

AFZP-VE-C

16 August 2005

35

MEMORANDUM FOR THE RECORD

SUBJECT: AR 15-6 Investigation into 5 August 2005 Escalation of Force, A Co., 3-7 IN BN

1. I approve the findings and recommendations of the investigating officer.
2. The POC for this memorandum is CPT [REDACTED] Trial Counsel, at [REDACTED]

[REDACTED]
COL, EN
Commanding

17016

DEPARTMENT OF THE ARMY
Headquarters, 3rd Battalion, 7th Infantry Regiment
4th Brigade, 3rd Infantry Division
APO AE 09364

AFZP-VEI-HC

9 August 2005

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Table of Contents

1. The following documents are included in the AR 15-6 investigation packet concerning the fatality of an Iraqi Local National the incident involving A company, 3/7 Infantry BN, 3ID on 5 August 2005:

- A. DA Form 1574, Report of Proceedings by Investigating Officer
- B. AR 15-6 Investigating Officer Appointment Orders
- C. Legal Review of Investigating Officer's Findings and Recommendations
- D. Exhibits:
 - A. DA Form 2823, Sworn Statement by PVT [REDACTED]
 - B. DA Form 2823, Sworn Statement by 1LT [REDACTED]
 - C. DA Form 2823, Sworn Statement by SPC [REDACTED]
 - D. DA Form 2823, Sworn Statement by SGT [REDACTED]
 - E. DA Form 2823, Sworn Statement by SGT [REDACTED]
 - F. DA Form 2823, Sworn Statement by SSG [REDACTED]
 - G. DA Form 2823, Sworn Statement by PFC [REDACTED]
 - H. DA Form 2823, Sworn Statement by SPC [REDACTED]
 - I. DA Form 2823, Sworn Statement by SPC [REDACTED]
 - J. DA Form 2823, Sworn Statement by SPC [REDACTED]
 - K. Serious Incident Report
 - L. Patrol Debrief, Mission #080520
 - M. Memorandum For Commander
 - N. A Co 3/7 IN Serious Incident Report (Pictures enclosed)

2. POC for this memorandum is the undersigned.

FOR THE COMMANDER

[REDACTED]
[REDACTED]
CPT, FA
Battalion Effects Coordinator

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 **LTC [REDACTED]**

(Appointing authority)

on **7 August 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 **FOB [REDACTED], Iraq** (Place) at **1800** (Time)on **9 August 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 **0900** (Time) on **8 August 2005** (Date) and completed findings and recommendations at **0900** (Time) on **9 August 2005** (Date)**SECTION III - CHECKLIST FOR PROCEEDINGS**

A. COMPLETE IN ALL CASES		YES	NO¹	NA²
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a.	The letter of appointment or a summary of oral appointment data?			
b.	Copy of notice to respondent, if any? (See Item 9, below)			
c.	Other correspondence with respondent or counsel, if any?			
d.	All other written communications to or from the appointing authority?			
e.	Privacy Act Statements (Certificate, if statement provided orally)?			
f.	Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			
g.	Information as to sessions of a formal board not included on page 1 of this report?			
h.	Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			

FOOTNOTES: ¹ If 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.

DA FORM 1574, MAR 83

EDITION OF NOV 77 IS OBSOLETE.

Page 1 of 4 pages

USAPA V1.20

		YES	NO ¹	N/A 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 respondent (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 style="width: 10px; height: 10px; border: 1px solid black;" type="checkbox"/>)				
b.	Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c.	If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a.	Was the challenge properly denied and by the appropriate officer?			
b.	Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a.	Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b.	Examine and object to the introduction of real and documentary evidence, including written statements?			
c.	Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d.	Call witnesses and otherwise introduce evidence?			
e.	Testify as a witness?			
f.	Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: ¹ Explain all negative answers on an attached sheet.

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

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

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

After reviewing all evidence related to the incident with the fatality of an Iraqi local national which occurred on 5 August 2005, I have determined that the soldiers were justified in firing disabling shots and followed appropriate escalation of force protection procedures before firing the disabling shots. The evidence supports no negligent behavior or breach of standard operating procedures by the gunner. According to PVT [REDACTED], the platoon was patrolling through sector, and stopped for a short halt to repair a broken engine cover on Alpha 27 (M1114). Upon completion of repair to A27 the platoon was remounting to continue their patrol when the local national vehicle approached at a high rate of speed. PVT [REDACTED] gave voice warning, hand and flashlight signals to the oncoming vehicle. The driver of the vehicle did not respond to the warnings and continued to approach the Patrol at a high rate of speed. PVT [REDACTED] stated at around about 15 meters out he fired five warning shots from his M240 Bravo. The vehicle continued to approach. At 10 meters out, he fired 20 disabling rounds which stopped the vehicle PVT [REDACTED] also stated the car was traveling to fast and the driver did not see the patrol in time to stop (Exhibit A).

On the night of the incident, 5 August 2005, 2LT [REDACTED] was leading patrol #080520. The platoon was conducting security sweeps on the company's major routes. The platoon was located in the south bound lane in a herringbone formation stopped, in a lighted cover was repaired with 550 cord and the time to repair took less then three minutes. While the platoon was remounting vehicles a local national vehicle approached at a high rate of speed. 2LT [REDACTED] stated the soldiers shouted verbal commands and gave visual signals (Hands and flashlight) to stop the local national's vehicle. PVT [REDACTED] gave warning signals approximately 75-100 meters out before the vehicle reached the danger area. At approximately 40 meters out, PVT [REDACTED] fired three to five warning shots with the M240 Bravo. The PVT [REDACTED] personal weapon, the M249, was in turret next him. The disabling shots (15-20 rounds) were fired by PVT [REDACTED] at approximately 15-30 meters. 2LT [REDACTED] also stated the lethal shots appeared to have been ricochets off of the engine block. This was determined by the direction the bullets entered the hood of the car. The driver and owner of the car, [REDACTED] was killed by disabling shots. The passenger and brother of the deceased, [REDACTED] was uninjured and admitted they were traveling too fast and they did not have time to stop after the warning shots hit the ground (Exhibit B, F).

According to SPC [REDACTED] the gunner PVT [REDACTED] fired the disabling shots at approximately 25 meters out from the halted patrol (Exhibit C).

Due to the conditions at night with low visibility, positioning of the witness' and the speed of the local national's vehicle approaching the patrol there is contradiction to the exact range the disabling shots were fired.

The patrol used voice and visual signals, and then fired warning and disabling shots to halt the approaching vehicle. The patrol escalated their amount of force IAW the current Rules of Engagement. The driver of the white Kia Sephia (# [REDACTED]) was killed in the incident on 52311LAUG05. The local national's failure to identify the patrol in a well-lighted area and the patrol's warning signals, compounded with excessive vehicle speed, put the patrol at risk. The patrol appropriately responded with the escalation of force measured. The driver of the white Kia Sephia was killed by the third level of force, the disabling shots. I find the amount of force used in this incident justifiable.

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

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

No soldiers should be held liable in the fatality of the Iraqi National [REDACTED]. There is no evidence to suggest RAMP or ROE violations.

Recommend implementation of the following measures to reduce the likelihood of a repeated incident:

1. Review company SOP's and TTP's.
2. Review ROE and scenario discussion with patrol leaders.
3. Discuss implementation and use of stand-off kit with time limit.

Zaid Khazal Ahmed
Al Abboudi

Annan Khazal Ahmed
Al Abboudi

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)



DEPARTMENT OF THE ARMY
3-7TH INFANTRY BATTALION
4TH BRIGADE, 3RD INFANTRY DIVISION
FORWARD OPERATING BASE [REDACTED]
BAGHDAD, IRAQ APO AE 09364



AFZP-VAM-C

10 AUGUST 2005

MEMORANDUM FOR RECORD

SUBJECT: Appointment as 15-6 Investigation Officer

1. CPT [REDACTED], [REDACTED], HQ/3-7IN is hereby appointed an investigating officer pursuant to AR 15-6 and AR 210-7, paragraph 4-3, to conduct an informal investigation into A/3-7 IN's shooting of a local national.
2. In your investigation, all witness statements will be sworn. From the evidence, you will determine the circumstances of how and when the shooting occurred and whether or not the proper procedures were followed which led to the shooting.
3. Submit your finding and recommendations in four copies on DA Form 1574, and all supporting documentation to the Battalion Executive Officer no later than [REDACTED] days from the Appointment Date.
4. POC for this memorandum is the undersigned.

[REDACTED]

LTC, IN
Commanding

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20050806	3. TIME 0156	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E-2	

8. ORGANIZATION OR ADDRESS
A Co 3-7 Inf 4th BDE

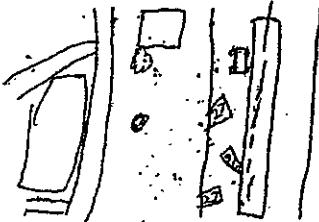
9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Explain the circumstances behind the patrol.

Driving through our area to catch patrol violators

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.

ft [REDACTED] Just North [REDACTED]



What was the patrol doing? Why was it stopped?
Driving through sector. Vehicle mantice on A27 for about 3 min

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?
3 minutes, No, because we were loading up.

How long were you stationary in the same place?

3 to 5 minutes

What warnings were given prior to the use of "warning shots"?

Hand Snipes, Hot Vocie

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" _____ TAKEN AT _____ DATED _____

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit A

9. STATEMENT (Continued)

What signals did you use?

The hand single for stop, and yelled stop

How far away, in meters, was the vehicle when you first signaled it?

15 meters 20 meters

How far away, in meters, was the vehicle when you fired the "warning shot"?

15 meters

How many shots were fired in the "warning shot"? With what type of weapon system?

6 shots for the warning shot, The 240 Bravo

Where was the soldier's rifle? Why wasn't a personal weapon used?

My gun was right next to me. Not enough time to grab it. The vehicle was moving way to fast.

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

10 meters 20 Rounds were fired

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

5 meters don't

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

I was in the Humvee when it was searched while it's sophie

Who owns the car?

The guy that was killed

What was the name of the LN killed?

Ammar Khara | Ahmed Al abboud

What was the name of other, uninjured LN in the car?

Did he give a reason why they did not respond to the warning or disabling shots?

He & They where going to fast and didn't see us in time

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:

[REDACTED] SPC

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

at [REDACTED] Iraq

(Signature of Person Administering Oath)

[REDACTED]

(Typed Name of Person Administering Oath)

[REDACTED]

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAFPA V1.00

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.

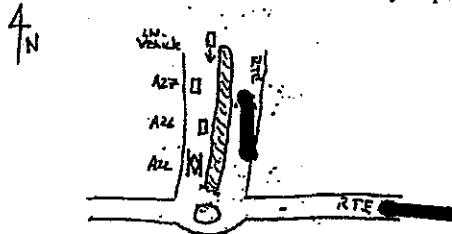
1. LOCATION A Co. CP, FOB [REDACTED] IRAQ	2. DATE (YYYYMMDD) 2005/08/06	3. TIME 0155	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS 1LT	
8. ORGANIZATION OR ADDRESS A Co, 3/2 BN, 4th BDE, 3ID		9. [REDACTED]	

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

Explain the circumstances behind the patrol.

Was leading patrol # 080620 on the night of 5 Aug 2005. We were conducting an MSR security sweep of the company's major routes.

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.



The Patrol was on RTE [REDACTED]. We were in the south bound lane in a head-on formation. The LN vehicle approached at a high rate of speed. We were stopped next to a lighted Michelle and street lights. The vehicles were clearly visible.

What was the patrol doing? Why was it stopped?

The patrol had stopped to fix the engine cover on A27. The cover next to the TC, [REDACTED] had come loose and was blowing hot air off the engine onto soldiers inside. The vehicle was fixed using 550 [REDACTED] and a section of cardboard. We stopped at 2300 hrs.

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

Approximately 3 minutes. We did not deploy because we were only stopped to conduct a quick fix of A27. We were not planning to be in place for more than 5 min.

How long were you stationary in the same place?

We had been stationary for approximately 3-4 minutes. We were reorienting the vehicle when the LN vehicle approached the patrol.

What warnings were given prior to the use of "warning shots"?

Verbal commands were shouted and visual signals to stop were given.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> 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.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit B

9. STATEMENT (Continued)
What signals did you use?

Vocal commands, Hand arm signal to stop.
How far away, in meters, was the vehicle when you first signaled it?
Approximately 75 meters, signalled by Pfc [REDACTED].

How far away, in meters, was the vehicle when you fired the "warning shot"?

Warning shots were fired by PVT [REDACTED] at a range of approximately 40 meters.

How many shots were fired in the "warning shot"? With what type of weapon system?

Shots were fired by M240B. 3-5 shots were fired. PVT [REDACTED] fired the shots.

Where was the soldier's rifle? Why wasn't a personal weapon used?

Soldier's personal weapon is an M249 SAW. It was in the truck next to him.

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

The disabling shots were fired at approximately 15-20 meters. Approximately 15-20 rounds were fired.

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

The lethal shot appeared to be a ricochet off of the engine. This was determined by the direction the bullet came from and the damage on the car.

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No contraband was found in there. The car was a white KIA Sephia.

Who owns the car?

What was the name of the LN killed?

What was the name of other, uninjured LN in the car?

[REDACTED], he is the deceased's brother.
Did he give a reason why they did not respond to the warning or disabling shots?

They were travelling to fast and did not have time to stop after the warning shots hit the ground.

AFFIDAVIT

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

[REDACTED] (Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of AUG. 05
at A Co CP, FOB [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (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 ODCSOPS

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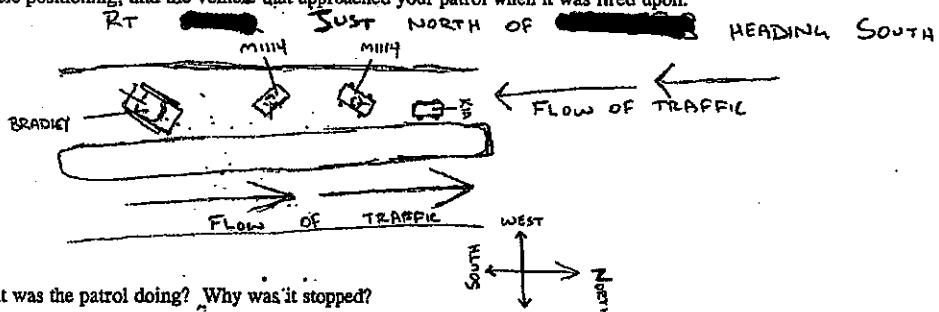
1. LOCATION FOB	2. DATE (YYYYMMDD) 20050806	3. TIME 0210	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E-4 / SP	
8. ORGANIZATION OR ADDRESS A Co 3-7 INF			

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

Explain the circumstances behind the patrol.

PURPOSE OF THE PATROL WAS TO CONDUCT MSR 3, SECURITY

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.



What was the patrol doing? Why was it stopped?

SETTING UP SECURITY
TO FIX PROBLEMATIC M1114

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

5 MINUTES. / No, WE WERE NOT GOING TO BE STOPPED
LONG ENOUGH TO JUSTIFY THEIR USE

How long were you stationary in the same place?

5 MINUTES

What warnings were given prior to the use of "warning shots"?

VERBAL 3, HAND

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit C

9. STATEMENT (Continued)

What signals did you use?

I WAS WORKING ON THE M1114 WHEN I HEARD A VERBAL WARNING

How far away, in meters, was the vehicle when you first signaled it?

I DO NOT KNOW HOW FAR THE VEHICLE WAS WHEN THE
TURRET GUNNER IN THE M1114 SHOT THE ROUNDS

How far away, in meters, was the vehicle when you fired the "warning shot"?

SAME AS ABOVE

How many shots were fired in the "warning shot"? With what type of weapon system?

3-5 ROUND BURST WITH A 240B

Where was the soldier's rifle? Why wasn't a personal weapon used?

BECAUSE HIS PERSONAL WEAPON IS A 240B & 240

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

THE TURRET GUNNER FIRED THE DISABLING SHOTS AT
APPROXIMATELY 25M - IT WAS 20 ROUNDS

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

SAME AS ABOVE / THE LETHAL SHOTS WERE PART OF

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No CONTRABAND / KIA

Who owns the car?

What was the name of the LN killed?

What was the name of other, uninjured LN in the car?

Did he give a reason why they did not respond to the warning or disabling shots?

HE WAS GOING TO FAST TO SEE US & RESPOND IN TIME

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.

(Signature of Person Making Statement)

WITNESSES:

SGT [REDACTED]

Aco. 3-2111 91001 320 RIA [REDACTED]

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6th day of Aug 2005
at Fort [REDACTED], Texas

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(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 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 FOB [REDACTED] BLDG. 1108	2. DATE (YYYYMMDD) 2005 08 06	3. TIME 0210	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5	
8. ORGANIZATION OR ADDRESS 4 CO 3/7 INF 4TH BDE 3ID			

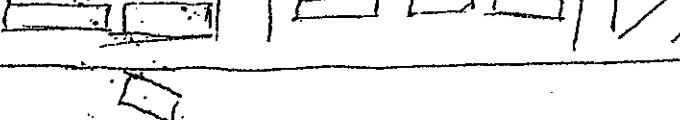
9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Explain the circumstances behind the patrol.

Conducting MSR Security

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.

Patrol was stopped on RT [REDACTED] is just north of [REDACTED]



25

I was in the 114 working on securing engine cover. Didn't see position. What was the patrol doing? Why was it stopped? Dismounts pulling security while specified AND myself secured the engine cover to the 114. The engine latch broke and cover started moving and opening up. we secured with a prucaluff.

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

NO STAND OFF KITS were emplaced. THE FIRST STOP WAS A SHORT HLT WITH MAX TIME. ON THE GROUND 5 MIN. WE WERE STOPPED ABOUT 5-4 MIN

How long were you stationary in the same place?

3 or 4 minutes

What warnings were given prior to the use of "warning shots"?

Was working on Engine Cover did not see what happened
I did hear another standing still.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> 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.		

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit D

9. STATEMENT (Continued)
What signals did you use?

I WAS NOT THE ONE SIGNALING, but I DID HEAR GUNNER YELL STOP
How far away, in meters, was the vehicle when you first signaled it?
DID NOT SEE WAS SECURING ENGINE CAR

How far away, in meters, was the vehicle when you fired the "warning shot"?

DID NOT SEE WAS SECURING ENGINE CAR
How many shots were fired in the "warning shot"? With what type of weapon system?

APPROX 5 ROUND BURST M240
Where was the soldier's rifle? Why wasn't a personal weapon used?

THE SOLDIER IS A M240 SAW GUNNER.

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?
Vehicle STOPPED APPROX 5M FROM THE M240 APPROX 15-20 ROUNDS

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

DID NOT FIRE ANY SHOT WAS WORKING INSIDE THE VEHICLE
Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

NO CONTRABAND FOUND. WHITE KIA 4 DOOR
Who owns the car?

What was the name of the LN killed?

What was the name of other, uninjured LN in the car?

NO OTHER INJURY

Did he give a reason why they did not respond to the warning or disabling shots?

THEY WERE MOVING TO FIRST AND DID NOT SEE PATROL OR FRIEND

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:

[REDACTED]
A.C. 3-7 TMC
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of Aug, 2005
at FORT [REDACTED] IDAQ

[Signature of Person Administering Oath]

ORGANIZATION OR ADDRESS

[REDACTED]
1LT JH
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00

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. 13397 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 FOB [REDACTED]	2. DATE (YYYYMMDD) 2005 08 06	3. TIME 0258	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-5/Sgt	
8. ORGANIZATION OR ADDRESS A Co, 3-7 INF			

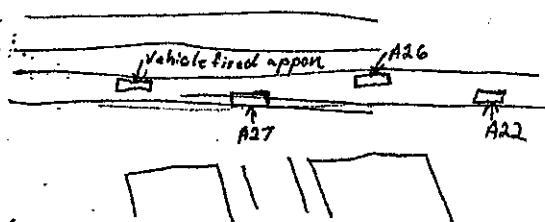
9.

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

Explain the circumstances behind the patrol.

The purpose of the patrol was to conduct MSR security.

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.

The patrol was on rte [REDACTED] heading south.

What was the patrol doing? Why was it stopped?

The patrol stopped to fix the engine compartment of the Humvee A27.

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

We were dismounted no more than 5 minutes. Standoff kits were not emplaced due to the fact we didn't plan on staying long.

How long were you stationary in the same place?

We were stopped for no more than 5 minutes.

What warnings were given prior to the use of "warning shots"?

Verbal and hand and arm signals.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit E

9. STATEMENT (Continued)
What signals did you use?

I didn't use any signals.

How far away, in meters, was the vehicle when you first signaled it?

Do not know I was entering my vehicle.

How far away, in meters, was the vehicle when you fired the "warning shot"?

Don't know I was in my vehicle.

How many shots were fired in the "warning shot"? With what type of weapon system?

There was a three to five round burst fired, from a turret mounted M240.

Where was the soldier's rifle? Why wasn't a personal weapon used?

I don't know.. The personal wasn't use due to the fact he was manning the turret of a Humvee

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

I don't know how far the vehicle was, but it was a 9 to 12 round burst.

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

The Lethal shot happened during the disabling shots.

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No there was no contraband found in the car. The car was a white Kia Spectra.

What was the name of the LN killed?

What was the name of other, uninjured LN in the car?

Did he give a reason why they did not respond to the warning or disabling shots?

They said that they were going to fast and didn't see the vehicles.

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.

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]
A CO 3/7 IN 3ID

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of Aug. 2005
at FAR [REDACTED] TABQ

(Signature of Person Administering Oath)

1LT, IN
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT.

PAGE 2 OF 2 PAGES

USAPA V1.00

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB [REDACTED] Bldg 1108	2005 0906	0225	
5. [REDACTED] NAME - LAST NAME - MIDDLE NAME	6. SSN	7. GRADE/STATUS	
		E-6	

8. ORGANIZATION OR ADDRESS

Aco 3-7 EN, 4TH BCT 3 ID, MND - Bangkok, FOB [REDACTED]

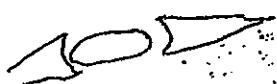
9.

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

Explain the circumstances behind the patrol. MSR security of Company Routes

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.

400 meter North of [REDACTED]



Damaged vehicle was heading South

What was the patrol doing? Why was it stopped?

Conducting Sdls when vehicle needed heat cover repaired

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

Patrol was stop for about 5mins, Standoff was not out short halt

How long were you stationary in the same place?

5 min

What warnings were given prior to the use of "warning shots"?

Flash light, yelling.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF	2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit F

9. STATEMENT (Continued)
What signals did you use?

Flash lights, yelling

How far away, in meters, was the vehicle when you first signaled it?

75m to 100m

How far away, in meters, was the vehicle when you fired the "warning shot"?

50m

How many shots were fired in the "warning shot"? With what type of weapon system?

I was in the lead did not observe

Where was the soldier's rifle? Why wasn't a personal weapon used?

I was in the lead did not observe

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

25m to 10m

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

25m to 10m

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No contraband, white 4 door sedan KIA

Who owns the car?

Friend

What was the name of the LN killed?

What was the name of other, uninjured LN in the car?

Brothers

Did he give a reason why they did not respond to the warning or disabling shots?

Did not question the people

AFFIDAVIT

I, SSG, 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.

(Signature of Person Making Statement)

WITNESSES:

Air 3-7 FOB

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of Aug, 2005
at FOB Iraq

(Signature of Person Administering Oath)

LT W
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00

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.

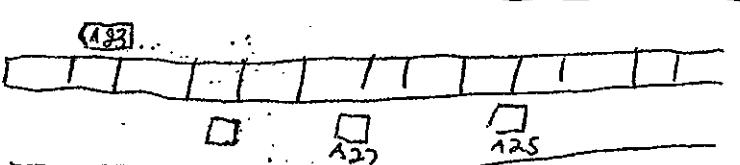
1. LOCATION Feb [REDACTED] Building # 1108	2. DATE (YYYYMMDD) 20050806	3. TIME 0225	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS Aco 3-7 Feb [REDACTED]			
9. [REDACTED]			

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

Explain the circumstances behind the patrol.

MSR Sweep

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.



What was the patrol doing? Why was it stopped?

To look at a problem with the Humvee

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?
we were stopped 30 min not long enough for
the stand off kit

How long were you stationary in the same place?

3-4 min

What warnings were given prior to the use of "warning shots"?

N/A

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	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.		

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit G

9. STATEMENT (Continued)

What signals did you use?

I was in the back of the Bradley could not see

How far away, in meters, was the vehicle when you first signaled it?

I was in the back of the Bradley could not see

How far away, in meters, was the vehicle when you fired the "warning shot"?

I was in the back of the Bradley could not see

How many shots were fired in the "warning shot"? With what type of weapon system?

I was in the back of the Bradley could not hear or see

Where was the soldier's rifle? Why wasn't a personal weapon used?

I was in the back of the Bradley could not see

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

I was in the back of the Bradley could not see

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

I was in the back of the Bradley could not see

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No contraband found in car white 100

Who owns the car?

I don't know

What was the name of the LN killed?

I don't know

What was the name of other, uninjured LN in the car?

I don't know

Did he give a reason why they did not respond to the warning or disabling shots?

I don't know

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.

(Signature of Person Making Statement)

WITNESSES:

Page 3-7-FM FOR
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of Aug 2005
at Fort [REDACTED], TX 78289

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00

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 FOB [REDACTED] BLD 1102	2. DATE (YYYYMMDD) 20050806	3. TIME 0155	4. FILE NUMBER
5. LAST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E4/SPC	

8. ORGANIZATION OR ADDRESS

HQ 3-7 TN

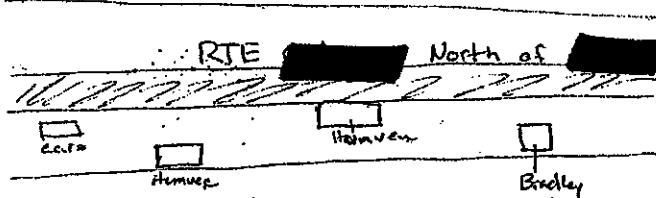
9.

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

Explain the circumstances behind the patrol.

Left seat ride, MSR Security.

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.



What was the patrol doing? Why was it stopped?

Conducting "Seals" (stop, smell) look, listen) and to fix heat problem.

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

We were stopped for 3 to 5 mins. Standoff kits were not set up because we were mounting up.

How long were you stationary in the same place?

3 to 5 mins

What warnings were given prior to the use of "warning shots"?

I was inside the truck. I do not know.

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit H

9. STATEMENT (Continued)
What signals did you use?

Do not know. I was inside truck

How far away, in meters, was the vehicle when you first signaled it?

Do not know. I was inside truck

How far away, in meters, was the vehicle when you fired the "warning shot"?

M/k

How many shots were fired in the "warning shot"? With what type of weapon system?

Do not know. M1240B

Where was the soldier's rifle? Why wasn't a personal weapon used?

Do not know.

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

Do not know

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

Do not know. Car was stopped at 5 meters.

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No contraband was found. White Four door car, Kia

Who owns the car?

Do not know

What was the name of the LN killed?

What was the name of other, uninjured LN in the car?

Did he give a reason why they did not respond to the warning or disabling shots?

Going too fast. Didn't see us in time.

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.

[Signature of Person Making Statement]

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of Aug, 2005
at Feb [REDACTED] 2005

ORGANIZATION OR ADDRESS

[Signature of Person Administering Oath]

ORGANIZATION OR ADDRESS

[Authority To Administer Oaths]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00

SWORN STATEMENT

For use of this form, see AR 190-4G; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 6 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2005 08 05	3. TIME 0700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4 / SPC	
8. ORGANIZATION OR ADDRESS A Co 3-2 10th 4th Bde			

9.

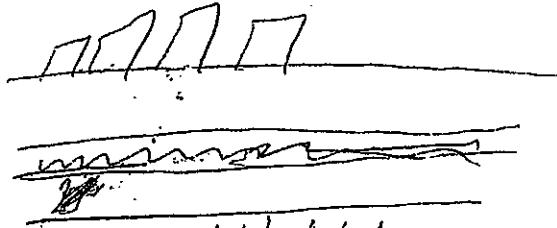
1. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Explain the circumstances behind the patrol.

Patrolling Sector

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.

Don't Know



What was the patrol doing? Why was it stopped?

Vehicle maintenance on humvee 27

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

2 minutes No

How long were you stationary in the same place?

5 minutes

What warnings were given prior to the use of "warning shots"?

Don't Know, didn't hear anything or see anything in back of Bradley

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>2</u> PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED		
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.		

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit I

9. STATEMENT (Continued)
What signals did you use?

Don't know, was in back Bradley

How far away, in meters, was the vehicle when you first signaled it?

Don't know was in back of Bradley

How far away, in meters, was the vehicle when you fired the "warning shot"?

Don't know was in back of Bradley

How many shots were fired in the "warning shot"? With what type of weapon system?

Don't know didn't hear nothing in back of Bradley

Where was the soldier's rifle? Why wasn't a personal weapon used?

Don't know in Bradley

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

Don't know in Bradley

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

Don't know in Bradley

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

Don't know white car

Who owns the car?

Don't know

What was the name of the LN killed?

Don't know

What was the name of other, uninjured LN in the car?

Don't know

Did he give a reason why they did not respond to the warning or disabling shots?

Don't know

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:

P/V2

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 1 day of Aug 2005
at Fort [REDACTED] INIAQ

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

INITIALS OF PERSON MAKING STATEMENT:

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

USAPA V1.00

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 20050805	3. TIME 0200	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS A co 317 INF 4th Bn 3rd			

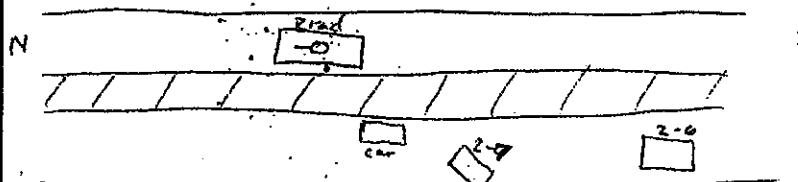
9. _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Explain the circumstances behind the patrol.

MSR Security

Where was the patrol when the warning, disabling, and lethal shots were fired? Draw a strip map of the area, to include the roads, vehicle positioning, and the vehicle that approached your patrol when it was fired upon.

Rte _____ north of _____



What was the patrol doing? Why was it stopped?

Patrol was driving South on roads when we stopped to check engine. Problem on 2-7.

How long had you been dismounted? Were there standoff kits emplaced? If not, why not?

We were stopped approx 5 min, not long enough for stand off kit.

How long were you stationary in the same place?

Approx 5 min

What warnings were given prior to the use of "warning shots"?

N/A

10. EXHIBIT

11. INITIALS OF 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.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

Exhibit J

9. STATEMENT (Continued)

What signals did you use?

I didn't, I was in the Bradley

How far away, in meters, was the vehicle when you first signaled it?

I did not observe

How far away, in meters, was the vehicle when you fired the "warning shot"?

I did not observe

How many shots were fired in the "warning shot"? With what type of weapon system?

I did not observe

Where was the soldier's rifle? Why wasn't a personal weapon used?

I did not observe

How far away, in meters, was the vehicle when you fired the "disabling shots"? How many rounds fired?

I did not observe

How far away was the vehicle when you fired the "lethal shots"? How many rounds fired?

I don't know

Was there any contraband found in the car? What kind of car was the one fired on by your patrol?

No contraband white kid Sophia

Who owns the car?

I don't know

What was the name of the LN killed?

I don't know

What was the name of other, uninjured LN in the car?

I don't know

Did he give a reason why they did not respond to the warning or disabling shots?

I don't know

AFIDAVIT

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.

(Signature of Person Making Statement)

WITNESSES:

[REDACTED] SPC

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of Aug 2005
at [REDACTED] [REDACTED]

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] KET, NJ
(Typical Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

USAPA V1.00



DEPARTMENT OF THE ARMY
3rd BATTALION, 7th INFANTRY REGIMENT
3rd INFANTRY DIVISION
CAMP [REDACTED] BAGHDAD, IRAQ
APO AE 08364



REPLY TO
ATTENTION OF:

AFZP-VEI-HC

SUBJECT: Patrol Debrief

Battalion Patrol #: 080520

Company Patrol #: 0805W1

Date: 05 AUG 05 SP: 2100 RP: 0200
PLT: 2nd PLT SL/PL: 1LT [REDACTED] Type of Patrol Zone Recon
Zones: 37S Mahalla: [REDACTED] Vehicles: A27, A25, A26

Unit: HHC	ACO	B CO	C CO	D CO	E CO	F CO	SCOUTS	PSD
NAME	RANK							
[REDACTED]	1LT							
[REDACTED]	SGT							
[REDACTED]	SSG							
[REDACTED]	SPC							
[REDACTED]	FVT							
[REDACTED]	SGT							
[REDACTED]	SGT							
[REDACTED]	FVT							
[REDACTED]	PFC							
[REDACTED]	SPC							
[REDACTED]	SGT							
[REDACTED]	SPC							
[REDACTED]	SSG							
[REDACTED]	SPC							
[REDACTED]	PFC							
	INTERPRETER							

1. PATROL TASK: Zone Recon

2. PATROL PURPOSE: To identify any AIF activity in [REDACTED] to develop targeting information for future exploitation operations.

3. PERSONNEL (US/Terp): 15 US / 1 Terp

FBCB2 (BFT) : 2

WARLOCK: 1

Page 1 of 2

Exhibit L

17043

4. **PATROL SUMMARY:** (Indicate all routes and checkpoints. Include pictures, digital recordings, data, and/or confiscated material. If you confiscate anything, write a detailed description of what you confiscated. Include serial numbers for weapons, computers, etc. Record all significant events, CCIR, SIR locations, and any information for possible future targeting.)

The patrol began with an MSR security sweep through the Company AO. The sweep focused on routes [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The patrol then moved into [REDACTED]. It conducted mounted patrols along the platoon MSRs as well as through [REDACTED]. The patrol continued with another sweep of the company area prior to establishing a TCP on RTE [REDACTED] directed at searching vehicles out around the beginning of curfew. At 2300, the patrol conducted a short halt on RTE [REDACTED] just north of [REDACTED] in order to fix an engine cover in A27. While halted, a white Kia Sephia failed to stop with signaled and was fired upon. The driver [REDACTED] died as a result of the fire. The SIR and Commander's inquiry are being processed through the S1 channel. The patrol remained onsite until an IP Investigator completed his investigation and an ambulance arrived to take the remains to [REDACTED] Hospital. The patrol returned to the FOB without further incident.

Note: Car was coming from the north and called to stop but did not stop, gunner fired warning shot, vehicle didn't slow down, after assessing the situation possible round ricochet off the ground through the engine killing the LN.

5. **SIGNIFICANT LOCATIONS AND STATUS**

None

6. **REQUIRED REPORTING:** (Include the number for each):

TCPs Established: 0

HUMINT/Informant TIPS: 0

Personal Engagements: 0

Information Operations (IO) Flyers: 0

7. **SIGNIFICANT CONTACTS:** (Include Sheik, Imams, DAC, NAC, Local civilians, etc.)

None

8. **DETAINEES?** If yes, how many?

None

9. **OVERALL ZONE ASSESSMENT:** GREEN / AMBER / RED

NOTE: All patrol debriefs are due to S-2 NLT 3 hours after completion of mission, unless patrol received contact. If a patrol received contact they must report to the [REDACTED] immediately upon arrival back at the FOB.

[REDACTED]
ILT, IN
Platoon Leader

TAB E (Commanders Incident Report) to Appendix 3 (Ops Reports) to Annex B
(Division Standard Reports) to Chapter 4 to 3d IN Div FSOP

LINE 1: UNIT REPORTING: 3-7IN
LINE 2: INCIDENT: WARNING SHOT/DISABLING SHOT/KILL SHOT
LINE 3: DATE/TIME GROUP (DTG) INCIDENT OCCURRED: 05 2311 Aug 05
LINE 4: LOCATION OF INCIDENT: [REDACTED]
LINE 5: PERSONNEL INVOLVED

NAME	RANK	UNIT	SSN	SEX	AGE	RACE
Resinoldi, Michael	E-2	A/3-7	[REDACTED]	M	UNK	UNK

LINE 6: SUMMARY OF INCIDENT: Unit had stopped for a short halt heading south along Route [REDACTED] Vehicle (White Kia Sophia) approached from the rear and did not respond to verbal and light warnings. One 7.62 warning round was fired into the ground. Vehicle continued moving at high rate of speed and 2-3 disabling rounds were fired into the vehicle grill. Vehicle continued moving and 4-5 kill shots were fired to incapacitate the driver. Vehicle stopped and unit cordoned off the vehicle. Unit assessed the driver was KIA. Brigade was notified and JCC support was requested to remove L/N and vehicle. Unit searched vehicle and found no contraband. Unit began searching to identify L/N identity and address. All rounds fired were 7.62 and from turret gunner of M-1114. CIR will be submitted as soon as complete from unit.
LINE 7: DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY: 2-3 rounds in vehicle hood, one L/N KIA
LINE 8: COMMANDER REPORTING: LT [REDACTED]

SIR()

Exhibit K

MEMORANDUM FOR COMMANDER, Camp [REDACTED], Iraq, APOAE 09364

SUBJECT: Killing of Iraqi Local National, PVT [REDACTED], A Co., 3-7 IN

INVESTIGATING OFFICER'S NAME: 1LT [REDACTED]

INVESTIGATING OFFICER'S SIGNATURE: [REDACTED]

Findings:

During an MSR security sweep of the company routes on 5 Aug 2005 in the [REDACTED] neighborhood of [REDACTED], PVT [REDACTED], [REDACTED], engaged a local national vehicle. The patrol (# 080520) was in a herringbone formation conducting a short halt on RTE [REDACTED], vic. [REDACTED]. The patrol was in the south bound lane.

At 2300, the patrol was in a short halt to repair a broken engine cover on the A27 1114. The cover had come loose and was blowing hot air onto the soldiers inside. The patrol leader, 1LT [REDACTED] called a short halt to repair it. The patrol had stopped for approximately 3-4 minutes and was remounting when a white four door Kia-Sophia, # [REDACTED] approached the rear vehicle at a high rate of speed. Because the patrol was to be stationary for less than five minutes, 1LT [REDACTED] decided not to employ the patrol's standoff kits. The vehicle approached from the north in the southbound lane. PVT [REDACTED], the gunner in A27, called to the vehicle to stop as well as giving the hand arm signals to stop. When it became clear that the vehicle was not going to stop, PVT [REDACTED] fired a burst from the M240B into the ground in front of the car. The vehicle was approximately 50m away. The vehicle continued forward without slowing down, so when the vehicle was approximately 30m away, PVT [REDACTED] fired disabling shots into the engine compartment of the vehicle. The vehicle came to a stop approximately 10m from the A27 1114. The vehicle was searched revealing no contraband.

The driver of the vehicle, [REDACTED], had sustained a gunshot wound to the chest and died within minutes. The fatal wound was a single round to the central thorax. His brother, [REDACTED] Ali, who was also in the vehicle, was uninjured. When the brother was questioned by the patrol, he stated that they had not seen the patrol, then after the warning shots were fired, they were going too fast to stop. [REDACTED] told the patrol that they lived in [REDACTED] and were on their way home when they came upon the patrol. [REDACTED] telephone number is [REDACTED]; cell number [REDACTED]. [REDACTED] was given LT [REDACTED] contact information.

The pattern of the bullet holes reveals that the shots were fired from an elevated position relative to the car. This is consistent with rounds being fired from the turret of an 1114. Additionally, the holes left by the bullet are at an angle bisecting the centerline of the car; an angle that would put their path in front of the driver. This is consistent with the rounds being aimed at the engine compartment; shots meant to disable the vehicle, not kill the driver.

The patrol, upon inspection of the vehicle, discovered several bullet holes coming through the dash board. The holes are at an oblique angle to the holes in the hood of the vehicle. This leads to the conclusion that the rounds entered through the hood, impacted the engine at a shallow angle, and ricocheted towards the driver. This leads to the conclusion that the fatal shot was intended to disable the vehicle, not to directly engage the driver, [REDACTED].

The patrol reported the incident to [REDACTED] and stayed on site while the Iraqi police conducted an investigation and an ambulance was dispatched to take the remains to [REDACTED] Hospital. [REDACTED] was escorted to the hospital by the IPs.

The investigating Iraqi officer was CPT [REDACTED] 1D [REDACTED]. He works out of the [REDACTED] Iraqi Police Station. He can be contacted via LT [REDACTED] of the same police station, at [REDACTED].

1
Encl 1

Exhibit M

Recommendations:

There is no indication of any negligence or carelessness on the part of PVT [REDACTED]. He used proper force escalation procedures, as outlined in the published Rules of Engagement. The fault lies with the patrol leader, LT [REDACTED]. He incorrectly assessed the necessity of the stand off kit, regardless of the short timeframe of the halt, and therefore was negligent in the discharge of his duties. Finally, LT [REDACTED] used poor judgment in halting the patrol on an MSR to conduct a simple repair. This careless act was at the root of the incident.

COMPANY COMMANDER'S NAME: CPT [REDACTED]

COMPANY COMMANDER'S SIGNATURE: [REDACTED]

Comments: There is no evidence of negligence, disregard for the RAMP procedures, or violation of the Rules of Engagement found during this investigation. The patrol conducted a short halt in order to conduct a maintenance repair on a M1114. The halt was conducted at 2300, before curfew hours along a regularly traveled route. The patrol leader did choose a location on RTE [REDACTED] that is well-lit by fluorescent lights. He chose this location because he wanted to ensure approaching vehicles had the maximum opportunity to identify their location. [REDACTED] vehicle approached the patrol during the transition time – while infantry are re-mounting vehicles. PVT [REDACTED] had a spotlight in the turret of the HMMWV, and a SAW with a PAC LIGHT on it. However, because of the speed of the vehicle and the lighting conditions around the patrol, the driver was not able to react to the signals provided by the gunner. PVT [REDACTED] had his hands on his M240B as the vehicle approached, and used the weapon at his most immediate disposal. As the pictures indicate, RAMP procedures were used accordingly. The first burst of rounds went into the median and road. When there was no change in the vehicle's path or speed, PVT [REDACTED] fired a burst of disabling [REDACTED] into the vehicle's engine compartment. It is clear that the rounds that killed [REDACTED] were ricochets from the disabling shots, based on the angle the rounds entered the windshield, and the angle they exited the dashboard into the driver's seat. The patrol leader acted accordingly in gathering the contact information from the brother of [REDACTED]. Condolences were given, and we will initiate the process to follow-through for a compensation payment IAW regulations. We will also follow-up with the family at their address. It is not lost on us how serious of an incident this is, and how it impacts our mission and our relationship with the community. I believe the patrol leader and PVT [REDACTED] acted accordingly, given the circumstances.

Recommend: Every SSG and above will read the Commander's Inquiry and discuss the circumstances behind the situation. We will also talk about mitigating the risk of this happening again. The impact this has on our mission and the relationships with the local community. Also, the methods to mitigate risk during the transition point as infantry are re-mounting their vehicles under limited visibility conditions. Recommend no disciplinary action for soldier involved in the shooting.

BATTALION COMMANDER'S NAME: LTC [REDACTED]

BATTALION COMMANDER'S SIGNATURE: [REDACTED]

Soldier's duty performance:

Recommend:

Comments:

Original signed
[REDACTED]

LTC, IN
Commanding

3
Encl 1

17048

1. Unit Reporting: A Co 3/7 IN
2. Incident: LN Killed
3. DTG Incident Occurred: 05 2300 AUG 2005
4. Location of Incident: [REDACTED]
5. Personnel Involved:

Name	Rank	Unit	SSN	Sex	Age	Race
[REDACTED]	PVT	A CO 3/7 IN	[REDACTED]	M	22	White

6. Summary of Incident:

During an MSR security sweep of the company routes on 5 Aug 2005 in the [REDACTED] neighborhood of [REDACTED] engaged a local national vehicle. The patrol (# 080520) was in a herringbone formation conducting a short halt on RTE [REDACTED], vic. [REDACTED]. The patrol was in the south bound lane.

At 2300, the patrol was in a short halt to repair a broken engine cover on the A27 1114. The cover had come loose and was blowing hot air onto the soldiers inside. The patrol leader, 1LT [REDACTED] called a short halt to repair it. The patrol had stopped for approximately 3-4 minutes and was remounting when a white four door Kia Sophia, [REDACTED], approached the rear vehicle at a high rate of speed. The vehicle approached from the north in the southbound lane. PVT [REDACTED] called to the vehicle to stop as well as giving the hand arm signals to stop. When it became clear that the vehicle was not going to stop, PVT [REDACTED] fired a burst from the M240B on A27 into the ground in front of the car. The vehicle was approximately 50m away. The vehicle continued forward without slowing down, so when the vehicle was approximately 30m away, PVT [REDACTED] fired disabling shots into the engine compartment of the vehicle. The vehicle came to a stop approximately 10m from the A27 1114. The vehicle was searched revealing no contraband.

The driver of the vehicle, [REDACTED] had sustained a gunshot wound to the chest and died within minutes. The fatal wound was a single round to the central thorax. His brother, [REDACTED] who was also in the vehicle, was uninjured. When the brother was questioned by the patrol, he stated that they had not seen the patrol, then after the warning shots were fired, they were going too fast to stop. [REDACTED] told the patrol that they lived in [REDACTED], and were on their way home when they came upon the patrol. [REDACTED]s telephone number is [REDACTED], cell number [REDACTED]. [REDACTED] was given LT [REDACTED] contact information.

The patrol reported the incident to [REDACTED] and stayed on site while the Iraqi police conducted an investigation and an ambulance could be dispatched to the site to take the remains to [REDACTED] Hospital. [REDACTED] was escorted to the hospital by the IPs.

The investigating Iraqi officer was CPT [REDACTED]. He works out of the [REDACTED] IP station. He can be contacted via LT [REDACTED] at [REDACTED]. When he had completed his investigation and had egressed from the site, the patrol returned to FOB [REDACTED].

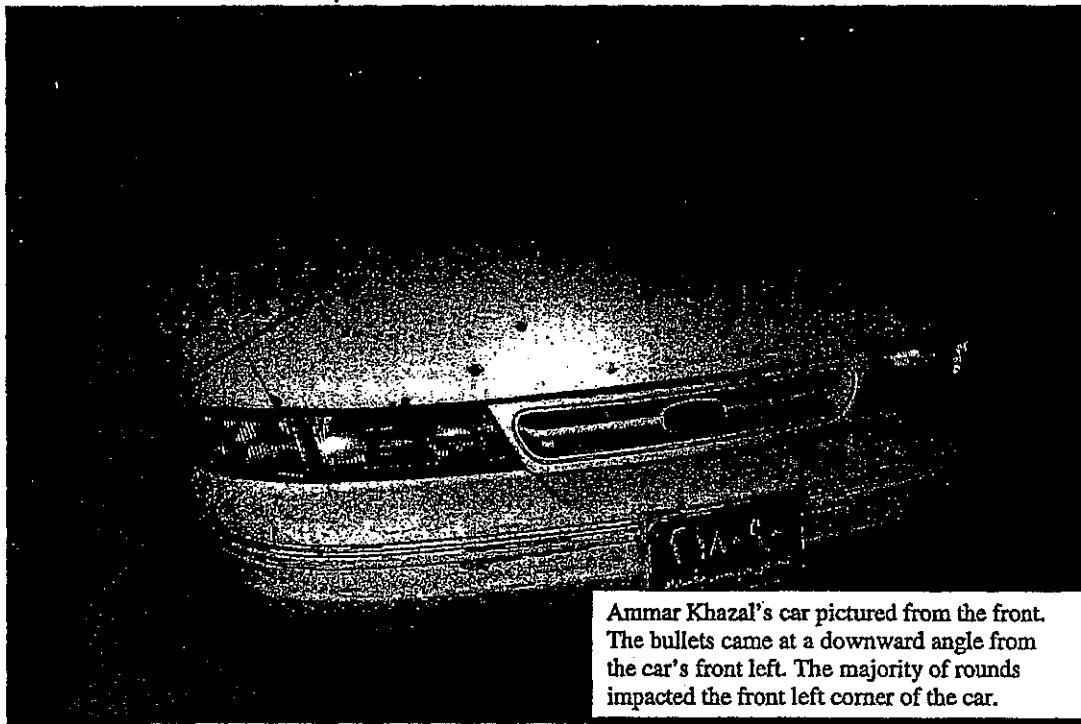
Exhibit N

7. Damage to Government/Civilian Property:

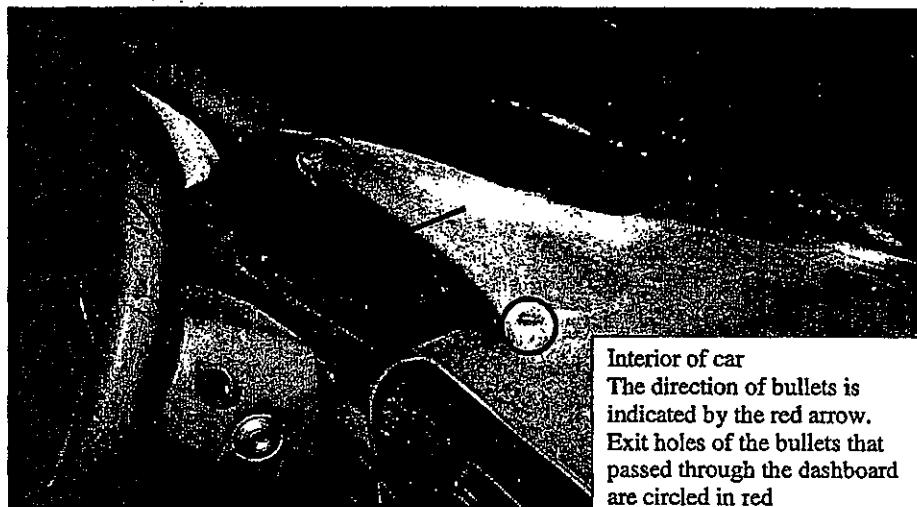
The vehicle's driver, [REDACTED] was killed in the incident. The vehicle, a white Kia Sephia (# [REDACTED]), had bullet holes in the front hood, two flat tires, a broken windshield, and damage to the dashboard.

8. Commander Reporting:

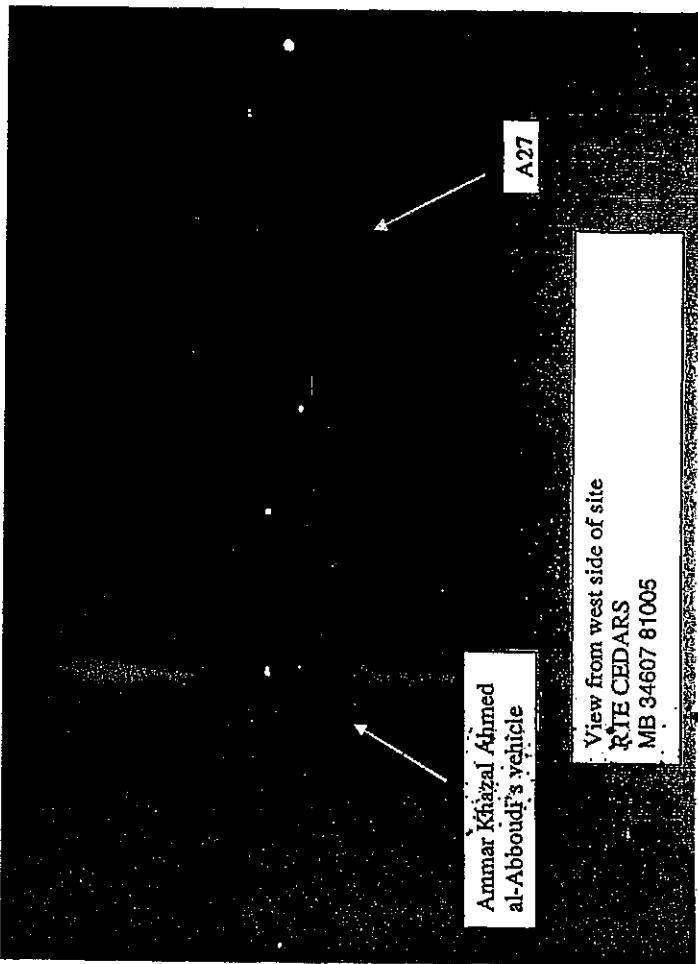
[REDACTED]
CPT, IN
Commanding



Ammar Khazal's car pictured from the front.
The bullets came at a downward angle from
the car's front left. The majority of rounds
impacted the front left corner of the car.



Interior of car
The direction of bullets is
indicated by the red arrow.
Exit holes of the bullets that
passed through the dashboard
are circled in red



17052