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Memorandum for Record, dated 28
February 2007, Subject: Declassification
Guidance for Operation Iraqi Freedom
(OIF) 05-07 issued by the 4th Infantry
Division G2**

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)

(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.)

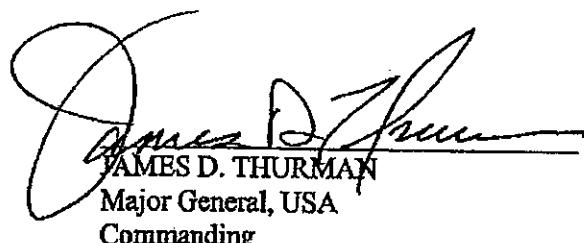
(Member)

(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.)

I approve the findings and recommendations with the following exceptions: All snipers in the BDE must be retrained. The sniper and the spotter will be decertified. The BDE needs to reemphasize their operations training. Remand to BDE CDR for further action as he deems appropriate.


JAMES D. THURMAN
Major General, USA
Commanding

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 87TH INFANTRY
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
FORT DRUM, NEW YORK 13602-5000

AFZS-LI-D

27 March 2006

*Concur with findings
+ Recommendations
2 April 06*

MEMORANDUM THRU

Commander, 1ST BCT, 10TH MTN DIV (LI), Multinational Division Baghdad Camp Liberty, Iraq APO AE 09376

Commander, 4th Infantry DIV, Multinational Division Baghdad Camp Liberty, Iraq APO AE 09523

SUBJECT: Review of and Recommendations for AR 15-6 Investigation of the Sniper Engagement of Local National

1. I have reviewed the findings and recommendations of CPT [REDACTED] AR 15 – 6 Investigation of the sniper engagement resulting in the death of a local national and I concur with his findings and recommendations.
2. Given the fact that SSG [REDACTED] and his squad were overwatching a known IED Tier 1 site on an MSR, the actions of the local national were that of an IED emplacer, and the time of the incident; SSG [REDACTED] acted within my expectations and IAW the ROE. I recommend no disciplinary or administrative action should be taken against SSG [REDACTED] or any member of his squad.
3. The Sniper platoon will continue to conduct detailed planning for each mission and NAI, study IED emplacement TTPs, and receive briefings on the ROE prior to each mission.
3. The point of contact for this memorandum is the undersigned at [REDACTED]

[REDACTED]
LTC, IN
Commanding

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5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

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 LTC [REDACTED] I-87 IN Battalion Commander
(Appointing authority)on 25 March 2006 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Liberty, Iraq at 1700
(Place) (Time)on 26 December 2005 (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.)

CPT Spang, Benjamin

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5 U.S.C 552 (b) (6)
UNLESS OTHERWISE
NOTED

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 1600 on 26 March 2006
(Time) (Date)and completed findings and recommendations at 2300 on 26 March 2006
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO¹ NA²

I	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?		
b.	Copy of notice to respondent, if any? (See item 9, below)		X
c.	Other correspondence with respondent or counsel, if any?		
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 NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO	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?			
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?			
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?			
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			
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?			
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)?			
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 style="width: 10px; height: 10px;" 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.

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

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

I find that a local national was killed on 23 March 2006 by shots fired from the weapon of SSG [REDACTED] a team leader for the Scout PLT of HHC/1-87 IN 1/10 MTN. SSG [REDACTED] acted within the rules of engagement when he fired on the local national.

On 23 March 2006, SSG [REDACTED] scout/sniper team was inserted into western Baghdad along with another team from his platoon. Before his team was infilled SSG [REDACTED] was briefed the rules of engagement by his platoon Leader, 1LT [REDACTED]. The ROE that was given was that lethal force was authorized for any of the following: PID on an individual emplacing an IED, any drive by attack on the MSR, any threat or lethal force used against his team, and any individual digging or emplacing objects that could be IEDs after curfew hours on Route Sword. After receiving the brief from his PL, SSG [REDACTED] briefed the members of his team on the ROE. His team was then infilled to grid [REDACTED] which is a building along [REDACTED] in an area of high IED concentration. On that evening illumination was 49% but at the time of the shooting the moon had already set below the horizon.

Around 2230, after curfew hours of Baghdad, SSG [REDACTED] team spotted an individual walking west along [REDACTED] approximately 200m east of their location. The individual appeared to be carrying something in his hands. As the individual continued west down route sword, SSG [REDACTED] lost sight of him because of bars on the window of his hide site. SSG [REDACTED] moved to the roof of his hide site to regain visual contact with the individual. The individual was now approximately 100m from their location and was crouching in the median of [REDACTED] in between the guard rails. The individual stayed crouched for approximately 45 seconds to a minute and appeared to be digging or setting something up in the median. SSG [REDACTED] position on the roof gave him a clear view of the individual's position. The individual then stood upright and began to leave the median of the road. The individual no longer appeared to be carrying what he previously was. SSG [REDACTED], who believed the individual had just emplaced an IED fired on him with his M4 with an ACOG sight, killing the individual.

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(b)(1)

SSG [REDACTED] reported into the BN TOC and coordinated to have a ground unit cordon off the area. EOD was called to search the area. EOD did not find an IED on the site. A further investigation of the sight did not find anything significant. The object that the individual was carrying could not be positively identified. The body of the local national was turned over to the IPs. SSG [REDACTED] and his scout/sniper team were then exfilled back to the 1-87 BN TOC for debriefing.

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

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

I recommend that no disciplinary actions be taken against SSG [REDACTED] or anyone involved in this incident. SSG [REDACTED] acted within the rules of engagement. SSG [REDACTED] had Positive Identification of a target. Positive Identification is defined as a reasonable certainty that the individual or object of attack is a legitimate military target in accordance with the rules of engagement.

SSG [REDACTED] team was inserted into an area where IEDs occur on a regular basis, particularly in the median of [REDACTED]. It is a common insurgent TTP to carry IEDs into the median of major supply routes and emplace them by hand. As shown on exhibit G, in this area IEDs occur at the highest rate between the hours of 2000-2300. The curfew for civilians in Baghdad is 2200. A local national would have no reason to be walking in the median of a major route after the hours of curfew and stopping for a short period of time in an area where IEDs are typically emplaced. A local national who was simply traveling down the route on foot would not walk in the median where US Forces and other vehicular traffic often cross over, they would travel on the shoulder of the service roads that parallel this heavily trafficked route on both the northern and southern sides. It is all of these reasons combined that SSG [REDACTED] had a reasonable certainty that the individual he engaged was committing a hostile act and therefore had positive identification of legitimate military target in accordance with the rules of engagement.

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(b)(1)

Even though no IED was found on site, it is still possible that this individual was part of an IED emplacement team. Another common insurgent TTP is for IEDs to be emplaced in three stages. The first stage is the preparation of the site, usually by digging or some other method to prepare the site for an IED. The second stage is the emplacement of the actual explosive ordinance. The last stage involves the initiator being connected to the explosive ordinance and the camouflaging of the device.

All leaders should continue to brief the rules of engagement prior to any mission or patrol. These rules appropriately guide soldiers in actions that they may take if they witness a hostile act or intent.

ALL ITEMS ARE
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5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

USAPA V1.20

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

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(Recorder)

(Member)

(Member)

(Member)

(Member)

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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.)

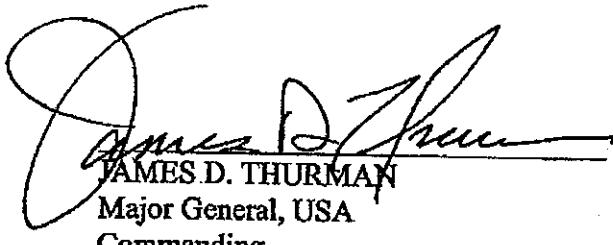
(Member)

(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 with the following exceptions: All snipers in the BDE must be retrained. The sniper and the spotter will be decertified. The BDE needs to reemphasize their operations training. Remand to BDE CDR for further action as he deems appropriate.


JAMES D. THURMAN
Major General, USA
Commanding

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5 USC 552 (b) (6)
UNLESS OTHERWISE
NQ4156

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. 13397 dated November 22, 1943 (SSN).

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Liberty, Iraq	2. DATE (YYYYMMDD) 2006 03 26	3. TIME 1623	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6 Team Leader	

8. ORGANIZATION OR ADDRESS

Scout Plt, HHC, 127 1st Bct, 10th Mtn Div

9.

I [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: SUSC552(B)(6) (D)

On 23 Mar 06 my team was conducting a Counter IED mission on [REDACTED] at 2P 46B. Before going out on my mission my pl Lt [REDACTED] briefed me on the ROP. He briefed me that the ROP was, PIB on individual placing [REDACTED] IED, any move by that may occur on [REDACTED]. Any lethal force used against my team or on my hide, but use of lethal SUSC552(B)(6) force on individuals acting out of the ordinary on the MSE (digging on MSE's) & Then as always briefed my men on the same 20s before moving out into the city. At 2200 I took over overwatch from [REDACTED] and started scanning on MSEs, mainly looking E. At 2215 or so I saw a man walking in the median of the MSE about 150 or 200 meter E of my hide. I only saw him for a few seconds before I lost him because of the bars on the window. So then I moved to the roof with [REDACTED] so I could find the man again. When I got to the roof I had Sgt Clinton pull near guard for me so I could safely look for the man on the MSE. After a few seconds of looking I found the man this time he was now in front of my hide in the median in side the guard rails, when I saw him at that time he had already bent over and was what looked like to me digging or placing something in the median when I first saw the man it looked like he had something in his hands. But when he turned to me at that time he had just put something in the median. Him digging or placing something on the MSE or looking like he just put something is why I took my shot. Everything he was doing was PIB for me to shot. I had never seen anyone on the MSE at night before, much less in the median. And I have been doing sniper mission on the MSEs for 7 months.

overall he was in the MSE at night, he was inside the guard rails in the median. He look like he had something in his hands and when he started to turn he didn't turn it.

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SUSC552(B)(6)
UNLESS OTHERWISE
NOTED

10. EXHIBIT C	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 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 BE INDICATED.

STATEMENT OF [REDACTED] TAKEN AT Camp Liberty DATED 26 June 16

9. STATEMENT (Continued)

AFFIDAVIT

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of March, 2016 at Cape Liberty, Texas.

ORGANIZATION OR ADDRESS

Signature of Person Administering Oath

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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UNLESS OTHERWISE
NOTED

PAGE 2 OF 2 PAGES

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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 2851; E.O. 9397 dated November 22, 1943 (SSN).

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Liberty, Iraq	2. DATE (YYYYMMDD) 2006 03 25	3. TIME 1923	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6 team leader	
8. ORGANIZATION OR ADDRESS Scout Plt, HHC 187 1st Bct, 10th mtn Div			

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

ON 23 Mar 06 my team was conducting a counter IED mission on [REDACTED] at CP HGB at grid [REDACTED]. Before going out my PL Lt Strand briefed me on the ROE for the mission. I then as always briefed my men on the ROE. At 2200 I took over overwatch from [REDACTED] and started looking down [REDACTED] to the E. At 2209 or so I saw a man walking in the [REDACTED] (1) medium of several buildings, with what looked like something in his hands. When I first saw him he was about 200m or down swords. I saw him for only a few seconds before I lost him because of the bars in my window so I then moved to the left with [REDACTED]. I saw I could see on the MSR. After looking for him for about 30 seconds I find him. Now he was 100 or so meters the he had already bent over kicked the guard rails and was dying or what looked like placing with out whatever he was missing with. So at that time I thought he had already put something in. And when he cleared the guard rails I took the shot. I was the only one that fired at him. In the 7 months of working in the city I have never seen anyone on the MSR at night. Besides in the medium. Bent over. He met all the criteria for PDB at that time.

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50 USC 552(B)(6)
UNLESS OTHERWISE
NOTED

Nothing

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 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 [REDACTED]

TAKEN AT Camp Liberty, Iraq DATED 2006 03 25

9. STATEMENT (Continued)

Nothing follows
Nothing follows
Nothing follows

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

AFFIDAVIT

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of March 2006
at Camp Liberty, Iraq

ORGANIZATION OR ADDRESS

[REDACTED]
(Type or Print Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00

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 (SSM)

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (MMYYMMDD)	3. TIME	4. FILE NUMBER
Camp Liberty, Iraq	2006/03/25	1739	
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	
		E-5	
8. ORGANIZATION OR ADDRESS			
Scout Plt. HHC 1/87 1st BCT 10th MTN DIV			
9. [REDACTED]			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

(On the night of March 23 2006 at 2000, I was relieved from my shift by SSG [REDACTED]. I went to my ruck, then SSG [REDACTED] noticed a person walking down [REDACTED] susc 552(b)(6) walking West in the East bound lane. After a few seconds SSG [REDACTED] lost view of the individual. So he proceeded up to the roof, where I accompanied him for rear security. Once on the roof I went back to back with SSG [REDACTED] facing South, south west covering other roof tops so SSG [REDACTED] could safely view [REDACTED] susc 552(b)(6))

During the engagement I was facing South, South West. I didn't see the individual until after the engagement due to putting rear security.

The event that took place on the night of March 23, 2006 at 2000 is why we get thoroughly briefed by SSG [REDACTED] prior to every mission on the RCE.

Nothing

Follows [REDACTED]

Nothing

Follows [REDACTED]

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF <u>1</u> PAGES
0		

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
ALL ITEMS ARE REDACTED UNDER DA FORM 2823, JUL 72, IS OBSOLETE

5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

USAPA V1.00

STATEMENT OF [REDACTED]

TAKEN AT Camp Liberty DATED 2006/03/25

9. STATEMENT (Continued)

*Nothing**Follows**Follows*

AFFIDAVIT

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 OTHER INDUCEMENT.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of March, 2006
at Camp Liberty, Iraq

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

ALL ITEMS ARE REDACTED UNDER 5 USC 552 (b) (6) UNLESS OTHERWISE NOTED	PAGE <u>2</u> OF <u>2</u> PAGES
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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 (SSM).

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp Liberty, Iraq	2. DATE (YYYYMMDD) 2006 03 25	3. TIME 18 00	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS Spc.	
8. ORGANIZATION OR ADDRESS Scout PLT, HHC, 1/87, 1st BCT, 10th MTN DIV			
9. [REDACTED]			

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON MARCH 23 2006 our team was sent out to conduct
Suicide operations on [REDACTED]. SSG [REDACTED] briefed 5 USC 52(b)(6)
the team on ROE prior to going out on mission.
At 2200 hrs. SSG [REDACTED] And I relieved Spec. [REDACTED]
and Sgt. [REDACTED] from their overwatch positions. SSG [REDACTED]
picked up the Northeast sector and I my self picked up
the west sector. SSG [REDACTED] Alerted to the team
that he had picked up on some movement 200 metres east
of our position in the East Bound Running lane. SSG [REDACTED]
moved to the Roof to get better eyes on. Spec. [REDACTED]
relieved me of my sector so I could pick up SSG [REDACTED]
sector. I did not see what SSG [REDACTED] had sight due
to the BAOs in the window that were obstructing my view. SSG [REDACTED]
fired a shot and I picked up on the individual running
from the median. SSG [REDACTED] fired again and the individual
dropped to the ground.

Nothing follows

Nothing follows

10. EXHIBIT E	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 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 [REDACTED]

TAKEN AT Camp Liberty, Iraq DATED 25 March 06

9. STATEMENT (Continued)

Nothing follows

ALL ITEMS ARE
REDACTED UNDER
5 USC 552 (b) (6)
UNLESS OTHERWISE
NOTED

AFFIDAVIT

[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.

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 25 day of March 2006 at Camp Liberty, Iraq

[REDACTED] (Signature of Person Administering Oath)

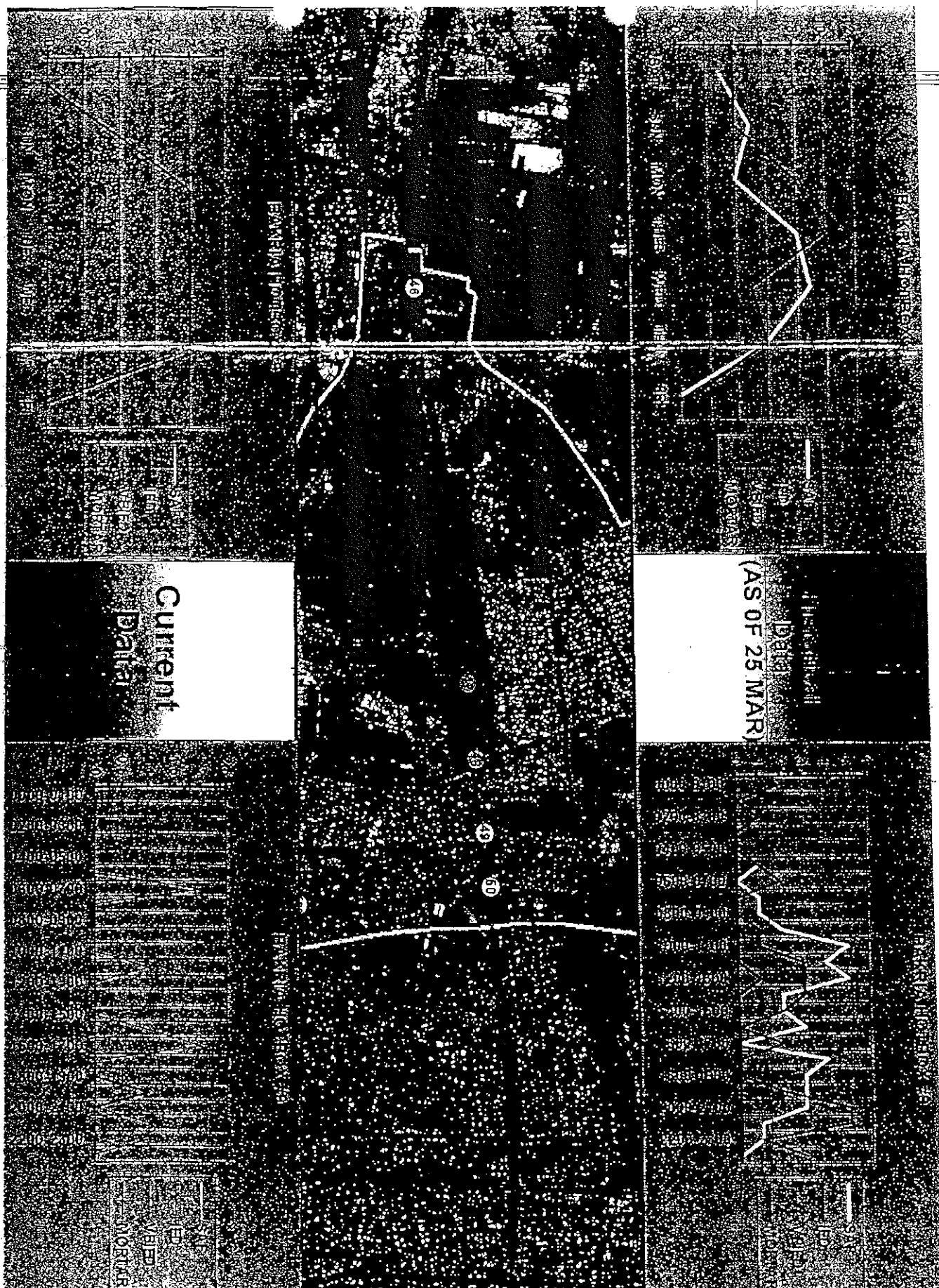
[REDACTED] (Typed Name of Person Administering Oath)

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00



14165

SUMMARY OF EVENT:

At around 2200 SSG [REDACTED] observed a man walking back and forth inside the median of the road [REDACTED] about 150 meters away from the Sniper position. It looked as if he was carrying something in his hands while he was walking. To get a better look, SSG [REDACTED] moved to the rooftop of the house and by the time he was on the roof, the man had moved to the median inside the road guard rails. He saw the man hunch over or kneel down behind the barriers. He was kneeling by the guard rails for almost a minute, and it looked as if he was working on something that was on the ground or he was placing something on the ground behind the rails. This is a historical IED site on [REDACTED] and SSG [REDACTED] has seen out numerous times in this area and has never seen anyone else by themselves doing something like this. The man's activity was consistent with IED emplacement techniques on CORPS ASRS & MSRs; for this reason SSG [REDACTED] had PID. When the man stood up from the barriers he was no longer holding the object that he had before and SSG [REDACTED] engaged and killed the individual. Summit 11 was notified and Blacksheep 38 moved to the location, cordoned off the area and EOD then arrived. Nothing was found in the median or around where the man was walking. The body was taken to an IP checkpoint and turned over to the IP's.

TIMELINE OF EVENTS:

2208: 1-87 IN BN Sniper OP(TM 2) on [REDACTED] spotted an IED Emplacer. Emplacer has a PIED in what looks like a bag. IED Emplacer is shot. Sniper OP(TM 2) OP contacts local ground unit Blacksheep 3-8 to investigate. Ground unit requests EOD to Interrogate PIED on [REDACTED]

2222: 1-87 Requests EOD Support

2323: Annihilator 1-6 arrived on scene to interrogate PIED

0016: Annihilator 1-6 clears the PIED site at this time and reported NSTR
0141: BN Sniper Tm 1 & 2 are extracted back to VBC

SUMMARY OF EVENTS:

1X SAF
1X PIED
1X LN KIA
5000552(9)(6)
UNLESS OTHERWISE
NOTED

14166

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Exemption 5 USC 552(b)(1) or (2) because
it is either Classified Secret or Top Secret
and non-degradable to Unclassified**