], 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 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

INITIALS OF PERSON MAKING STATEMENT

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 22 day of JAN, 1986 at FEG BUSTAMIAN, T.A.S.S.

Investigating Officer
(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

SSRPG V2.00

Exhibit C

SWORN STATEMENT			
For use of this form, see AF 180-25; the proponent agency is OGCSDPS			
LOCATION Fob Tustanish Iraq	DATE 28 JAN 86	TIME 1000	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] C	SOCIAL SECURITY NUMBER [REDACTED] C	GRADE/STATUS SSG/Active	
ORGANIZATION OR ADDRESS Bco 3/47 AR AID			
I, [REDACTED] C, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 2			
On 26 JAN 86 at approx. 0800 we arrived at [REDACTED] in order to investigate a possible EFP manufacturing site. The area in question was gated with a security screen attached to the gate. [REDACTED] and [REDACTED] approached the gate and observed a guard shack with the lights on. We proceeded to pull security on the shack through holes in the screen while [REDACTED] positioned the rest of the patrol and brought the interpreter forward. At first the shack appeared to be empty but after approx. 2-3 minutes we saw a guard rise from the floor. The guard opened the window and proceeded to watch the gate we were securing. Once [REDACTED], the interpreter, psyops and [REDACTED] approached the gate we attempted to make contact with the guard. We shouted we are Americans come open the gate approx. 4-5 times in English and Arabic. The guard then turned around and picked up his AK-47. As he turned back toward us he charged the weapon and raised it toward us. At this time [REDACTED] fired two rounds [REDACTED] fired one and an NCO from Psyops fired three rounds for a total of six. One round struck the guard's head and two in his chest. We then breached the gate and the guard shack, secured his weapon and called for the medic. When the medic arrived he checked for a pulse and pronounced him dead. The event was reported to battalion and the scene was turned over to the IP's for disposal of the body. Nothing Else Follows			
EXHIBIT C	INITIALS OF PERSON MAKING STATEMENT [REDACTED] - C	PAGE 1 OF 2 PAGES	
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

Exhibit C

STATEMENT OF

TAKEN AT

1000

DATED

28 JAN 06

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of Jan, 2006

at FOB Bystanjiyov, Baghdad, Iraq

ORGANIZATION OR ADDRESS

(Printed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Exhibit D

SWORN STATEMENT			
For use of this form, see AF 100-45, the proponent agency is ODCSOPS			
LOCATION FOB Rustamiyah, Iraq	DATE 28 Jan 06	TIME 0930	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] G	SOCIAL SECURITY NUMBER [REDACTED] G	GRADE/STATUS E-4 CPL	
ORGANIZATION OR ADDRESS B- 3/67 AK			
[REDACTED] G WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH			
while on patrol on 1-26-06 at approx. 0115 our patrol stopped at what we believed to be a metal shop. The grid to the shop was [REDACTED] Once the perimeter of the shop was secured we observed an arabic male in what appeared to be a guard shack looking outward with his arms crossed at a window. The windows were tinted on the building so the arabic male then opened the window again crossing his arms looking outward. Commands were then given to the subject in both arabic and English, by members of the patrol and our translator. When the commands were given to the subject he was still at the window of the shop with his arms crossed. After commands were given the arabic male then proceeded to walk to the back of the shack, which could be seen from my position. I [REDACTED] then observed the subject retrieve an AK-47 from the back wall. Commands were still being given at this time to the male subject by both members of our patrol and our translator. At this time I let the members of our patrol know of the weapon stating "he has a weapon. Then we observed him chamber a round, with a team member shouting "he charged it" While charging the weapon the arabic male walked to the window. My weapon (M4) has a laser on it when the subject charged the weapon I then put the laser on the subject. The subject then proceeded to the window. Once at the window the male subject raised the AK-47 through the window taking aim.			
GUMENT D	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF	2 PAGES
ADDITIONAL PAGES MUST CONTAIN THE READING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LOVER OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

DA FORM 2023, JUL 72

SUPERSEDES DA FORM 2023, 1 JAN 50, WHICH WILL BE USED.

054070 02 00

Exhibit D

STATEMENT (Continued)

Once the male subject was at the window with the weapon aimed at members of our patrol, for the safety of my team members and myself I fired one shot in the direction of the subject's head. At that time other members of our patrol saw the same threat and fired. Once the threat was stopped, we proceeded to clear the shack. Once the shack was clear the medic on our team attempted to apply first aid to the subject but found no pulse. We then secured the scene and made notifications.

Nothing follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 6. 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

INITIALS OF PERSON MAKING STATEMENT

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

28 day of January 2007
at FOB Bismillah, Baghdad, Iraq

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority to Administer Oaths)

PAGE 2 OF 2 PAGES

USARPC 12-03

Exhibit E

SWORN STATEMENT			
For use of this form, see AF 150-46, the proponent agency to DDCSOP's			
LOCATION FEB Rustamiyah	DATE 28 Jan 06	TIME 0950HRS	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-3	
ORGANIZATION OR ADDRESS B CO 3167 AR			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: on 26 Jan 06 at approximately 0200 hrs our patrol was checking out a business at grid [REDACTED] due to the large amounts of pieces of pipe that were piled up out side. Upon arrival at that location I [REDACTED] pulled security on the front gate which was padlocked shut. I observed an elderly male subject in the office approximately 75 meters away. I appeared that the subject was sweeping or mopping the floor. After a few minutes the subject put the object that was in his hands against the back wall. The subject walk to the front window of the office placed his hands against the glass and looked out. The glass had a light tint to it. The subject then walked to the back wall, paused for a second and walked back to the window. This time he opened it crossed his arms and rested them on the window seal looking at the front gate which I [REDACTED] was kneeling down behind. The subject stood up and walked to the back wall again, paused and returned to the window. Once again the subject rested his crossed arms on the window seal looking in to our direction.			
EXHIBIT E	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 1 PAGES	
ADDITIONAL PAGES MUST CONTAIN THE HEADING: "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

Exhibit E

STATEMENT (Continued) I [REDACTED] was relaying what the Subject was doing the whole time to SSG McCulloch. [REDACTED], the interpreter, and I, [REDACTED] was shouting at the Subject that we were American soldiers and just wanted to talk to him. They also asked if the Subject could come to the gate and unlock it. This was done in English and Arabic. The Subject stood back up and walked to the back wall. The Subject picked up an AK-47 and began to turn around. [REDACTED] shouted that the Subject had an AK. I started to back away from the chain linked fence because I had no cover. That is where I [REDACTED] witnessed the Subject charge the AK-47. I [REDACTED] resumed my kneeling position and aimed my weapon at the Subject and began yelling (stop/let). I [REDACTED] to everyone that the Subject was charging the AK-47. The Subject then walked to the window pointed the

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28 day of January 2006 at FOB Rustan, Iraq

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)
Investigating Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT