

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Camp [REDACTED] / 2A0	2. DATE (YYYYMMDD) 2005 07 15	3. TIME 1030	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-7 / EA	
8. ORGANIZATION OR ADDRESS H. TRUMP, 1st Cavalry Regiment, 3d Bn, 1st AB			

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

Q: Did any other vehicles or individuals attempt to flee after the IED detonated?

A: Negative [REDACTED]

Q: Did you search the other stopped vehicles for indications that they had initiated the IED?

A: We searched every vehicle to include all occupants with negative results [REDACTED]

Q: Did you X-spray any of the individuals in the suspect vehicle?

A: Sgt. Rader X-sprayed the deceased Iraqi National. I believe he X-sprayed the other two occupants. I do know that he reported a "Negative Result" from the testing [REDACTED]

Q: What is your unit SOP prior to engaging local nationals?

A: Same as the Brigade
 1. Use of the Force S: (i.e. Shoot, Show, etc.)
 2. Warning Shot (Muzzle Awareness)
 3. Deadly Shot (i.e. Vehicle Tires, Legs, etc.)
 4. Kill (i.e. All Above Muzzle Force)

Q: Was there any other collateral damage due to the incident?

A: The Vehicle (Blue Toyota Truck), in which the deceased Iraqi National was a passenger, left road tires were blown from the road [REDACTED]

10. EXHIBIT

E

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF _____ 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.

STATEMENT OF SEE [REDACTED] TAKEN AT Camp [REDACTED] DATED 22020715

9. STATEMENT (Continued)

Q: Did you have any aviation support on site?

A: NEGATIVE [REDACTED]

Q: Is there anything you'd like to add to your statement?

A: NEGATIVE [REDACTED]

EVERYTHING IN THE ABOVE STATEMENT IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. NOTHING FOLLOWS. [REDACTED]

AFFIDAVIT

I, SEE [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

1LT [REDACTED]
Platoon leader 250T M/ACAV
Camp [REDACTED] [REDACTED]
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of JULY, 05 at Camp [REDACTED].

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED] MAJ EV
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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1. LOCATION CAMP [REDACTED], IRAQ	2. DATE (YYYYMMDD) 2005/06/27	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS H/1 CAV, 3BCT, IAD [REDACTED], IRAQ APO			

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

ON 27JUN05, vic grid [REDACTED], SFC [REDACTED] was dismounted to investigate a suspected IED and I was set just to the west in support of his dismounted operation. At about 10:30, SFC [REDACTED] was engaged by another IED and I responded to the attack by moving at a high rate of speed to SFC [REDACTED] aid. When I linked up with SFC [REDACTED], he identified a blue bongo truck moving south at a high rate of speed that was previously set in position to trigger/overwatch the IED that struck him. At that time I pursued the bongo truck that was still moving south at a dangerous rate of speed and we pursued. After I instructed my gunner, SPC [REDACTED], to fire some warning shoots into the ground the truck increased its speed. At that time I was certain that the truck would elude us so I instructed my gunner SPC [REDACTED] to disable the truck with a controlled burst to the rear tires and he did so. As the truck slowed down due to the flat tires inflicted, it attempted to pass a dump truck that it had closed on due to the rate of speed it was moving. At this time one individual jumped from the now slow moving vehicle and sprinted to the east. I then observed two other men jumping from the vehicle. I quickly evaluated the situation while jumping from my vehicle and yelling stop in Arabic. When I observed the one man still sprinting away to the east, I then fired a few warning shoots into a berm to my south and the one man continued to sprint so I told SPC [REDACTED] to take him down and I moved in the direction of the two men that jumped out of the truck last to cover SPC [REDACTED] who was orientated east on the man that was fleeing. The two men that got out of the truck last went to the ground as I came at them. I quickly looked east and observed the man that was sprinting away had went down so I yelled back to SPC [REDACTED] to get a medic out to him. At this time I went back to the M114 to call up my SITREP and get more personnel on the ground to provide security. I then rushed over to our medic who was treating the man who sprinted away. After a few minutes, our medic informed me the individual had died due to wounds. *Ed. F. [REDACTED]*

10. EXHIBIT F 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 SGT [REDACTED] TAKEN AT CAMP [REDACTED] DATED 2005/06/27

9. STATEMENT (Continued)

AFFIDAVIT

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

WITNESSES:

[REDACTED] ISG, USA

H/1 CAV, 3BCT, IAD

CAMP [REDACTED] IRAQ

ORGANIZATION OR ADDRESS

[REDACTED] N, CPT, AR

H/1 CAV, 3BCT, IAD

CAMP [REDACTED] IRAQ

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of JUNE, 2005 at [REDACTED]

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED] CPT, AR

(Typed Name of Person Administering Oath)

ART 136 (D) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
[REDACTED]

PAGE 2 OF 2 PAGES

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1. LOCATION	2. DATE (YYYYMMDD) 20050716	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS H 1st CAV			

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

Q: Did any other vehicles or individuals attempt to flee after the IED detonated?

A: NO [REDACTED]

Q: Did you search the other stopped vehicles for indications that they had initiated the IED?

A: yes, the western blocking position searched any vehicles heading east. Those vehicles that moved in from the west were stopped outside the danger area to prevent civilian injury. [REDACTED]

Q: Did you X-spray any of the individuals in the suspect vehicle?

A: yes [REDACTED]

Q: What is your unit SOP prior to engaging local nationals?

A: About is how we insure proper escalation of force. [REDACTED] position I'd of show a threat to myself, coalition forces, coalition equipment or local nationals that may cause fear for ones life or directly injure one of the coalition above can result in action on the threat with deadly force [REDACTED]

Q: Was there any other collateral damage due to the incident?

A: NO. all damage was to the target vehicle only. [REDACTED]

10. EXHIBIT [REDACTED]	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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STATEMENT OF Sgt [REDACTED] TAKEN AT _____ DATED 20060915

9. STATEMENT (Continued)

Q: Did you have any aviation support on site?

A: NO

Q: Is there anything you'd like to add to your statement?

A: NO nothing follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

1st [REDACTED]
2nd [REDACTED] M/1 [REDACTED]
[REDACTED] [REDACTED]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of JULY, 2006 at [REDACTED] IZM

[REDACTED]
(Signature of Person Administering Oath)

[REDACTED] M/1 [REDACTED]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

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1. LOCATION CAMP [REDACTED] IRAQ	2. DATE (YY/MM/DD) 2005/06/27	3. TIME 1900	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4/SPC	
8. ORGANIZATION (ON OR ADDRESS) H/1 CAV, 3DCT, 1AD CAMP [REDACTED] IRAQ APO AE 09378			

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

That on 2005/06/27 at about 1000 Monday there was a suspected IED on route [REDACTED], where 2nd Platoon H Troop 1st Cavalry Regiment stopped east and west bound traffic to investigate. I'm the gunner on [REDACTED] and I pulled security for the trucks and the dismounts that were investigating the suspected IED. I had far security and I looked with binoculars to the south along the canal and into the field. I did not observe anyone acting unusual or out of place while I was checking out the suspected IED. At approximately 1030, after a thorough search by the dismounts, there was a secondary IED attack at [REDACTED]. The IED attack occurred right next to SFC [REDACTED], who was standing less than 5 meters away from the blast, and my truck immediately went to SFC [REDACTED] location to see if he was still alive or needed any kind of medical attention. After getting to SFC [REDACTED], we asked him if he was okay, and he said "Yes, go stop that Bongo truck." [REDACTED] then pursued the Bongo truck. Our truck was unable to go very fast because it was still in low lock so as soon as we got eyes on the fleeing Bongo truck my TC, SGT [REDACTED] ordered me to fire a warning burst into the ground. I shot one warning burst with my M240 B into the dirt beside the truck at about about 300 meters when I saw that the truck did not stop, but began accelerating away. I fired another warning shot beside them at the same distance. I waited to see what they would do and they just kept on moving away from us at a high speed. SGT [REDACTED] then ordered for me to disable the truck, so I then shot out the back left tire at a distance of about 200 meters. They continued to flee and they stopped only when the dump trucks in front of them stopped. The driver of the Bongo truck ran from his truck before it had even come to a complete stop, and I could not see the driver's right hand as he was running. SGT [REDACTED] yelled at the man to stop in Arabic, and I yelled at him to stop in English at the same time. SGT [REDACTED] then fired three round warning burst into the ground using his M-4 and the driver continued to run. I still could not see his right hand as he moved for cover behind a dirt mound, when SGT [REDACTED] ordered me to fire. I shot the fleeing driver in the side with a quick burst from my M240 B. After that the other two occupants of the Bongo truck moved quickly around the truck and stopped. SGT [REDACTED] secured the two individuals and PV2 [REDACTED] checked on the driver. It was obvious he needed a medic. Our medic, SPC [REDACTED], got to the driver and worked on him minutes after he was shot. The area was secured by our dismounts and trucks.

10. EXHIBIT G	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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STATEMENT OF SPC [REDACTED] TAKEN AT CAMP [REDACTED] DATED 2005/06/27

9. STATEMENT (Continued)

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(Signature of Person Making Statement)

WITNESSES:

[REDACTED] ISG, USA

H/1 CAV, 3BCT, 1AD

CAMP [REDACTED] IRAQ

ORGANIZATION OR ADDRESS

[REDACTED] CPT, AR

H/1 CAV, 3BCT, 1AD

CAMP [REDACTED] IRAQ

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 27th day of JUNE, 2005 at 1900hrs

(Signature of Person Administering Oath)

[REDACTED] CPT, AR

(Typed Name of Person Administering Oath)

ART 136 (B) UCMJ

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Serious Incident Report

1. Unit Reporting: H/1 CAV, 3BCT, 1AD
2. Type of Incident/Category: Iraqi Civilian Killed
3. Date Time Group (DTG) Incident Occurred: 27 1100 JUN 05
4. Location of Incident: [REDACTED]
5. Personnel Involved: Highlander Platoon (2nd), H/1 CAV, 3BCT, 1AD

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	SFC	H/1 CAV	[REDACTED]	M	41	CAU
[REDACTED]	SQT	H/1 CAV	[REDACTED]	M	23	CAU
[REDACTED]	SPC	H/1 CAV	[REDACTED]	M	28	CAU

6. Summary of Incident:

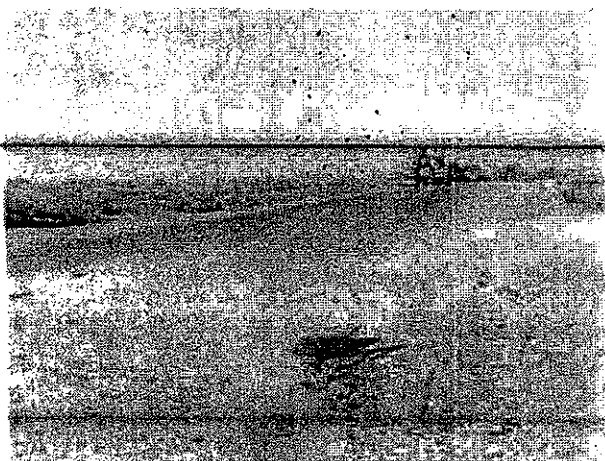
Approximately 1030 hours on June 27, 2005 while traveling west on Route [REDACTED] Platoon identified a possible IED on the north shoulder of the MSR. This was the same area where 2-70 AR found men laying wire the day prior and identified it as a IED danger area. The patrol established security on both sides of the possible IED. SFC [REDACTED] dismounted to confirm or deny IED using of binoculars. He discovered a white electrical cord protruding from the top of the can leading into the brush just south of the can. With the assistance of another dismount, he began searching the area east in preparation to cordon off the possible IED site. As he approached the intersection at [REDACTED], he identified a blue "Bongo" truck, which had been trailing the patrol for the last 5-7 kilometers among the six vehicles that had stopped just east of the intersection. After a quick scan of all the vehicles and their occupants, SFC [REDACTED] became aware that the right side passenger of the blue "Bongo" truck looked very uneasy / nervous and avoided eye contact with him. This caused him to conduct another search of the intersection, where he identified another possible IED hidden under a pile of finished rock located just on the north side of the road. When it was apparent that he was aware of the IED, the "trigger man" detonated the IED twelve feet from his position. SFC [REDACTED] was hit with the concussion, shrapnel to the right hand, and asphalt from the blast. Once SFC [REDACTED] recovered from the blast, he saw the suspicious blue "Bongo" truck traveling at a high rate of speed south down the unimproved road, near a deep canal bordered by heavy vegetation, that lead away from the intersection. Approximately twenty seconds after the blast H-25 (SGT [REDACTED] vehicle) and H-24 (SFC [REDACTED] vehicle) arrived on location. SFC [REDACTED] instructed both vehicles to stop the blue "Bongo" truck heading south because their actions were suspicious in nature: trailing the convoy, avoiding contact, and speeding away from the scene of the blast. H-25 and H-24 caught up with the vehicle a couple hundred meters south of the explosion. SGT [REDACTED], in the lead truck, attempted to stop the "Bongo" truck, first with shouting, then with warning shots into the dirt next to the truck, then with disabling shots to the truck's rear tire when they tried to drive around other 12 vehicles which had stopped when they heard warning shots. Disabled, the "Bongo" truck finally came to a stop. Before the truck had completely stopped, the driver jumped out and began running towards a nearby house. SGT [REDACTED] and his gunner (SPC [REDACTED]) both shouted for the man to stop (in Arabic and English respectively). SGT [REDACTED] moved to secure the two other vehicle occupants, who had exited their truck, gone to their knees, and put their hands up. SPC [REDACTED] fired another warning burst, then shot to kill the escaping Iraqi. A search of the vehicle and the occupants did not produce any evidence that may have been used as a triggering device. Several soldiers searched the canal and heavy brush that paralleled the west side of the road for it was an excellent place for the passenger to quickly dispose of any evidence as they traveled down the road. The thickness of the brush and depth of the canal prevented them from determining if something was discarded. The dump truck drivers affirmed that they had not heard the explosion, but as the coalition forces and the blue "Bongo" truck closed up to their location, they heard shots and pulled over to the side of the road. They also stated that they heard the coalition forces yell at the running suspect to stop and heard the warning shots before the individual was engaged after refusing to stop running. Highlander's platoon medic, SPC [REDACTED], administered living saving measures for 20 - 30 minutes with no avail. EOD, who arrived on site approximately 1300hrs, determined that the IED consisted of at least one 155mm round camouflaged by rocks was placed to destroy coalition forces or EOD elements reacting to the false IED placed to the west.

7. Damage to government and/or civilian property: None

8. Actions taken: AAR of incident with Troop Leadership; sworn statements completed; 2 detainees process through [REDACTED]

9. Personnel /Units Notified: [REDACTED]

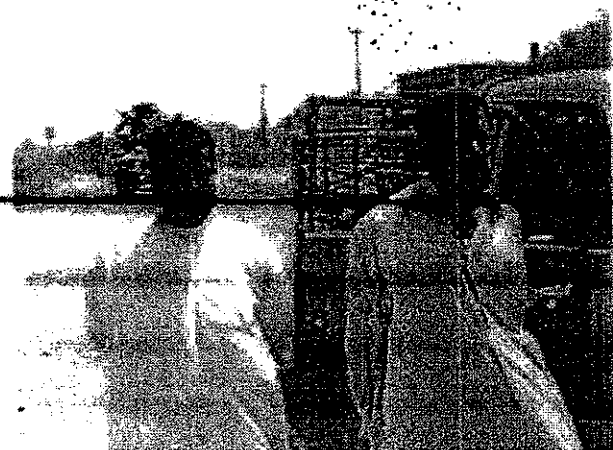
10. Received By:



IED BLAST SITE



BONGO TRUCK



2 DETAINEES



IZ DOW

MNC-I ROE CARD

NOTHING ON THIS CARD PREVENTS YOU FROM USING NECESSARY AND PROPORTIONAL FORCE TO DEFEND YOURSELF

You may engage the following individuals based on their conduct:

- a. Persons who are committing hostile acts against CF.
- b. Persons who are exhibiting hostile intent towards CF.

These persons may be engaged subject to the following instructions:

a. Positive Identification (PID) is required prior to engagement. PID is a reasonable certainty that the proposed target is a legitimate military target. If no PID, contact your next higher commander for decision.

b. Use Graduated Measures of Force. When time and circumstance permit, use the following degrees of graduated force when responding to hostile act/intent: (1) shout verbal warnings to halt; (2) show your weapon and demonstrate intent to use it; (3) block access or detain; (4) fire a warning shot; (5) shoot to eliminate threat.

c. Do not target or strike anyone who has surrendered or is out of combat due to sickness or wounds.

d. Do not target or strike hospitals, mosques, churches, shrines, schools, museums, national monuments, and any other historical and cultural sites, civilian populated areas or buildings UNLESS the enemy is using them for military purposes or if necessary for your self-defense.

e. Do not target or strike Iraqi infrastructure (public works, commercial communication facilities, dams), Lines of Communication (roads, highways, tunnels, bridges, railways), and Economic Objects (commercial storage facilities, pipelines) UNLESS necessary for self-defense or if ordered by your commander. If you must fire on these objects, fire to disable and disrupt rather than destroy.

f. ALWAYS minimize incidental injury, loss of life, and collateral damage.

MNC-I ROE CARD

3. The use of force, including deadly force, is authorized to protect the following:

- Yourself, your unit, and other friendly forces
- Detainees
- Civilians from crimes that are likely to cause death or serious bodily harm, such as murder or rape
- Personnel or property designated by the OSC when such actions are necessary to restore order and security

4. In general, WARNING SHOTS are authorized ONLY when the use of deadly force would be authorized in that particular situation.

5. Treat all civilians and their property with respect and dignity. Do not seize civilian property, including vehicles, unless the property presents a security threat. When possible, give a receipt to the property's owner.

6. You may DETAIN civilians based upon a reasonable belief that the person: (1) must be detained for purposes of self-defense; (2) is interfering with CF mission accomplishment; (3) is on a list of persons wanted for questioning, arrest or detention; (4) is or was engaged in criminal activity; or (5) must be detained for imperative reasons of security. Anyone you detain MUST be protected. Force, up to and including deadly force, is authorized to protect detainees in your custody. You MUST fill out a detainee apprehension card for EVERY person you detain.

7. MNC-I General Order No. 1 is in effect. Looting and the taking of war trophies are prohibited.

8. All personnel MUST report any suspected violations of the Law of War committed by any US, friendly or enemy force. Notify your chain of command, Judge Advocate, IG, Chaplain, or appropriate service-related investigative branch (e.g. CID, NCIS).

THESE ROE IN EFFECT AS OF 22 MAY 05

Exhibit I - ROE Card