

AFZP-VE-C

24 November 2005

MEMORANDUM FOR THE RECORD

SUBJECT: AR 15-6 Investigation into Sniper Engagement, D Co., 3-7 IN, 15 November 2005

1. I approve the findings and recommendations of the investigating officer.
2. The POC for this memorandum is CPT [REDACTED], Trial Counsel, at 242-5256.

A large rectangular area of the document has been completely blacked out with a redaction marker, obscuring a signature.

COL, EN
Commanding



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



A

AFZP-VEI-C

16 November 2005

MEMORANDUM FOR RECORD

SUBJECT: Appointment as 15-6 Investigation Officer

1. 1LT [REDACTED], D/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 the cause of the [REDACTED] shooting of a LN, HHC 3-7 IN BN.
2. In your investigation, all witness statements will be sworn. From the evidence, you will determine the circumstances of how and why the sniper shooting of a LN occurred.
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 72hrs from the Appointment Date.
4. POC for this memorandum is the undersigned.

[REDACTED]

LTC, IN
Commanding

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], CDR, 3-7 IN BN

(Appointing authority)

on 17 NOV 2005

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

SECTION II - SESSIONS

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

(Place)

at 1700

(Time)

on 18 NOV 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.)

1LT [REDACTED], Platoon Leader, D CO 3-7 Infantry (Investigating Officer)

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 1800 on 18 NOV 2005

(Time)

and completed findings and recommendations at 1900 on 18 NOV 2005

(Time)

(Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

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

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

2	Exhibits (para 3-16, AR 15-6)	YES	NO ¹	NA ²
	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 manner of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate –			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input checked="checked" 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 challenge 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:

This investigation has not found the BN [REDACTED] team to be negligent or their actions outside of established BN Procedures with regards to the shooting of a Local National on 15 November 2005. On the evening of 15 November 2005, Delta Company, 3/7 Infantry was conducting a pre-planned large TCP in the North-bound lane of RTE [REDACTED] between [REDACTED] and [REDACTED]. The purpose of this TCP was to intercept AIF IED cells and their contraband that had been operating consistently in this area. Prior to establishing the TCP the BN [REDACTED] were emplaced at [REDACTED], on the roof top of a duplex on the east side of RTE [REDACTED], to support and over watch the TCP. Their task was to observe vehicles in the TCP and report or action on any suspicious behavior consistent with AIF activity. The TPT team was also on site with a speaker truck to broadcast instructions to local nationals in the search area. Their task was to drive up and down the cordoned area and instruct the local nationals not to leave, to turn off their vehicles, get out of their vehicles, and wait to be searched. According to the TPT team leader they made several passes, broadcasting loudly in Arabic.

At approximately 1830 the [REDACTED] element observed suspicious activity near the rear of the cordoned search area. SGT [REDACTED] and SGT [REDACTED] watched a man, [REDACTED], emerge from a black 4 door car, squat down around the car, re-enter the car and again exit the car. The second time [REDACTED] exited the car he walked toward the median of the road and was met by two male drivers of other vehicles. The three males talked for several minutes before [REDACTED], unaccompanied, walked 30 meters to the rear of the vehicles with an unidentified object. As [REDACTED] neared an old IED crater on the east side of the road, he paused, placed or tossed an unknown and unidentifiable object into the crater. SGT [REDACTED], SGT [REDACTED], and SPC [REDACTED] all witnessed [REDACTED] place an object into the crater. Next [REDACTED] returned to his vehicle, as did the other two males he was earlier talking to enter their respective vehicles, and they attempted to drive over the median curb and get into traffic traveling south. Unable to establish communications with CPT [REDACTED], SGT [REDACTED] ordered SGT [REDACTED] and SPC [REDACTED] to fire disabling shots at the vehicles until an element from the cordon could action on the vehicles. After a total of 4 disabling shots- 3 by SGT [REDACTED] and 1 by SPC [REDACTED], the two white cars stopped. [REDACTED], driving the black car, continued west towards the median. SGT [REDACTED] fired 3 shots and SPC [REDACTED] fired 1 shot at [REDACTED]'s car to disable it, but the vehicle did not stop. As the car jumped up onto the curb and began to enter the southern lane, SGT [REDACTED] ordered SPC [REDACTED] to fire through the windshield at the driver. With this single shot the car stopped all shots were taken from appx. 120 meters with a [REDACTED] and [REDACTED].

Once these shots were fired CPT [REDACTED] along with Soldiers from White Platoon arrived at the scene. CPT [REDACTED] and a Platoon Medic assessed [REDACTED] as KIA/DOW, and a female passenger in one of the white vehicles, [REDACTED], as WIA from window fragments. Both Local National casualties were taken to [REDACTED] Hospital by Iraqi Police. EOD assets were contacted, dispatched, and they determined that the object that Mr. [REDACTED] emplaced was in fact not an IED, but an empty rice bag.

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

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

It is the recommendation of this investigating officer that no actions be taken against any of the [REDACTED] team members. All Soldiers involved acted in accordance with prescribed ROE and escalation of force procedures, which allow the use of deadly force to prevent harm to friendly Soldiers and civilians. The team had good observation of the area with both thermal and night vision optics. The actions of Mr. [REDACTED] were suspicious and consistent with AIF TTP's on emplacing IED's. SGT [REDACTED] assessed that Mr. [REDACTED] had an IED, and was emplacing it to avoid being caught by coalition forces in the TCP, and was then attempting to flee the area. Other local nationals in the vicinity of this activity followed the instructions of CF and the TPT team- they stopped, exited, and opened their vehicles and then stood by to be searched. Although the death of Mr. [REDACTED] is unfortunate, and his family should be compensated in accordance with the BN SOP, the Soldiers involved in his death were acting within standard operating procedures of the company and battalion. As always when deadly force is used, regardless of the situation, TTP's, ROE, and escalation of force should be reviewed and trained. This training should be conducted at the platoon and squad level, to ensure the continuation of their proper use. Had the object Mr. [REDACTED] emplaced in the IED crater been an IED, and he be allowed to flee the area, casualties from both American Soldiers and Iraqi civilians would have been imminent.

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)

(Member)

(Member)

(Member)

(Member)

/LT AR

(Investigating Officer) (President)

To the extent indicated in Inclosure

(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 VII - MINORITY REPORT (para 3-13, 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
HEADQUARTERS, 3RD Battalion, 7TH Infantry Regiment
4TH Brigade, 3RD Infantry Division
APO AR [REDACTED]

AFZP-VEI-C

November 18, 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 shooting of a local national 15 1830 NOV 05.

- A. AR 15-6 Investigating Officer Appointment Orders
- B. DA Form 1574, Reporting by the Investigating Officer
- C. Exhibits

- (1). Exhibit A: Serious Incident Report
- (2). Exhibit B: Sworn Statement from CPT [REDACTED]
- (3). Exhibit C: Sworn Statement from SGT [REDACTED]
- (4). Exhibit D: Sworn Statement from SGT [REDACTED]
- (5). Exhibit E: Sworn Statement from SPC [REDACTED]
- (6). Exhibit F: Sworn Statement from SPC [REDACTED]
- (7). Exhibit G: Hand drawn diagram from SGT [REDACTED]
- (8). Exhibit H: [REDACTED]

2. POC for this memorandum is the undersigned.

FOR THE COMMANDER

[REDACTED]
1LT, AR
Platoon Leader

LINE 1: UNIT REPORTING: 3-7 IN

LINE 2: INCIDENT: SNIPER SHOT

LINE 3: DATE/TIME GROUP (DTG) INCIDENT OCCURRED: 15 1945 NOV 05

LINE 4: LOCATION OF INCIDENT: MB 41104 79249

LINE 5: PERSONNEL INVOLVED

NAME	RANK	UNIT	SSN	SEX	AGE	RACE
[REDACTED]	E-4	H/3-7	[REDACTED]	NA	NA	NA
[REDACTED]	E-4	H/3-7	[REDACTED]	NA	NA	NA
[REDACTED]	E-5	H/3-7	[REDACTED]	NA	NA	NA
[REDACTED]	E-5	H/3-7	[REDACTED]	NA	NA	NA

LINE 6: SUMMARY OF INCIDENT: Unit (D-6) was stationary on Rte. [REDACTED] conducting TCP facing north. Unit had deployed cones and concertina wire as standoff kit. Unit had a group of vehicles inside cordon conducting search of vehicles. [REDACTED] were emplaced on the eastern side of Rte [REDACTED] @ [REDACTED]. A vehicle (Dark Blue 4dr Kia sedan) was stopped with two other vehicles to the south of the TCP. Sniper element reported driver exited the vehicle and moved to the rear of the vehicle and began to act suspiciously. His specific actions were masked by the vehicle. L/N then returned to vehicle and waited with other stopped vehicles. This information was radioed to the unit conducting the TCP. They acknowledged and said they would search the vehicle thoroughly when they reached the TCP. A few minutes later driver then re-exited vehicle. Driver and two other personnel from trail vehicles (white sedans) began to move to the median of Irish and conversed for a few minutes. First person from the dark blue sedan then moved south approximately and moved to an old IED crater site on the eastern side of the south bound lane. After standing around observing the checkpoint driver was seen dropping something in the crater site. Other two personnel began walking to crater site when they saw original person moving back to his vehicle. [REDACTED] element attempted to call unit on the ground to advise the [REDACTED] were unable to establish coms at this time. Driver and two personnel then began moving back to vehicles still waiting to be called forward to TCP. All personnel re-entered the vehicles. At this time all three vehicles began backing up and attempting to turn out of traffic and began moving to drive over the median and merge into south bound traffic. When [REDACTED] saw this begin to take place they engaged the two white sedans (vehicles 2 and 3). After the rounds hit the vehicles both white sedans stopped. Lead sedan continued moving trying to drive over median. Vehicle was engaged with disabling rounds into the vehicle. The vehicle continued moving and the snipers incapacitated the driver by shooting through the windshield. At this point all three vehicles were stopped. Unit then began moving to the vehicles to assess the casualties. Driver was removed from lead vehicle and was found to be KIA. [REDACTED] had regained commo with unit on ground at this time. Driver of lead vehicle was removed from vehicle and found to be KIA. Other vehicles were searched by ground unit and found 1x L/N woman WIA hit in shoulder. IP forces on scene took both shot personnel to [REDACTED]. [REDACTED] were [REDACTED] at this time due to having [REDACTED] their position. When ground unit had finished assessing scene they collapsed cordon and returned to FOB. There was no IED found in IED crater where L/N was seen dropping bag. White Burlap bag was found at site but bag was empty. Unit believes this was dry run by enemy and to verify [REDACTED] were emplaced. Ground unit is providing sworn statements as well regarding incidents. 3-7 IN will provide updates as received from company. Company will also be going to [REDACTED] to question woman who was shot.

LINE 7: [REDACTED]

LINE 8: COMMANDER REPORTING: LTC [REDACTED]

SIR ()

D *

SWORN STATEMENT For use of this form, see AR 100-45; the proponent agency is DDCSOPS				
PRIVACY ACT STATEMENT				
AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (SSN).			
PRINCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.			
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.			
DISCLOSURE:	Disclosure of your social security number is voluntary.			
1. LOCATION Bagdahd, Iraq, APO AE 09346	2. DATE (YYYYMMDD) 2005/11/16	3. TIME 1230	4. FILE NUMBER	
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O3/RA		
8. ORGANIZATION OR ADDRESS D/3-7IN, FOB [REDACTED] Bagdahd, Iraq, APO AE 09346				
9. [REDACTED]	, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>At approximately 1730 hours Delta Company established a traffic control point between [REDACTED] and [REDACTED]. [REDACTED] were placed in a position to overwatch vehicles as they waited to be searched. Engagement criteria was given to SGT [REDACTED] the [REDACTED] leader. The guidance allowed for engagement of enemy vehicles and or personnel if suspicious activity is observed which the [REDACTED] Team Leader feels is consistent with past IED emplacement activity along Route [REDACTED]. Escalation of force consistent with the ROE was to be followed. The [REDACTED] broadcast a message to the Iraqi's in the search lane which stated that they should remain in their vehicles, not attempt to exit the search lane, and that deadly force was authorized. At approximately 1900 hours the [REDACTED] Team observed suspicious activity consistent with the engagement criteria. A warning shot was fired at a dark sedan attempting to exit the search lane. The occupant was observed removing an item from the trunk of his car and placing the item in an IED crater. The Iraqi got back in his car and as he attempted to exit the lane the warning shot was fired. The vehicle continued to attempt to exit the lane. At this point shots were fired to disable the vehicle. The vehicle accelerated and continued to flee. At this point the [REDACTED] fired at the windshield killing the driver. At this point a silver sedan attempted to back out of the search lane. One shot was fired into the hood disabling the vehicle. I arrived on the scene approximately five minutes after the last shot was fired. The potential IED site was secured and all civilian personnel were removed from the area for their safety. I removed the Iraqi male who was shot from his vehicle and attempted to determine if he was alive. Due to the extent of his injuries it was my opinion that he was dead. A medic was summoned and Iraqi Police were called. At this time the male driver of the silver car informed me that his wife was injured. A medic examined her and determined that she had a small entry wound in her shoulder with no exit wound. The wound was not bleeding and appeared to be caused by glass fragments. The woman was transported to the hospital in an Iraqi Ambulance. The Iraqi Police explained to the woman's husband why his vehicle had been shot and he was given a claims card. I asked the Iraqi male why he chose to put himself in danger by disregarding the message that the TPT had broadcast. He admitted that he did hear the TPT but chose to attempt to exit the search lane anyway. The [REDACTED] conducted a search of the IED crater and did not locate any additional explosives. All remaining vehicles in the search lane were searched and we returned to the FOB. [REDACTED]</p>				
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF	2	PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" _____ TAKEN AT _____ DATED _____				
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.				

STATEMENT OF [REDACTED]

TAKEN AT 1230

DATED 2005/11/16

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

1. [REDACTED] HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]

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

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

D/C 3-7 IN BN

Bob [REDACTED]

ORGANIZATION OR ADDRESS

D/C 3-7 IN BN

FOL [REDACTED]

ORGANIZATION OR ADDRESS

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 0 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 To provide commanders and law enforcement officials with means by which information may be accurately identified.

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
	2005 11 15	22:23	
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS	
		E-5	

8. ORGANIZATION OR ADDRESS
3-7 INF HHC 4th BDE 3D

9.

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

Around 1730 SGT [REDACTED], SPC [REDACTED] & myself set in an [REDACTED] position, a two story house east of route [REDACTED]

Around 1800 Delta established there cordon & began searching cars.

Around 1830 [REDACTED] I spoted a Iraqi National exit his car and walk to the rear of his car, I told SGT [REDACTED] & he got eyes on we both seen the man kneel down behind the car but from our position we could not see what he was doing. The man then got back in the car. A couple minutes later he exited the car again along with 2 other men all getting out of separate cars. All 3 of them walked about 30 meters behind the cars over to the east curb right at a place of an earlier IED had been set off. The man that was closest to the hole, the same man that earlier was kneeling behind his black car, droped something in the hole then all three of the men got back in there cars. All 3 of the men started [REDACTED] back out of the cordon. SGT [REDACTED] was trying to get comms with higher for guidance, after nothing he told us to disable the vehicle(s). I shot 3 rounds at the white car. Then the car stopped. I then got eyes on the black car at that time the car was not stoping so I fired 2 shots at the black car.

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

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

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

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

At that time also SPC [REDACTED] shot one round, the black car then started going forward I fired another round. SGT [REDACTED] then told SPC [REDACTED] to take the man down. As the car was going for the median, then the car stopped, SGT [REDACTED] called up a sit report then the Soldiers on the ground went to the rear of the cordon to assess the situation.

To clarify when all 3 of the men where out of the cars it was the man from the black car that was at the IED hole the other [REDACTED] men did not go all the way to the hole but they did all talk behind the cars, nothing else follows

AFFIDAVIT

[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 _____ day of _____, _____
at _____

ORGANIZATION OR ADDRESS

[REDACTED] (Signature of Person Administering Oath)

[REDACTED] (Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED] (Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE _____ OF _____ PAGES

SWORN STATEMENT

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

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

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

PRIVACY ACT STATEMENT

1. LOCATION	2. DATE (YYYYMMDD) 20051115	3. TIME 1915	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME	6. SSN	7. GRADE/STATUS E-5 / SGT Active	
8. ORGANIZATION OR ADDRESS HHC 3-7 INF 4th BDE	3ID	FSGA	

9.

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

ON 15 Nov 2005, @ approx 1915 in VC [REDACTED], I was on mission with my team consisting of SGT [REDACTED] SPC [REDACTED], and SPC [REDACTED]. We were set up in an [REDACTED] position on top of a local national duplex on the EAST side of RT [REDACTED]. While I conducted a cordon and search of the North bound lane traffic. At the time I had SPC [REDACTED] watching to the North, SGT [REDACTED] watching to the South, SPC [REDACTED] watching the traffic in the center and myself scanning anything that was brought to my attention. SGT [REDACTED] informed me that to the rear of the traffic a local national had gotten out of his vehicle and had moved to the rear of it. I began to scan the area with my PMSI thermal sight. I witnessed the individual squatting on the opposite side of the vehicle from us and appeared to be doing something under the vehicle. The vehicle was a black car, unknown make, with 4 doors. At that time I called in a SITREP to [REDACTED] ([REDACTED]) golf of what I saw and was informed back to continue to monitor and they would conduct a more thorough search of the vehicle once it got to the [REDACTED] check point. Approximately 7 minutes later I witnessed the local national exit the vehicle again and move over to the median of the road. After the drivers of 2 other vehicles at the rear, another [REDACTED] white 4 door car [REDACTED] known make, exited their cars and moved over to the median as well. All 3 local nationals appeared to be conversing for a couple of minutes. Then the local national from the first black vehicle moved away and began to walk along the curb on the EAST side lane, back approx 30m from his vehicle and stopped next to a former IED site. I was watching him on my thermal, SGT [REDACTED] was walking him through an [REDACTED] with a [REDACTED] and SPC [REDACTED] was watching with a [REDACTED]

when all 3 of us witnessed him toss an unknown object in the center. The other 2 individuals who he was talking with earlier moved about half way to where he was when he started walking back to his car. At that time I began to try and get [REDACTED] cars with [REDACTED] to seek guidance on the situation. While that was going on all 3 local nationals got back in their cars and began to back up from the rear of the traffic. The black car was first, followed by the 2 white

10. EXHIBIT

11. [REDACTED] ON 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.

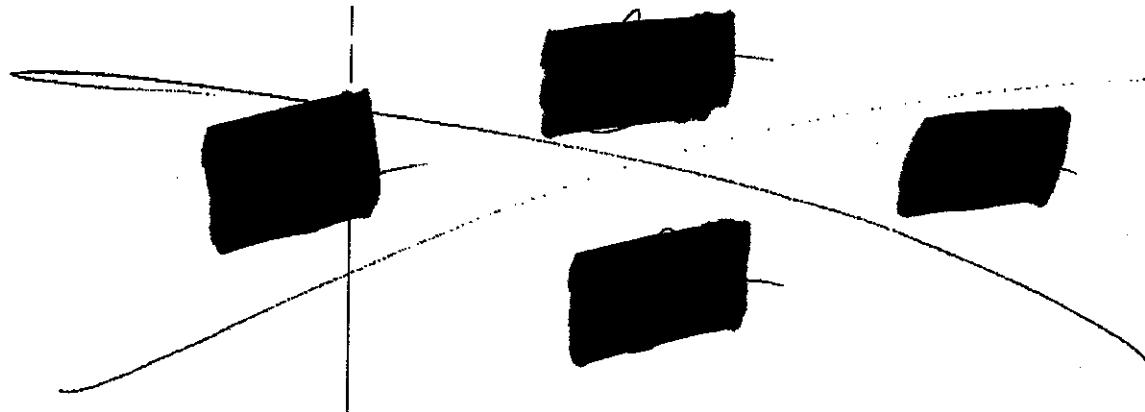
STATEMENT OF [REDACTED]

TAKEN AT 2320

DATED 15 Nov 2005

9. STATEMENT (Continued) CARS - I assessed the situation as the 3 were trying to exit the area. I ordered SGT [REDACTED] and SPC [REDACTED] to fire disabling shots in the vehicles with their [REDACTED] and an [REDACTED]. After the first couple of shots the 2 white vehicles stopped while the black vehicle continued to back up. MORE shots were fired and failed to hit the last car. I then ordered SPC [REDACTED] to fire to fire another round through the windshield at the driver as he was trying to jump the median. After SPC [REDACTED] fired this last round the vehicle finally halted. The driver did not get out. At that time I finally established contact with [REDACTED] who informed me he was coming to assess the situation.

nothing else follows.



AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

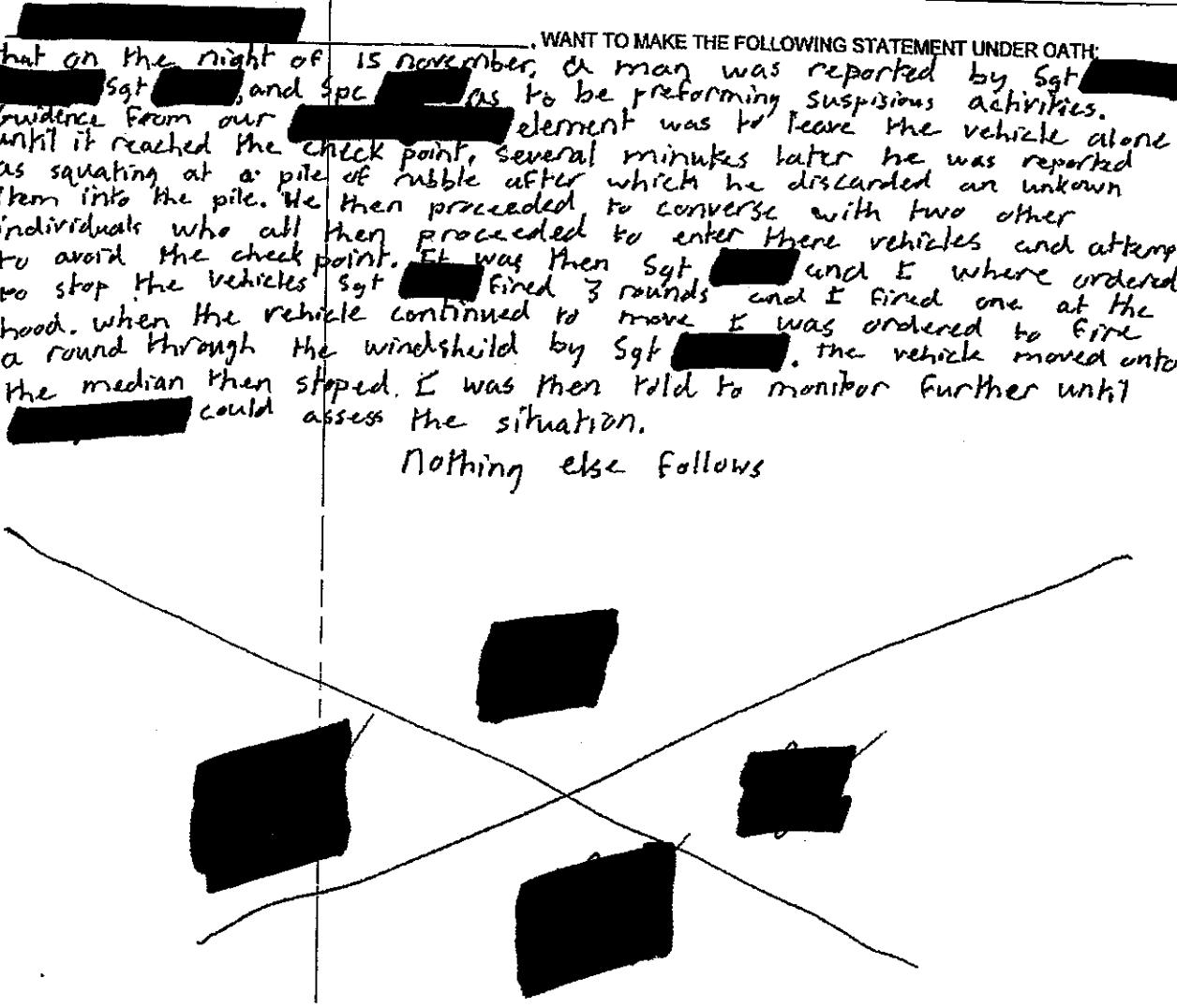
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

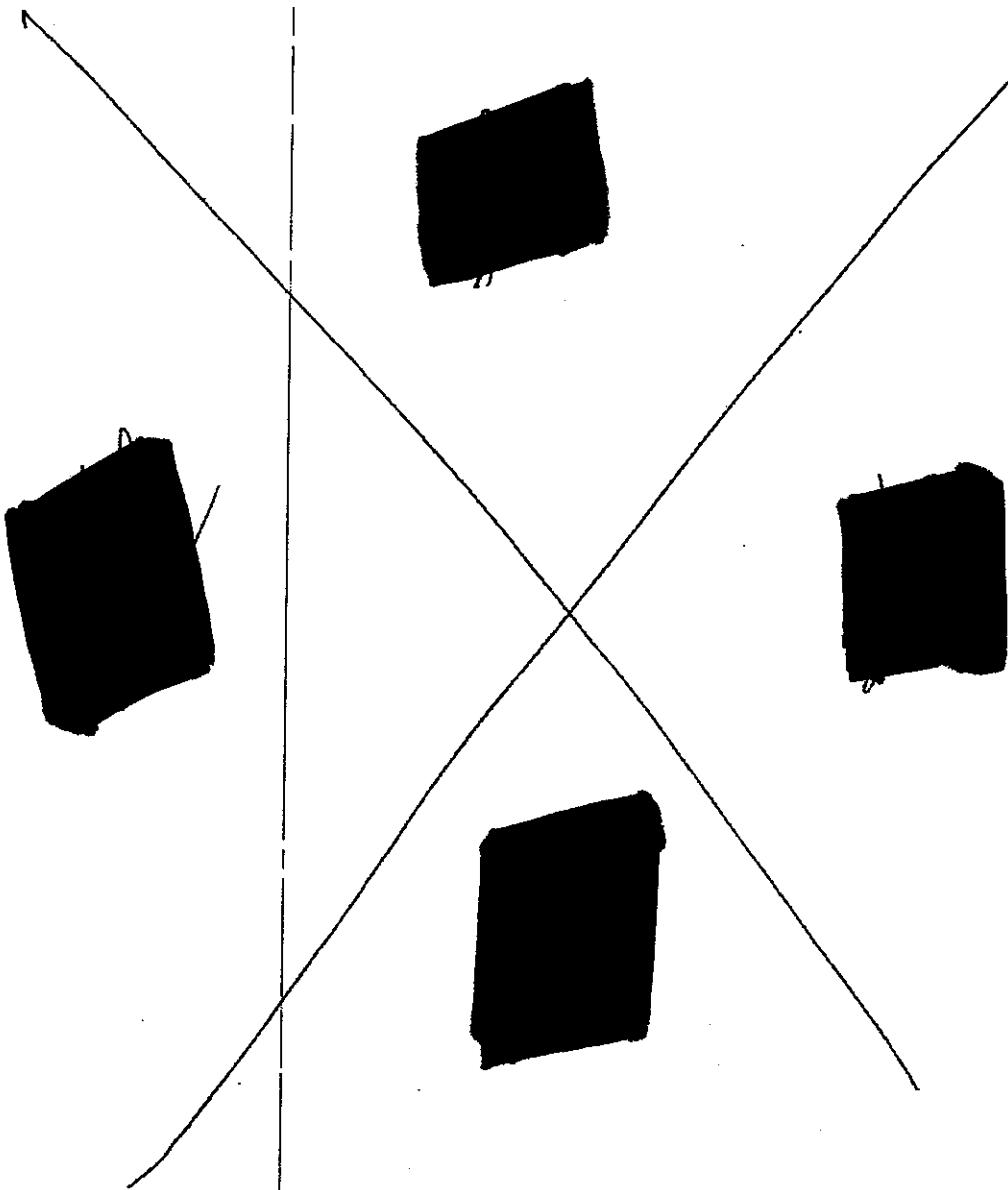
PAGE 2 OF 2 PAGES

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	To provide commanders and law enforcement officials with means by which information may be accurately identified.		
ROUTINE USES:	Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.		
DISCLOSURE:	Disclosure of your social security number is voluntary.		
1. LOCATION	2. DATE (YYYYMMDD) 20051115	3. TIME	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS E-4	
B. ORGANIZATION OR ADDRESS HHC 3-7 Inf			
9.	<p>I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</p> <p>That on the night of 15 November, it may was reported by Sgt [REDACTED] [REDACTED] and Spc [REDACTED] as to be performing suspicious activities. Evidence from our [REDACTED] element was to leave the vehicle alone until it reached the check point, several minutes later he was reported as squatting at a pile of rubble after which he discarded an unknown item into the pile. He then proceeded to converse with two other individuals who all then proceeded to enter there vehicles and attempt to avoid the check point. It was then Sgt [REDACTED] and I where ordered to stop the vehicles. Sgt [REDACTED] fired 3 rounds and I fired one at the hood. when the vehicle continued to move I was ordered to fire a round through the windshield by Sgt [REDACTED]. the vehicle moved onto the median then stopped. I was then told to monitor further until [REDACTED] could assess the situation.</p> <p>Nothing else follows</p> 		
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF <u>1</u> PAGES	
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.			

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 2240 DATED 15 Nov 05

9. STATEMENT (Continued)



INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 1 OF 3 PAGES

PAGE 2, DA FORM 2823, DEC 1998

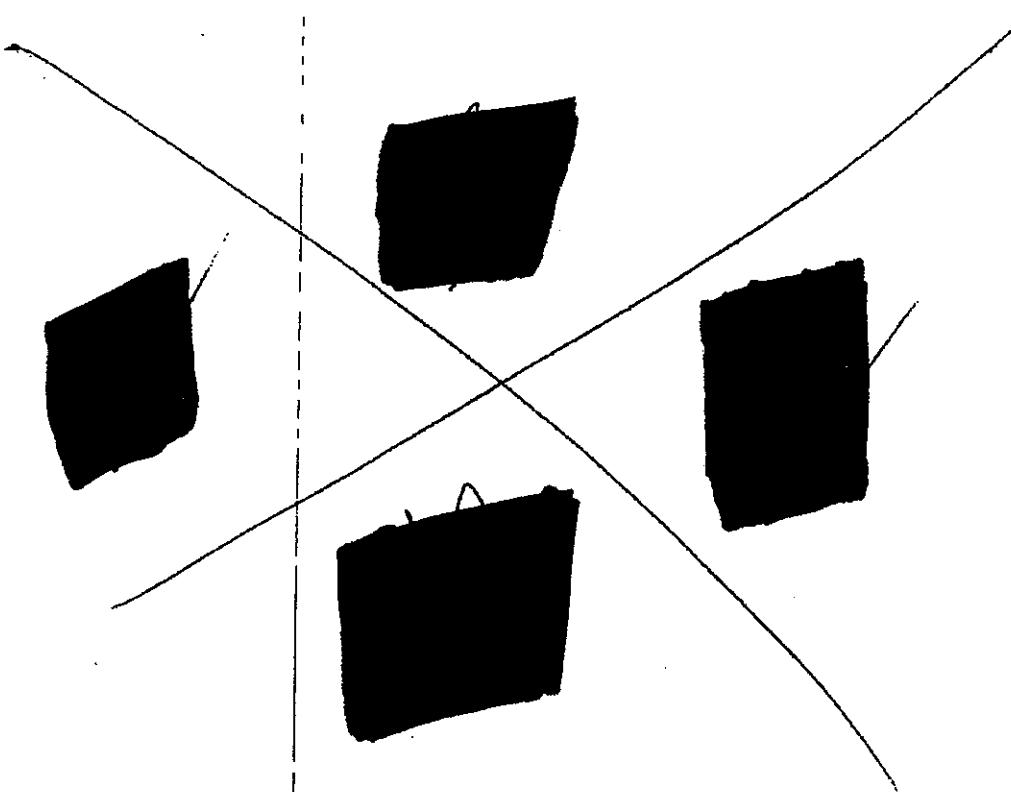
USAPA V1.00

STATEMENT OF [REDACTED]

TAKEN AT 2240

DATED 15 Nov 05

9. STATEMENT (Continued)



AFFIDAVIT

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

(Signature of Person Making Statement)

WITNESSES:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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 To provide commanders and law enforcement officials with means by which information may be accurately identified. ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. DISCLOSURE: Disclosure of your social security number is voluntary.			
1. LOCATION	2. DATE (YYYYMMDD) 15 Nov 95	3. TIME 2222	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS Spec	
8. ORGANIZATION OR ADDRESS 3/7 Inf Bn ()			
9. 1. [REDACTED]			
I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>We set into position at the duplex (1730) to [REDACTED] Company while they were doing there squat on along route [REDACTED]. Sgt [REDACTED], Sgt. [REDACTED], Spec [REDACTED] & I placed our selves on top of the roof so we had a view of the cars while [REDACTED] their vehicle searches. Sgt [REDACTED] and Sgt [REDACTED] when looking one way. Spec [REDACTED] & I were looking the other way.</p> <p>Sgt [REDACTED] & Sgt [REDACTED] said they saw several people looking suspicious. I then took my [REDACTED] and saw 3 persons standing and the back of a black car. Sgt [REDACTED] called up to [REDACTED] informing them of what we saw. [REDACTED] element said that they would check it out when they got to the car.</p> <p>After that I saw an individual walk to the side of the road a [REDACTED] an item in a known PED hole. Then I saw a second person walk over and point. about 2-3 mins later all people got into there vehicles and took off.</p> <p>I heard Sgt [REDACTED] call up to [REDACTED] to inform that we had individuals leaving the scene. There was a total of 3 cars leaving.</p> <p>Sgt [REDACTED] directed by Sgt [REDACTED] fired 2 ([REDACTED] from the [REDACTED] at the white vehicle. Both vehicles stop after being fired upon. The last vehicle that was in the convey trying to get away got</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" [REDACTED]		TAKEN AT [REDACTED] DATED [REDACTED]	
PAGE 1 OF [REDACTED] PAGES			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.			

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

4 Rds fire by Sgt. [REDACTED] Spc [REDACTED] Z [REDACTED] at the last vehicle that was black. The shots Sgt. [REDACTED] (the last four) was also at the black vehicle that had tinted windows. The black vehicle that was fleeing was trying to get over the median in the middle of the road. After firing rounds in the hood, the driver was still trying to get away. Sgt. [REDACTED] then order Z to take the driver out.

The vehicle came to a stop, and Sgt. [REDACTED] pull up to [REDACTED] to assess the situation. Nothing else follows.

INITIALS OF PERSON MAKING STATEMENT: [REDACTED]

STATEMENT OF _____

TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

X

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:

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

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

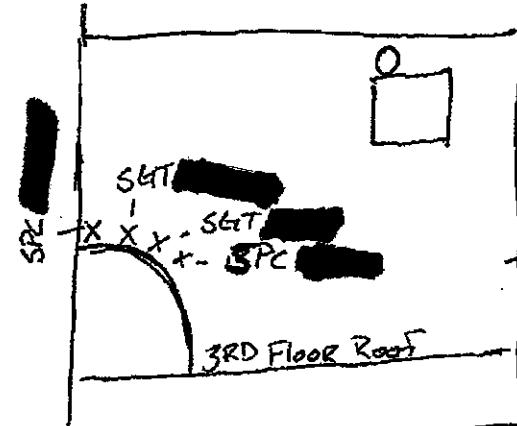
ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

alley - TCP



Vehicle with KIA

APPROX

APPROX

APPROX 30m



Field

17941

■ - WIRE
□ - CARS
■ Vehicles Engaged
■ Trees
■ SED Crater