

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BO. D OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL [REDACTED] Commander, 3rd Brigade, 1st Armor Division, Camp [REDACTED] Iraq
(Appointing authority)on 22 August 2005 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp [REDACTED] at 1800 (Place) (Time)
on 22 August 2005 (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, respondent, 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 1800 (Time) on 24 September 2005 (Date)
and completed findings and recommendations at 1800 (Time) on 25 September 2005 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Inclosures (para 3-15, AR 15-6)

YES NO NA

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) Explain all negative answers on an attached sheet.

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

		YES	NO	NA
1	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?	<input checked="" type="checkbox"/>		
b.	Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>		
c.	Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>		
d.	Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input checked="" type="checkbox"/>		
e.	Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input checked="" type="checkbox"/>		
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?	<input checked="" type="checkbox"/>		
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)?	<input checked="" type="checkbox"/>		
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			
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 5-2c, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9	Notice to respondents (para 5-5, AR 15-6):			
a.	Is the method and date of delivery to the respondent indicated on each letter of notification?			
b.	Was the date of delivery at least five working days prior to the first session of the board?			
c.	Does each letter of notification indicate			
(1)	the date, hour, and place of the first session of the board concerning that respondent?			
(2)	the matter to be investigated, including specific allegations against the respondent, if any?			
(3)	the respondent's rights with regard to counsel?			
(4)	the name and address of each witness expected to be called by the recorder?			
(5)	the respondent's rights to be present, present evidence, and call witnesses?			
d.	Was the respondent provided a copy of all unclassified documents in the case file?			
e.	If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a.	Was he properly notified (para 5-5, AR 15-6)?			
b.	Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
a.	Was each respondent represented by counsel?			
Name and business address of counsel:				
(If counsel is a lawyer, check here <input checked="" data-bbox="448 1261 481 1287" 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) (hereby), having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM

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

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

SEE ATTACHED MEMORANDUM

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.)

Concur, no violations of RCO or tier 1 or 2 punitive action is appropriate.

The articles being too fast which is not only a safety concern but also is also a potential risk. A speed of 25 mph has itself been shown to be a potential risk. Furthermore, with the possible exception of the first, significant portions of the route are not marked with speed limit signs. The speed limit signs that are present are not clearly visible due to the trees and bushes and non-existent or very faint markings on the road.

There is a speed limit sign on the road, but it is not clearly visible due to the trees and bushes and non-existent or very faint markings on the road.

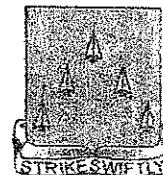
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There is a speed limit sign on the road, but it is not clearly visible due to the trees and bushes and non-existent or very faint markings on the road.

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



AFZN-BB-T

22 September 2005

MEMORANDUM FOR COMMANDER, 3RD BRIGADE COMBAT TEAM, 1ST ARMOR DIVISION

THRU COMMANDER, 2ND BATTALION, 70TH ARMOR REGIMENT

SUBJECT: AR 15-6, BCT No.: [REDACTED] (Shooting of Local National vicinity of [REDACTED], Iraq)

1. Enclosed is the 15-6 investigation outlining the circumstances of the use of escalation of force that resulted in the shooting of a local national. As a result of the incident one Iraqi citizen was killed. The shooting occurred along ASR [REDACTED] vic the town of [REDACTED], at approximately 1900 hrs on 24 August 2005.

2. SUMMARY: 212005AUG2005 an IZ male entered the [REDACTED] Iraqi Police Station and reported that a U.S. Motorized Combat Patrol consisting of 4x M114s shot at his vehicle on RTE [REDACTED]. The IZ claims that the incident took place at approximately 1900 hrs. The IZ claimed that as a result of the shooting a passenger in the IZ's vehicle was struck and died due to the injury sustained by the bullet wound. The IZ stated that the patrol continued on its direction of travel to the east. A second IZ (IZ2) claimed to have witnessed the incident from the roadside where he and his son were fishing. IZ2 stated that as soon as the shot was fired the IZ (vehicle operator) pulled the blue mini van off of the road and came to a stop at which point all of the passengers in the van exited the van and fled the scene on foot. The only passenger that remained in the van, the IZ claims, is the IZ3 that was wounded from the gunshot. IZ2 stated that he approached the van to ensure that the vehicle operator was all right. Upon reaching the van, IZ2 recognized that IZ3 was injured and recommended that IZ seek assistance and report the incident to the Iraqi Army Soldiers posted at [REDACTED]. The Iraqi Soldiers Posted at the [REDACTED] informed the two IZs that they would have to report the incident to the Iraqi Police. The two IZs (IZ and IZ2) proceeded to the [REDACTED] Iraqi Police Station to report the incident where an Iraqi Police official informed them that they would have to report the incident to the [REDACTED] Police Station because the incident occurred in the [REDACTED] area of responsibility. Once at the [REDACTED] Police Station the Iraqi Police notified the Warrior element of the IZ's allegations. Warrior contacted [REDACTED] TOC to inquire if there were any reports of the use of escalation of force requiring warning shots to be fired. The Task Force TOC acknowledged that 3/A/2-70 had in fact fired a warning shot at approximately the time period, which the IZ and IZ2 claim that the incident occurred. The Task Force Executive Officer was dispatched to the Iraqi Police Station to conduct interviews and receive sworn statements from the two IZs and the crew of A32.

3. Relevant to the incident is that as the patrol was traveling east along ASR [REDACTED] and all of the civilian traffic (east and west bound) either pulled off onto the shoulder of the road or were in the process of pulling off onto the shoulder of the road to yield the right of way to the coalition combat patrol (this was verified during the questioning of IZ2). The only vehicle that was not yielding the right of way was the blue mini van. The crewmembers of A32 all perceived the blue mini van as traveling at a higher rate of speed in the center of the road and not showing any signs of slowing or yielding the right of way. Major [REDACTED] asked the IZ why he remained in the center of the road and failed to show signs of yielding the right of way or pulling off of the road, the IZ responded by saying that he was in a hurry to get to [REDACTED]. The IZ acknowledges seeing the coalition convoy to his direct front along ASR [REDACTED]

4. FACTS:

- a) How many local nationals were injured in the incident? One Iraqi citizen was involved in the incident.
 - 1x KIA (Male)
- b) What is the description of the vehicle(s) involved in the incident? Vehicle involved in the incident is blue mini van.
- c) When and where was the first warning shot(s) fired? No warning shots were fired.
- d) When and where was the disabling shot(s) fired?
 - a. The disabling shot (1x) was fired with an approximate distance of 40 to 60 meters between the van and the lead vehicle of the combat patrol. The vehicle commander directed the disabling shot.
 - b. 1x-disabling shot was fired (aimed at the mini vans front grill).
- e) What means has the unit used to educate there assigned soldiers on the use of escalated force (IAW CPTLC ROE) and the initiation of warning, disabling and lethal fires?
 - a. The unit received briefings and conducted Forward Operating Base security missions at the National Training Center as part of the MRE (OCT/NOV 04).
 - b. The patrol, as part of the pre mission brief conducted a historical vignette discussing a possible scenario that could be encountered and the actions that could be taken to mitigate a possible ROE violation.
- f) Did the Soldier(s) involved properly escalate the use of force? Yes.
 - a. SPC [REDACTED] used hand and arm signals initially to provide warning to the on coming vehicle.
 - b. SPC [REDACTED] raised his rifle (at the ready) in an attempt to have the vehicle slow and pull off of the road well before being given the command to fire disabling shots.

c. Warning shots were not utilized due to the distance between the two vehicles. The decision was made to fire disabling shots.

g) Did the patrol have Positive Identification (were they reasonably certain that the local national was a legitimate military target) before engaging?

- No. The patrol was not attempting to shoot at the individual, which is claimed to have died due to injuries inflicted by the coalition patrol.
- The gunner fired an aimed disabling shot at the grill of the oncoming vehicle from a moving vehicle to an oncoming vehicle.
- Was deadly force authorized? Yes. The crew felt threatened by the vehicle remaining in the center of the road driving directly towards them and not making any attempt to slow or signs of pulling off of the road.
- Were there any Law of War violations? No.

~~e. Are there any operational lessons that could be captured and disseminated? Yes. Soldiers, as in this case must be taught that when firing a weapon from a moving platform towards another moving platform and both platforms are moving towards each other the gunner must aim lower to the target. The speed and distance are a huge factor and when a gunner fires his weapon at what at the oncoming target the strike of the round will be different than what he has been taught from firing at a stationary target from a stationary position.~~

4. FINDINGS.

- All personnel involved in the incident acted in accordance with the "CFLCC Rules For Use Of Force" Card (as of 011800ZNOV03). The soldiers believed that were acting in self-defence, in defence of their unit, and that their acts would prevent the destruction of both military and civilian property.
- All soldiers (SPC _____) acted in accordance with the CFLCC guidance in the use "Escalation of Force" with direct fire. All shots were aimed (warning shots in front of the individual; lethal shots were aimed / focused at the fleeing individual); the cease-fire order was given once the individual was observed falling to the ground.
- The crew of A32 did not feel threatened until the vehicle was approximately 150 meters away.
- The operator of the vehicle (A32) PFC _____, in an attempt to provide more time in allowing the situation to develop slowed his vehicle speed from approximately 45 mph to 30 mph.

- e) The use of hand and arm signals were applied in an attempt to having the vehicle pull over onto the shoulder of the road and yield the right of way.
- f) SPC [REDACTED] raised his rifle to the ready and held it in that position for several moments before being given the command to fire a disabling shot.
- g) SPC [REDACTED] fired one disabling shot aimed at the front grill of the vehicle, after which the vehicle operator pulled off of the road to the shoulder of the road.
- h) The disabling shot entered the front windshield of the vehicle on the passenger side.
- i) The patrol did not learn of having possibly injured a local national due to the disabling shot being fired until approximately 90 minutes of the disabling shot being fired.
- j) There is a strong possibility that the local national was unintentionally shot by the coalition patrol and died from the injury sustained due to the gunshot.
- k) All attempts in contacting the local national's family have been unsuccessful.
- l) The vehicle operator claims that he has no knowledge of who the local national was. The vehicle operator stated that he was just giving the individual a ride to [REDACTED].

5. RECOMMENDATION.

- a) Coach, teach and mentor our wheel vehicle gunners on the dynamics of where we are aiming the weapon as to moving platforms are approaching each other is not where the round(s) will strike. The gunner(s) must be instructed on where to aim in allowing the round to strike its intended target.

End.

- (1) 15-6 Appointment Orders
- (2) Graphic representation of the incident (Story Board)
- (3) Sworn Statements
- (4) CIR Blue 2 Report

MAJ, AR
2-70 AR XO



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS
3RD BRIGADE, 1ST ARMORED DIVISION
CAMP [REDACTED], IRAQ
APO AE 09378

AFZN-BB-CO

22 August 2005

MEMORANDUM FOR MAJ [REDACTED], 2-70th AR BN, 3rd BCT, 1st AD, APO AE 09378

SUBJECT: Appointment as Investigating Officer

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the escalation of force incident that occurred on 21 August 2005, involving elements of 3/A/2-70 AR, which allegedly resulted in the death of a local national.
2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.
3. In your investigation, you need to answer the following questions:
 - a. What was the sequence of events that led up to the incident?
 - b. Did the soldiers involved properly escalate the use of force?
 - c. Did the patrol have Positive Identification (were they reasonable certain that the local national was a legitimate military target) before engaging?
 - d. Was deadly force authorized?
 - e. Were there any Law of War violations?
 - f. Are there any operational lessons that should be captured and disseminated?
 - g. Were there any other contributing factors that, if changed, could have altered the outcome?

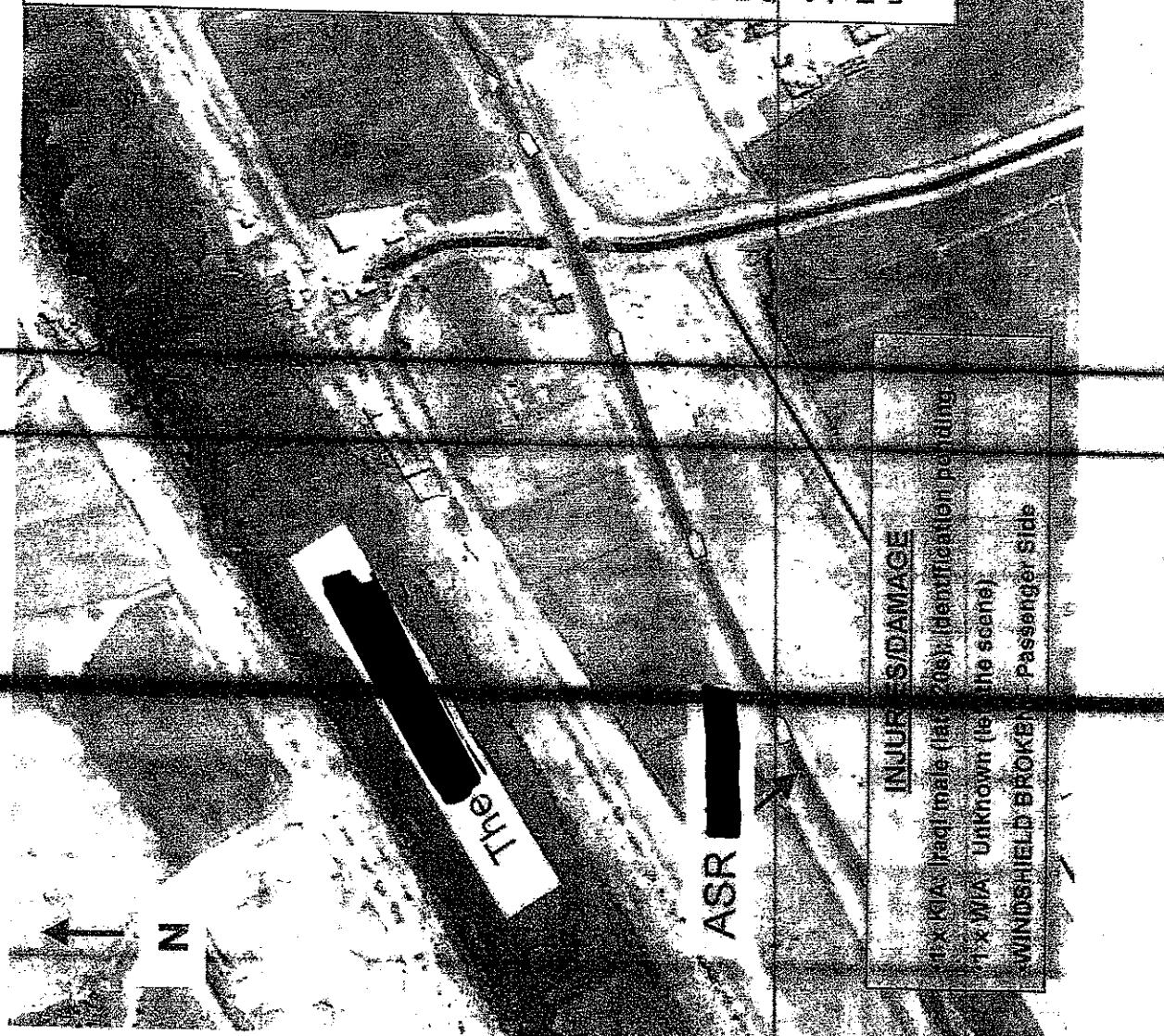
AFZN-BB-CO

SUBJECT: Appointment as Investigating Officer

4. If it becomes evident that there is possible misconduct outside the scope of your investigation, notify the appointing authority immediately. If during your investigation you become aware of information that needs command attention, immediately notify the appointing authority for guidance.
5. Contact the Command Judge Advocate, CPT [REDACTED] for legal guidance prior to starting your investigation. CPT [REDACTED] is located in Bldg 72 and his phone number is VOIP: [REDACTED]
6. Submit your findings and recommendations on DA Form 1574 to CPT [REDACTED] for legal review no later than 29 August 2005.

[REDACTED]
[REDACTED]
COL, AR
Commanding

3/12-70 AR ESCALATION OF FORCE



SEQUENCE OF EVENTS

*21 UG05 OIA 1900, 3/A/2-70 patrols east on ASR [REDACTED] Patrol is 4 X 1114s.

• The crew of A32 (lead vehicle of the patrol) encounters a civilian blue minivan approaching the patrol from the west, traveling in the center of the road towards the patrol at 150 meters.

*The gunner of A32, recognizes the oncoming vehicle in the center of the road travelling at a high rate of speed. He attempts to slow the vehicle and have it yield by utilizing hand and arm signals. The crew observes no change in the vehicles speed or its position in the center of the road.

*At approximately 100 meters from the oncoming minivan the gunner for A32 raises his M4 (pointing the barrel away towards the north) in an attempt to cause the operator of the van slow and pull off the road. The crew observes no change in vehicle speed or position.

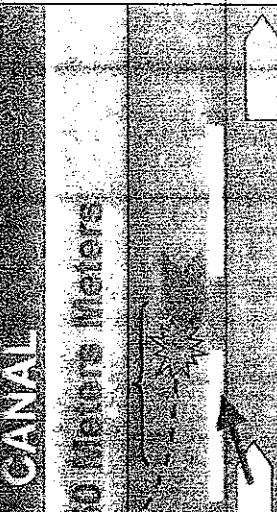
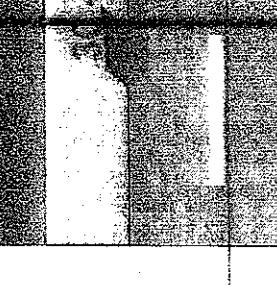
The driver of A32, recognizing that the minivan is not slowing, and concerned of a possible VBIED attack, applies his brakes to reduce his rate of speed.

The mini van immediately slows and pulls off the road. The gunner is unsure of where his disabling round impacts. The crew and follow-on crews observe no unusual activity. The patrol continues to Camp

THE SILENT LAND

1 X 1/4 Unknown (He scene) WINDSHIELD BROKE Passenger Side

ESCALATION OF FORCE

CANAL	100 Meters	 <p>A32 gunner uses hand and arm signals to slow the vehicle with no effect.</p>
CANAL	70 Meters	 <p>A32 gunner fires one disabling shot at the vehicle's front grill. Following the disabling shot the vehicle slows and pulls off the road. The gunner observes no unusual activity and continues the mission.</p>
CANAL	70 Meters	 <p>A32 makes first visual contact with civilian vehicle about 150 meters away. The vehicle is travelling in the center of the road at a high rate of speed.</p>
CANAL	70 Meters	 <p>The gunner raises his M4, pointing the barrel to the northeast. With no effect, The A32 driver applies his brakes to slow the M114. Driver and Gunner assess the civilian as a possible vehicle.</p>

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 295; E.O. 9397 dated November 22, 1943 (SSN)

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[REDACTED]	2005/08/21	2238	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E-5 / SGT	
8. ORGANIZATION OR ADDRESS			
3 rd BCT, 2-70 Armor Division, APO AE 09378	A Co		

3rd PLT, A Co was driving in a convoy back To [REDACTED] moving east on [REDACTED]. A 32 was on the lead with PFC [REDACTED] in the gunner seat, and myself in the TC seat. Approx. 1 Km away from the [REDACTED] I.A. checkpoint, we came out of a left turn when we saw a blue van moving west. There were shops on the north side of the road, and vehicles that pulled to the right side of the road as we passed, and a couple of vehicles moving east in front of the convoy about 300 mt. The van was about 250mt, moving at a good speed (approx 40ml/h). My HMMWV was driving at 45 ml/h. The van continued to move without pulling over to the side. Spc. [REDACTED] waved his hands signaling to the van to pull to the side. When the van did not move, Spc. [REDACTED] stood up with a rifle at the ready when we were approx 100mt away. The van continued to move without pulling over. When the vehicle was about 40mt away, Spc. [REDACTED] fired a warning shot. At that time, the van pulled halfway to the side of the road and continued to move. My driver slowed down and moved a little to the right. As we passed the van, the passengers to the front looked fine. The convoy continue to move to [REDACTED] as everything seemed fine.

INITIALS OF PERSON MAKING STATEMENT

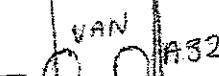
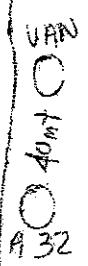
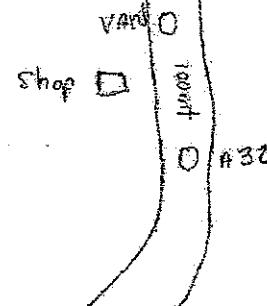
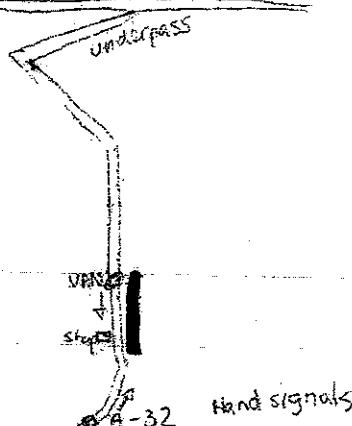
PAGE 1 OF 2 PAGES

STATEMENT OF [REDACTED]

TAKEN AT [REDACTED]

Camp [REDACTED]

DATED 2005/08/24



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

(Signature of Person Making Statement)

WITNESS:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 UCMJ

(Authority to Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
	2005 08 21	16:50	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
		1E-3

8. ORGANIZATION OR ADDRESS
3rd BCT, 2-70 Armor Division, APO AE 09378

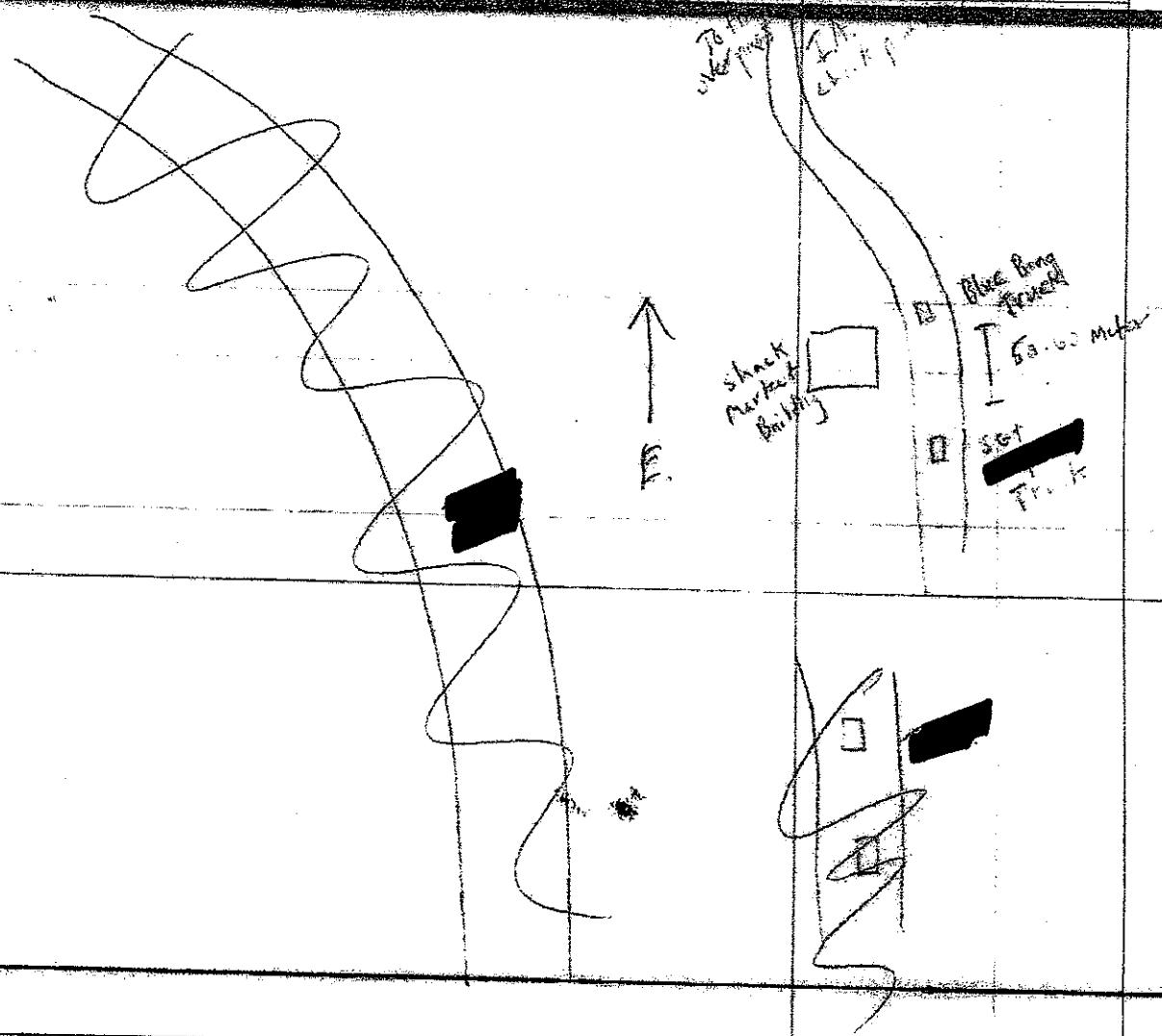
SGT. [REDACTED] & PFC [REDACTED] and my self were Traveling Easton [REDACTED] Towards [REDACTED]. roughly 1 Kilometer From the Bridge of a Iraqi Army checkpoint a Blue Bongo Truck Full of civilians came speeding around the corner at a great speed PFC [REDACTED] Dropped His speed From 45 to 30 when the Blue Bongo Truck kept coming A warning shot was [REDACTED] Then given For violation of Being to close to the Convoy. I saw the ground Before the van Burst up in grey dust causing the whole van Full of civilians to jerk off The road and begin to slow down, as we past I then looked at the windshield and Didn't see any penetration through the glass. The Blue van passed as we went to [REDACTED]

INITIALS OF PERSON MAKING STATEMENT	PAGE	1	OF	2	PAGES
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STATEMENT OF [REDACTED]

TAKEN AT

Camp [REDACTED]

DATED 2005 08 21st

AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESS:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 136 UCMJ

(Authority to Administer Oaths)

INITIALS OF PERSON

STATEMENT

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