

STATEMENT OF Sergeant [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

//////////////////////////////////-----NOTHING FOLLOWS-----////////////////////////////////////

Ex 6

AFFIDAVIT

I, Sergeant [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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
administer oaths, _____ 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
[REDACTED]

PAGE OF PAGES

PRIVACY ACT STATEMENT

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A. AUTHORITY FOR SOLICITING INFORMATION. 10 U.S.C. §3013

B. PRINCIPAL PURPOSE FOR WHICH THE INFORMATION IS INTENDED TO BE USED. To determine the facts and surrounding circumstance be investigated by the authority of appropriate Army Regulations regarding Reports of Survey, Line of Duty Investigations, Army Regulation 15-6 Investigations, or any other procedural matters concerning the gathering of evidence.

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D. DISCLOSURE. If you are a subject or suspect in an investigation, disclosure is voluntary. If you are a witness, you may be ordered to provide information.

E. THE EFFECT ON YOU IF YOU DO NOT PROVIDE ALL OR PART OF THE INFORMATION REQUESTED. Providing the information is voluntary subject to paragraph D, there will be no adverse effect on you for not providing the information other than certain information might not be available to the appointing or reviewing authority for decision in this matter.

I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this 23 day of March 2005.

Ex 6

Signature of witness



Signature of interviewee

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).
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1. LOCATION FOB Gabe, Iraq	2. DATE (YYYYMMDD) 2005/03/23	3. TIME 1930	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E3/RA	
8. ORGANIZATION OR ADDRESS HHC 2-34 AR, OIF III, FOB GABE, IRAQ, APO AE 09397			

9. I, Private First Class [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We SP'd 1900 from FOB Gabe to the IA HQ when it came under attack. I was the driver of Halo 8 on the road march up. Immediately upon arrival at the IA HQ, Halo 8 saw multiple tracers go by overhead. We set up down the street from the headquarters by some road barricades, which we used as cover to set up our roadblock. I was informed that there was a VBIED that was detonated in the IA parking lot shortly before we arrived on the scene and that no traffic was allowed in to the area. I was also informed that there were AIF on the ground as well, shooting at the HQ and IA soldiers and to be on the lookout for them as well. I set up a defensive position behind a road barricade in the middle of the road with SPC [REDACTED] from the medics on my left and PFC [REDACTED] from Halo Platoon on my right, my TC SGT [REDACTED] was off the right side of the road approximately 25 meters from my position, covering the palm groves on the other side of the canal. At approximately 1940, a car was coming up to our position. It was identified as a '95 to '99 Hyundai Sonata with a single occupant in the vehicle. When he got about 200 meters away from us, we shined the spotlight towards his position and motioned for him to turn around and go away from us. He did not respond to our hand signals and continued to move towards us at about 30 to 35 miles an hour, he came within 100 meters and I motioned to slow down, after several shouts and motions to slow down, he pulled over to the left hand shoulder of the road and dimmed his lights. His vehicle was still moving very slowly on the shoulder, he came 75 meters away and I started shouting "stop" in English, then spoke in Arabic "qif" and "argaf" which both have been proven ways of saying stop. He turned his brights on and came back on to the road, facing us. I heard his engine pick up and saw that the vehicle was now picking up to at least 30 miles an hour. I raised my rifle and shouted "qif", "argaf", "argaf". I then proceeded to ask Sgt [REDACTED] if I should shoot a warning shot, I was granted permission to shoot at the road directly in front of him. He was 50 or 60 meters away when I shot at the ground right in front of the car, he did not stop so I fired into his radiator. At that time, I told Sgt [REDACTED] that he wasn't stopping; he told that if he came any closer to take him down. The car was about 30 meters away when I took aim at his hood and fired one round into his hood, PFC [REDACTED] and SPC [REDACTED] fired into his tires and one round went through the top of his windshield and blew out the back window. I took aim upon the driver and fired one round into his right eye socket. His body slouched over and the car rolled to a stop approximately twelve meters away from the barricade. There were still shots being fired as the car rolled to a stop and SGT [REDACTED] and I called "cease fire" when I told him I shot the driver. As soon as the firing stopped, SGT [REDACTED] and me approached the vehicle and identified the driver dead. In total, I fired four rounds out of my magazine.

IO questions based on initial statement:

1. What information were you given before you SP'd? During the drive to the location, we were told the IA HQ was under attack, and there was a VBIED that had detonated about a half hour before we arrived and there were tracers flying over our heads. We were told to set up a check point on the road that led to the IA headquarters and not to let any vehicles/personnel through.
2. What color was the vehicle that approached you position.
A light silver color.
3. How did you visually signal the vehicle to stop with stop lights?
Flashed the spotlights at the vehicle 5 or 6 times. SPC [REDACTED] or PFC [REDACTED] I can't remember who, also held the spotlight behind me to silhouette me while I gave the vehicle hand signals.
4. What hand signals did you use? I motioned for him to slow down and turned my hand in the air to signal him to stop.
5. How many times did you shout at the vehicle to stop? At least 5-6 times. I said it both in English and Arabic.

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

STATEMENT OF Private First Class [REDACTED] TAKEN AT FOB GABE DATED 2005/03/23

9. STATEMENT (Continued)

6. What did you believe the vehicle intended to do?

I wasn't sure. At first I thought he was just trying to get by because he slowed down and dimmed his lights. He coasted about 15 meters and then he turned on his bright lights and I heard his engine rev and he sped up.

7. What happened next?

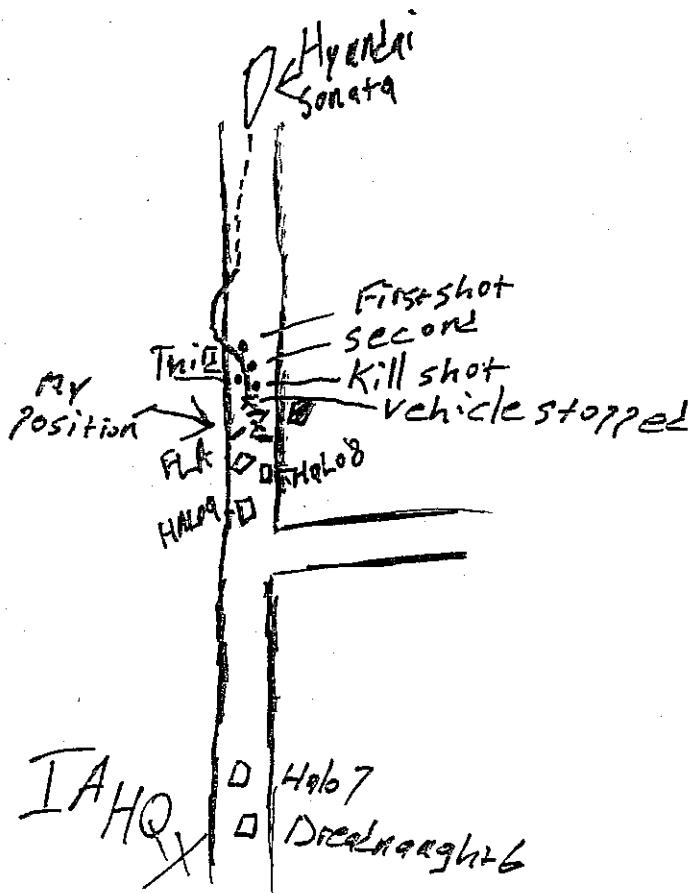
I fired a round at the ground in front of the vehicle. He continued toward us so I asked SGT [REDACTED] if I could fire another warning shot at the vehicle. He gave me permission so I fired at the front of the vehicle trying to hit the radiator. SGT [REDACTED] told me to shoot to kill if he kept coming. The vehicle continued toward us and I fired into his hood attempting to disable the engine. The vehicle continued toward us so I aimed my rifle at the driver and fired.

8. How many military vehicles were at the scene? My truck, Halo 8, with [REDACTED] on the gun, the FLA, and Halo 9 with SGT [REDACTED] and SPC [REDACTED]

9. Where did Halo 7 went with Dreadnaught 6? They were on the other side of the road, closer to the IA headquarters.

10. Can you draw a sketch of the area where this incident occurred?

Ex 6



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

////////////////////////////////////-NOTHING FOLLOWS-////////////////////////////////////

Ex 6

AFFIDAVIT

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[REDACTED SIGNATURE]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, _____ day of _____, at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE OF PAGES

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I acknowledge that I am hereby informed of the above matters regarding the information solicited from me this 23rd day of March 2005.



Signature of witness



Signature of interviewee

Ex 6

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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1. LOCATION FOB Gabe, Iraq	2. DATE (YYYYMMDD) 2005/03/23	3. TIME 2000	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E3/RA	
8. ORGANIZATION OR ADDRESS HHC 2-34 AR, OIF III, FOB GABE, IRAQ APO AE 09397			

9. I, Private First Class [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We were at the ING checkpoint pulling security nobody was aloud in only U.S. Forces and ING. We were standing there for about 10 min when the first car came up. We pointed high beam Flashlights yelling at him to stop in Arabic in English and showed hand signs as well, he slowed down but he kept coming. We kept yelling but he kept coming we were given the order to fire. I shot two rounds at the car, [REDACTED] shot four, and [REDACTED] shot I think two. The Guy fell over in his car and when we walked up to the car he had taken a round through the eye and then after a while we laid him in a body bag and towed the car to the ING HQ were they took care of the rest.

IO questions based on initial statement:

1. What information were you given before you SP'd? IA HQ was under attack.
2. Describe the vehicle with bright lights that approached you position.
It was a gray/silver colored Hyundai 4 door. Fairly new. Well kept.
3. How did you visually signal the vehicle to stop?
At about 150-200 meters from the vehicle, we flashed the spotlights at the vehicle, shouted at the vehicle to stop several times in English and in Arabic, waved our hands and raised our weapons.
4. Where were you located at the time?
I was standing behind a concrete barrier, to PFC [REDACTED] right.
5. What did you believe the vehicle intended to do?
I'm not sure what he was intending to do, but there was no way he didn't understand that he was supposed to stop.
6. You said you fired to rounds. Did you see where the rounds impacted? The back right tire and I'm not sure where the other one impacted.
7. What type of weapon did you use?
An M4.
8. How many military vehicles were at the scene? An M1114, an M1025 and an FLA.

////////////////////////////////////-NOTHING FOLLOWS ON THIS PAGE-////////////////////////////////////

10. EXHIBIT E	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 3 PAGES
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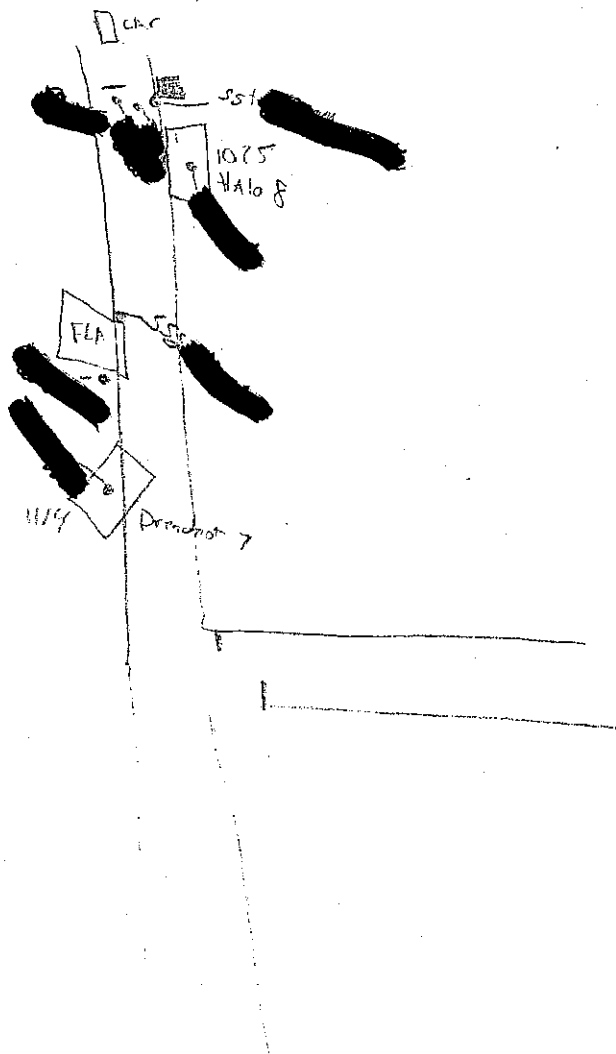
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STATEMENT OF Private First Class [REDACTED] TAKEN AT FOB GABE DATED 2005/03/23

9. STATEMENT (Continued)

9. Can you draw a sketch of the area where this incident occurred?

• Persons



Ex 6

ING
HQ

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF Private First Class [REDACTED] TAKEN AT FOB GABE DATED 2005/03/23

9. STATEMENT (Continued)

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[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law administer oaths, _____ day of _____, _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

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Signature of witness



Signature of interviewee

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8. ORGANIZATION OR ADDRESS HHC 2-34 AR, OIF III, FOB GABE, IRAQ, APO AE 09397			

9. I, Private First Class [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SP FOB Gabe at 19:15 to IA HQ in ALA BARRA when it came under attack I was the gunner on Halo 8. We approached the HQ on the road intersecting the road that the HQ is on and we came under heavy fire we saw tracers flying over the trucks. We stopped shortly up the road and were given instructions to block off the road facing north. We set up a roadblock and I was scanning the open field with NVGs when I noticed lights heading towards our checkpoint. I then saw lights being shinned towards the approaching car to signal the individual to stop. I secured my own spotlight and shinned it at the driver in flashes. He was given numerous verbal commands to stop in both English and Arabic. But the driver never stopped and continued towards our roadblock even with soldiers standing in the road giving arm and verbal warnings. Warning shots were fired into the front of the vehicle he did not slow down and [REDACTED] gave the order to fire as the driver was still heading into the road block. There was a short burst of fire and the car rolled forward and came to rest about 12 to 13 meters from our roadblock. We pulled security another car approached and was given warning shots and immediately stopped and backed up. We had a 3rd vehicle approach from the south and he was given a warning shot into his bumper he immediately stopped and backed up and left the scene. We conducted clean up operations and towed the car with the driver in a body bag in the back seat of the car to the HQ and then RP to FOB Gabe at around 01:30.

10 questions based on initial statement:

1. What is your position?
I am Halo 8's gunner.
2. What information were you given before you SP'd? IA HQ was under attack and we were going to give support and provide security.
3. Describe the vehicle with bright lights that approached you position.
It was a silver 4 door sedan. A Hyundai Alantra.
4. How did you visually signal the vehicle to stop?
Flashed the spotlights at the vehicle, at the our weapons and back and forth.
5. What did you believe the vehicle intended to do?
After he got close, I thought he was trying to drive through the check point.
6. Who fired at the vehicle?
SPC [REDACTED] PFC [REDACTED] and PFC [REDACTED]
7. You were still in the gunner's station correct?
Roger, Sir.
8. How many military vehicles were at the scene? 3. An M1025 (Halo 8), an M1114 (Halo 9), and the FLA.

//////////-----NOTHING FOLLOWS ON THIS PAGE-----//////////

nothing follows

10. EXHIBIT F	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>3</u> PAGES
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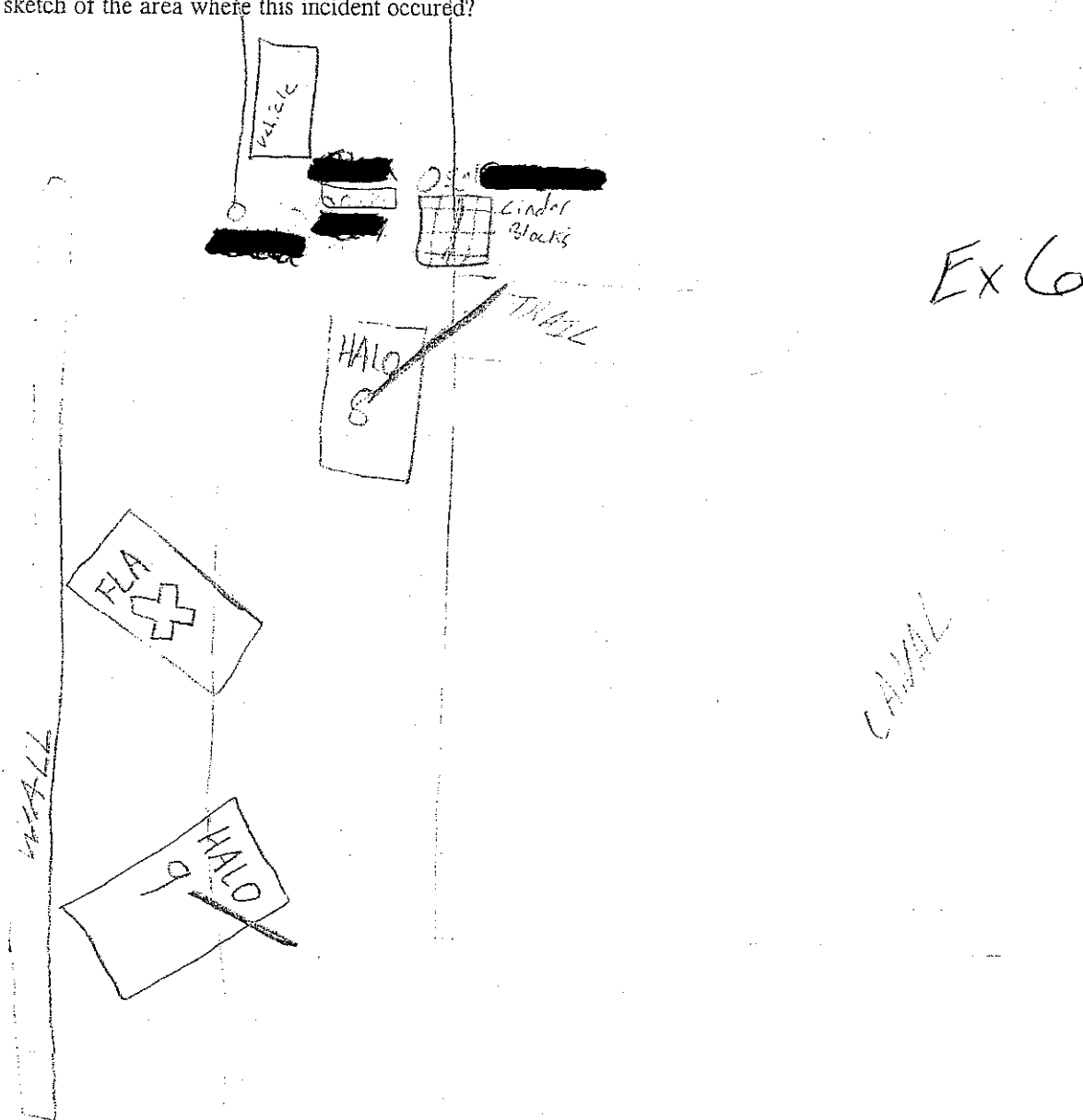
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STATEMENT OF PFC [REDACTED] TAKEN AT FOB Gabe DATED 2005/03/23

9. STATEMENT (Continued)

9. Can you draw a sketch of the area where this incident occurred?



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

9. STATEMENT (Continued)

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[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

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(Signature of Person Administering Oath)

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ORGANIZATION OR ADDRESS

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Signature of interviewee

EX 6

Exhibit G: Sketch of area

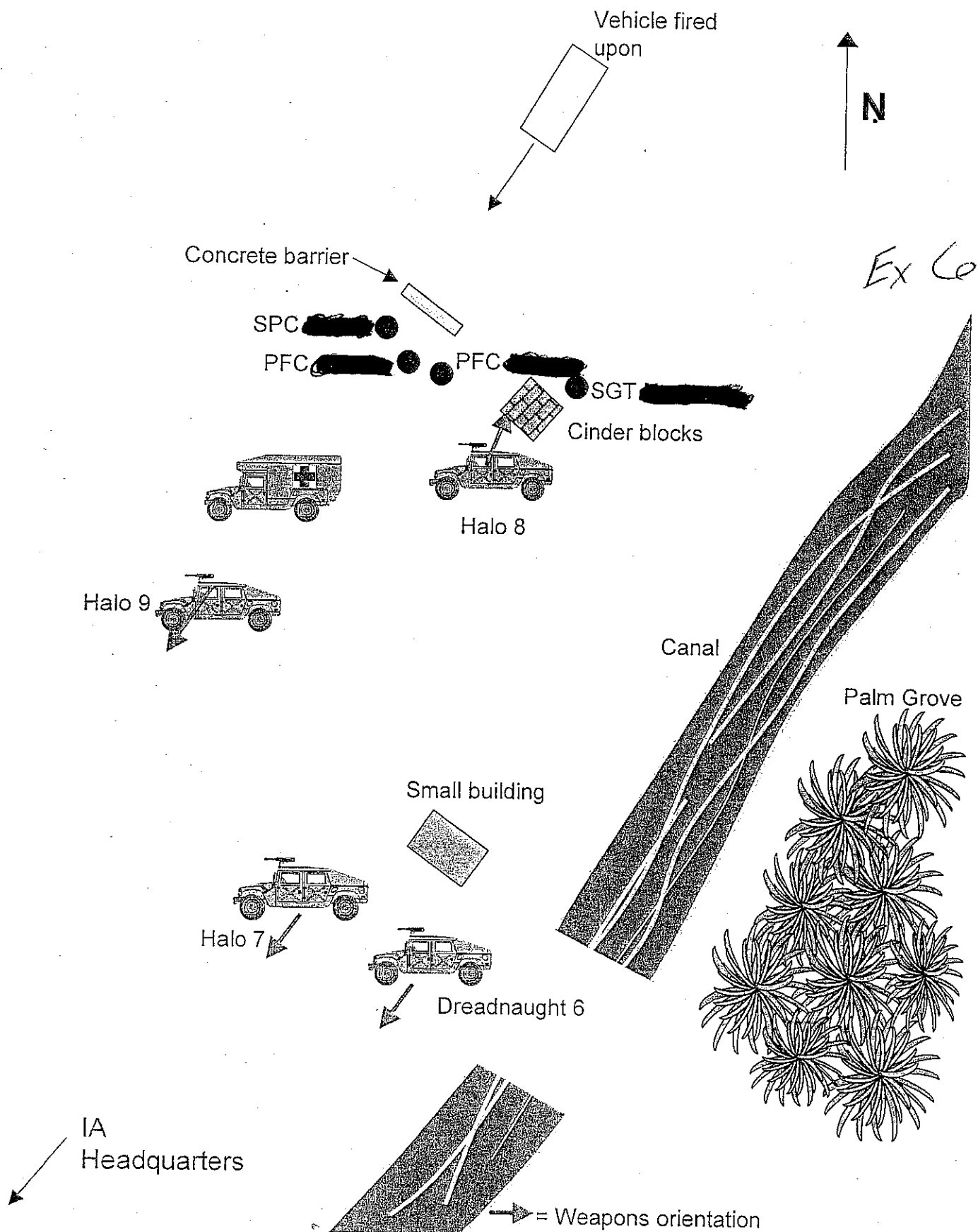


Exhibit H: Map of area

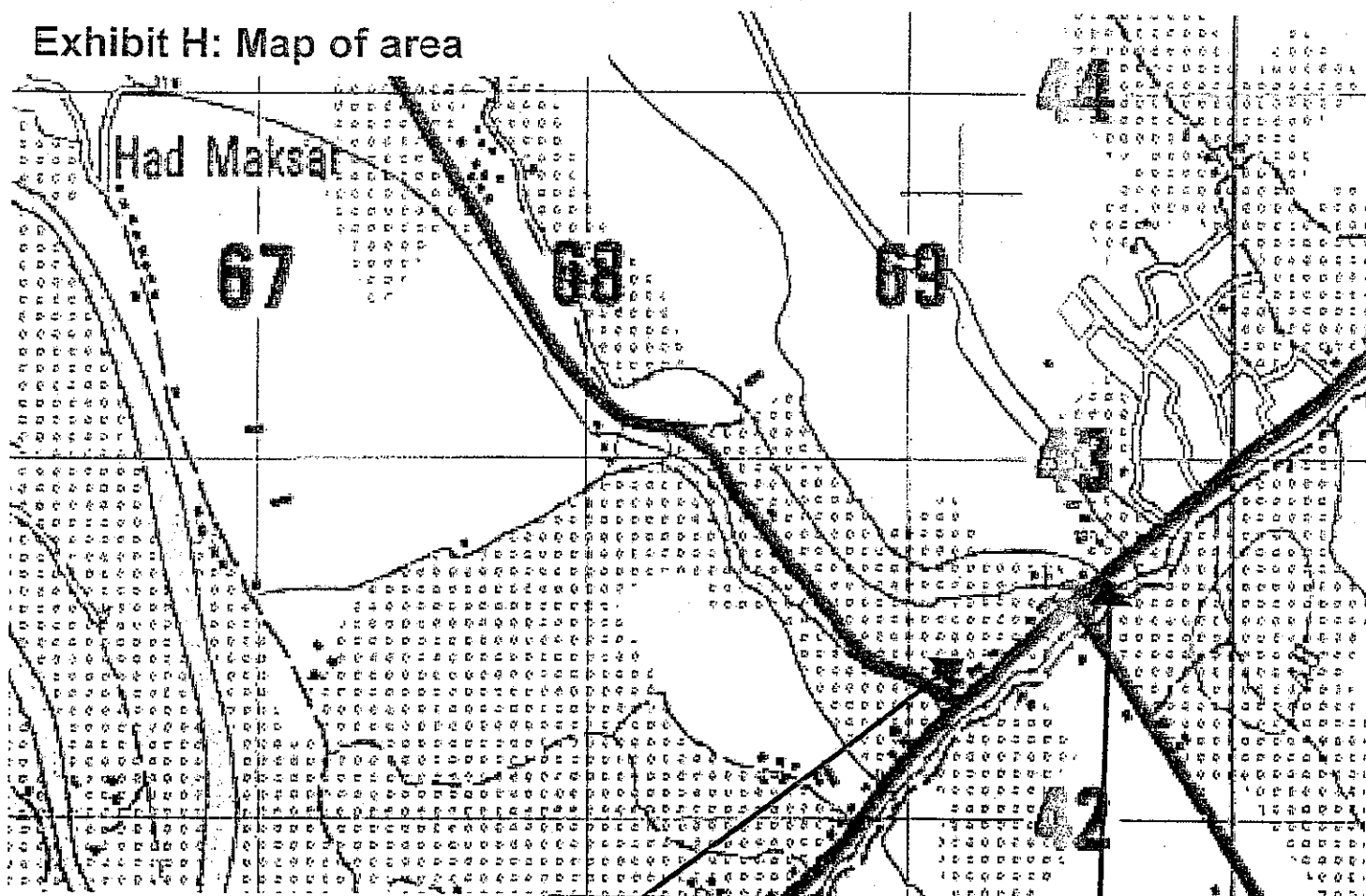


Exhibit I: Imagery of area



Exhibit J: Photos of vehicle

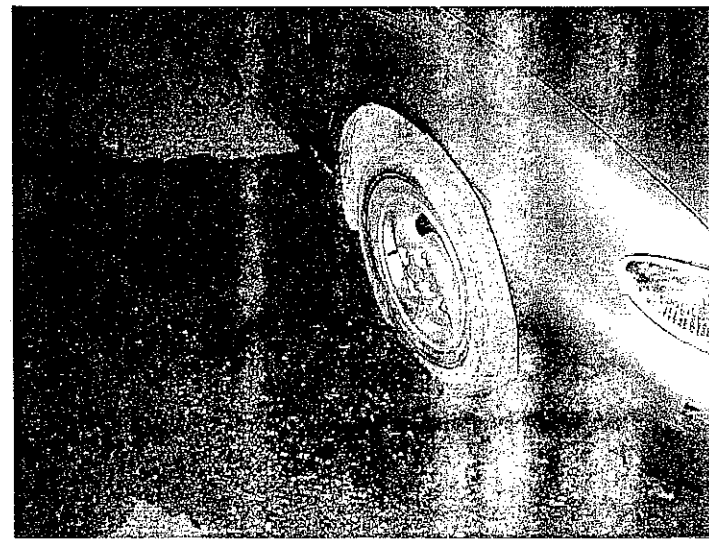
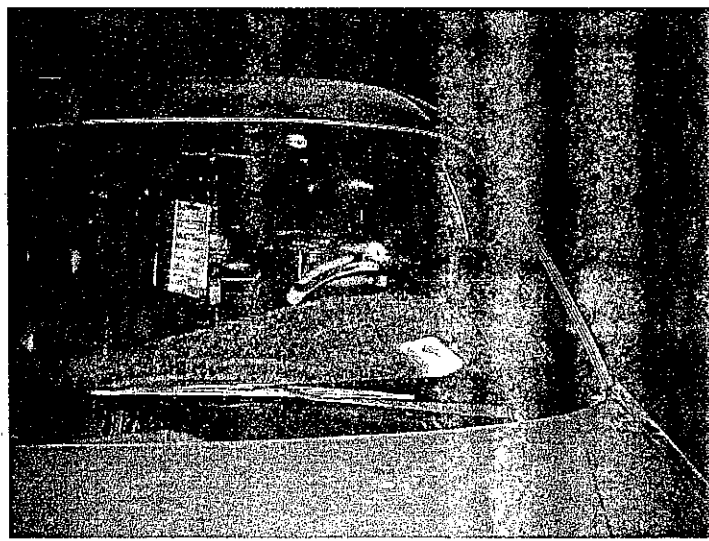
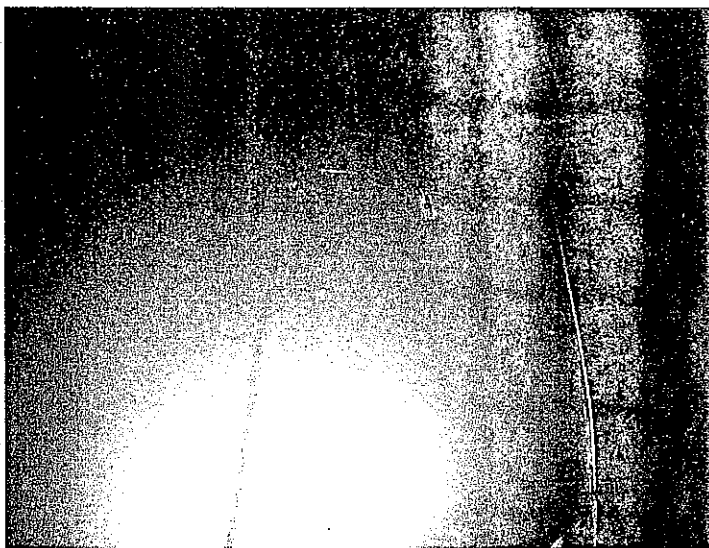


Exhibit J(Cont): Photos of vehicle

