

Exhibit E

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

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. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigating Officer
(Authority To Administer Oaths)

MAKING STATEMENT

PAGE 2 OF 4 PAGES

USAPPC V2.00

All items are redacted under 5 USC (b) (6) unless otherwise noted

Exhibit E

SWORN STATEMENT			
For use of this form, see AR 180-45; the proponent agency is ODCSOPS			
LOCATION FOB Rustamikh	DATE 28 June 0559HCS	TIME	FILE NUMBER
LAST NAME, FIRST NAME, INITIALS [REDACTED]	SOCIAL SECURITY NUMBER [REDACTED]		GRADE/STATUS E-3
ORGANIZATION OR ADDRESS RLO 3/67 AR			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
AK-47 At the front gate and put his finger on the trigger. I PFC [REDACTED] fired two rounds to the subject's torso from my m4. The subject fell out of sight. I PFC [REDACTED] started yelling that the subject was down. We gained access through the gate and proceeded to the office. I PFC [REDACTED] observed the subject lying on his right side in a pool of blood. The AK 47 was in front of the subject. We gained access to the office moved the AK-47 out of the office, and attempted to check the subject's vitals. I PFC [REDACTED] exited the office when the medic walked in. I PFC [REDACTED] then pulled security outside the office until the IP's arrived on scene. [REDACTED] took over the investigation. No Thiers Further			
EXHIBIT	STATEMENT MAKING STATEMENT	PAGE 3 OF 4	PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED] CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE [REDACTED] OF [REDACTED] PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.			

All items are redacted under 5 USC (b)(6) unless otherwise noted

Exhibit E

STATEMENT (Continued)

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.

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Investigating Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 14 OF 14 PAGES

052499C-12-00

Exhibit F

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:		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 (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOR ROSTAMIYAH	20060128	1634	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E-5	
8. DUTY STATION ADDRESS			
301. TACTICAL PSYCHOLOGICAL OPERATIONS COMPANY (AIRBORNE)			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
AT APPROXIMATELY 0100HRS ON 27 JAN 06, I WAS ON PATROL WITH B COMPANY 3/67 ARMD AS THE TACTICAL PSYCHOLOGICAL OPERATIONS TEAM SERGEANT. ACCORDING TO INFORMATION FROM THE PREVIOUS NIGHT'S PATROL, THERE APPEARED TO BE ERP MATERIAL PRESENT AT A YARD NEAR AN ELECTRICAL FACILITY. THE PATROL WANTED TO RETURN TO THE YARD TO FURTHER INVESTIGATE. DURING THE MISSION BRIEF PRIOR TO LEAVING FOB ROSTAMIYAH, THE PATROL WAS TOLD THAT NO GUARDS WERE PRESENT AT THE YARD FROM THE NIGHT BEFORE, HOWEVER, THIS MISSION MIGHT BE DIFFERENT. WHEN WE ARRIVED AT THE YARD, THE B COMPANY COMMANDER TOLD ME THAT A GUARD WAS PRESENT INSIDE A SHACK LOCATED WITHIN A FENCED OFF AREA. HE IDENTIFIED SOME MILVANS THAT HE WANTED THE PATROL TO SEARCH INSIDE OF BUT THEY WERE LOCKED. [REDACTED] STATED THAT THE 'GUARD' WAS IN THE SHACK SWEEPING BUT STOPPED WHEN HE SAW US AT THE OPENING OF THE LOCKED GATE. THE B COMPANY COMMANDER AND I DECIDED TO MAKE CONTACT WITH THE MAN IDENTIFIED AS A GUARD TO ASK HIM TO UNLOCK THE MILVANS. THIS WAY WE COULD ALSO TELL HIM WHAT WE WERE DOING AND ASK FOR HIS HELP. SEVERAL SOLDIERS WERE STANDING NEAR THE OPENING OF THE GATE. I NOTICED [REDACTED] KNOWN,			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 6 PAGES
F	[REDACTED]		
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.			

All items are redacted under 5 USC 552 (b)(6) unless otherwise noted

7 ~~initials~~

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT 1800

DATED 28 JAN 06

B. STATEMENT (Continued)

AT THE GATE AND HOLDING SECURITY ON THE LOCAL NATIONAL THAT WE THOUGHT WAS A GUARD. I LOOKED OVER TOP OF PFC [REDACTED] AND OBSERVED THE LOCAL NATIONAL STARING AT US ^{SE} WITH HIS ARMS FOLDED ACCROSS HIS CHEST, ~~THRU A WINDOW~~. I CALLED OUT TO HIM IN A CLEAR AMERICAN VOICE IN ENGLISH IN A VERY NON-THREATENING WAY AND SAID "HELLO" TWO TIMES. I DID NOT WANT HIM TO FEEL THREATENED AND HAVE LEARNED FROM EIGHT MONTHS IN IRAQ THAT A FRIENDLY SOUNDING "HELLO" IS THE FASTEST AND MOST EFFECTING WAY ^{TO} MAKE NON-THREATENING CONTACT. THEN I SAID TO OPEN THE DOOR IN ARABIC, TWO TIMES. THE B COMPANY INTERPRETER SAID THE SOMETHING VERY LOUD AND IN ARABIC. THE B COMPANY COMMANDER SAID "AMERICANS". I WAS WATCHING THE LOCAL NATION, AT THIS TIME, OVER PFC [REDACTED] SHOULDER AS HE CONTINUED TO HOLD ON THE MAN WITH HIS WEAPON.

I QUICKLY MOVED TO [REDACTED] THE LEFT OF PFC [REDACTED] BECAUSE THE LOCAL NATIONAL ACTED UNUSUAL I HAVE SEEN GUARDS ACT IN THE PAST. I BROUGHT MY M-4 TO A GUARD POSITION AND WATCHED HIM ~~THRU~~ ^{SE} THROUGH A HOLE IN THE GATE. THE GATE WAS CHAIN LINK THAT WAS COVERED

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 6 PAGES

Exhibit F

STATEMENT OF [REDACTED] TAKEN AT 1800 DATED 28 JAN 86

9. STATEMENT (Continued)

IN CLOTH TO HELP KEEP PEOPLE FROM LOOKING IN. I SIGHTED IN ON THE LOCAL NATIONAL WHEN HE TURNED HIS BACK TO US. HE HAD THE OPTION OF WALKING OUT THE DOOR TO HIS LEFT BUT HE DIDN'T AND IT JUST FELT WRONG. HE PICKED UP AN AK-47 AND IMMEDIATELY FACED US ASKING AND HE MANIPULATED A FUNCTION ON THE WEAPON AND BEGAN TO RAISE IT. I CALLED OUT "GUN" AND FIRED THREE SHOTS. THERE WAS NO TIME FOR COMPLIANCE COMMANDS. MY FIRST TWO SHOTS WERE AIMED AT HIS CHEST. HOWEVER, I LOST SIGHT OF THE SECOND SHOT BECAUSE THE GAS FROM MY MUZZLE SHOOK THE CLOTH I WAS LOOKING THROUGH. I FOUND THE HOLE QUICKLY AND HE WAS STILL STANDING. MY THIRD SHOT WAS WELL AIMED AND IMPACTED AS HE WAS DROPPING. AFTER MY THIRD SHOT, MY TARGET WAS NO LONGER VISIBLE, BECAUSE HE WAS BELOW THE WINDOW SILL, I SAID TO THE B COMPANY COMMANDER THAT WE NEEDED TO BREACH THE GATE NOW. HE AGREED AND CALLED FOR BOLT CUTTERS.

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 6 PAGES

Exhibit F

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:		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 (YYYYMMDD)	3. TIME	4. FILE NUMBER
FDB ROSTAMIYAH	20060128	1730	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E-5	
8. ORGANIZATION OR ADDRESS			
301 TACTICAL PSYCHOLOGICAL OPERATIONS COMPANY (AIRBORNE)			
9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
A SOLDIER ATTEMPTED TO CUT THE LOCK BUT THE LOCK WAS ON THE INSIDE OF THE GATE AND COULD NOT BE CUT. THEN THE B COMPANY COMMANDER REMEMBERED HE COULD LIFT THE GATE OFF OF THE HINGES. HE LIFTED IT OFF THE HINGES AND I WAS THE FIRST THRU THE GATE INTO THE YARD. SEVERAL OF US CLOSED THE DISTANCE TO THE GUARD SHACK. LATER, I PACED IT OFF AS APPROXIMATELY 30 - 35 METERS. THE OPEN YARD WAS CLEAR AND NO OTHER LOCAL NATIONALS WERE PRESENT. AS I GOT WITHIN APPROXIMATELY TEN METERS I OBSERVED BLOOD ON THE OUTSIDE OF THE WINDOW SILL. I ALSO CALLED OUT THE HOLE IN THE GUARD SHACK THAT WAS FROM THE SECOND SHOT I FIRED TO NOTIFY EVERYONE THAT I COULD NOT ACCOUNT FOR THE ACTIONS OF ONE OF MY SHOTS. I WANTED TO MAKE SURE THAT NOBODY ON THE REAR PERIMETER WAS HIT. NOBODY OTHER THAN THE LOCAL NATIONAL IN THE GUARD SHACK WAS SHOT. AS WE CAME UPON THE GUARD SHACK, A SOLDIER OBSERVED THE LOCAL NATIONAL DOWN AND BLEEDING WITH NO WEAPON IN HIS HAND. THE DOOR TO THE GUARD SHACK WAS LOCKED AND WOULD NOT OPEN SO, [REDACTED] BROKE THE WINDOW WITH HIS			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 4 OF 6 PAGES
F	[REDACTED]		
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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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1800 DATED 28 JAN 06

9. STATEMENT (Continued)

ELBOW AND UNLOCKED THE DOOR, THE LOCAL NATIONAL WAS BLEEDING AND BLOWING BLOOD BUBBLES THRU HIS NOSE AND MOUTH. [REDACTED] CALLED FOR A MEDIC. THE TACTICAL PSYCHOLOGICAL OPERATIONS TEAM (SPECIALIST IS A COMBAT LIFESAVER AND WAS THE FIRST TO RENDER AID UNTIL THE MEDIC ARRIVED SHORTLY THEREAFTER. THEY BOTH TRIED TO FIND A PULSE AND THE LOCAL NATIONAL DID NOT HAVE A PULSE. [REDACTED] TOLD US THAT THE LOCAL NATIONALS PUPILS WERE FIXED AND DID NOT REACT TO LIGHT.

I ASKED [REDACTED] WHO ELSE SHOT, HE TOLD ME THAT [REDACTED] AND [REDACTED] BOTH FIRED ONE SHOT. [REDACTED] AND [REDACTED] TOLD ME THE SAME. OTHERS WERE SEARCHING THE BODY AND FOUND MEDICATION IN HIS POCKET. I NOTICED THAT A BULLET HOLE IN THE WINDOW CORRESPONDED WITH A HOLE IN THE BACK WALL. I ASKED THE MEDIC HOW MANY TIMES THE LOCAL NATIONAL WAS HIT. HE TOLD ME TWICE IN THE CHEST AND ONCE IN THE HEAD NEAR HIS NOSE. I WAS CONCERNED THAT A BULLET WAS UNACCOUNTED FOR SO I ASKED THE MEDIC IF THERE WERE EXIT WOUNDS. HE SAID THAT THERE WAS NOT ANY. THE SHOT FIRED THRU THE WINDOW DID NOT HIT THE LOCAL NATIONAL AND PASSED THRU THE SHACK. LUCKILY, NO OTHERS WERE HIT. THE B COMPANY COMMANDER WAS TRYING TO CALL THE IRAQI POLICE BUT HIS PHONE DID NOT WORK. I SENT MY ASSISTANT TEAM LEADER, [REDACTED] WITH OUR INTERPRETER TO FIND SOME IRAQI

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 6 PAGES

Exhibit F

STATEMENT OF [REDACTED] TAKEN AT 1800 DATED 28 JAN 06

9. STATEMENT (Continued)

POLICE ON THE MAIN STREET, [REDACTED] WENT WITH OUR VEHICLE AND TWO VEHICLES FROM B COMPANY. HE RETURNED IN APPROXIMATELY FIFTEEN MINUTES WITH FOUR IRAQI POLICE VEHICLES. AS THE GUARD SHACK WAS BETTER SEARCHED B COMPANY SOLDIERS SECURED THE AREA. I LOCATED AN EXPENDED BULLET CASING ON THE FLOOR OF THE GUARD SHACK THAT MATCHED THE CALIBER OF THE LOCAL NATIONAL'S AK-47. ACCORDING TO THE B COMPANY INTERPRETER, THE LOCAL NATIONAL THAT WAS SHOT WAS TAKING THE SAME MEDICATION AS HIS TERMINALLY ILL FATHER. THE CONTENTS OF THE LOCAL NATIONAL'S POCKETS ALSO CONTAINED PRAYER CARDS WRITTEN IN ENGLISH, FARSI, THE S. [REDACTED] B COMPANY COMMANDER WERE THE POINTS OF CONTACT FOR THE IRAQI POLICE. THE IRAQI POLICE CALLED FOR MORE OFFICERS, THEY LOADED UP THE BODY AND WE DEPARTED THE LOCATION.

/// NOTHING FOLLOWS

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 10. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

Investigative Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 6 OF 6 PAGES

Exhibit G

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is ODCSOPS			
PRIVACY ACT STATEMENT			
AUTHORITY:		Title 10 USC Section 301; Title 5 (USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).	
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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)	3. TIME	4. FILE NUMBER
FOB MUSTY	2006 01 31	1007	
5. LAST NAME, FIRST NAME, MIDDLE NAME		6. SSN	7. GRADE/STATUS
[REDACTED]		[REDACTED]	037 AC
8. LOCATION OR ADDRESS			
B/3-67 AA, 450			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
Q: [REDACTED]			
A: [REDACTED]			
Q: Do you believe Exhibit A is an accurate depiction of the fenced compound?			
A: YES. ON EXHIBIT A, I, [REDACTED], INDICATED IN BLUE INK MY APPROXIMATE LOCATION WHEN SHOTS WERE FIRED.			
Q: Did you have a clear view of the local national (LN) in the time leading up to and during weapons discharge?			
A: YES. I WAS WATCHING THE INDIVIDUAL FROM THE FENCE UP TO THE POINT THAT HE STARTED TO RAISE HIS WEAPON. AT THAT POINT I STEPPED TOWARDS THE MILITARY TO GET OUT OF THE LINE OF FIRE.			
Q: What element did you leave the FOB with?			
A: I LEFT WITH 1/013-67AA PLT AND 4 OTHER SOLDIERS FROM HA/B/3-67AA AND THE PSYOPS TEAM. HEAVY 2, [REDACTED] ALSO ACCOMPANIED THE PATROL. 1/013-67AA IS THE WHITE ELEMENT.			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 3 PAGES
6	[REDACTED]		
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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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF  TAKEN AT F&B AUSTY DATED 31 JAN 86

9. STATEMENT (Continued)

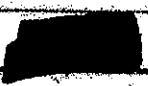
Q: What was the approximate length of time between initial verbal contact with the LN and when firing began?

A: IT WAS APPROXIMATELY 10-15 SECONDS.

Q: When was your last ROE training?

A - ^{we} MY COMPANY BRIEFED ROE/AUF IN EVERY PATROL BRIEF and we also received ROE/AUF Training the day before this shooting. IT WAS TAUGHT BY THE BOB SJA.

END OF STATEMENT

INITIALS OF PERSON MAKING STATEMENT 

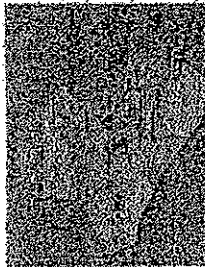
PAGE 2 OF 3 PAGES

Exhibit C

USAPA V1.00

Exhibit H

Overnight Developments (25 JAN 06)



MND-
BAGHDAD

AT 0050, CIDNE DATABASE REPORTS B/3-67 AR WAS CHECKING OUT A JUNKYARD VIC [REDACTED] 5 USC 552C
BERZEKER 6 THEN IDENTIFIED HIMSELF TO THE LN. THE LN THEN CHARGED HIS WEAPON AND PUT IT UP TO THE WINDOW. BERZEKER 6 THEN SHOT THE INDIVIDUAL, RESULTING IN 1 KIA. AN SIR WAS STARTED ON THIS SITUATION. NO DAMAGE TO EQUIPMENT OR PERSONNEL. [REDACTED] 5 USC 552C
DURING DEBRIEFING "Went to electrical Co looked around out side at the sections of pipes laying around. Decided to go in. The gate was locked so looked through the fence, and saw that the light was on in the guard shack. The guard got up and looked at the American forces. They told the guard that they were Americans and that they wanted to talk to him 4-5 times in English and Arabic. The guard then turned around and grabbed an AK-47 turned back towards Bco charged the weapon and pointed it at them. The guard was then engaged w/ 7-8 shots. The guard then went down. Bco broke the gate down and secured the area. They then found the man was KIA, 1 shot to the head and 2 to the chest. The guard had 1x AK-47 (Romanian) w/ 2 magazines. When the weapon was cleared there was 1 round in the chamber and 1 spent round on the ground by the body. Bco then called the incident in to higher, and notified the IPs. The incident happened VIC [REDACTED] 5 USC 552C
" END BDA: 1xLN KIA

Exhibit H

[REDACTED] //REL TO USA, MCEI//050000126

Exhibit I (see pg 2)

Exhibit I
(See pg 2)

15380

2

Exhibit J (see pg 2)

Exhibit J
(See pg 2)

[illegible]

1. Name of Operation: N/A
2. Unit Reporting TPT 1412
3. DTG of Dissemination/Engagement 252200JAN06-252300JAN06
4. Product # or Description of Product Disseminated N/A

5. Location of Dissemination/Engagement [REDACTED]
6. Dissemination Execution FF
7. Direct Impact Observations The LN's greeted the patrol and was excited to invite us into their home for chi and conversation.
8. Collateral TAs and Impact Observations N/A
9. Additional Information: TPT 1412 accompanied B Co 3/67 AR on a presence patrol in the Balyadia to provide PSYOP support by providing FF with LN's and to coach leadership on how to utilize Talking Points during conversations ISO EBT 1, 2, 3 & SPO: A01/A02 A03/A09

The patrol was invited in to the home of Abdul Ilah IV3 [REDACTED]. He can be contacted through his son [REDACTED] TPT and the leadership from B Co. were invited in to the home for Chi and conversation. The family was very open and compassionate about the current terrorist situation in Iraq. Additionally they were very upset with the level of corruption with law enforcement and Government. The family was very happy with efforts to stop

Exhibit J

terrorism by CF. TL expressed themes of Empowerment and supporting the ISF during the current state of affairs. [REDACTED] told the TL and B Co. commander that he is most upset by fundamentalists that are conducting crimes in the name of God. Specifically he was very verbal about [REDACTED] TL and B Co. commander were surprised at his openness regarding [REDACTED] because they are rarely spoken about and there is an [REDACTED] Emerging Target that lives on the same ST as his family. He and his brother told us that the following groups; [REDACTED] are blamed for terrorist activities that are actually committed by the [REDACTED]. They also stated that [REDACTED] has lost the support of the people and is openly made fun of in public.

The family expressed happiness over recent news reports on TV regarding two Palestinian groups being arrested by the POB. One of them claimed responsibility for a VBIED attack that killed over 50 people in New Baghdad. Both groups were said to be from the [REDACTED] mosque in their area. Since these groups were arrested five days ago the family already feels the area is safer. TL used the situation of their excitement to reinforce EET 2 and told them that ISF is getting better.

00486 (S) Dissemination/Engagement Report

1. Name of Operation: N/A
2. Unit Reporting TPT 1412
3. DTG of Dissemination/Engagement 252300JAN08-260300JAN08
4. Product # or Description of Product Disseminated N/A
5. Location of Dissemination/Engagement [REDACTED]
6. Dissemination Execution N/A
7. Direct Impact Observations 1 LN KIA
8. Collateral TAs and Impact Observations N/A
9. Additional Information: TPT 1412 accompanied B Co 3/67 AR on a presence patrol in the Hababiya area to provide PSYOP support by providing FF with LN's and to coach leadership on how to utilize Talking Points during conversations ISO EET 1, 2, 3 & SPO; A01, A02, A06 & A09.

The patrol arrived at the storage area IV [REDACTED] that they were at last night during a patrol and had observed material that could potentially be used to make EFPs. At the facility there were several conex boxes that were locked. Tonight they wanted to open the boxes to inspect them. Last night the area was empty, but tonight there was a LN in what appeared to be a small guard shack. The guard shack was located within a fenced off area and the gate was locked. The patrol wanted to ask the guard to open the conex boxes so that the locks would not have to be cut off.

The TL was at the opening of the locked gate and attempted to make contact with the LN in the guard shack. Several members of the patrol, TL, and an interpreter called out to the LN in English and in Arabic as he stared at the patrol through an open window. As soon as the man appeared to hear us, he immediately turned his back to the window, grabbed an AK-47 from a table behind him, faced us again, and chambered a round. The TL and two other soldiers in the patrol shot him as he raised the weapon to point it at us.

There was no time to issue compliance commands prior to him being shot. He appeared to act with the intention of shooting us. He was shot two times in the chest and once in the head. The patrol made entry into the gated area and closed the thirty meter distance to the guard shack. The B Co. commander broke the window of the locked guard shack door so we could get in and immediately called for a medic while the rest of the patrol secured the area. The PSYOP Specialist and platoon medic attempted to render first aid, however, the LN died as a result of his wounds.

Exhibit J

The ATL took the PSYOP interpreter and went with two other vehicles of the patrol to locate any IP's that were in the area because the B Co commander was unable to make contact with them via cell phone. The ATL returned with four IP trucks. The B Co commander and the BN S-2 were the POC's for the Iraqi Police at the location of the incident. While searching through the contents of the guard shack the patrol located medication and one recently fired casing. According to the B Co. interpreter the LN that was shot was taking the same medication as his terminally ill father.

It appears the LN may have been laying in wait to kill CF.

004B9 (S) Future Operations (Next 48 Hours):

26JAN06: TPT 1412 has not confirmed a patrol time yet, depending time needed to provide information regarding this incident and the needed availability of the team, we will schedule a patrol time accordingly. More than likely, we will be going out with [REDACTED] Now ISO

SUX 552
(b)(1)

SP 1900
ETR 2300

3

FOIA

SIGNIFICANT EVENTS WITHIN RCT AO LAST 12 HOURS

* AT 260059JAN08 3-67 AR REPORTED B/3-67 AR WITH VOOB00 AND HOUND 2 WAS CHECKING OUT A LOCATION WHERE THE PREVIOUS NIGHT THEY HAD FOUND METAL POTS. VOOB00 A GUARD WAS PRESENT AND THE SOLDIERS IDENTIFIED THEMSELVES AS AMERICANS IN ARABIC AND ENGLISH FOUR OR FIVE TIMES. THE GUARD THEN TURNED AROUND, GRABBED HIS AK-47, CHARGED IT, AND POINTED IT TOWARDS THE US SOLDIERS. 6 X 5.56mm ROUNDS WERE FIRED AT THE GUARD. THE SOLDIERS THEN ENTERED THE GUARD SHACK AND ATTEMPTED TO RENDER MEDICAL AIDE TO THE GUARD. THE MEDIC ON SCENE COULD NOT LOCATE A PULSE AND IDENTIFIED ONE GUN SHOT WOUND TO THE HEAD AND TWO GUN SHOT WOUNDS TO THE CHEST. THE GUARD DIED AS A RESULT OF HIS WOUNDS. THE IP'S WERE CALLED TO THE SCENE. THE IP'S COLLECTED THE GUARD'S BODY AND BELONGINGS. THE GUARD HAD ONE AK-47 (ROMANIAN) WITH 2 MAGAZINES. WHEN THE WEAPON WAS CLEARED, THERE WAS ONE ROUND IN THE CHAMBER AND ONE SPENT SHELL CASING ON THE FLOOR NEXT TO THE GUARD'S BODY.

Exhibit K

F/3-67

As of Thursday, January 26, 2006

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