

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD**ORERS**

For use of the form see AR 15-6; the present copy is 03 AR.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS**SECTION I - APPOINTMENT**

Appointed by Pursuant to AR 15-6, paragraph 2-1 (LTC [REDACTED] Commanding)
 (Appointing authority)

on 07 June 2005 (attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See part 3-3, AR 15-6.)
 (Date)

SECTION 2 - SESSIONS

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

(Place)

at

(Time)

on [REDACTED] (If a formal board met for more than one session, check here and indicate in an enclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondent, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The investigating officer started gathering/evaluating evidence at 1330 on 08 June 05
 (Time) (Date)

and completed findings and recommendations at 1300 on 09 June 05
 (Time) (Date)

SECTION 3 - CHECKLIST FOR PROCEEDINGS**A. COMPLETE IN ALL CASES****YES NO¹ NA²**

| | | | |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Inclosures (para 3-25, AR 15-6) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Are the following included and numbered consecutively with Report materials? (Attached in order listed) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| a. The letter of appointment or a summary of oral appointment data? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Copy of notice to respondent, if any? (See Note 2, below) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Other correspondence with respondent or counsel, if any? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. All other written communications to or from the appointing authority? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Privacy Act Statement (Certified, if statement provided orally)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Informative as to existence of a formal board not included on page 1 of this report? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Any other significant papers (other than evidence), relating to administrative aspects of the investigation or board? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

NOTES: ¹ Explain all negative answers on attached sheet.² Use of the NA column constitutes a positive representation that the circumstances described in the question do not occur in this investigation or board.

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
there, indicate the reason in the space where his signature should appear.)

(Recorder)

CPT, Field Artillery

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

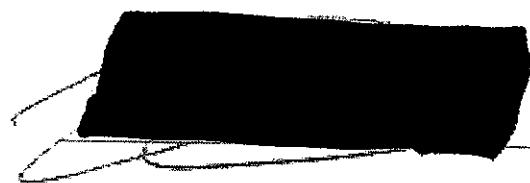
To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board.
In the Inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the
reasons for disagreement. Additional/substitute 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/
recommendations). (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.)



FOUO
DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BATTALION, 70TH ARMOR
3D BRIGADE, 1ST ARMORED DIVISION
[REDACTED], IRAQ

AFZN-BB-FSO

09 June 05

MEMORANDUM FOR COMMANDER 2ND BATTALION, 70TH ARMOR

SUBJECT: AR 15-5 (Shooting of a Local National IVO [REDACTED] Highway, [REDACTED]
Iraq) *Mulla Fayyad*

1. Enclosed is the 15-6 Investigation outlining the circumstances that resulted in the shooting of a local national. As a result of the incident one Iraqi citizen was killed. The shooting occurred in the vicinity of the [REDACTED] Hwy, [REDACTED], Iraq on 07 June 05.

2. SUMMARY:

Mulla Fayyad

On 070300JUN05 two Bradley Fighting Vehicles (BFV) assigned to 3rd Plt, A Co 1-41IN were traveling south east on [REDACTED] Hwy returning from a maintenance recovery mission. The lead BFV A32 with SSG [REDACTED] (TC), SPC [REDACTED] (GNR) noticed, through their Integrated Sight Unit (ISU)(thermal night sight), a person crouching behind some vegetation to their north east approximately 150 to 200 meters away on the far side of a canal which was running parallel to the road. There is a previous history of IED's in this area of [REDACTED] Highway so they immediately assumed a security halt to investigate and noticed that the individual had in his possession a shovel and another object. SSG [REDACTED] assessed the other object as a possible IED trigger device and proceeded to report the situation to 1LT [REDACTED] (PL/TC/A31 trail BFV) and subsequently to A Co 1-41IN CP. Local clearance of friendly units was given by A Co 1-41IN CP. At this point A31 had visual confirmation of the Local National and assessed him to be an IED Triggerman. Given the location of the suspected triggerman on the far side of the canal and the threat of an IED if they proceeded, 1LT [REDACTED] gave the order to engage with direct fire the suspected IED triggerman. At 0303, A32 fired a warning shot consisting of a 15 round burst of 7.62mm COAX approximately 3 meters to the left of the triggerman. The triggerman did not exhibit any signs of willful surrender, rather he assumed a more defensive posture and crouched down into a modified prone position. SPC [REDACTED] (GNR/A32) then switched to 25mm main gun due to a COAX malfunction during the warning shot. At 0304, A32 engaged with 5 rounds, 25mm HE at the lethal shots to destroy the suspected IED triggerman. After the threat of the IED was neutralized A32 continued forward to locate a suitable canal crossing point with A31 remaining in over-watch on [REDACTED] Highway. In position, the dismounted Infantry Squad on A32, led by SGT [REDACTED], dismounted and conducted a search of the area. SGT [REDACTED] Squad found the body and the shovel IVO [REDACTED]. There were no vital signs and the individual was assessed as deceased therefore not requiring any medical assistance. The Infantry Squad continued to search for the suspected triggering device IVO of the body and adjacent canal but were hampered by dense vegetation and limited visibility. SSG [REDACTED] and SGT [REDACTED] called off the search resigning to the possibility that the object was lost in either the canal or the [REDACTED] Highway. *Mulla Fayyad*

vegetation. SGT [REDACTED] noted in his statement that the individual's location provided a clear view of the road with a light pole which could be used as an aiming stake (Exhibit 9/sworn statement). The Infantry Squad proceeded to the local dwellings to question and obtain information or identification of the individual. Know one acknowledged knowing who the individual was or what he was doing there. SGT [REDACTED] secured the remains and delivered them to the Iraqi Army located at Camp [REDACTED] in [REDACTED] Iraq.

3. Findings:

- a. All personnel involved in the incident acted in accordance with the "CFLCC Rules for Use of Force" Card (as of 011800ZNOV03). Given time of day (0300), proximity of past IED detonations/attacks (within 2 KM), location and disposition of individual (crouched behind a canal laden with vegetation in close proximity of [REDACTED] Highway, coupled with his possession of a shovel and possible IED trigger device) and under the provisions of paragraph 2 of the CFLCC Rules of Engagement Card, 1LT [REDACTED] was authorized the use of deadly force in order to protect him-self and his unit and could reasonably ascertain this individual as a threat and a legitimate military target
- b. 1LT [REDACTED] SSG [REDACTED] and SPC [REDACTED] acted in accordance with the CFLCC guidance in the use of "Escalation of Force" prior to utilizing direct fire. All shots were aimed (warning shots to the left of the Iraqi National, lethal shot aimed center mass of target)
- c. The Local National exhibited behavior consistent with current insurgent Tactics, Techniques and Procedures for deploying IEDs in a high IED contact area.
- d. The Local National did not make an attempt to surrender when warning shots were fired.
- e. The Local National was foreign to the area.
- f. The Local National was in violation of curfew.

4. RECOMMENDATION:

- a. No punitive or non-punitive actions are taken against 1LT [REDACTED] or his chain of command.
- b. Conduct a more detailed search for the IED trigger device and/or the IED

[REDACTED]
CPT FA
Investigating Officer

AFZN-BB-FSO

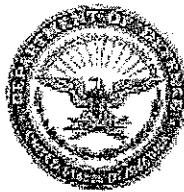
09 June 05

MEMORANDUM FOR RECORD

SUBJECT: Table of Exhibits

1. AR 15-6 Investigating Officer Appointment Orders
2. DA FORM 1594 (Chronology of Events)
3. 9 Line SPOT REPORT
4. Story board of events
5. DA FORM 2823 (SSG [REDACTED])
6. DA FORM 2823 (SPC [REDACTED])
7. DA FORM 2823 (ILT [REDACTED])
8. DA FORM 2823 (SGT [REDACTED])
9. DA FORM 2823 (SGT [REDACTED])

[REDACTED]
CPT, FA
Investigating Officer



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2nd BATTALION, 70th ARMOR REGIMENT
FOB [REDACTED], IRAQ
APO AE 09376

AFZN-BB-TCO

7 June 2005

MEMORANDUM FOR CPT [REDACTED], 2/70th AR BN, 3rd BCT, 1st AD, FOB St.
[REDACTED], Iraq 09378

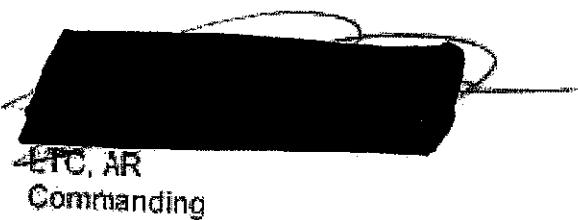
SUBJECT: Appointment as Investigating Officer

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the shooting and killing of a local national that occurred on 7 June 2005 by elements of A/1-41 Infantry.
2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
3. In your investigation answer the following questions:
 - a. What was the sequence of events that led up to the incident?
 - b. Did the soldiers involved properly escalate the use of force?
 - c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?
 - d. Was deadly force authorized?
 - e. Were there any Law of War violations?
 - f. Are there any operational lessons that should be captured and disseminated?
 - f. Were there any other contributing factors that, if changed could have altered the outcome?

AFZN-BB-TCO

Subject: Appointment as Investigating Officer

4. If it becomes evident that there is possible misconduct outside the scope of your investigation, notify the appointing authority immediately. If during your investigation you become aware of information that needs command attention, immediately notify the appointing authority for guidance.
5. You may obtain assistance from CPT [REDACTED], the Command Judge Advocate for 3rd BCT, 1st AD. CPT [REDACTED] will serve as your legal counsel and can be contacted at 242-6045 (see SPC [REDACTED] to coordinate). Prior to starting your investigation you should contact him for legal guidance concerning your investigation.
6. Submit your findings and recommendations on DA Form 1574 to CPT [REDACTED] for legal review no later than 14 June 2005.



| DAILY STAFF JOURNAL | | | A DUTY OFFICER'S LOG | | | | REF ID: | | NO. OF PAGES | |
|---|------------|------|---|--|----------------|--|------------------------------|------|--------------|------|
| | | | Period of this Log: 0800-1600 hours or Office of the Deputy Chief of Staff for Operations in Iraq. | | | | | | | |
| ORGANIZATION/INSTALLATION: TF 2-70 AR/CPT X [REDACTED] | | | LOCATION: FOB [REDACTED] [REDACTED] Iraq | | PERIOD COVERED | | | | | |
| 15-6 Investigating Officer | | | FOB [REDACTED] [REDACTED] Iraq | | TIME | | HOUR | DATE | YEAR | DATE |
| ITEM NO. | TIME IN | OUT | INCIDENTS, MESSAGES, DISCHS, ETC. | | | | ACTION TAKEN | | INFO | |
| 1 | 0830 | | Received Verbal Order to Conduct AR 15-6 Investigation | | | | logged | | | |
| 2 | 0840 | | Received copy of SIR regarding incident | | | | logged | | | |
| 3 | 0850 | | Contacted CPT [REDACTED], SJA @ [REDACTED] and received info | | | | | | | |
| 4 | 1020 | | Departed for FOB [REDACTED] | | | | logged | | | |
| 5 | 1600 | | Received Sworn Statements from SSG [REDACTED] ILT [REDACTED], SGT [REDACTED] SPC [REDACTED] | | | | logged statements | | | |
| 08JUN | | | | | | | | | | |
| 1 | 1200 | 1400 | Departed PCB [REDACTED] and went to the scene of the shooting incident | | | | conducted site investigation | | | |
| 2 | 1410 | | Received Sworn Statement from SGT [REDACTED] | | | | logged statement | | | |
| 3 | 1430 | | Questioned ILT [REDACTED] | | | | Validated Statements | | | |
| 4 | 1500 | | Departed FOB [REDACTED] route to FOB [REDACTED] | | | | transported documents | | | |
| 5 | 1530 | | Received written appointment order as investigating officer | | | | logged | | | |
| 09JUN | | | | | | | | | | |
| 1 | 1300 | | Completed Findings and Recommendations | | | | Submitted | | | |
| TYPED NAME AND GRADE OF OFFICER OR OFFICIAL ON DUTY | | | | | | | | | | |
| CPT | | | | | | | | | | |
| SIGNATURE | | | | | | | | | | |

THEIR NAME AND SIGN OF MEMBERS OF THE BAPTIST CHURCH

卷之三

DA FORM 1594, REV 67

PREVIOUS EDITION OF THIS FORM IS OBSOLETE

15502 15503

SPOT REPORT

| | |
|-------------------------------|---|
| LINE 1 EVENT | A/1-41IN CP reports engaging possible emplacer |
| LINE 2 DTG | 07 0315 JUNE 05 |
| LINE 3 LOCATION OF FRIENDLY | [REDACTED] |
| LINE 4 ACTION TAKEN | Reported higher |
| LINE 5 FRIENDLY CASUALTIES | None |
| LINE 6 ENEMY CASUALTIES | (1) KIA |
| LINE 7 DETAINEES | None |
| LINE 8 WEAPONS/EQUIP CAPTURED | None |
| LINE 9 REMARKS | <p>A/1-41IN CP reports their [REDACTED] element engaged (1) individual that was in the bushes, near their position, with something in his hands, VIC [REDACTED]. [REDACTED] engaged and killed the individual. Dismounts are currently being sent to position of individual to further investigate.</p> <ul style="list-style-type: none">• 0318- 2-10MTN CP advised of situation.• 0336- A/1-41IN CP reports (1) confirmed body VIC [REDACTED]. Individual was crouched in the bushes when Blue element approaching the site. A shovel was found near the body. Blue elements also questioned personnel living within the vicinity of the incident to try and confirm the identity of the KIA; none could ID the individual as being from that area.• 0342 - A/1-41 reports that was not a hole at the site.• 0449- A/1-41IN CP reports elements collected evidence and took pictures of KIA. Blue element has recovered body and is enroute to drop body off with IA.• 0550- A/1-41IN CP reports KIA was turned over to the IA at the potato factory. NFI |

SWORD STATEMENT

For use of this form, see AF 100-46; the proponent agency is DDCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 13387 dated November 22, 1943 (SSAU).

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 | 2. DATE (YYYYMMDD) | 3. TIME | 4. FILE NUMBER |
| [REDACTED] HIGHWAY [REDACTED] | 20050607 | 0547 | |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN | 7. GRADE/STATUS | |
| [REDACTED] | [REDACTED] | E-6 / SSG | |
| 8. ORGANIZATION OR ADDRESS A CO 1-41 INFANTRY 3RD PLATOON / FOB [REDACTED] | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
AT APPROXIMATELY 0500 HRS. ON 20050607 MY SECTION WAS TRAVELING EAST ON [REDACTED] HIGHWAY RETURNING TO FOB [REDACTED] FROM A MEDICAL MISSION. WHILE TRAVELING AS GUNNER (OCS [REDACTED]) IDENTIFIED A INDIVIDUAL IN THE MIDDLE OF THE ROAD IN A PHONE-LIKE POSITION OBSERVING OUR ENEMIES MOVEMENT AND [REDACTED] HIGHWAY WE IMMEDIATELY WENT TO A SECURITY HALT TO IDENTIFY A THREATENING DEVICE IN THE INDIVIDUALS HAND AND A SHOVEL LAYING FLAT ON THE GROUND BEHIND HIM IN THE LYING. THIS INDIVIDUAL CLEARLY PRESENTED HIMSELF TO BE AN IMMEDIATE THREAT TO HIMSELF AND OUR SOLDIERS BY OBSERVING HIS BODY OBTURES, THICKER THAN NORMA, SHOVEL, AND HIS COVERED Mullah Fazzaed [REDACTED] HIGHWAY AS WE OBSERVED THIS INDIVIDUALS ACTION I CALLED UP #5 RT REPORT TO MY PL/ST [REDACTED], AND [REDACTED] (LT [REDACTED]). AS WE OBSERVED THE AREA AND POSSIBLE COURSES OF ACTION WE NOTICED THAT WE WERE NOT ABLE TO DISMOUNT OUR TROOPS TO SWEEP THE AREA UP TO THE INSURGENT TO MY FRONT WAS A POSSIBLE IED LOCATION AND TO MY LEFT FLANK WAS AN UNUSUAL CANAL. AFTER ANALYSIS OF THE THREAT AND SITUATION OUR GRADUATED RESPONSE WAS CALLING HIGHER TO MAKE SURE THAT THERE WERE NO FRIENDS IN THE AREA AND REQUEST PERMISSION TO ENGAGE THE THREAT-MAN THAT USED HIMSELF AS AN IMMEDIATE THREAT. AFTER RECEIVING THE OK FROM HIGHER, AND KNOWING THAT THERE WERE NO FRIENDS IN THE AREA OUR GRADUATED RESPONSE WAS TO FIRE A BURST OF 15 POUNDS OF 702 COA APPROXIMATELY 3 METERS LEFT OF THIS INDIVIDUAL. WHILE WE FIRED THE WARNING BURST I NOTICED THAT MY COA HAD A MISFIRE FROM THE GROUND OF THE WEAPON I TOLD MY GUNNER TO SWITCH TO HE AS WE ORDERED THE INDIVIDUALS RESUME TO OUR WARNING SHOT. THE INDIVIDUAL DID NOT MOVE OR PUT HIS HANDS UP. HE SEEMED TO HUNKER DOWN IN THE CULLERT WHILE MAINTAINING HIS PHONE-LIKE POSITION ACTING AS THOUGH HE THOUGHT THAT WE DID NOT IDENTIFY HIM BEHIND THE SERIES OF BURST, AND IN THE CULLERT. AT THIS POINT THE INDIVIDUAL BECAME AN IMMEDIATE THREAT TO OUR LIVES SO OUR GRADUATED RESPONSE ENDED WITH INITIATING FIRE WITH 82MM HE DESTROYING THE ENEMY INSURGENT. WARNING SHOT WAS FIRED AROUND 0303 WITH 5 RDS. TWO THE 5 POUND KILLING BURST OF 25MM HE WAS INITIATED ABOUT 0304. ALL FIRE WAS COMPLETE AND I CALLED A LEASE FIRE AT 0345hrs ALL 5 POUNDS OF HE IMPACTED THE TARGET AND DID NOT CAUSE ANY COLLATERAL DAMAGE WHATSOEVER. MY PL CALLED HIGHER AND GAVE THEM A REPORT OF THE SITUATION, TELL [REDACTED] AND SET [REDACTED] SQUAD

| | | |
|-------------|---|--------------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT | PAGE 1 OF <u>2</u> 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.

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED] FAB [REDACTED] DATED 20050407

PUSHED FORWARD TO FIND A PASSAGE OVER THE CANAL AS
 B. STATEMENT (CONTINUED) AT 0310 TRUCK PULLED OVERWATCH ON THE FLANKING MOVEMENT
 UP TO THE ENEMY INSURGENT. WE SOUGHT THE BRUSH AND LOCATED THE DEAD ENEMY
 INSURGENT AT 0310 [REDACTED]. IT WAS NOT NECESSARY TO CHECK FOR A PULSE DUE
 TO THE EXTENT OF DAMAGE TO THE INSURGENT NOR WAS IT NECESSARY FOR A MEDICAL REQUEST
 TO BE INITIATED. THE INDIVIDUAL WAS CLEARLY NOT BREATHING OR SHOWING ANY SIGN OF LIFE
 WHICH EVER IMMEDIATELY FOUND THE SHOVEL THAT WAS LYING BESIDE HIM WE WERE AF-
 FECTED BY THIS + THIS WAS A DEVICE ON WIRE DUE TO THE LIMITED VISIBILITY TWO POSSIBLY
 THAT IT MIGHT HAVE FALLEN IN THE WATER FILLED DITCH WHERE THE CORPSE OF THE ENEMY
 WAS DISCOVERED. I HAD SET [REDACTED] GUARD CLEAR THE 2 HOUSES THAT WERE EAST
 APPROXIMATELY 100 METERS OF WHERE I ENGAGED THE TARGET WHEN WE OCCUPIED THE
 HOUSES ALL OF THE HOUSEHOLD MEMBERS WERE KILLED WHEN MY DISMOUNT ENTERED
 THE HOUSES, NONE OF THE INDIVIDUALS IN EITHER HOUSE KNEW THE TARGET THAT WE
 ENGAGED. NOR DID THEY SHOW ANY GESTURES THAT WOULD LEAVE ME BELIEVE THAT
 THIS INDIVIDUAL WAS KNOWN BY THEM, THERE WEREN'T ANY MORE HOUSES AROUND
 IN THE AREA. ON MAY 15 AFTER THE SEARCH WAS COMPLETE WE WASHED THE
 BODY IN A BUCKET AND PUT IT ON A LITTER AND CARRIED THE EVIDENCE THEN
 WE TRANSPORTED THE BODY TO THE MIAO FACTORY AND TRANSFERRED THE CORPSE
 OVER TO THE IRKUT ARMY. THEN WE RETURNED TO FAB- [REDACTED] TO
 BEGIN THE SWORN STATEMENT, END OF STATEMENT

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:

[REDACTED] / O-2

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

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

F-52 141 W 7-14 [REDACTED]

(Typed Name of Person Administering Oath)

CPT US ARMY

(Authority to Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAFA Y100

SWORN STATEMENT

For use of this form, see AR 100-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 13397 dated November 22, 1963 (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 Feb [REDACTED] Iraq | 2. DATE (YY/MM/DD) 2005/03/03 | 3. TIME 0600 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN A [REDACTED] | 7. GRADE/STATUS E-4 | |
| 8. ORGANIZATION OR ADDRESS A Co 1-41 INFANTRY 3RD PLATOON | | | |

1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

ON THE NIGHT OF JUNE 7TH 2005, MY SECTION WAS RETURNING FROM A RECOVERY MISSION WITH GREEN PLATOON AND THE COMMANDER. WHILE TRAVELING EAST ON [REDACTED] HIGHWAY, I OBSERVED A MAN CROUCHED DOWN ABOUT 200 METERS TO OUR LEFT. THE TIME WAS 0300 IN THE MORNING AND HE WAS CROUCHED DOWN IN A BULLETPRUF BEHIND SOME WEEDS OBSERVING THE ROAD. WE CAME TO A SECURITY HALT AND SCANNED THE ENTIRE AREA FOR FRIENDS AND OTHER MEN. AFTER FURTHER OBSERVATION WE SAW HE HAD A SHOVEL AND A TRIGGER DEVICE IN HIS HAND. WE CALLED UP THE GRID TO MAKE SURE WE HAD NO FRIENDS IN THE AREA. MY BC, SSG [REDACTED], CALLED UP OUR PLATOON LEADER WHO ALSO OBSERVED WHAT WE WERE SEEING. WE ENGAGED WITH WARNING SHOTS OF COAX 2 OR 3 METERS TO HIS LEFT AS WARNING SHOTS. AFTER THE 10 TO 15 ROUND PULSE, THE TRIGGERMAN TOOK

| | | |
|-------------|--|-------------------|
| 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.

STATEMENT OF [REDACTED]

TAKEN AT 0600

DATED 20 SEP 67

B. STATEMENT (Continued)

A MORE THREATENING STATE AND OUR COX HAD A SHOT.
 AFTER HIS UNQUOTE REACTION WE FOLLOWED OUR ROLES
 AND SHOT THEM TO 25MM TO FIRE KILLING BURST AND
 KILL THE TRICERATOP MAN. WE ALSO OBSERVED THAT THIS WAS
 THE SOP FOR THESE INCIDENTS. LITTLE INFORMATION WAS TOLD. THIS
 HIGHWAY WAS ALSO HEAVILY GUARDED BY US FORCES.
 THE PAST COUPLE OF DAYS, MY BC DROPPED DISINCENTS
 AND RUMOR FORWARDED TO WHERE THE TRICERATOP WAS. THEY
 CLEARED THE HOUSES AROUND THE AREA AND EVERYONE WAS
 ASLEEP. ALSO, NO ONE KNEW OF ANYONE OUTSIDE IN THE AREA.
 THE DISINCENTS FOUND THE BODY, AND THE SHOT IN THE CULVERT.
 HE WAS DEAD ON SITE WITH A GREAT CONCENTRATION OF THE
 HIGHWAY WHICH WAS HIT UP FROM THE MACHINES ALONG WITH
 A POWER LINE POLE AS AN ARMED STAKE. WE PUT THE BODY
 ON A LITTER, RECOVERED ALL THE EVIDENCE, AND DROPPED IT
 OFF AT THE POTATO FACTORY ON THE WAY BACK TO THE FORT.

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.

WITNESSES:

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

ORGANIZATION OR ADDRESS:

2D 1-41 INFANTRY BATTALION

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS:

Mixed Name of Person Administering Oath:
 CPT US Arm.
 Authority To Administer Oaths:

INITIALS OF PERSON MAKING STATEMENT

SWORN STATEMENT

For use of this form, see AR 100-4B; the proponent agency is OOCSDOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 13397 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 FOB [REDACTED] | 2. DATE /YYYYMMDD/ 20050607 | 3. TIME 1300 | 4. FILE NUMBER |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED] | 6. SSN [REDACTED] | 7. GRADE/STATUS O-2 / Active | |
| 8. ORGANIZATION OR ADDRESS SIA/1-41 IN | | | |

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 0300 I was returning back to FOB [REDACTED] with Alpha Section when my lead track spotted an individual hiding in the reeds on the other side of the canal that ran parallel to our route. We were traveling southeast on [REDACTED] Highway and the individual was on the other side of the canal to our east approximately 150m away. We immediately halted movement and observed the individual in a crouched position holding what was a possible triggering device for an IED. I then called my [REDACTED] to inform them of the situation and to ensure no friendly units were in the area. I assessed the situation and determined that this individual posed an imminent threat to myself and the lives of my soldiers. I then gave my lead track (BC: SSG [REDACTED], BN: SPC [REDACTED]) clearance to fire. The lead track then fired a warning burst of 7.62 coat at which time the individual appeared to take a more aggressive stance and my lead track's coat had a misfire. Following the graduate response my lead track immediately switched to 25mm HE and fired 5 rounds at the target in order to destroy him. Once the target was destroyed my lead track moved forward clearing the possible kill zone for CEDs while I provided overwatch. Approximately 100m up our route the lead track found a road that crossed the canal in order to get to the target. Once the lead track crossed the canal he disrupted a

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.

97
STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

DATED 07 JAN 06

9. STATEMENT (CONTINUOUS)

team of infantry to enter the area and find the triggerman. Once the infantry found the remains they determined that he was alive & holding a shield. No triggering device was found. They then picked up the remains and we took him to the hospital to treat an individual that had been shot following the basic enemy rule of engaging and observing in order to attack and destroy coalition forces. This individual posed an imminent threat and there was no other course of action other than deadly force.

[REDACTED]

ADVISORY

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

WITNESSES:

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

ORGANIZATION OR ADDRESS:

(Type or Print Name of Person Administering Oath)

ORGANIZATION OR ADDRESS:

(Type or Print Name of Person Administering Oath)

CAT MS Hunt
(Authority To Administer Oath)

DETAILS OF PERSON MAKING STATEMENT: