

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by C [REDACTED] Commander, 3rd Brigade, 1st Armor Division, Camp Taji, Iraq
(Appointing authority) File

on 22 August 2005 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Taji at 1800
(Place) (Time)
on 22 August 2005 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, 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 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1800 on 24 September 2005
(Time) (Date)
and completed findings and recommendations at 1800 on 25 September 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ^{1/}	NA ^{2/}
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			X
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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		YES	NO ^{1/}	NA ^{2/}
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)?			
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 5-3b, 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 5-4c, 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 <input type="checkbox"/>)			
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 N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM

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

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

SEE ATTACHED MEMORANDUM

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SECTION VI - AUTHENTICATION (para 3-17, 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 3-13, 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.)

Concur, no violations of ROE and therefore no punitive action is appropriate.

The patrol was moving too fast which is not only a significant accident risk, it is also an operational risk. A speed of 45 mph poses itself to rollovers with the mud. Furthermore, with the poor quality of roads, significant road humps and poor long, driving skills, 45 mph will create additional risk in an already risky environment. Finally, 45 mph greatly increases closure rate between patrol vehicles and non-emergency vehicles requiring the soldiers to make life & death decisions in less time.

Therefore: BPE speed limit is now 37 mph for all roadways.

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION, 70TH ARMOR
3D BRIGADE, 1ST ARMORED DIVISION
CAMP TAJI, IRAQ



AFZN-BB-T

22 September 2005

MEMORANDUM FOR COMMANDER, 3rd BRIGADE COMBAT TEAM, 1st ARMOR
DIVISION

THRU COMMANDER, 2nd BATTALION, 70th ARMOR REGIMENT

SUBJECT: AR 15-6, BCT No.: _____ (Shooting of Local National vicinity of Saba Al
Boor, Iraq)

1. Enclosed is the 15-6 investigation outlining the circumstances of the use of escalation of force that resulted in the shooting of a local national. As a result of the incident one Iraqi citizen was killed. The shooting occurred along ASR Lincoln vic the town of Saba Al Boor (MB 2918 0452) at approximately 1900hrs on 21 August 2005.

2. SUMMARY: 212005AUG2005 an IZ male entered the Saba Al Boor Iraqi Police Station and reported that a U.S. Motorized Combat Patrol consisting of 4x M114s shot at his vehicle on RTE Lincoln. The IZ claims that the incident took place at approximately 1900 hrs. The IZ claimed that as a result of the shooting a passenger in the IZ's vehicle was struck and died due to the injury sustained by the bullet wound. The IZ stated that the patrol continued on its direction of travel to the east. A second IZ (IZ2) claimed to have witnessed the incident from the roadside where he and his son were fishing. IZ2 stated that as soon as the shot was fired the IZ (vehicle operator) pulled the blue mini van off of the road and came to a stop at which point all of the passengers in the van exited the van and fled the scene on foot. The only passenger that remained in the van, the IZ claims, is the IZ3 that was wounded from the gunshot. IZ2 stated that he approached the van to ensure that the vehicle operator was all right. Upon reaching the van, IZ2 recognized that IZ3 was injured and recommended that IZ seek assistance and report the incident to the Iraqi Army Soldiers posted at CP57A. The Iraqi Soldiers Posted at the CP 57A informed the two IZs that they would have to report the incident to the Iraqi Police. The two IZs (IZ and IZ2) proceeded to the TAJI Iraqi Police Station to report the incident, where an Iraqi Police official informed them that they would have to report the incident to the Saba Al Boor Police Station because the incident occurred in the Saba Al Boor area of responsibility. Once at the Saba Al Boor Police Station the Iraqi Police notified the Warrior element of the IZ's allegations. Warrior contacted Task Force 2-70 Armor's TOC to inquire if there were any reports of the use of escalation of force requiring warning shots to be fired. The Task Force TOC acknowledged that 3/A/2-70 had in fact fired a warning shot at approximately the time period, which the IZ and IZ2 claim that the incident occurred. The Task Force Executive Officer was dispatched to the Iraqi Police Station to conduct interviews and receive sworn statements from the two IZs and the crew of A32.



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3. Relevant to the incident is that as the patrol was traveling east along ASR LINCOLN and all of the civilian traffic (east and west bound) either pulled off onto the shoulder of the road or were in the process of pulling off onto the shoulder of the road to yield the right of way to the coalition combat patrol (this was verified during the questioning of IZ2). The only vehicle that was not yielding the right of way was the blue mini van. The crewmembers of A32 all perceived the blue mini van as traveling at a higher rate of speed in the center of the road, and not showing any signs of slowing or yielding the right of way. [REDACTED] asked the IZ why he remained in the center of the road and failed to show signs of yielding the right of way or pulling off of the road, the IZ responded by saying that he was in a hurry to get to Saba Al Boor. The IZ acknowledges seeing the coalition convoy to his direct front along ASR LINCOLN.

4. FACTS:

- a) How many local nationals were injured in the incident? One Iraqi citizen was involved in the incident.
 - 1x KIA (Male)
- b) What is the description of the vehicle(s) involved in the incident? Vehicle involved in the incident is blue mini van.
- c) When and where was the first warning shot(s) fired? No warning shots were fired.
- d) When and where was the disabling shot(s) fired?
 - a. [REDACTED]
 - b. [REDACTED]
- e) What means has the unit used to educate there assigned soldiers on the use of escalated force (IAW CFFLC ROE) and the initiation of warning, disabling and lethal fires?
 - a. The unit received briefings and conducted Forward Operating Base security missions at the National Training Center as part of the MRE (OCT/NOV 04).
 - b. The patrol, as part of the pre mission brief conducted a historical vignette discussing a possible scenario that could be encountered and the actions that could be taken to mitigate a possible ROE violation.

- f) [REDACTED]

c. [REDACTED] Ex1

- g) Did the patrol have Positive Identification (were they reasonably certain that the local national was a legitimate military target) before engaging?
- a. No. The patrol was not attempting to shoot at the individual, which is claimed to have died due to injuries inflicted by the coalition patrol.
 - b. The gunner fired an aimed disabling shot at the grill of the oncoming vehicle from a moving vehicle to an oncoming vehicle.
 - c. Was deadly force authorized? Yes. The crew felt threatened by the vehicle remaining in the center of the road driving directly towards them and not making any attempt to slow or signs of pulling off of the road.
 - d. Were there any Law of War violations? No.
 - e. Are there any operational lessons that could be captured and disseminated? Yes. Soldiers, as in this case must be taught that when firing a weapon from a moving platform towards another moving platform and both platforms are moving towards each other the gunner must aim lower to the target. The speed and distance are a huge factor and when a gunner fires his weapon at what at the oncoming target the strike of the round will be different than what he has been taught from firing at a stationary target from a stationary position.

4. FINDINGS.

- a) All personnel involved in the incident acted in accordance with the "CFLCC Rules For Use Of Force" Card (as of 011800ZNOV03). The soldiers believed that were acting in self-defence; in defence of their unit; and that their acts would prevent the destruction of both military and civilian property.
- b) All soldiers (SP [REDACTED]) acted in accordance with the CFLCC guidance in the use "Escalation of Force" with direct fire. All shots were aimed (warning shots in front of the individual; lethal shots were aimed / focused at the fleeing individual); the cease-fire order was given once the individual was observed falling to the ground. Ex2
- c) The crew of A32 did not feel threatened until the vehicle was approximately 150 meters away.
- d) The operator of the vehicle (A32) PFC [REDACTED] in an attempt to provide more time in allowing the situation to develop slowed his vehicle speed from approximately 45 mph to 30 mph.

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SUBJECT: AR 15-6, BC .o.: _____ (Escalation of Force vic. Saba Al Boor, Iraq)

- e) The use of hand and arm signals were applied in an attempt to having the vehicle pull over onto the shoulder of the road and yield the right of way.
- f) [REDACTED]
- g) [REDACTED] Ex 1
- h) [REDACTED]
- i) The patrol did not learn of having possibly injured a local national due to the disabling shot being fired until approximately 90 minutes of the disabling shot being fired.
- j) There is a strong possibility that the local national was unintentionally shot by the coalition patrol and died from the injury sustained due to the gunshot. Ex 6
- k) All attempts in contacting the local national's family have been unsuccessful.
- l) The vehicle operator claims that he has no knowledge of who the local national was. The vehicle operator stated that he was just giving the individual a ride to Saba Al Boor.

5. RECOMMENDATION.

- a) Coach, teach and mentor our wheel vehicle gunners on the dynamics of where we are aiming the weapon as to moving platforms are approaching each other is not where the round(s) will strike. The gunner(s) must be instructed on where to aim in allowing the round to strike its intended target.

Encl.

- (1) 15-6 Appointment Orders
- (2) Graphic representation of the incident (Story Board)
- (3) Sworn Statements
- (4) CIR Blue 2 Report

[REDACTED]
MAJ, AR
2-70 AR XO

4
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[REDACTED] FOUO
14046



REPLY TO
ATTENTION OF:

FOUO

DEPARTMENT OF THE ARMY
HEADQUARTERS
3RD BRIGADE, 1ST ARMORED DIVISION
CAMP TAJI, IRAQ
APO AE 09378

AFZN-BB-CO

22 August 2005

MEMORANDUM FOR MA [REDACTED] 2-70th AR BN, 3rd BCT, 1st AD, APO
AE 09378

SUBJECT: Appointment as Investigating Officer

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the escalation of force incident that occurred on 21 August 2005, involving elements of 3/A/2-70 AR, which allegedly resulted in the death of a local national. Ex 6

2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.

3. In your investigation, you need to answer the following questions:

- a. What was the sequence of events that led up to the incident?
- b. Did the soldiers involved properly escalate the use of force?
- c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?
- d. Was deadly force authorized?
- e. Were there any Law of War violations?
- f. Are there any operational lessons that should be captured and disseminated?
- g. Were there any other contributing factors that, if changed, could have altered the outcome?

[REDACTED] FOUO

AFZN-BB-CO

SUBJECT: Appointment as Investigating Officer

4. If it becomes evident that there is possible misconduct outside the scope of your investigation, notify the appointing authority immediately. If during your investigation you become aware of information that needs command attention, immediately notify the appointing authority for guidance.

5. Contact the Command Judge Advocate, CP [REDACTED] for legal guidance prior to starting your investigation. CP [REDACTED] located in Bldg 72 and his phone number is VOIP: 242-6045.

6. Submit your findings and recommendations on DA Form 1574 to CP [REDACTED] legal review no later than 29 August 2005. fct le


[REDACTED]
COL, AR
Commanding

522



21 AUG 05 C/A 1800, 31A/2-70 patrols east on ASR
Lincoln (ME) [REDACTED] Patrol is 4 x M1114s.

•The crew of A32 (lead vehicle of the patrol) encounters a civilian blue minivan approaching the patrol from the west, traveling in the center of the road towards the patrol at 150 meters.

•The gunner of A32, recognizes the oncoming vehicle in

[REDACTED]

[REDACTED]

The crew and follow-on crews observe no

The crew and follow-on crews observe no unusual activity. The patrol continues to Camp Tall.

[REDACTED] b7c

ESCALATION OF FORCE

CANAL

150 Meters

A32 makes first visual contact with civilian vehicle approximately 150 meters away. The vehicle is traveling in the center of the road at a high rate of speed.

CANAL

50 - 70 Meters

[REDACTED]

CANAL

100 Meters

[REDACTED]

CANAL

30 - 50 Meters Meters

[REDACTED]

Ex 1

[REDACTED] b7c

1000

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

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN)

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

1. LOCATION Camp Taj	2. DATE (YYYYMMDD) 2005/08/21	3. TIME 2238	4. FILE NUMBER
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7. GRADE/STATUS
E-5 / SGT

3rd BCT, 2-70 Armor Division, APO AE 09378 A LO

3rd PLT, A Co was driving in a convoy back To Taji moving east on Lincoln. A 32 was on the lead with PFC [REDACTED] SPC [REDACTED] in the gunner seat, and myself in the TC seat. Approx. 1 km away from the Lincoln / Tampa I.A. checkpoint, We came out of a left turn when we saw a blue van moving west. There were shops on the north side of the road, and vehicles that pulled to the right side of the road as we passed, and a couple of vehicles moving east in front of the convoy about 300 mt. The van was about 250 mt, moving at a good speed (approx 40 ml/h). My HMMWV was driving at 45 ml/hr. The van continued to move without pulling over to the side. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. At that time, the van pulled halfway to the side of the road and continued to move. My driver slowed down and moved a little to the right. As we passed the van, the passengers to the front looked fine. The convoy continue to move to taji as everything seemed fine.

Ex 6

Ex 1

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

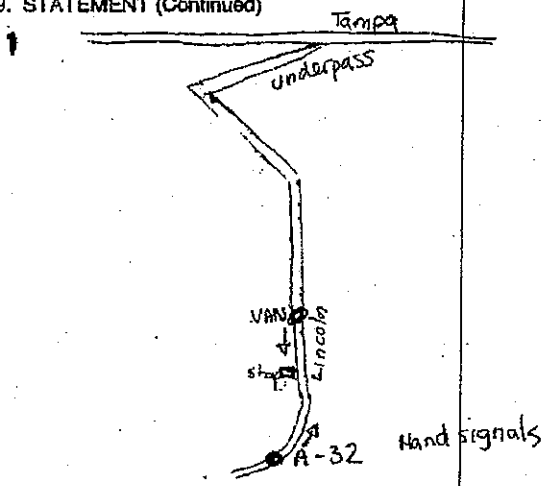
1405

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[REDACTED] FOU

STATEMENT OF [REDACTED] TAKEN AT Camp Taji DATED 2005/08/21

9. STATEMENT (Continued)

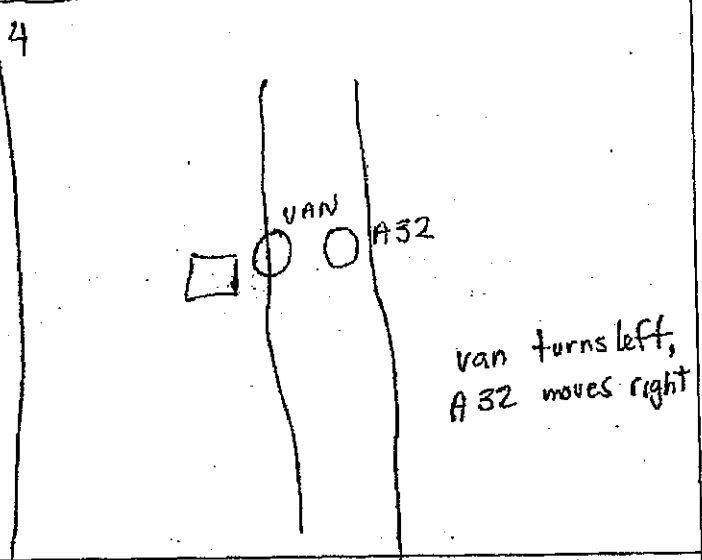


[REDACTED]

Ex 1

3

[REDACTED]



Ex 6

AFFIDAVIT

[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. THIS 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)

WITNESS:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 UCMJ
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

[REDACTED] FOU

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 295; E.O. 9397 dated November 22, 1943 (SSN)
 PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded.
 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 Camp Taji	2. DATE (YYYYMMDD) 2005 08 21	3. TIME 16:50	4. FILE NUMBER
--------------------------	----------------------------------	------------------	----------------

5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED] CC [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-3
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8. ORGANIZATION OR ADDRESS
3rd BCT, 2-70 Armor Division, APO AE 09378

SGT [REDACTED] SP [REDACTED] and myself were traveling East on Lincoln Towards Taji. roughly 1 kilometer from the bridge of a Iraqi Army checkpoint a Blue Bongo Truck Full of civilians came speeding around the corner at a great speed PFC [REDACTED] Dropped His speed From 45 to 30 when the Blue Bongo Truck [REDACTED]

[REDACTED] I saw the ground before the van burst up in grey Dust causing the whole van Full of civilians to Jerk off The road and Begin to slow Down as we past I then looked at the windshield and didn't see any penetration through the glass. The Blue van passed as we went to Taji

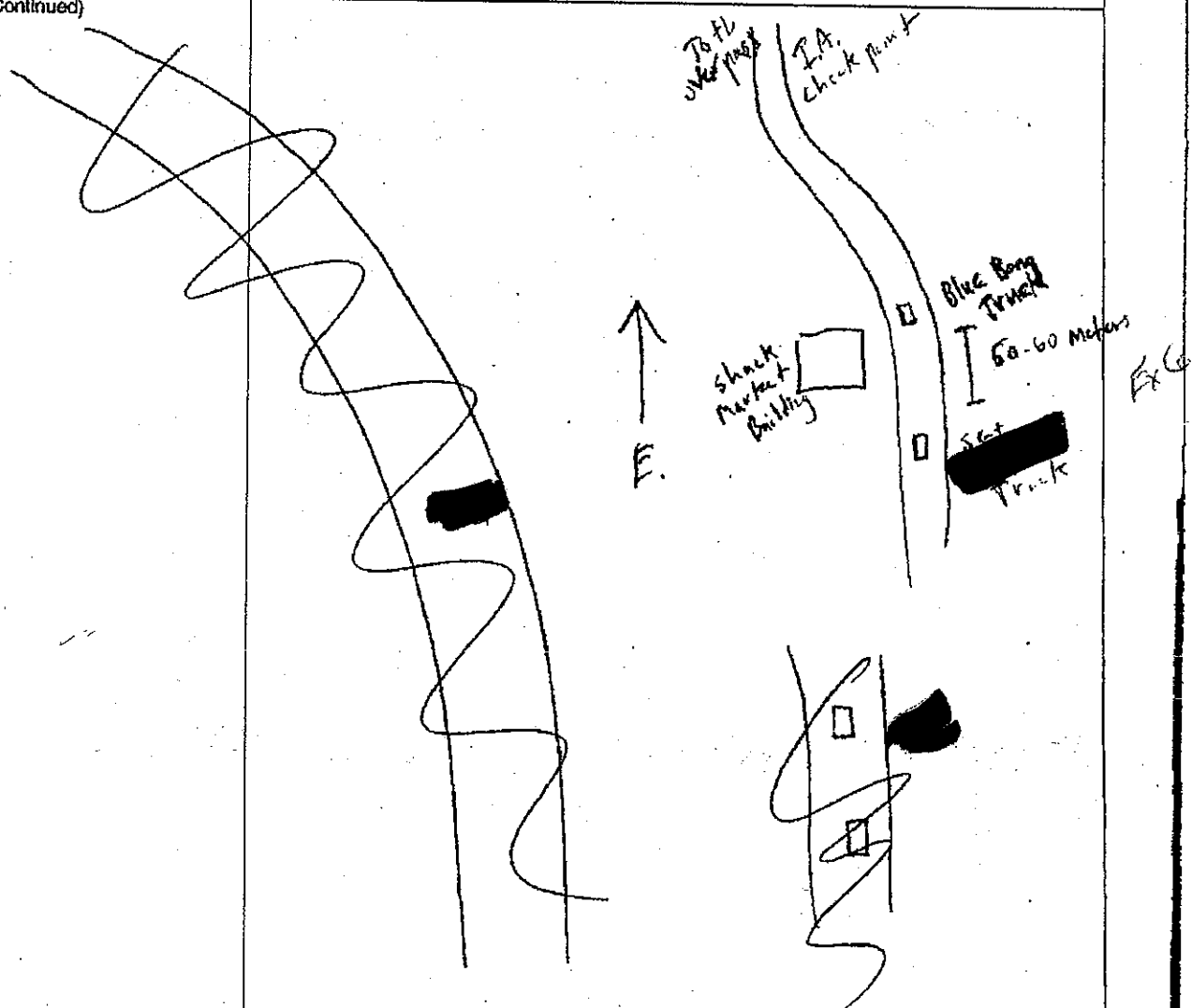
INITIALS OF [REDACTED] MAKING STATEMENT

PAGE 1 OF 2 PAGES

[REDACTED] FOUO

STATEMENT OF [REDACTED] TAKEN AT Camp Tall DATED 2005 08 21st

9. STATEMENT (Continued)



AFFIDAVIT

[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. THIS 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 COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136 UCMJ
(Authority to Administer Oaths)

WITNESS:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

[REDACTED] FOUO

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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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 Camp Taji	2. DATE (YYYYMMDD) 20050821	3. TIME Approx 1650	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS 3 rd BCT, 2-70 Armor Division, APO AE 09378			

I was Gunning on A-32 Traveling East on Route Lincoln Approx. 1K from the I.A. Check Point. I was the Lead Humvee in our Convoy to Taji My driver was PFC [REDACTED] and my TC was Sgt CP [REDACTED] I was watching ahead clearing Traffic when I noticed a Van approaching at a high rate of speed [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED] I didn't see the Impact. The Van then Swerved off the north side of the road It didn't stop and we steered around the truck to the right as it went by. We then continued toward Taji, Seeing the truck not stop [REDACTED] made me think all Iraqis were fire

nothing
Follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

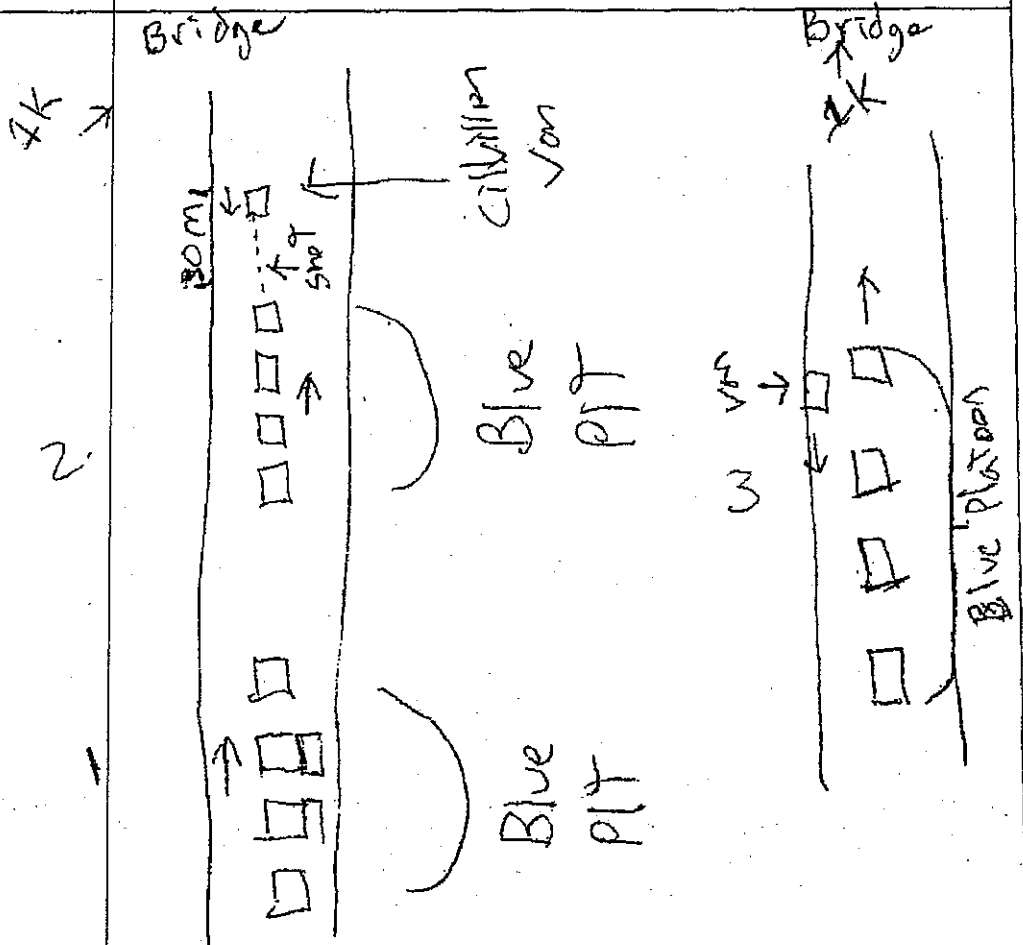
[Redacted] FOU

STATEMENT OF _____

TAKEN AT Camp Taj

DATED 21 Aug 05

9. STATEMENT (Continued)



AFFIDAVIT

_____, 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. THIS 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)

WITNESS:

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

Article 136 UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

[REDACTED]

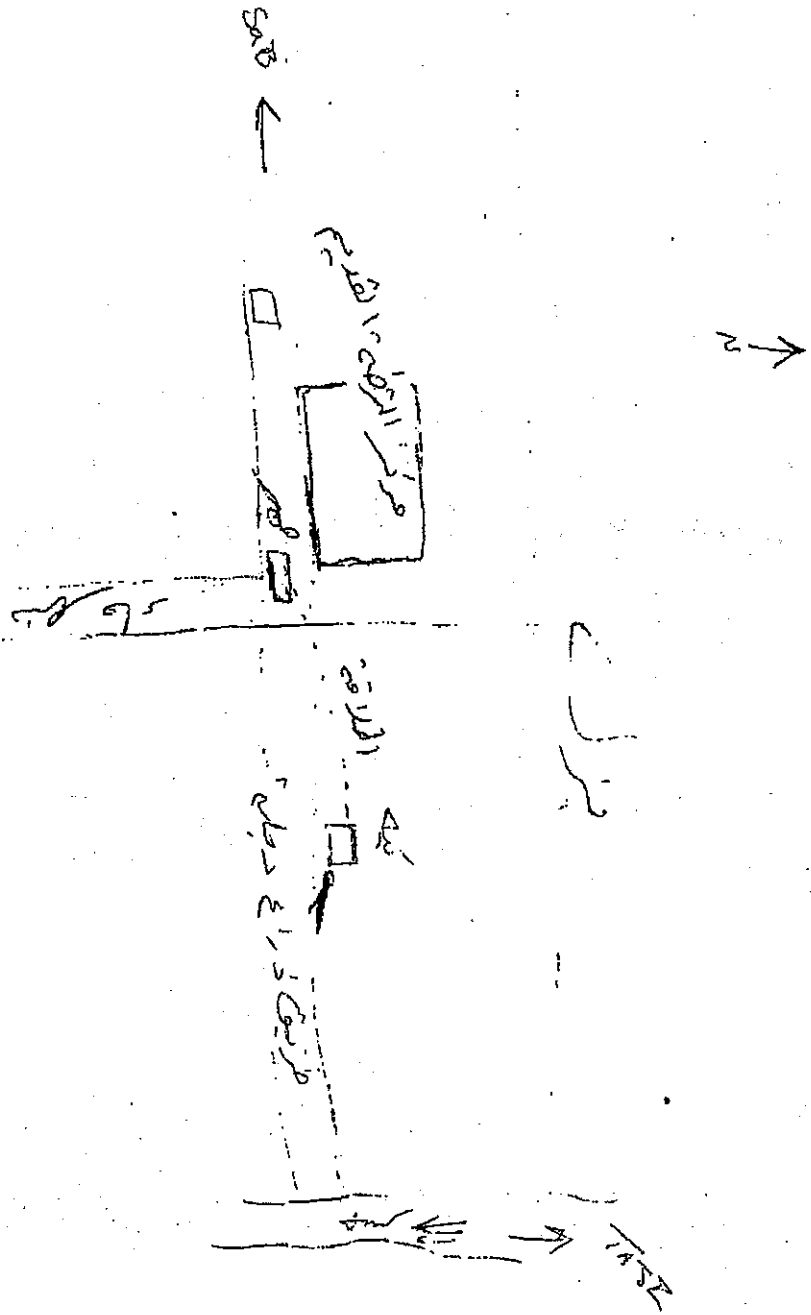
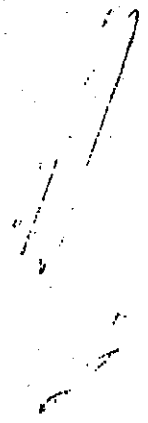
[REDACTED]

Five

14057



FOUO



FOUO

[Redacted]

Fou

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded.

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

Saba Al Bore Police Station

2. DATE (YYYYMMDD)

8/21/2005

3. TIME

10:32

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

ID number

7. GRADE/STATUS

Civilian

8. ORGANIZATION OR ADDRESS

Al Taji, Military Neighborhood, across from Saba Al Bore Checkpoint

I was fishing right by the old Saba al bore checkpoint. I saw an American convoy going from Saba al bore towards taji. There was also a KIA going from Al-Kathimia towards Saba al bore and who has stopped on the opposite side. I heard a gunshot coming from the KIA's direction and saw one of its passengers falling down. I ran to the rescue. After that we were brought (the driver and I) to Al Taji Police station and we went afterwards to Saba Al Bore Police Station by order of the Taji police chief.

This is my statement

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

STATEMENT OF

TAKEN AT

CAMP TAJI

DATED

9. STATEMENT (Continued)

14059

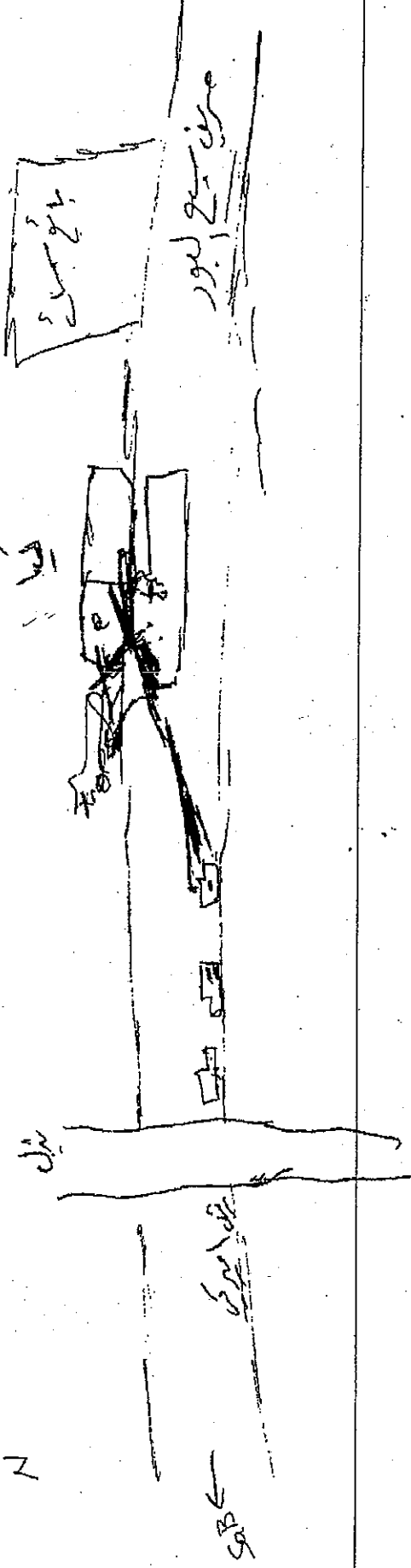
[Redacted]

Fou

↑ NW



Foto



← Z

← SE

14060



Foto

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1993 (SSN)

PRINCIPLE PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately recorded.

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

IP Station Saba Al Bore

2. DATE (YYYYMMDD)

8-21-2005

3. TIME

10:32

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME, 1 6. ID number

7. GRADE/STATUS
CIV

8. ORGANIZATION OR ADDRESS

Saba Al Bore / Ali Ziquam Town

Upon my return from Kathimia going towards Saba Al Bore and right before I got to the check point (Saba Al Bore). I saw an American convoy going towards the bridge, so I pulled over. One of the Americans shot towards my car. The passengers informed me that one of them got shot in the chest, so I asked them to come down and then I proceeded to the Taji police station where the wounded passed away. After that a convoy escorted me to Saba al bore police station. There was a convoy and several people around the place of the incident and they all saw the shooting with their own eyes.

INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

STATEMENT OF

TAKEN AT

CAMP TAJI

DATED

9. STATEMENT (Continued)

14061

[Redacted]

F200

<div style="text-align: center;">AFFIDAVIT</div> <p>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. THIS 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.</p> <p>WITNESS: _____</p> <p>_____</p> <p>ORGANIZATION OR ADDRESS _____</p> <p>_____</p> <p>ORGANIZATION OR ADDRESS _____</p> <p>INITIALS OF PERSON MAKING STATEMENT _____</p>		<p>_____ (Signature of Person Making Statement)</p> <p>Subscribed and sworn to by me, a person authorized to administer oaths, this _____ day of _____, at _____</p> <p>_____ (Signature of Person Administering Oath)</p> <p>_____ (Typed Name of Person Administering Oath)</p> <p>Article 136 UCMJ _____ (Authority to Administer Oaths)</p> <p>PAGE 2 OF 2 PAGES</p>
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[Redacted]

F200

COMMANDER'S INCIDENT REPORT:

LINE 1: Unit reporting: TF 2-70 AR

LINE 2: Incident: Escalation of Force

LINE 3: Date/time group (DTG) incident occurred: 212005AUG05

LINE 4: Location of incident: MO [REDACTED]

LINE 5: Personnel involved

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SGT (P)	A/2-70 AR	[REDACTED]	M	25	[REDACTED]
[REDACTED]	SPC	A/2-70 AR	[REDACTED]	M	21	[REDACTED]
[REDACTED]	PFC	A/2-70 AR	[REDACTED]	M	20	[REDACTED]

LINE 6: SUMMARY: At 2005 an IZ male entered the SAB IP station and reported that a U.S. wheeled patrol shot at his vehicle on RT [REDACTED] at approximately 1900 hrs. The civilian vehicle was traveling west on A [REDACTED] and the U.S. patrol was traveling east. After the shooting all personnel ran from the vehicle. Another IZ that witnessed the shooting approached the van and noticed that the driver of the vehicle showed no signs of life. The witness claimed that the driver was killed from a gunshot wound. The witness did not know who the man was, and went to the TAJI IP station to report the incident. The IPs at the Taji station escorted the witness and the remains to the SaB IP station. B/1-115th, collocated at the IP Station, learned of the incident and reported the information to the TF TOC. All units that were traveling along A [REDACTED] between 1830-2030, to include 70th EN, where questioned regarding warning shots and escalation of force. Upon further investigation, 2/A/2-70 reported that they had fired warning shots at a mini-van while traveling east on A [REDACTED] enroute to Camp Taji. The TF XO is currently conducting an AR 15-6 investigation at the SaB IP station.

UPDATE:

On 21AUG05 O/A 1900, 3/A/2-70 was conducting a patrol east on A [REDACTED]. The patrol was 4 x M1114s. The crew of A32 (lead vehicle of the patrol) encountered a civilian blue minivan approaching the patrol from the west, traveling in the center of the road towards the patrol at 150 meters. [REDACTED]

[REDACTED]

JSD

Appendix 1 (CIR BLUE 2 REPORT) to Annex C to FRAGO 4 to OPORD 05-007 (RSOI)

The crew and follow-on crews of the patrol observed no unusual activity and continued their mission without further incident.

Additional information: The platoon/patrol had recently completed ROE refresher training and conducted an ROE vignette as part of the pre-patrol brief and preparation. The platoon had recently been attacked by a VCIED along [REDACTED] on 12AUG. The platoon did not report the EOF until the LNs reported the event at the SAB IP Station. AR 15-6 investigation continues.

LINE 7: Injuries or damage to government and/or civilian property:

- 1 x KIA: Iraqi male (late 20s, identification pending)
- 1 x WIA: Unknown (left the scene)
- 1 x broken windshield – Passenger Side (claims form provided to driver)

LINE 8: Commander reporting: LTC [REDACTED]

F+ Co

[REDACTED]
LTC, AR
Commanding

C-1-2

[REDACTED] FSD
14064