

DEPARTMENT OF THE ARMY
Headquarters, 2d Brigade Combat Team
10th Mountain Division (Light Infantry)
APO AE 09303

AFZS-LF

08 April 2005

MEMORANDUM FOR MAJ [REDACTED], HQ, 1-69 IN Bn

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as investigating officer pursuant to AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding a shooting incident that resulted in the death of a local national child.
2. In your investigation, all witness statements will be sworn on DA 2823. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report. If any physical evidence is obtained during the investigation, include the evidence, or if more practical, a photograph of the physical evidence in your report. If during the course of your investigation you develop information suggesting a person has violated the Uniform Code of Military Justice, you will advise the person of his or her Article 31, UCMJ rights before questioning the person. Use DA 3881 to conduct rights and advisement.
3. From the evidence, you will make findings as to what happened in the incident, what event's, if any, precipitated this event, who was involved in the incident, and who if anyone is responsible for this incident and whether their actions should be subject to any form of administrative or UCMJ action.
4. Submit your findings and recommendation on DA Form 4697 to me within 20 days.

Verbal Appointment

[REDACTED]

COL, IN
Commanding

Classified Documents Removed

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 COL [REDACTED], Commander 2nd Brigade, 10th Mtn Div

(Appointing authority)

on 8 April 2005

(Date)

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

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp [REDACTED] Iraq

(Place)

at

1700

(Time)

on 8 April 2005

(Date)

(If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)

The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at

2200

on

9 April 2005

(Time)

(Date)

and completed findings and recommendations at

Camp [REDACTED] Iraq

on

9 April 2005

(Time)

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

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

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

		YES	NO ^{1/}	NA ^{2/}
2	Exhibits (para 3-16, AR 15-6)			
a.	Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
f.	Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
g.	If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
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.

FATAL SHOOTING AT ECP 1

- A - Report of Findings
- B - [REDACTED]
- C - E-mail from MAJ [REDACTED]
- D - SIGACT
- E - Sworn Statement, SSG [REDACTED]
- F - Sworn Statement, SPC [REDACTED]
- G - Sworn Statement, SPC [REDACTED]
- H - Sworn Statement, CPT [REDACTED]
- I - Sworn Statement, 2LT [REDACTED]
- J - Sworn Statement, SSG [REDACTED]
- K - Sworn Statement, SGT [REDACTED]
- L - Sworn Statement, SPC [REDACTED]
- M - Sworn Statement, SGT [REDACTED]
- Mc - Sworn Statement, SGT [REDACTED]
- N - Sworn Statement, SSG [REDACTED]
- O - Sworn Statement, SPC [REDACTED]
- P - Sworn Statement, Mr. [REDACTED]
- Q - Sworn Statement, [REDACTED]
- R - TF 1-69 SALUTE Report and Duty Log
- S - 2-299th IN Serious Incident Report
- T - [REDACTED] Serious Incident Report
- U - [REDACTED]

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

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

1. Findings: It is not possible to determine with certainty who fired the bullet that killed [REDACTED]. It is likely that the bullet was fired by US personnel. It is possible that the bullet was fired by DoD security personnel, military security of an unknown PSD, or ECP security from the 2-299th IN. There is a smaller likelihood that the bullet was fired by the AIF.

Facts:

a. Timeline, 7 April 2005:

Time	Event
Approximately 0800	Possible VBIED closes down [REDACTED] (Exhibit T)
0800-1155	Traffic backs up outside [REDACTED]
1140	EOD conducts a controlled detonation of the suspected VBIED (Exhibits K, T)
1155	[REDACTED] opened to traffic (Exhibits K, T)
1218	AIF initiates attack with two RPGs and small arms fire (Exhibits E, F, K, L, M, Mc, N, O)
1218-1220	DoD convoys and unknown military PSD return fire (Exhibits E, M, N, O)
1219-approximately 1225	AIF bounds to rearward alternate positions and breaks contact (Exhibits E, H)
Approximately 1220-1225	AIF and 2-299th IN exchange fire (Exhibits N, O)
1220-1245	●/2-156 searches eastern edge of [REDACTED] (Exhibits E, F, G, H, I, J)
Approximately 1230	Wounded child identified and treated (Exhibits K, L, M, Mc, N, O)

b. Other Facts:

- (1) The LN child killed by fire was in the line of both AIF and US fires (Exhibit Q).
- (2) TF 1-69 personnel did not fire any rounds during the engagement (Exhibits E, F, G, H, I, J).
- (3) The round that killed the LN child was possibly a 9mm round (Exhibit C).
- (4) The AIF fought from a populated neighborhood, placing the residents in danger (Exhibit B).

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

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

1. Solatia payments be made to the family of the child who was killed.
2. ROE re-training be required for the soldiers on [REDACTED] at the time of the shooting.
3. All PSDs that fire at Iraqis be required to report their shootings to the BDOC, or some Corps level central authority.
4. All DoD personnel who fire at Iraqis be required to report their shootings to the BDOC, or some Corps level central authority.

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)

findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/stitutions). (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.)

DEPARTMENT OF THE ARMY
1st BATTALION, 69th INFANTRY, 256th BCT
CAMP [REDACTED], IRAQ

12 April 2005

MEMORANDUM FOR Commander, 2nd BCT (10th Mountain Division, Light), 3rd
Infantry Division, Camp [REDACTED], Iraq APO AE [REDACTED]

SUBJECT: Concurrence With 15-6 Investigation

1. I concur with the findings and recommendations of MAJ [REDACTED], the 15-6 investigating officer for the 7 April 2005 shooting incident involving this battalion.
2. This action is forwarded for your review and comments.
3. POC is the undersigned, at DSN [REDACTED]

[REDACTED]
LTC, IN
Commanding

DEPARTMENT OF THE ARMY
1st BATTALION, 69th INFANTRY, 256th BCT
CAMP [REDACTED], IRAQ

9 April 2005

MEMORANDUM FOR Commander, 2nd Brigade Combat Team (10th Mountain Division (Light Infantry)), 3rd Infantry Division, Camp [REDACTED], Iraq, APO AE [REDACTED]

SUBJECT: Informal 15-6 Report on the Fatal Shooting at ECP 1, 7 April 2005

1. Findings: It is not possible to determine with certainty who fired the bullet that killed [REDACTED]. It is likely that the bullet was fired by US personnel. It is possible that the bullet was fired by DoD security personnel, military security of an unknown PSD, or ECP security from the 2-299th IN. There is a smaller likelihood that the bullet was fired by the AIF.

2. Facts:

a. Timeline, 7 April 2005:

Time	Event
Approximately 0800	Possible VBIED closes down [REDACTED] (Exhibit T)
0800-1155	Traffic backs up outside [REDACTED]
1140	EOD conducts a controlled detonation of the suspected VBIED (Exhibits K, T)
1155	[REDACTED] opened to traffic (Exhibits K, T)
1218	AIF initiates attack with two RPGs and small arms fire (Exhibits E, F, K, L, M, Mc, N, O)
1218-1220	DoD convoys and unknown military PSD return fire (Exhibits E, M, N, O)
1219-approximately 1225	AIF bounds to rearward alternate positions and breaks contact (Exhibits E, H)
Approximately 1220-1225	AIF and 2-299 th IN exchange fire (Exhibits N, O)
1220-1245	C/2-156 searches eastern edge of [REDACTED] (Exhibits E, F, G, H, I, J)
Approximately 1230	Wounded child identified and treated (Exhibits K, L, M, Mc, N, O)

b. Other Facts:

- (1) The LN child killed by fire was in the line of both AIF and US fires (Exhibit Q).
- (2) TF 1-69 personnel did not fire any rounds during the engagement (Exhibits E, F, G, H, I, J)
- (3) The round that killed the LN child was possibly a 9mm round (Exhibit C).
- (4) The AIF fought from a populated neighborhood, placing the residents in danger (Exhibit B).

3. POC is MAJ [REDACTED] VOIP [REDACTED]

[REDACTED]

MAJ, IN
XO

To: [REDACTED] CPT 2BCT 10MTN
Subject: MAJ [REDACTED]

CPT [REDACTED]
If you can't find my e-mail, just reply to this.
MAJ [REDACTED]

4/8/2005

Portal

Home | Sigacts | Log out (logged in as: guest)

list <previous | next>

Sigact

Name 071222
 Event Type SAP
 Time Observed 04/07/05 12:22
 Grid Coords [REDACTED]
 Affiliation HOSTILE
 Color Red
 Outcome
 Place Name DM MIF
 Zone [REDACTED]
 Quantity

Comments

SIGACT 4 1222-AN EYESB CONVOY HEADING TO [REDACTED] WAS STOPPED IN THE WESTBOUND LANE OF [REDACTED] FOR APPROXIMATELY 2.5 HOURS. DUE TO A SEARCH OF A SUSPICIOUS VEHICLE AT [REDACTED]. AS TRAFFIC BEGAN TO MOVE FORWARD, THE CONVOY RECEIVED SAP FROM THE NORTH. A BOB CONVOY WAS ALSO IN THE AREA AND RETURNED FIRE W/ UNKNOWN BEA. 1X UN CHILD WAS WOUNDED AND EVACUATED TO [REDACTED] TMC. THE TMC LATER REPORTED THE VICTIM DOW, AND WAS A BOY 7-10 YEARS OLD SHOT IN CHEST WITH A LOW-VELOCITY ROUNO. THE CHILD'S FATHER IS AT [REDACTED] AND THE MOTHER IS AT [REDACTED]. [REDACTED] IS AT LOCATION AND IS CURRENTLY WORKING TO LINK UP THE PARENTS WITH THEIR CHILD. ADDITIONALLY, [REDACTED] AND [REDACTED] TRUCK RECEIVED [REDACTED] A 1-68 IN A A HEAVY [REDACTED] THE SAP AND SEARCHED THE AREA NORTH OF ROUTE [REDACTED] TWO [REDACTED] LNS IN THE AREA REPORTED SEEING 4X ALL WEARING BLACK SKI MASKS W/ NO 478 AND RPKS. FIRE ON THE PATROL THEN FLEE THE AREA IN A WHITE TOYOTA SUPRA AND A GREY OPEL SEDAN (THE PATROL DID FIND SHELL CASINGS IN THE AREA THE LNS REPORTED THE SHOOTING TO HAVE ORIGINATED FROM). THE PATROL COULD NOT REGAIN CONTACT AND CONTINUED MISSION.

Created 2805-1040:OPS

Modified 2805-1040:OPS

4/8/2005

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. 5357 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. LOCATIONHQ, 1-49th IN (M), CAMP [REDACTED] IRAQ**2. DATE (YYYYMMDD)**

20150408

3. TIME

1732 HRS

4. FILE NUMBER**5. LAST NAME, FIRST NAME, MIDDLE NAME**

[REDACTED]

6. SSN

[REDACTED]

7. GRADE/STATUS

E6

8. ORGANIZATION OR ADDRESS

B CO 2156 IN CAMP [REDACTED] IRAQ, APO AE [REDACTED]

9.

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

ON 7 APR 08 AT ABOUT 1230 HOURS I WAS THE BRADLEY COMMANDER OF [REDACTED]. WE (MY CREW) WERE IN AN OVERWATCH POSITION ON ROUTE [REDACTED] IN THE VICINITY OF GRID [REDACTED]. MY VEHICLE WAS FACING EAST WHEN I HEARD A LOUD EXPLOSION. I LOOKED OVER MY LEFT SHOULDER AND SAW A SMALL DUST CLOUD ABOUT 200 METERS BEHIND US. AS I WAS LOOKING OVER MY SHOULDER, SMALL ARMS FIRE STARTED FROM THE SAME AREA AS THE DUST CLOUD. I TOLD MY DRIVER, SPC [REDACTED], TO TURN THE VEHICLE AROUND AND HEAD WEST TOWARD THE GUN FIRE. AS WE WERE APPROACHING I NOTICED SEVERAL PEOPLE (15-20 CIVILIANS) LAYING ON THE GROUND. I ALSO NOTICED 5-8 MALES, ALL WEARING HELMETS AND BODY ARMOR. THOSE MALES ALL HAD AUTOMATIC WEAPONS AND WERE FIRING THEM. I (WE) PULLED NEXT TO A DARK CHEVY SUBURBAN AND I ASKED (YELLED) WHAT WAS GOING ON. HE YELLED "AN RPG (ROCKET PROPELLED GRENADE) WAS FIRED AT US". HE POINTED IN A NORTH-WEST DIRECTION AT A CORNER. WHEN I LOOKED IN THAT AREA WE STARTED RECEIVING FIRE. I TOLD MY DRIVER TO DRIVE TOWARD THAT AREA. ONCE WE STARTED MOVING, THE MALES STOPPED FIRING, BUT WE WERE STILL TAKING FIRE FROM THE FRONT. MY VEHICLE WAS NOT HIT BUT THE ROUNDS WERE IMPACTING THE DIRT AROUND US. ONCE AT THE CORNER, WE SCANNED THE STREET NORTHBOUND. WE DID NOT HAVE POSITIVE IDENTIFICATION (PID) ON ANYONE WITH A WEAPON. LT [REDACTED], THE TRUCK COMMANDER (TC) OF [REDACTED] ARRIVED AND WE SEARCHED THE AREA. NO ROUNDS WERE FIRED FROM MY VEHICLE. DURING THE ENTIRE INCIDENT, I WAS IN CONSTANT RADIO COMMUNICATION WITH MY COMMANDER.

MAJ [REDACTED] Q: HOW MANY VEHICLES WERE IN THE DOD CONVOY?

SSG [REDACTED] A: I REMEMBER SEEING 3 DARK COLORED SUBURBANS.

Q: AS BEST AS YOU CAN TELL, WHAT TYPE OF WEAPONS DID THE AIF USE?

A: FROM THE BEST THAT I COULD SEE, THEY WERE USING AK-47'S AND ONE MACHINE GUN.

Q: WHAT KIND OF WEAPONS WERE THE DOD PERSONNEL FIRING?

A: I DO NOT REMEMBER. I DIDN'T GET A GOOD LOOK AT THEM.

Q: HOW LONG DID THE DOD PERSONNEL FIRE?

A: THEY STARTED FIRING IMMEDIATELY AFTER THE IMPACT OF THE RPG, AND IT TOOK US ABOUT A MINUTE TO MANEUVER TO THEIR POSITION.

Q: DID THEY STOP FIRING ONCE YOU GOT THERE?

A: ONCE WE STARTED MANEUVERING, THEY STOPPED FIRING.

Q: WAS THE DOD PERSONNEL FIRING ON SEMI OR AUTOMATIC?

A: AUTOMATIC.

10. EXHIBIT**PERSON MAKING STATEMENT**

PAGE 1 OF 2 PAGES

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.

9. STATEMENT (Continued)

Q: WERE YOU AWARE OF ANY DOD PERSONNEL INJURED?

A: NO.

Q: WERE YOU AWARE OF ANY LOCAL NATIONALS INJURED?

A: NO.

Q: WERE DID THE DOD PERSONNEL GO AFTER THE FIREFIGHT?

A: I CANNOT SAY FOR SURE, I DID NOT SEE THEM LEAVE THE SCENE.

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)

WITNESS:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8 day of April, 2005 at [REDACTED] 12:47

356 [REDACTED]
HHC 1ST Bn 69TH IN 256 BCT
APO AE 09326
ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Type Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Investigator Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (SSMJ).
PRINCIPAL PURPOSE: 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 [REDACTED]	2. DATE (YYYYMMDD) 2005/04/08	3. TIME 1615	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS BA	
8. ORGANIZATION OR ADDRESS C Co. 2/156			

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

On the day of Apr. 7, 2005 at about 1245 [REDACTED] was sitting at [REDACTED] during our static [REDACTED] when my partner and I heard a RPG hit near DOD convoy. I was facing toward [REDACTED] so I really couldn't see anything. I was told to turn the Bradley around and go onto the road. While in route that's when I heard gunshots fired for atleast about 3-4 minutes. We got to the road and DOD was behind their vehicles ducking and firing back. my BC (SSG [REDACTED]) asked DOD where the shots were coming from and they pointed toward the alley. We went toward that way and block the road off. Called [REDACTED] and told him what was going on. We then rolled down the alley parallel to [REDACTED] section and seen nothing. As coming back up [REDACTED] and his section spotted rounds and belt clips for an AK-47 near a house. They didn't need us anymore so we left and went back to our static [REDACTED].

Q: How many vehicles were in the DOD convoy?

A: 2 DOD convoys the lead one had 4 or 5 vehicles and the one behind it had 4 vehicles. Their were Iraqi vehicles on the south side of the convoy.

Q: What kind of vehicles have?

A: White Land Cruisers, Ford Explorers and Ford Expedition.

Q: As near as you can tell what weapons did the AIF use?

A: It sounded like AK-47.

Q: What kind of weapons did the DOD have?

A: They had AK-47s.

Q: Were the DOD firing Automatic or Semi Automatic

A: They were firing fully Automatic.

Q: Were any DOD personnel injured?

A: negative.

Q: Were you aware of an injury to IAF?

A: negative.

Q: Were did they DOD people go after the fire fight?

A: They went behind their vehicles and pointed us towards the direction of fire.

Nothing Follows

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

For use of this form, see AR 150-45; 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 PURPOSE: 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 [REDACTED]	2. DATE (YYYYMMDD) 2004/04/08	3. TIME 1616	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4	

8. ORGANIZATION OR ADDRESS
C Co. 2/156

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

While sitting in [REDACTED] we heard a boom to our rear. So we turned around and drove to the scene. Where DOD was taking fire. When we got their DOD pointed us down the side street where the fire was coming from. We rushed to the street, but when we got there no one was there but the ammo shells.

Q: How many vehicles were in the DOD Convoy?
A: I don't know.

Q: What is your duty position on the Bradley?
A: I am the gunner.

Q: Were you button up or out the hatch?
A: Button up.

Q: What kind of vehicles is the DOD convoy have?
A: Dark color SUV's.

Q: As best as you can tell what kind of weapons did the AIF use?
A: AK-47 and one belt feed machine.

Q: What kind of weapons did the DOD use?
A: All I saw in their hands was AK-47.

Q: About how long did the DOD personnel fire their weapons?
A: About 2-3 Minutes.

Q: Were the firing on Semi or Automatic?
A: Automatic.

Q: Did you know of any DOD personnel injured in the fire fight?
A: Negative.

Q: Did you know of any EN injured in the fire fight?
A: Negative.

Q: Did you see where the DOD personnel went after the fire fight?
A: negative.

Nothing Follows

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING: STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

SWORN STATEMENT

For use of this form, see AR 190-46, the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 201; Title 5 USC section 2851; 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 BAGHDAD, IRAQ	2. DATE (YYYYMMDD) 20050407	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. RSN [REDACTED]	7. GRADE/STATUS OPTIARNG
8. ORGANIZATION OR ADDRESS CO B 2-150 IN (M)			

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

On 07 APR 05 at approximately 1200 hours, I was patrolling RTE [REDACTED] west bound lane in the vicinity of [REDACTED] when I received a radio transmission from [REDACTED] about a possible RPG shot and machine gun fire in the vicinity of [REDACTED] and [REDACTED] at [REDACTED]. I proceeded west to respond and arrived on scene. [REDACTED] proceeded north into [REDACTED] at the vicinity of [REDACTED] which was the point of origin for the automatic gun fire. I proceeded past the position to the first east-west road. I parked my vehicle there and dismounted and began to ask questions to the local national residents. I received conflicting reports of the vehicle that responsible for shooting, so I returned to my vehicle to maneuver an adjacent patrol with an interpreter. At that time the TF CDR picked up with me at my position and I showed him the evidence that I collected. The TF CDR then conducted tactical questioning with his interpreter to gain insight of what the locals saw. I listened to the conversation between the TF CDR, the CDR's interpreter, and a local national. After the questioning of the local national I compared notes with the TF CDR and initiated movement back into sector. I then sent [REDACTED] BPV and crew to return [REDACTED] and remounted my vehicle and proceeded east bound RTE [REDACTED] into sector.

Q: DID You hear the initial fire fight?

A: NO.

Q: When You arrived at the Scene did You see the DOD Convoy?

A: NO, I Saw Local trucks and Cars

Q: Did You see any evidence to indicate what weapons were used?

A: Yes, I found a belt link of approximately 150 7.62 PGM, and a small amount of shell casing. I also found about a 7.62 AK 47 round that I assumed was fired in a retrograde.

Q: DID You see any evidence to identify what type of weapons the DOD Convoy was using?

A: NO

Q: Did You see any bullet [REDACTED] from rounds fired onto houses in the area?

A: NO

10. EXHIBIT	11. INITIAL OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
-------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED [REDACTED]

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

9. STATEMENT (Continued)

Q Were you aware of any [REDACTED] injured in the [REDACTED]?

A: no.

[REDACTED]
[REDACTED]
[REDACTED]

AFFIDAVIT

I, CPT [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.

[REDACTED]
(Signature of Person Making Statement)

WITNESS:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 08 day of APR, 2005

at 1800 Hours, Camp Liberty Iraq

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED]
(Type Name of Person Administering Oath)

Investigative Officer
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIAL OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

For use of this form, see AF 100-45. The proponent agency is ODOSOPG

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1993 (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 HQ, 168 th IN (M) CAMP [REDACTED] IRAQ	2. DATE (YYMMDD) 23060408	3. TIME 1820	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]		6. SSN [REDACTED]	
7. GRADE/STATUS O1			
8. ORGANIZATION OR ADDRESS B CO 2-156 IN CAMP [REDACTED] IRAQ APO AE 09326			

9. I, 2LT [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 07 APR 05, I WAS LEADING A COMBAT PATROL ON ROUTE [REDACTED] AT APPROXIMATELY 1230 HOURS, I HEARD [REDACTED] COME OVER THE RADIO WITH A REPORT OF AN EXPLOSION, POSSIBLY AN RPG. I RESPONDED TO HIS LOCATION. AS REPORTS OF SAF (SMALL ARMS FIRE) CAME ACROSS THE NET, [REDACTED] TOLD ME THAT I SHOULD HEAD TO ROUTE [REDACTED] AND PARALLEL HIM DOWN THE ROAD IN A NORTHERNLY DIRECTION. I DID SO AND FOUND NOTHING. I TALKED TO A FEW CIVILIANS AND THEY REPORTED ON THE COLOR AND MAKE OF A CAR WITH 4 MEN CARRYING WEAPONS. I HEARD NO GUNFIRE OR EXPLOSIONS. I WAS UNAWARE OF ANYONE BEING INJURED OR KILLED UNTIL TODAY.

MAJ [REDACTED] Q: DID YOU HEAR THE FIRE RIGHT AT ALL?
 2LT [REDACTED] A: NEGATIVE

Q: WHEN U ARRIVED AT THE SCENE, DID YOU SEE THE DOD CONVOY?
 A: WHEN I DROVE BY THERE WAS A LARGE TRAFFIC JAM, THERE APPEARED TO BE A NUMBER OF DOD VEHICLES IN IT.

Q: DID YOU SEE ANY EVIDENCE TO WHAT KIND OF WEAPONS THE DOD USED?
 A: NO.

Q: DID YOU SEE ANY BULLET MARKS ON THE BUILDINGS IN THE MAHALLA?
 A: NO.

Q: WERE YOU AWARE OF ANY LOCAL NATIONALS INJURED IN THE FIREFIGHT?
 A: NEGATIVE

Nothing Follows

10. EXHIBIT	11. INITIAL OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
-------------	--	-------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT [REDACTED] DATED [REDACTED]

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

3. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, 2LT [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 TO THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

2LT [REDACTED]
[Signature of Person Making Statement]

WITNESS:

SSG [REDACTED]
MAC 1st BN 68th EN ASSG BCT
ALC AB 04336
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 8th day of April, 2005
at Camp [REDACTED]

[REDACTED]
[Signature of Person Administering Oath]

[REDACTED]
(Type Name of Person Administering Oath)

Investigation Officer
(Authority to Administer Oaths)

ORGANIZATION OR ADDRESS

INITIAL OF PERSON MAKING STATEMENT [REDACTED]

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9837 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: 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 [REDACTED]	2. DATE (YYYYMMDD) 2005/04/08	3. TIME 1705	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS IS	

8. ORGANIZATION OR ADDRESS
C Co, 2/156

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

I am the platoon Sergeant for 3rd PLT [REDACTED] Co, 2/156. On 07 Apr 2005 I was on patrol with my platoon on Route [REDACTED]. At approximately 12:15 I was advised over the platoon net that by the platoon leaders, 2LT [REDACTED] that [REDACTED] was moving to contact up [REDACTED]. Our patrol was in the East bound lane around [REDACTED]. We did a quiet U-Turn and responded just after [REDACTED] we exited Route [REDACTED] to get around traffic. We took an off road route to route [REDACTED] where we went North along the [REDACTED]. We entered the [REDACTED] from the west. I was the last vehicle in the patrol and stayed with the vehicle while the patrol dismounted.

Q: Did you hear the RPG impact?
A: I was very East from it.

Q: When you got to the scene did you see the DOD convoy?
A: A line of about 6 white Suburbans parked on one of the U-turns and with several men standing around with AK-47. I noticed several other DOD vehicles that were in the line of traffic, one of which was black.

Q: Did you noticed what kind of weapons did had?
A: The people by the white suburbans had AK-47s and the had it by their pistol side.

Q: Did you find an evidence indicating what kind of weapons the AIF fired?
A: No

Q: Did you see any evidence of rounds hitting the [REDACTED]?
A: No

Q: Were you aware of any LIA injured?
A: No. Everyone in that area seemed normal.

Nothing follows

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING: STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAT THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.