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Guidance for Operation Iraqi Freedom
(OIF) 05-07 issued by the 4th Infantry
Division G2**



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BRIGADE COMBAT TEAM
4TH INFANTRY DIVISION (MECHANIZED)
FOB TAJI, IRAQ APO AE 09378-0001

REPLY TO
ATTENTION OF

AFYB-IN-JA

9 May 2006

MEMORANDUM FOR Office of the Staff Judge Advocate (Attn: Chief, Adlaw), Camp Liberty,
Iraq

SUBJECT: AR 15-6 Investigation; Death of a Local National / EOF Incidents x 3 (1/4-064)

1. The attached 15-6 investigation is forwarded for action by the Commander, MND-B.
2. LTC [REDACTED], Commander, 1-66 AR Bn, concurred with the findings and recommendations and added that brigade and battalion staffs need to prepare detailed staff comparisons of AOs for subordinate units on attachment. In this case, 1-66 AR relayed known data about the 1-66 AR AO to B/1-33, but did not provide a comparison of that AO with B/1-33's old AO.
3. COL [REDACTED], Commander, 1BCT, concurred.
4. POC is the undersigned at [REDACTED] or at [REDACTED]

[REDACTED]
MAJ, JA
Brigade Judge Advocate

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REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1st BRIGADE COMBAT TEAM
4TH INFANTRY DIVISION (M)
FOB TAJI, IRAQ APO AE 09378

AFYB-IN-CDR

5 May 2006

MEMORANDUM FOR Investigating Officer (CPT [REDACTED]), HQ, 1-66 AR, 1st
BCT, 4th ID (M), FOB Taji, Iraq APO AE 09378

SUBJECT: Appointment as AR 15-6 Investigating Officer (1/4-064)

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 (Procedures for Investigating Officers and Boards of Officers) to conduct an informal investigation into the death of a local national by elements of B/1-33 and the 3 escalation of force incidents by the unit on 4 May 06. In addition to determining the facts and circumstances of the three incidents, focus your efforts on unit policies, procedures, and training that may have impacted on these incidents. This is your primary duty until properly relieved.
2. You may speak with any and all individuals you believe have information pertinent to your investigation. You will obtain a legal briefing from the Brigade Judge Advocate prior to conducting your investigation. You should also familiarize yourself with the provisions of AR 15-6 and the Guide for Informal Investigations. Once your investigation is complete, you will make recommendations consistent with your findings.
3. All witness statements will be sworn if possible and recorded on DA Form 2823. If circumstances preclude you from obtaining a sworn statement, you will summarize the witness' testimony in a memorandum and attest to the accuracy of your summary.
4. If, in the course of your investigation, you come to suspect that an individual may be criminally responsible, you will advise that individual of his or her rights under Article 31 of the UCMJ, or the 5th Amendment, as appropriate, using DA Form 3881.
5. Submit your report, together with all evidence marked as exhibits, to the Brigade Judge Advocate on DA Form 1574 for legal review no later than 12 May 06. Requests for extensions will be submitted to the undersigned through the BJA in writing.
6. POC for this memorandum is [REDACTED] at the BCT TOC.

COJ/AR 1
Commanding

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REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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

SECTION I - APPOINTMENT

Appointed by COL [REDACTED], Cdr, 1st BCT, 4th ID(M)

(Appointing authority)

on 5 May 2006
(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointments data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Taji, Iraq

(Place)

at 1800

(Time)

on 5 May 2006 (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.)

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The (investigating officer) (board) finished gathering/hearing evidence at 2000 on 6 May 2006
(Time) (Date)

and completed findings and recommendations at 2115 on 7 May 2006
(Time) (Date)

A. COMPLETE IN ALL CASES

SECTION III - CHECKLIST FOR PROCEEDINGS

		YES	NO	NA
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?			
b.	Copy of notice to respondent, if any? (See item 9, below)			
c.	Other correspondence with respondent or counsel, if any?			
d.	All other written communications to or from the appointing authority?			
e.	Privacy Act Statements (Certificate, if statement provided orally)?			
f.	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 board?			

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.

DA FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages

USAPK11.20

		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)?			
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.				

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

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.)

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DEPARTMENT OF THE ARMY
HEADQUARTERS, 1-66 ARMOR BATTALION
1ST BRIGADE COMBAT TEAM
4TH INFANTRY DIVISION (MECHANIZED)
FOB TAJI, IRAQ APO AE 09378

REPLY TO
ATTENTION OF:

AFYB-IN-HHC

7 MAY 2006

MEMORANDUM THRU Commander, 1-66 AR BN, 1st Brigade Combat Team, Camp Taji, Iraq APO AE 09378

FOR Commander, 1st Brigade Combat Team, Camp Taji, Iraq APO AE 09378

SUBJECT: AR 15-6 Investigation concerning three EOFs on 4 MAY 2006 for B/1-33 CAV (1/4 -064)

1. On 5 May 06, I was appointed as the AR 15-6 Investigating Officer (IO) for three escalation of force (EOF) incidents that occurred with Soldiers from B/1-33 CAV on MSR Tampa on 4 May 2006. I have conducted a thorough investigation of the circumstances surrounding the three EOF incidents, the latter of which resulted in one 1N KIA. My observations, conclusions, and recommendations are provided in the following format: facts, findings, and recommendations.

2. FACTS.

a. On 29 April 2006 B/1-33 CAV was detached from their squadron at FOB Rustimiyah South of Baghdad and attached to 1-66 AR Battalion ISO operations vicinity of Mushada on [REDACTED]. On 1 May 2006 B/1-33 CAV arrived on FOB Taji and ~~SUSC552 (B) (6)~~ began preparing their equipment and personnel to assume this mission. B/1-33 CAV had a 72 hour period to perform pre-mission checks. On the evening of 3 May 2006 all units received thorough mission briefs from their leadership to include rehearsals, EOF and ROE refresher and scenario training. B/1-33 CAV assumed mission on the morning of 4 May 2006. (Exhibit M)

b. While the 1-66 S2 gave a threat brief given to B/1-33 leaders, there was insufficient time to disseminate all of this information to the lowest level. The night seat rides that took place were for a short duration and did not include all key leaders. Although IA soldiers would be working with B/1-33 CAV, no inbrief or leader orientation was conducted with any unit from 1/9 IA. (Exhibit M) Enemy TTPs as well as traffic patterns and civilian scenarios that the troop had encountered during their tenure at FOB Rustimiyah were significantly different than in AO Raider North. The area surrounding Rustimiyah is mainly farmland with less congested traffic patterns and a smaller population than in areas North of Baghdad. (Exhibit G)

c. EOF 1. On 040729MAY06, 2 X M2A3 BEVs were returning to FOB Taji due to internal crew communication problems. B11, commanded by [REDACTED] pulled off to the side of the road in order to wait for the other vehicle to move out. While

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pulling security near ECP 1 on MSR Tampa [REDACTED] conducted an EOF which resulted in [REDACTED] lafrate firing 10-15 rounds of 7.62 COAX from his M2A3. [REDACTED] ordered his gunner to shoot into the dirt at a safe angle away from the traffic into the median. (Exhibit B) A single car disobeyed [REDACTED] his hand and arm signals as well as verbal warnings and violent turret movement in an attempt to halt the vehicle. (Exhibit C). [REDACTED] the Platoon Leader in the convoy, witnessed from his position IA soldiers operating in the vicinity of the same ECP. He saw conflicting hand and arm signals issued by the IA soldiers. This confused civilian cars whether or not vehicle traffic was allowed to pass. [REDACTED] could not see the IA Soldiers from his position and was unaware of the conflicting orders. (Exhibit A) After the gunner, [REDACTED] fired, the vehicle returned to the normal traffic pattern without damage to personnel or equipment. (Exhibit C)

d. EOF 2. On 040844MAY06 at ECP 1, a Soldier fired one round of non-lethal shotgun ammunition as a warning shot for a gathering crowd on the outside of an IED cordon. The crew of an M1114 from HQ/B/1-33 CAV was conducting dismounted support to ECP 1 to prevent AIF from emplacing IEDs in congested traffic. The dismounted personnel were also protecting the Soldiers at the ECP from AIF that might be using the mass of vehicles to conduct attacks. [REDACTED] and his M1114 crew occupied a blocking position for EOD to action an IED in the vicinity of ECP 1. (Exhibit D). While the traffic was stopped a crowd of about 30-40 civilians formed from people getting out of their vehicles at a distance of approximately 150 meters. Upon seeing the forming crowd [REDACTED] returned to his M1114 to retrieve his shotgun with non-lethal rounds. In the back of the crowd, the Soldier observed a man with a bucket moving suspiciously in and out of the crowd. At one point, the man crouched down out of sight. The crowd continued to approach to within 40 meters and did not respond to repeated hand and arm signals, verbal warnings or the showing of the shotgun. [REDACTED] could no longer see the man with the bucket. [REDACTED] fired one round of non-lethal ammunition into the dirt 5 meters from his feet and at a safe angle away from the crowd. The crowd dispersed without incident. (Exhibit F, M)

e. EOF 3. EOF 3 occurred at 041910MAY06 and involved the use of warning shots from an M240B mounted on an M1114 in an attempt to stop a moving car from approaching the rear of a mounted patrol. Due to a ricochet of the warning shots this incident resulted in the death of a local national. IAW his mission planning and CDR's guidance [REDACTED] dismounted 9 of his 17 Soldiers IOT cover the lateral routes on MSR Tampa. He also had a mounted patrol consisting of 2 X M2A3 BFVs and 1 X M1114. IOT maximize dismounts he used a two man crew on the M1114. The gunner, [REDACTED] was [REDACTED] gunner and he had full confidence in his abilities. The platoon had conducted operations with this configuration previously without incident. The M1114 was the trail of the mounted convoy. (Exhibit G) As the

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convoy moved North [REDACTED] noticed a vehicle that gained speed in an attempt to catch the convoy. After the vehicle failed to adhere to visual signals to back up and the posted 100m distance sign, [REDACTED] moved his weapon from an elevated position and pointed it at the oncoming vehicle. After another unsuccessful attempt to stop the vehicle with hand and arm signals, [REDACTED] fired a three round burst from his 7.62 M240B (Exhibit I). He pointed the burst down and to the left of his vehicle in an apparent safe direction. The M1114 was on the shoulder of the road which caused the burst to impact on the pavement, not the shoulder. (Exhibit M). Shortly thereafter, a local national's car rolled to a stop at the ECP. The driver had been shot in the head. The Soldiers at the ECP conducted first aid, but the local national died of his wounds. (Exhibit J)

3. FINDINGS.

a. General.

(1) I find that an insufficient RIP process was conducted to ensure the full understanding by B/1-33 CAV of the atmospheric and traffic patterns that occur in AO Raider North. The RIP process did not encompass all the key leaders in the troop and did not involve the ISF partnership units to include IA and IP. These ISF units working with B/1-33 CAV are critical to mission accomplishment along MSR Tampa.

(2) B/1-33 CAV did not receive an adequate mission analysis and historical pattern brief upon entering into the new AO. Enemy TTP's and civilian actions are both significantly different than in FOB Rustimiyah. The congestion and traffic jams alone are a factor that causes unique situations for patrols on MSR Tampa. The historical threat brief on VBIEDs and Indirect Fire incidents would allow B/1-33 CAV to fully understand the enemy activity that they will be facing.

(3) I find that the soldiers of B/1-33 CAV are well trained and disciplined. Every leader that I spoke to acknowledged the amount of time spent on OPORD briefs, mission rehearsals and scenarios on EOF and ROE prior to assuming mission. The NCO's properly performed their PCC checks prior to mission and the platoons are capable of performing any task required of them.

b. EOF 1. It is my finding that [REDACTED] and [REDACTED] conducted an EOF procedure IAW the guidance from MNC-I on EOF and the use of warning shots. They used the proper techniques for signaling and verbal commands and resorted to the warning shots as an additional step.

AFYB-IN-HIIC

SUBJECT: AR 15-6 Investigation concerning three EOFs on 4 MAY 2006 for B/1-33
CAV (1/4 -064)

c. EOF 2. It is my findings that the soldiers involved in this incident followed the MNC-I rules for use of graduated use of force. The Soldiers believed they identified hostile intent in that the crowd was menacing and ignoring directions and the man with the bucket could no longer be seen. Believing the man with the bucket was using the crowd to mask his movements and given the enemy TTP of emplacing secondary IEDs to attack first responders, this was a reasonable belief. [REDACTED] and [REDACTED] made a good decision to transition from 5.56 mm to non-lethal shotgun munitions due to the time available in the incident. Their decision not only protected the soldiers who were in IED contact to their rear, but it also dispersed the hostile crowd without incident.

d. EOF 3. It is my finding that [REDACTED] acted IAW MNC-I guidance for rules for use of force and was justified in his warning shots against the approaching vehicle. He properly used hand and arm signals and verbal warnings, showed his weapon by orienting it toward the approaching vehicle. He fired aimed warning shot at the ground away from the vehicle. Due to the orientation of the vehicle being on the shoulder of the road the bullets ricocheted off of the pavement. No witnesses saw the bullets from the EOF incident impact the LN driving the vehicle approaching the ECP. However, it is more likely than not that these bullets caused the death of the LN. Although this EOF was IAW MNC-I rules for use of force, it is my findings that the more appropriate place to have fired the warning shots would have been into the dirt median. It is also my belief that the use of the two man crew TTP used by 1LT Suthoff's platoon is not a valid TTP on a heavily congested road as MSR Tampa. The responsibility of manning the machine gun and trying to keep situational awareness of potential enemy threats may prove to be too much for one Soldier to handle.

4. RECOMMENDATIONS.

a. The Battalion Commander stood down B/1-33 to ensure they were properly trained. Following validation, I recommend they resume mission. It is apparent that the Soldiers of B/1-33 CAV are skilled combat veterans, however due to their frequent movement they have been unable to become familiar with one particular area. Their Soldiers are having difficulties trying to adjust TTPs from one AO into combat situations they encounter in a different sector of Iraq.

b. It is also my recommendation the Soldiers of B/1-33 CAV receive a minimum of a 72 hour right seat ride period with the current unit on MSR Tampa. This right seat ride should also include familiarization with the mission of the 1/9 IA and the 1 BCT AO atmospheres.

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SUBJECT: AR 15-6 Investigation concerning three EOFs on 4 MAY 2006 for B/1-33
CAV (1/4 -064)

c. B/1-33 CAV has a number of TTP's that they have gathered while serving in different parts of Iraq. These are valuable to the Brigade and should be shared during the right and left seat ride periods. In particular, the TTP of using aggressive turret turning and gun tube elevation should be disseminated throughout the BCT as an additional graduated measure of force.

d. The TTP of the two Soldier M1114 as seen in EOF event three should be stopped and no longer used. The inability of a gunner to perform multiple rolls in an M1114 contributed to this finding.

e. Lastly, until B/1-33 receives proper training on non-lethal munitions from a certified instructor, they should not use non-lethal ammunition. Security concerns involving use of force and EOF incidents with this munition cause problems with its use.

f. I note that the Brigade staff is currently conducting consequence management. Any information learned about the family of the victim in EOF 3 should be turned over to the Brigade S9.

5. POC is the undersigned at [REDACTED].

[REDACTED]
CPT, IN
Investigating Officer

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INDEX OF EXHIBITS

- A. DA Form 2823, [REDACTED] dated 6 May 06
- B. DA Form 2823, [REDACTED] dated 5 May 06
- C. DA Form 2823, [REDACTED] dated 5 May 06
- D. DA Form 2823, [REDACTED] dated 5 May 06
- E. DA Form 2823, [REDACTED] dated 5 May 06
- F. DA Form 2823, [REDACTED] dated 5 May 06
- G. DA Form 2823, [REDACTED] dated 5 May 06
- H. DA Form 2823, [REDACTED] dated 5 May 06
- I. DA Form 2823, [REDACTED] dated 5 May 06
- J. DA Form 2823, [REDACTED] dated 5 May 06
- K. DA Form 2823, [REDACTED] dated 5 May 06
- L. DA Form 2823, [REDACTED] dated 5 May 06
- M. Verbal Interview on 5-6 May conducted by CPT Colin Mahle, IO
- N. I-66 AR EOF SIR dated 041910MAY06
- O. I-66 AR Official CPOF SIGACT report for three EOF events on 4 MAY 06
- P. I-66 AR Official Storyboard for EOF SIGACT resulting in 1 X LN KIA 4 MAY 06

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SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION <u>Camp Taji, Iraq</u>	DATE <u>6 May 2006</u>	TIME <u>1430</u>	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS <u>01 / Active Army</u>	
ORGANIZATION OR ADDRESS <u>B Troop 1-33 CAV, 3 BCT 101 ABN (AA)</u>			
I, <u>[REDACTED]</u> , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>I can explain the abnormal behavior of a local national that led to an escalation of force VII ECP1 on 4 May 2006 involving 1st Platoon, B Troop 1-33 CAV. SSG Ruegge, the Bradley Commander of vehicle B17 ordered his gunner to fire at a civilian vehicle that drove toward his vehicle in a threatening manner. B17 was positioned on the shoulder of the southbound lane of [REDACTED] and facing North in order to stop traffic moving South. Traffic on [REDACTED] initially stopped approx 100 meters north of B17 because of the coalition presence on the shoulder of the road.</p> <p>I could see from my position (at this time) that a team of IA soldiers were using exaggerated hand and arm signals in order to wave traffic past B17 and through the checkpoint. These IA soldiers were located approx 150 m south of B17 directly to its rear. There is no way that B17 could have seen that the IA were giving conflicting signals to the civilian traffic. [REDACTED]</p>			
EXHIBIT <u>A</u>	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF <u>2</u> PAGES
<p>ADDITIONAL PAGES MUST CONTAIN THE HEADING "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 LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.</p>			

DA FORM 2823, JUL 72

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

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STATEMENT (Continued)

In conclusion I believe that the escalation of force was caused by the fact that the local traffic was confused about what to do. IA soldiers did not know that coalition forces were stopping traffic, and signaled the civilians to drive unusually close to our formation. Better communication with the IA and with the platoon internal may help to prevent such incidents in the future.

nothing follows

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

None

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of May, 192006 at FOB Taji

ORGANIZATION OR ADDRESS

None

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ARE 136(B)(5) JCMW
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPPC V1.10

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

14221

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).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 (YYYYMMDD) 20060505	3. TIME 1723	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6	
8. ORGANIZATION ADDRESS B-TRP 1-33CAV, 3BDE, 101st ABN DIV			

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

Red PH. (1st PH.) have conducted numerous Escalation of Force procedures. We talked about it the night prior to the mission. Our mission was to pull security on [REDACTED] (Hwy 1) and gather intelligence of the Nasser Factory. We SP at 0615 hrs. Our two Bradleys patrolled up and down [REDACTED] as our two gun trucks and THT went into the Nasser Factory. Upon completing going North and South on [REDACTED] our PS6's track lost internal camo within his crew. We then made the decision of sitting at ECP1 until the gun trucks were able to reach us at ECP1. They were to meet us at ECP1 so that we could put the PS6's track in the middle of the patrol so that the driver of the track had visual for turns because of no internal camo. We were bringing the tracks back and switching to humvees. As we were having communication problems between ground guides and the driver of the track I made the decision to pull on the shoulder of [REDACTED] with my turret facing North. Traffic was stopped approximately between 150-200 meters. A red car drove past traffic on the Southbound traffic. He slowed down and was past the rest of traffic. When I saw this I started waving my hands to give hand & arm signals to stop. As well as my gunner was traversing the

10. EXHIBIT B	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE READING "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.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USARA V1.00

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UNLESS OTHERWISE
NOTED

STATEMENT OF

TAKEN AT

FOB Taji

DATED

5 May 06

9. STATEMENT (Continued)

turret side. to side by saying no. Then the car gased it forward and we my
gunner shot at the rest IEDs. of course The rounds landed about
2 feet of the car just to the right. They hit the ground and bounced into the
dirt on the North boundsides. There were no injuries to personnel or property.

The area we are working in is different than our last AO. Not as much IED's
in one day, or congested traffic. This was our first mission for the Taji AO.
Only half the platoon got a right seat ride. This was due to mission
prepping and maintenance on our Bradleys.

Nothing Follows

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 5 day of May, 2006
at FOB Taji

ORGANIZATION OR ADDRESS:

[REDACTED]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS:

[REDACTED]
(Typed Name of Person Administering Oath)

ART 136(h)(4) UCMJ
(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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14223

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).
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
 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 TAVI, IDAHO	2. DATE (YYYYMMDD) 2006 MAY 05	3. TIME 1800	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS Bravo Troop 1-33 CAV REGIMENT			

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

IN reference to an execution of force on the morning of 04 May 06.
 Red platoon SP'd around 0800 for patrol of MSR TAPA. After a few hours of patrolling my
 wing truck (Red 4) started experiencing internal engine problems, we came to a short halt
 close to an ECP. The PSG called our 2 M1114's to meet us at the ECP to return to
 the Feds. During our short halt I was scanning oncoming traffic which was stopped
 due to our platoon being short halted. While scanning on a white bongo truck a
 maroon/pinkish colored car came through the median on the left side of the white truck,
 the car stopped and started to inch forward, while this started my BC was
 waving a V5-17 flag and signaling to the 2 occupants of the vehicle that they
 cannot proceed. During the BC signaling I utilized the turnst to signal to them as
 well. (Transferring the turnst while also elevating and depressing the barrel to show
 them the weapon system for the final warning).
 After all of our hand/arm signals and weapon signals the car started to creep
 forward and then started to drive disobeying all warnings. Before they could
 reach the ECP I shot 2 bursts the first of which was still not getting them to

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 INDICATED.

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USAPA V1-00

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14224

STATEMENT OF [REDACTED]

TAKEN AT Taji

DATED 5 May 06

9. STATEMENT (Continued)

Stop and then a second which finally sent the message. After shooting we checked everything out, there were no injuries and no damage. The rounds hit into the dirt off the side of the road.

This situation is not anything new as from what I've seen after 22 months of being deployed in this country.

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.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

None

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of May, 2006
at Fob Taji

ORGANIZATION OR ADDRESS

None

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED], CPT IN
(Typed Name of Person Administering Oath)

ART 131(b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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

14225

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).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
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 Taji, Iraq	2. DATE (YYYYMMDD) 2006 05 05	3. TIME 1600	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-6	
8. ORGANIZATION OR ADDRESS 3 TRP 1-33 CAV			

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

On 3 May 06 I received my mission brief that I was to conduct overwatch on ECP 1. I came up with a plan and briefed my Section that night at approx. 2030. On 4 May 06 we set at approx. 0600 to set in our overwatch positions on ECP 1. Once we arrived at our position I dismounted and cleared our position. After about two hours of sitting there a Convoy passed us heading South and blocked off the Route about 300 m South of our position. Approximately an hour after blocking off the road an IED was blown up by EOD. Once the IED was blown people started getting out of their vehicles and milling around the Western side of [REDACTED]. I noticed one individual get a cooler out of his trunk and go into the low ground and then return the cooler to his trunk. At this point there were about 20-30 individuals on the ground and I told my gunner, [REDACTED] and driver, who were on the ground, to yell at the people to go back to their vehicles. Once they yelled in English and Arabic they proceeded with their Escalation of Force measures by displaying a Shotgun. These warnings were disregarded so I instructed my gunner to fire a round into the ground about 5 meters in front of the crowd, which he did. The crowd dispersed and nothing else happened. I ensured that my guys knew that firing a non-lethal round at someone inside of 10 meters could kill someone. The crowd was approx. 20-40 meters from my position. I had no Ao familiarization prior to my mission but an enemy TTP in this Ao is to plant an IED while traffic is backed up, that's why I informed my gunner to fire.

SUSC552(3)(6)

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

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STATEMENT OF [REDACTED] TAKEN AT Taipei, Iraq DATED 2006 05 05

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

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

None

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of May, 2006 at FOB Taji

ORGANIZATION OR ADDRESS

B-133 C/N

3rd RCT 101st ABN DIV (ASST)

ABO AC 01314

ORGANIZATION OR ADDRESS

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ART 134(6)(2) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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5 USC 552 (3) (6)
UNLESS OTHERWISE
NOTED

14227

SWORN STATEMENT

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

LOCATION FOB Taj	DATE 05 MAY 01	TIME 16 15	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS PPC	
ORGANIZATION OR ADDRESS B/1-33 CAV, 3rd BCT, 101 ABN			

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

We left the FOB at ^{WSP} 0600, and headed down Tampa to the TCP. We arrived to the TCP, and started observing traffic, and the surrounding houses. Patrols were coming in, and traffic was blocked for a while. EOD came through, and started working on an IED while traffic was blocked a group of men gathered at the side of the road. One man was squatting down, and the rest of them grouped up near him **[REDACTED]**, and I were dismounted, and **[REDACTED]** was the gunner. We walked over to a ditch, and yelled in English, and Arabic for them to move. We got no response besides them looking at us and continuing what they were doing. We verbally told them again, and used hand gestures. They still did not move from the side of the road. The next thing we did was show our weapons, and gave another verbal warning. After that I yelled one more time for the crowd to disperse. Garper fired one round at the ground, and the crowd moved off the side of the road. The night before our mission day we were briefed on ROE, and mission brief at 2030.

~~Nothing Else Follows~~

EXHIBIT F	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "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 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.

USAPPC V1.10

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UNLESS OTHERWISE
NOTED

STATEMENT OF [REDACTED]

TAKEN AT

FOB TAJI

DATED

05 MAY 06

9. STATEMENT (Continued)

AFFIDAVIT

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

None

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of May, 2006 at FOB TAJI

ORGANIZATION OR ADDRESS

None

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ART 136/6(4) UCMJ

(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

ALL ITEMS ARE
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SWORN STATEMENT

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

LOCATION FOB TAJI	DATE 5 MAY 2006	TIME 1700	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS E-3	
ORGANIZATION OR ADDRESS B-TRP 1-33 CAV			

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

On the night of the 3rd, at around 2300 hours, I received a mission brief for our patrol/overwatch of ECP 1 that would begin at 0600 the next morning. We rehearsed ROE Procedures and the SOP for situations involving contact. On the morning of the 4th of May 2006, we left the FOB at around 0630 to set up our overwatch position near ECP 1. Approx 0830 hours EOD blocked traffic on both North and South bound lanes due to a IED found alongside the South bound lane. During the time when traffic was at a standstill, a crowd of Iraqi Nationals grouped on the roadside of the South bound lane. Our overwatch position was set in front of a building 15 meters from the road. The Iraqi Nationals grouped along the roadside were approx 150 meters from our overwatch position. I took turns with the HQ PLT SGT and my truck's TC, [REDACTED], operating the M40B. While I was dismounted and continuing to provide security along [REDACTED] while EOD secured the found IED, one person individually walked approx 10 meters further from the road with a green bucket and was squatting on the ground. I yelled at him and the crowd in English to return to their vehicles as well as hand motions to stay off the roadside. They looked at me and did not disperse. Our driver yelled "away" in Arabic and still they did not move. Concerned that the man with the bucket was placing an IED and knowing the need to disperse the crowd in that case,

SUSC5215

EXHIBIT F	INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "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 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.

USAPPC V1.10

ALL ITEMS ARE
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UNLESS OTHERWISE
NOTED

STATEMENT OF [REDACTED]

TAKEN AT FOB TAJIDATED 5 MAY 06

9. STATEMENT (Continued)

I asked [REDACTED] for the shotgun with the non-lethal rounds in the event that I had to shoot. The shotgun was given to me and I immediately walked 10-15 meters from the truck so I could make sure that the crowd saw and heard my warning. Again I yelled in English to get away from the roadside. They still did not disperse so I raised my shotgun to show the crowd, as we went over in our rehearsal on escalation of force. The crowd ignored me and continued to look in my direction. I then asked [REDACTED] for permission to fire 1 non-lethal round so that there would be as little civilian injury with no confusion of getting my point across to the crowd. I then fired 1 non-lethal round at the ground 5 meters in front of the crowd. The crowd then dispersed and the trucks crew and I continued to provide security at ECP 1.

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:

NONE

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of May, 2006 at FOB Taji.

ORGANIZATION OR ADDRESS

NONE

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ART 131(1)(4) USMA

(Authority To Administer Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

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NOTED

14231

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
LOCATION FOB Tay	DATE 5 MAY 06	TIME 1557	FILE NUMBER
LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]	GRADE/STATUS O-2	
ORGANIZATION OR ADDRESS B TRP 1-33 CAV BPD BCT 101st Airborne			
<p>I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>He did decrease [REDACTED] and myself conducted a mission brief on 3 May 2006 at 2000 hours. My plan for the next day was a dismantled area recon behind the Nausa factory, followed up by observation posts in the area in the evening. In order to put maximum dismounts on the ground to support [REDACTED] I decided to move with 2 Bradleys and a one humvee configuration. The dismounts Once the dismounts were on the ground the humvee was suppose to be manned by [REDACTED] and [REDACTED]. The humvee's mission was to support the Bradley in pulling re security. The humvee was to follow the Bradley everywhere it went. The vehicles were manned like this because all routes on the west side of [REDACTED] are black thus limiting my operations. I knew that the vehicles could support each other if something was to happen. I briefed the platoon on shoot no shoot</p>			
EXHIBIT G	INITIALS OF PERSON MAKING STATEMENT [REDACTED]		PAGE 1 OF 4 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "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 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.

USAPPC V1.10

ALL ITEMS ARE
REDACTED UNDER
5USC552(B)(6)
UNLESS OTHERWISE
NOTED

STATEMENT OF

TAKEN AT

Fem. Taj

DATED

5 May, 06

9. STATEMENT (Continued)

situations and ROE ~~since we would~~ / Escalation of force since we would be moving up and down Tampa and would have ops in to ~~the~~ ID IED emplacements. I again received clarification on ROE on the morning of 4 May 2006 and briefed it to the platoon before SP. I had no doubt in ~~the~~ capability as the trucks TC because of his prior combat experience and service as my gunner during this deployment. Again I was limited by the fact that almost all the routes in my AO are restricted so I had to mass force on the ground.

The Troops previous area of operations include Baiji, Rustamia, and here. In Baiji Coalition forces were under constant threat from car bombings. I can think of ~~at~~ incidents ~~where~~ where an entire truck was destroyed by a car bomb with 5 155mm. Another incident involved a local national ramming a humvee killing 2 soldiers inside. ~~At Baiji~~ The VBIED threat continued in Rustamia where my three truck was almost rammed by a local national car.

INITIALS OF PERSON MAKING STATEMENT

PAGE

2 OF 4

PAGES

ALL ITEMS ARE
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STATEMENT OF

[REDACTED]

TAKEN AT

FOB Taj

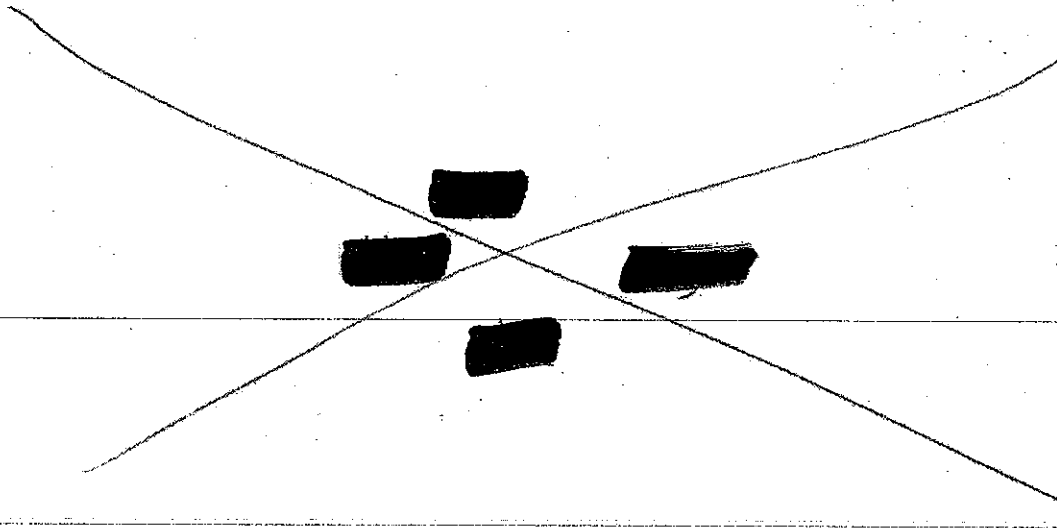
DATED

5 May 06

9. STATEMENT (Continued)

My platoon area of operation outside of Rustamia consisted of mainly farm land and 2 lane roads. Cars in this AO pulled over 200 to 300 meters ahead.

At the time of the incident I was in a source house and heard the shooting. I checked the TRP net and it appeared that the mortars section had it under control and said they had received small arms fire. I moved up to the area of the incident 10 minutes later and questioned the mortar section on the ground and then [REDACTED] about the incident. Nothing follows



INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE

3

OF

4

PAGES

ALL ITEMS ARE
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STATEMENT (Continued)

AFFIDAVIT

I, [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:

NONE

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5 day of May, 192016 at FOB Taji.

ORGANIZATION OR ADDRESS

NONE

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ACT 131(5) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 4 PAGES

USAPPC V1.10

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14235