MEMORANDUM FOR Captain [REDACTED] Headquarters and Headquarters Company, 1st Brigade Combat Team, Multinational Division Baghdad, [REDACTED] Iraq APO AE 09376

SUBJECT: Appointment as AR 15-6 Investigating Officer

1. This confirms your per voco appointment as an investigating officer, pursuant to AR 15-6, to conduct an informal investigation into the facts and circumstances surrounding an escalation of force resulting in the death of one local national.

2. You will:

   a. Make findings as to whether Soldiers from the BSTB complied with the Rules of Engagement and used proper escalation of force;

   b. Make findings as to the identity of the individual engaged by US forces;

   c. Make any other findings you deem appropriate in connection with the above matters.

3. You will make recommendations based upon your findings.

4. All witness statements will be sworn on DA Form 2823, if possible. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report. If during the course of your investigation, you develop information suggesting a person has violated the Uniform Code of Military Justice, you will advise the person of his or her Article 31 UCMJ rights before questioning the person. Use DA Form 3881 to conduct any such rights advisement.

5. Use the informal procedures set out in AR 15-6 in your investigation. You will submit the findings and recommendations, original and two copies, of your report as exhibits to the Staff Judge Advocate on DA Form 1574 within ten days of receipt of this appointment. Any requests for extensions should be made through your legal advisor to me.
SUBJECT: Appointment as AR 15-6 Investigating Officer

6. This investigation takes priority over all other duties. You should contact MAJ 1st Brigade Combat Team, for a procedural briefing prior to initiating your investigation. If you have any questions, MAJ can be reached at the 1BCT TOC.

Commanding
MEMORANDUM FOR COMMANDER, 1st Brigade Combat Team, Iraq APO, AE 09376

SUBJECT: 15-6 Investigation, Escalation of Force, A/1st BSTB

1. I have read the report and concur with the findings of the Investigating Officer. The actions taken by the Soldiers of A/1st BSTB were within the procedures established by the Brigade, Battalion and Company and consistent with the Rules of Engagement (ROE).

2. POC for this memorandum is the undersigned at 242-4922.

LTC, MI
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 (Appointing authority)

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

SECTION II - SESSIONS

The (Investigation) (Board) commenced at _______ at ________ (Place) (Time)

on ___________ (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 _______ on __________ (Time) (Date)

and completed findings and recommendations at _______ on __________ (Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

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

   YES NO NA

FOOTNOTES:
1. Exclude 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.

DA FORM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE. Page 1 of 4 pages USAPA V1.20
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? [YES/NO/NA]
   b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit? [YES/NO/NA]
   c. Has the testimony or statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit? [YES/NO/NA]
   d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated? [YES/NO/NA]
   e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)? [YES/NO/NA]
   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? [YES/NO/NA]
   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)? [YES/NO/NA]

3. Was a quorum present when the board voted on findings and recommendations (para 4-1 and 5-3b, AR 15-6)? [YES/NO/NA]

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)? [YES/NO/NA]
5. Was a quorum present at every session of the board (para 5-2b, AR 15-6)? [YES/NO/NA]
6. Was each absence of any member properly excused (para 5-3a, AR 15-6)? [YES/NO/NA]
7. Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)? [YES/NO/NA]
8. If any members who voted on findings or recommendations were not present when the board received some evidence, does the include describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)? [YES/NO/NA]

C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)
9. Notice to respondents (para 5-4, AR 15-6):
   a. Is the method and date of delivery to the respondent indicated on each letter of notification? [YES/NO/NA]
   b. Was the date of delivery at least five working days prior to the first session of the board? [YES/NO/NA]
   c. Does each letter of notification indicate:
      (1) the date, hour, and place of the first session of the board concerning that respondent? [YES/NO/NA]
      (2) the matter to be investigated, including specific allegations against the respondent, if any? [YES/NO/NA]
      (3) the respondent's rights with regard to counsel? [YES/NO/NA]
      (4) the name and address of each witness expected to be called by the recorder? [YES/NO/NA]
      (5) the respondent's rights to be present, present evidence, and call witnesses? [YES/NO/NA]
   d. Was the respondent provided a copy of all unclassified documents in the case file? [YES/NO/NA]
   e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? [YES/NO/NA]

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)? [YES/NO/NA]
    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)? [YES/NO/NA]

11. Counsel (para 5-6, AR 15-6):
    a. Was each respondent represented by counsel? [YES/NO/NA]
    b. Name and business address of counsel:
       (If counsel is a lawyer, check here ☐)
    c. Was respondent's counsel present at all open sessions of the board relating to that respondent? [YES/NO/NA]
    d. 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)? [YES/NO/NA]

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? [YES/NO/NA]
    b. Did each member successfully challenged cease to participate in the proceedings? [YES/NO/NA]

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? [YES/NO/NA]
    b. Examine and object to the introduction of real and documentary evidence, including written statements? [YES/NO/NA]
    c. Object to the testimony of witnesses and cross-examine witnesses other than his own? [YES/NO/NA]
    d. Call witnesses and otherwise introduce evidence? [YES/NO/NA]
    e. Testify as a witness? [YES/NO/NA]
    f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)? [YES/NO/NA]

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)? [YES/NO/NA]

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)? [YES/NO/NA]

FOOTNOTES: If any negative answers are on an attached sheet.
Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

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11611
SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), 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) (board) 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 its signature should appear.)

___________________________________________
(Recorder)

___________________________________________
(Member)

___________________________________________
(Member)

___________________________________________
(Member)

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

To the extent indicated in inclusion ____________, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclusion, 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 inclusion.)

___________________________________________
(Member)

___________________________________________
(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-8, AR 15-6)

The findings and recommendations of the (investigating officer) (board) (dis)approved (dis)approved (appraised with following exceptions/submissions). (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 inclusion.)
DEPARTMENT OF THE ARMY
HQ, 1ST BRIGADE COMBAT TEAM, 10TH MOUNTAIN DIVISION (LI)
IRAQ APO AE 09376

15 October 2005

MEMORANDUM FOR RECORD


1. PURPOSE. The purpose of this memorandum is to document my findings and present recommendations regarding my investigation of an escalation of force incident involving A/IBSTB on 13 October 2005.

2. FINDING. I find that the actions taken by soldiers of A/IBSTB on the afternoon of 13 October 2005 at the intersection of Routes [Redacted] were commensurate with established and published brigade, battalion, and company guidelines.

3. FACTS.
   A. While on site, attempting to disable an IED located at [Redacted] a L/N approached the [Redacted] team via an alleyway, traveling from East to West (see diagram; Buffalo is vehicle number 5).
   B. Upon identification of the L/N, all personnel located in vicinity of vehicles 1, 2, and 3 (see diagram) began signaling - using vehicle horns, shouting, and waving - to stop the L/N’s advance.
   C. The L/N continued to advance and SPC [Redacted] fired a warning shot.
   D. The L/N acknowledged the warning by stopping, turning around, and moving back East along the alleyway.
   E. Approximately 10-20 minutes later, the same L/N approached the Buffalo vehicle, this time approaching from North to South (see diagram “L/N Final Approach”).
   F. Upon identification of the L/N, all personnel, again, began signaling; the L/N continued to approach.
   G. Both SGT [Redacted] (located to the west of vehicle number 1) and SGT [Redacted] (located between vehicles 1 and 2) fired warning shots at the L/N.
   H. The L/N stopped, acknowledged both warning shots, and continued advancing toward the Buffalo vehicle.
   I. At approximately 30m from his location in the turret of vehicle number 3, SPC [Redacted] fired one, short burst of 3 to 5 rounds from his M249, wounding the L/N.
   J. SGT [Redacted], SPC [Redacted] and PFC [Redacted] immediately approached the L/N - who was, at this point, lying on the ground and bleeding – and moved him back to a safe location between vehicles 2 and 4.
   K. PFC [Redacted] unit medic, began administering aid to the L/N.
SUBJECT: A/1BSTB, Escalation of Force, 15-6 Investigation (13 October 2005)

4. DISCUSSION.
   A. The facts previously listed were gleaned from sworn statements provided by soldiers involved in the incident (see Exhibits C thru T) and interviews held with soldiers on the evening of 14 October 2005. I believe the L/N demonstrated hostile intent by acknowledging the warning shots and continuing to advance. The L/N’s actions, eerily, resemble those of reported suicide bombers, and further support my position of hostile intent.

   B. As of the authoring of this document, final disposition of the wounded L/N is still unknown. MAJ 42nd MP Brigade S3, has his MP units contacting local Iraqi Police to gather further information on this incident.

6. POC for this document is the undersigned at VOIR or
1. PURPOSE. To report critical and time sensitive events to the Commanding General (CG).

2. SCOPE. This tab applies to all units assigned or task organized to 3d IN Div (Mech).

3. PROCEDURES. Commander’s Incident Report (CIR) is intended to provide the CG with immediate notification of an incident involving 3d IN Div (Mech) soldiers and/or equipment. As much information as possible should be included in the initial report but immediate notification should not be delayed unnecessarily. Additional information should be provided as soon as possible.

4. CIR will be submitted in following format:

LINE 1: Unit reporting: 1 BSTB ____________________________

LINE 2: Incident: EOF ____________________________

LINE 3: Date/time group (DTG) incident occurred: 131424OCT05

LINE 4: Location of incident: ____________________________

LINE 5: Personnel involved:

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<tr>
<th>Name</th>
<th>Rank</th>
<th>Unit</th>
<th>SSN</th>
<th>Sex</th>
<th>Age</th>
<th>Race</th>
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<tbody>
<tr>
<td>(b)(6)</td>
<td>2LT</td>
<td>A/1BSTB</td>
<td>(b)(6)</td>
<td>M</td>
<td>(b)(6)</td>
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LINE 6: Summary of incident: 131424OCT05: LT (b)(6) is the OSC for EOD escort. EOD arrived on an IED site at 1-87 (outer cordon) reported that (b)(2)Low fired a warning shot at a vehicle that did not stop and was approaching the IED. LT (b)(6) is responsible for setting the inner cordon. Reportedly, the round ricocheted off the ground and struck the LN driving the vehicle through the abdomen. A/1BSTB is continuing mission and LN is being medevaced.

LINE 7: Damage to government and/or civilian property: 1x LN wounded.

LINE 8: Commander reporting: 1BSTB BTL CPT, 1LT (b)(6), (b)(2)Low

On Scene Commander will provide full details after mission complete.

Exhibit A
AMENDED BASED ON DEBRIEF

1. PURPOSE. To report critical and time sensitive events to the Commanding General (CG).

2. SCOPE. This tab applies to all units assigned or task organized to 3d IN Div (Mech).

3. PROCEDURES. Commander's Incident Report (CIR) is intended to provide the CG with immediate notification of an incident involving 3d IN Div (Mech) soldiers and/or equipment. As much information as possible should be included in the initial report but immediate notification should not be delayed unnecessarily. Additional information should be provided as soon as possible.

4. CIR will be submitted in following format:

LINE 1: Unit reporting: _2nd Platoon, A Co, 1st BSTB_

LINE 2: Incident: _____Escalation of force, gunshot wounds local national_____

LINE 3: 131420OCT05

LINE 4: Location of incident: 

LINE 5: Personnel involved (based on initial report):

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<th>FIRST NAME</th>
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LINE 6: Summary of incident: During an EOD escort mission, 2nd platoon was located at when a local national on foot entered the exit ramp from the residential area to the east of the IED, and upon entering the exit ramp he was inside of the outer cordon. When the security detail saw the local national they immediately began shouting and waving to the local national to get him to clear the area, however he continued to walk towards the EOD element. SGT fired one warning shot when the LN was approximately 30m away. The LN did not flinch or change course when the shot was fired, and PFC fired 2 shots in one burst with the M249 mounted on one of the turrets. The first round was aimed at the feet of the LN, and the second round rose and hit him in the 2 personnel were immediately sent to bring the LN back to the inner cordon, and the medics attached to both
EOD escort and treated him at that time. After treatment, IPs picked up the LN to transport him to the hospital.

LINE 7: Damage to government and/or civilian property: One LN wounded.

LINE 8: Commander reporting: A Co CDR

AMENDED BASED ON DEBRIEF
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
   (b)(1)
   1st Bt B
   0-31/6 PT

2. DATE (MM/YYYY)
   2021 10/15

3. TIME
   1330

4. FILE NUMBER
   (b)(6)

5. REASON FOR RECALL

6. GRADE/STATUS
   O-3/6 PT

7. WITNESS
   O-3/6 PT

8. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

9. WITNESS STATEMENT
   On 13 Oct 20, I accompanied my 1st platoon on a
   operation. As we were conducting an interrogation along the North
   access ramp, the Buffalo confirmed an IED. Two vehicles which were
   in front of the Buffalo secured the North lanes to shut
   down vehicle traffic, the two trail vehicles, which were behind the
   Buffalo, cordoned the
   intersections East and West.
   It was apparent that we did not have sufficient combat power to cordon
   the area, requested assistance from
   (b)(2)Low for additional vehicles, 4 vehicles
   arrived from 1-87 which went to secure the South
   (b)(1) lanes as well
   as as East
   (b)(1) In my opinion, we still required additional forces
   to secure the site so we requested additional forces from Summit. I believe
   2 vehicles from the 12th BDE arrived and were dispatched to reinforce the cordon
   to the West
   (b)(3) intersection. At this point, I felt comfortable with the
   Outer cordon and EOD's ability to conduct their mission without being in
   danger, EOD arrived on the scene and located their inner cordon directly
   behind the buffalo vehicles. They immediately conducted a 5x and 25m sweep
   of this area and began deploying the robot. I linked-up with Lt
   and started to discuss the situation. We were both located behind the
   two vehicles of the inner cordon when we heard the Buffalo horn and
   several baddies shouting stop, thief, and the HTMVV blowing

10. EXHIBIT
   (b)(6)

11. INITIALLY TAKING STATEMENT
   (b)(6)

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
their horn. I then heard two shots fired from M4s. I asked LT to find out what was happening. He proceeded to move back to his vehicle and talk to his NCOIC. I moved around to the front of the vehicles so I could see what happened. I observed a LN laying down on the road. LT then told me one of his Soldiers had shot a LN who had refused to prior escation of force warnings. I was later told he had approached the soldier earlier and had been told to move back, which he did. I was also later told SGT and SGT had fired warning shots, which he acknowledged but ignored. I then ordered LT to send some Soldiers out to recover the LN. The LN was recovered and brought back to the vicinity of BDRs H M Q W. Our medics began to treat him and I directed LT to call for the IPs and an ambulance. At this point, I noticed BG was on the scene and he walked up to my location and began asking what happened. I explained to him we had an IED and a LN had either tried to approach the IED or the EOS vehicles. I was unsure at that point. He asked who fired the shot. I replied I did not know yet. He replied he wanted to talk to the gunner. I replied he was still posting security and I did not know who actually fired the shot. The IPs arrived and I asked them if they could evacuate the LN and take him to the hospital. The IPs responded that they would take him to the hospital and evacuate him using their pick-ups.
The 1-87 then backed their pick-up to our location. BG said we needed an Iraqi ambulance to evacuate the LN. F replied we had called 1-87 and requested an ambulance, but they could not guarantee it would arrive. BG then directed me to load the LN on the IF truck and send my medic with him to ensure he was kept stable. F asked him again if he wanted my medic to go and he said yes because he has an IV, your medic needs to go. I instructed LT to prepare to escort the IF truck to the hospital. This also decreased the security of the site because the hostile vehicles were being used in the outer cordon. As LT began pulling in his vehicles, F moved back to the LN. BG said that I did not have to send my medic along because he had pulled his IV out. The IPs then loaded the LN and evacuated him. We then heard multiple volumes of small-arms fire as well as 30mm fire. It appeared to come from the outer cordon on our North F asked LT for a SITREP and he said the Bradley was engaging AIF. Shortly after, GT and I received small-arms fire extremely close to our positions. We took cover behind LT vehicle and obscured the buildings to our East and West. I also believe that vehicles from 1-87 were engaged but I could not confirm it at that time. SGT got my attention and said there was a group of individuals over the guard rail at the overpass. F moved over to see
9. STATEMENT (Continued)

If they were my soldiers and why they standing in the open, I saw Bg (b)(6) sitting on the guard rail surrounded by his PSD. LT received air clearance and FOQ detonated the IED, however, before the detonation, b(2)(L) called LT (b)(6) and said Bg (b)(6) had instructed them to move North and they were breaking the cordon. LT (b)(6) instructed them to remain in place. FOQ had not detonated yet. After returning back to the FOQ, LT then found out the LN had approached the cordon before, he was approximately 10-20m in front of the buffalo and NCO (b)(6) had shot him. SSgt (b)(6) and Sgt (b)(6) said he used "text book" escalation of force. Also, the LN was dressed in all white, no beard, had no FOQ, and was carrying a large hand-full of money. I thought he was a suicide bomber and I am sure my soldiers did as well. I stood behind all of their actions and I believe proper escalation of force was used.
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 2901; E.O. 9397 dated November 22, 1943 /SSNI.

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

ROUTINEUSES: 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.

LOCATION: (b)(1)

DATE: (b)(1)

TIME: (b)(1)

FILE NUMBER: (b)(1)

GRADE/STATUS: (b)(1)

ORGANIZATION OR ADDRESS: AC-8 1BS7B 11/10 MIV

LT: (b)(6)

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 400h on October 13 while on site with EODs, an escalation of force incident occurred. My platoon was staged in a box formation in the south and at the exit ramp from the north bound soldiers reported seeing a local national (LN) approach our location from the north on the same exit ramp as the IED. He entered the exit ramp from the east where a local road provides access to a residential area. At this point he was already between our location and that of the IED and within the outer cordon located 2-300m past him to the north. The soldiers with security on the north side of the inner cordon including PFC Disanto and PFC a turret gunner began yelling and waving immediately to get the LN to leave the area and move east, however he continued towards them. They then pointed their weapons at him in a show of force and the battle, which was parked between the inner cordon and the IED, used its armament but the LN continued. At approximately 40m from the inner cordon, SGT fired a warning shot to the side of the LN, but he just acknowledged it with a look and continued. At this point everyone realized that something was wrong and continued to yell to move to get him away. PFC then used a laser range finder to verify the distance to the LN when he reached 2m from the inner cordon and thus approximately 15m from the battle, he let out a short burst with the saw. The LN dropped immediately. After waiting approximately 30 seconds to see any movement or reaction, I sent 2 dismounts, SGT and PFC to bring the LN back to our location for treatment. At this point, the LN was only about 20m from the IED
and in the open, so he was brought back for treatment by medics from both 500P and the 02C. I also contacted the medical personnel at the rear of our box formation, and the medics began treatment. I then noticed a large group of military personnel that entered my area and realized that it was the Personal Security Detachment (PSD). They arrived on foot and I did not see their vehicle at any time. He immediately recognized me as the platoon leader and began questioning me, however I was not able to answer most of his questions because I was focused on current operations. Included in the treatment of the wounded LN was the destruction of an active IED and had not yet questioned my summer or squad leaders. IPs arrived on the scene quickly and wanted to transport immediately in the back of a pick-up truck, however B6 refused them saying that the LN needed an ambulance and that he would "bleed out" is moved by truck.

The IPs asked me through the general interpreter if I had contact information, it took me some time to figure out what they wanted, but eventually I gave them an Iraqi Claim Card filled out with our unit information. At this point B6 conceded to allow the LN to move by truck, but demanded one of my medics to ride in the back of the truck with the LN to provide care in-route. While moving the LN into a stretcher, the
**SWORN STATEMENT**

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

<table>
<thead>
<tr>
<th>PRIVACY ACT STATEMENT</th>
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<tbody>
<tr>
<td>AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSN.</td>
</tr>
<tr>
<td>PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately</td>
</tr>
<tr>
<td>ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.</td>
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<tr>
<th>1. FULL NAME OF PERSON MAKING STATEMENT</th>
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<td>ABC D E F G H I J K L M N</td>
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<th>2. DATE (DD/MM/DD)</th>
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<th>6. ORGANIZATION OR ADDRESS</th>
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<td>ABC D E F G H I J K L M N</td>
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<tr>
<th>7. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</th>
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<tbody>
<tr>
<td>IV came out of his arm, and after 2 attempts to replace it, Bo [(b)5] made</td>
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<tr>
<td>the call to transport with no IV and determined that if no IV was in place</td>
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<tr>
<td>then a medevac did not need to move with the CAV to the hospital.</td>
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<tr>
<td>As the SI [(b)8] left with the wounded Ls, a fire fight erupted to the</td>
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<tr>
<td>north and radio traffic confirmed a small arms engagement. I noticed a group</td>
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<td>of soldiers at the guard rail protecting vehicles from the dys to Bo [(b)10]</td>
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<tr>
<td>below and out in the open but I did not recognize them and realized they were</td>
</tr>
<tr>
<td>Bo [(b)10] and his PSD.</td>
</tr>
<tr>
<td>At this time EOD was ready to conduct the blast, however CAV for the</td>
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<td>battle to the north had canceled our air clearance and Bo [(b)5] I began</td>
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<tr>
<td>working on an air clearance again, looking around, Bo [(b)8] his PSD could no longer</td>
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<tr>
<td>be found, and presumably they walked back out of the combat. So I also</td>
</tr>
<tr>
<td>received a radio call from Bo [(b)2] 3-7, the outer cordon element stating that</td>
</tr>
<tr>
<td>&quot;The general ordered us to move north and support the fight.&quot; I responded</td>
</tr>
<tr>
<td>&quot;Negative, you must remain in place until EOD operations are complete,&quot; and</td>
</tr>
<tr>
<td>they responded &quot;Roger.&quot; At this time I requested Emergency/Immediate</td>
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<td>air clearance so that I could move EOD and any soldiers to a safe</td>
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<td>location and also free up the outer cordon. An air clearance came quickly and</td>
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<tr>
<td>we conducted a controlled detonation of the IED. At this point the</td>
</tr>
<tr>
<td>outer cordon was gone leaving some areas unsecured, and I began</td>
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<tr>
<td>movement as soon as EOD had packed up their shock tube. We then</td>
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</table>

| 8. ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______." |

| 9. THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED. |

DA FORM 2823, DEC 1998  DA FORM 2823, JUL 72, IS OBSOLETE  USAPA V1.00

11626
**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.

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**1ST PLT/ACO/1ST BSIB**

1. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the afternoon of 13 Oct of my element had found an IED on the intersection we had cordoned off the area with the assistance of 4 gun trucks from (I-87) and 3 gun trucks from an unknown element. The cordon went without incident until EOD arrived EOD set up just south of the mose that puts you on the north, shots that hit the local national but I did see two soldiers risk their lives by getting within 35m from the IED. I did not see the firing on the field. I recalled to vehicles from my northern cordon but when the round hit the expected IED to drag the local national behind first aid to the wounded local national. On or about who told me to CASSETTE the local national to a local hospital. I recalled to vehicles from my northern cordon but when the new advisor these to vehicles to the northern portion of the area. A little while after I received radio traffic from that all combat units were being ordered up north! I told him to standby and expected about 3-10 mins later EOD blew the IED. When I went to check on

**10. EXHIBIT:** E

**11. INITIALS OF PERSON MAKING STATEMENT:**

PAGE 1 OF ___ PAGES

**ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT ______ DATED ______"**

**THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.**
<table>
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<tr>
<th><strong>STATEMENT OF</strong></th>
<th><strong>(b) 2012</strong></th>
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<td><strong>STATEMENT</strong></td>
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**AFFIDAVIT:**

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT... MADE... IN THE STATEMENT, I HAVE MADE... THREAT OF PUNISHMENT... UNLAWFUL INFLUENCE... INFLUENCE... UNLAWFUL... UNLAWFUL INFLUENCE... UNLAWFUL... UNLAWFUL INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... UNLAWFUL... INFLUENCE... 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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:
   TRAP
2. DATE (YYYYMMDD)
   20050413
3. TIME
   1649
4. FILE NUMBER

5. ME MIDDLE NAME

6. SSN

7. GRADE/STATUS
   E-4

8. ORGANIZATION OR ADDRESS
   A Co 1st BSTB

9. I, SSG (b)(6)
   WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   On 13 Oct 05, shortly after 1620, a local national approached our
   security cordon. Approximately 15-20 minutes prior, this same individual
   approached the cordon from the east. Escalation of force was used up to
   1 warning shot being fired by SPC (b)(6) the local national turned
   around and walked away. When we saw him again, he was walking
   toward us, from the north, on the exit ramp to the north bound lane of
   RTE (b)(7) again, the rules of engagement and escalation of force
   were followed. SPC (b)(6) was yelling "Inclee" and motioning for
   the individual to move away. At the same time Sgt (b)(6) Spc
   (b)(6) and myself were also motioning and yelling to the individual
   as he continued to walk toward us, Sgt (b)(6) and Spc (b)(6)
   pointed their weapons at the individual. As this was going on,
   the Buffalo was blowing its air horns and someone was yelling
   over a PA system in an M119, the individual continued to
   approach and Sgt (b)(6) fired 1 warning shot at the local
   national's feet, which struck the curb a couple of feet in front
   of him. The individual continued toward us for a couple of
   seconds when Spc (b)(6) fired a 4.5D burst from his M249.
   The individual crumpled to the ground and laid there. I went over
   to Cpt (b)(6) who was behind the trail M119, told him the local
   had been shot. I asked if we needed to get our medic to treat
   him. Cpt (b)(6) said yes and I got PFC (b)(6) out of the
   vehicle and ready to treat the individual. PFC (b)(6), Spc (b)(6)
   and Sgt (b)(6) brought the individual inside our cordon and PFC (b)(6)
   and another medic began treating his wounds. The distance at
   which the individual was shot was 29M as confirmed by a laser
   range finder prior to moving him inside our cordon.

   13 Oct 05
   (b)(6)

10. EXHIBIT F

11. INITIALS OF PERSON MAKING STATEMENT
   (b)(6)

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.
SWORN STATEMENT
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PRIVACY ACT STATEMENT

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: (b)(1)
2. DATE (YYYYMMDD): 2005 10 13
3. TIME: 1709
4. FILE NUMBER: (b)(6)
5. OFFICER NAME: (b)(6)
6. GRADE/STATUS: E-5
7. ORGANIZATION OR ADDRESS: (b)(6)
8. AGE: 1857G
9. SGT (b)(6)

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the day of 13 Oct 2005 my EOD escort team was at the intersection
of (b)(6) north, where a local national walked from the west
25 meters in front of our position. SPC (b)(6) and I yelled Inside
toward him off he (b)(6) kept moving toward, (b)(6) got a warning shot
in front of him, he turned around and quick reflexes walked around the east
side of the line of hours down on anyway, about 10 to 15 mins later,
he walked directly at us on the same path. IED (b)(6) and we were
he walked directly at us on the same path. We were
on, we yelled again several times then our sirens sound, and then the
Buffalo sounded the airhorn. I shoot a warning shot to his right, he
kept walking toward the my gunner SPC (b)(6) shot a 40 mm round
from his gun, he hit the local national in the gut, PFC (b)(6), and
from his gun, he hit the local national in the gut, PFC (b)(6), and
I went out to recover the wounded local national when we got up to
him. There was a mix of 20 dollar bills in Iraqi money around his
him. There was a mix of 20 dollar bills in Iraqi money around his
body, he was clean shaven and in a white man dress, we carried him
body, he was clean shaven and in a white man dress, we carried him
back to the vehicles where PFC (b)(6) (interpreta) started treating
PFC (b)(6) (interpreta) started treating

The local national. End of Statement.

10. EXHIBIT (b)(6)
11. PERSON MAKING STATEMENT (b)(6)

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ___ TAKEN AT ___ DATED ___

PAGE 1 OF 2 PAGES

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

11630
SWORN STATEMENT

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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 identified.
ROUTINE USES: Your social security number is used as an additional 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

5. LAST NAME FIRST NAME MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

THE DEFENCE OF 17 OCT 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF ROADS IN ORDER TO PREVENT BLIND TRAFFIC THROUGH OUR COBAN. AT THE WEST END OF THE ROAD FROM NORTH TO SOUTH OUR COBAN WAS APPROXIMATELY 800 METERS. ON AUGUST 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF ROADS IN ORDER TO PREVENT BLIND TRAFFIC THROUGH OUR COBAN. AT THE WEST END OF THE ROAD FROM NORTH TO SOUTH OUR COBAN WAS APPROXIMATELY 800 METERS. ON AUGUST 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF ROADS IN ORDER TO PREVENT BLIND TRAFFIC THROUGH OUR COBAN. AT THE WEST END OF THE ROAD FROM NORTH TO SOUTH OUR COBAN WAS APPROXIMATELY 800 METERS. ON AUGUST 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF ROADS IN ORDER TO PREVENT BLIND TRAFFIC THROUGH OUR COBAN. AT THE WEST END OF THE ROAD FROM NORTH TO SOUTH OUR COBAN WAS APPROXIMATELY 800 METERS. ON AUGUST 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF ROADS IN ORDER TO PREVENT BLIND TRAFFIC THROUGH OUR COBAN. AT THE WEST END OF THE ROAD FROM NORTH TO SOUTH OUR COBAN WAS APPROXIMATELY 800 METERS.

10. EXHIBIT

11. MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

11631
9. STATEMENT (continued) After the man fell down, the three soldiers went forward of the position within 15 meters of the IED to pull the man I-do-one away from the device in order for the medics to treat him. After the three soldiers were safely back within the perimeter, I went back to my original security position behind the tank. An EOD team then approached me and asked me what was going on. I told him the IED was under the 11632 and that we had an IED ahead of our position (go to the next page) and what I did was engage him with my gun. I gave a local national a radio frequency attempt to stop him by these means. I asked a local national a radio frequency attempt to stop him by these means. I asked A local national a radio frequency attempt to stop him by these means. I asked the commander, Captain [D.O.D] after I finished talking, the CO came back to ADO to talk to my platoon leader 1LT [D.O.D]. I asked the commander what was going on and he told me I had been selected by the General (name unknown) to put one medic with the casualty in the back of an Iraqi Police Pickup Truck to use one medic with the casualty, in the back of an Iraqi Police Pickup Truck to use an Iraqi Police Pickup Truck to use the Buffalo in place in order to escort the casualty. I then split up one element and leave the buffalo in place in order to escort the casualty. I then split up one element and leave the buffalo in place in order to escort the casualty. I then split up one element and leave the buffalo in place in order to escort the casualty. After that, I told the medics to get ready to go under the assumption that we were still under order to escort them. I was told that the order had been rescinded and that all combat elements had been ordered not to escort the casualty that had restarted. END OF STATEMENT

I, [D.O.D], having been sworn or affirmed, do hereby declare that the foregoing is true and correct to the best of my knowledge. I have made this statement freely and without fear of punishment, and without coercion or unlawful influence.

WITNESSES:

____________________
____________________

ORGANIZATION OR ADDRESS

____________________

ORGANIZATION OR ADDRESS

INITIALS OF PERSON ADMINISTERING OATH

____________________

PAGE 2 OF 2 PAGES
SWORN STATEMENT
For use of this form, see AR 190-46; 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 (SSW).
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 (0)(1)
2. DATE (YYYYMMDD) 10/5/05
3. TIME (0)(6)
4. FILE NUMBER (0)(6)
5. IDENTIFICATION OF AGENT (0)(6)
6. GRADE/STATUS E-41
7. ACOS 1ST BSTB 2nd Plt

8. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

EOD was called to scene to investigate an IED which
set up our cordon box on north body on ramp of
of a IN tried to walk up on us he was warned
by voice thin shown thin warning shot was fired and
he turned away 10-15 min later he again tried to approach
from the north he was warned with hand voice the horn
of the Buffalo and still keep coming up then the sgt
and I both aimed and yielded to stop and move a way
and he still came on Sgt. thin fire a warning shot
in front of I IA with no effect at this point The
IA cross the 30 meter kill zone and was fired on by
PFC with the SAW from the interior of the Humvee
The IN fell with no movement we sent a team up
to recover the IN and he was given aide. End of statement

10. EXHIBIT 1
11. INITIALS OF PERSON MAKING STATEMENT (0)(6)
12. PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE 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
11633
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.

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<th>(5/5)</th>
<th>2. DATE (YYYYMMDD) 2005/10/13</th>
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<tr>
<th>A-</th>
<th>1st BST B</th>
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</table>

1. SPC (6/6)

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As EOD was investigating an IED a LN started walking up from the east. We yelled for him to stop but he kept walking towards us. A unit on the ground fired a warning shot and the LN turned around and walked away. A few minutes later the same LN came walking up the on-ramp towards the Buffalo and our units. We yelled at him and showed our weapons. Then the Buffalo + one of the Hum-Vs blew their horns. The LN kept walking at us. The LN came within 35 meters and Sgt (6/6) fired one warning shot. The LN did not stop and kept walking @ the Buffalo and our units. The LN passed 30 meters and kept coming. At that point I fired at the LN. He dropped down and we gave him aid.

10. EXHIBIT J
11. INITIATION MAKING STATEMENT (5/5)

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT ___ DATED ___"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
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 (ISSM).

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) 2003.10.13

3. TIME 1630

4. FILE NUMBER

5. LAST NAME FIRST NAME MIDDLE NAME

(b)(6)

6. GRADE/STATUS

(b)(6)

7. ORGANIZATION OR ADDRESS

Acq 1ST BSTB 10TH MTN DIV

(b)(6)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As our EOD personnel was investigating an IED, a L.N. walked into our AO. as we were operating in walking away, we

(b)(6)

warned, then gave warning shot; L.N. turned away and went behind a building. Some moments later the same L.N. appeared

(b)(6)

in the road we were operating in walking away, we

(b)(6)

warned at him to get off the road, he did not respond.

(b)(6)

He then turned toward us and walked our way, we yelled at him, he gave no response, he continued to walk toward us.

Then saw a warning shot near his feet, but the L.N continued to walk, our gunner Sec

(b)(6)

called out he was 29 meters from our position, then our gunner fired and the L.N. dropped to the ground and I seen papers blow out of his hand. Sec

(b)(6)

and I ran out to check his status, I covered the body and asked to speak to see if he was alive, and he was, I then noticed the papers that blow from his hands were Iraq

(b)(6)

10. EXHIBIT

STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE 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

11635
9. STATEMENT (Continued)

money, PFC (b)(6) and I grabbed the L.W. and carried him back to our security halt, at that time we handed him to our medic PFC (b)(6) and he began treatment.

END OF STATEMENT.
I noticed something was happening when I heard a single shot from one of our gunners. I couldn't see anything from my position in the hum-vee, but Spec. [redacted] let me know what was going on. Then after that initial shot I heard a burst of fire, which Spec. [redacted] indicated were kill shots. So I got out and prepared to give aid. Once our soldiers brought the casualty to our protective cordon I began aid. He had one gunshot wound to the [redacted] with an [redacted]. After treating his wounds, he was evacuated via an [redacted].
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.

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<th>3. TIME</th>
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<th>6. (b)(6)</th>
<th>7. GRADE/STATUS</th>
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<td>(b)(6)</td>
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</table>

<table>
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<th>8. ORGANIZATION OR ADDRESS</th>
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</thead>
<tbody>
<tr>
<td>Aco 1st BSTB 10th Mtn Div</td>
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</table>

9. WANTED TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

As we were on scene investigating a possible IED at the intersection of the east and south sides of the road, a male had approached from the east side of the road. He was given hand signals, sirens, and yelling at him to stop. He kept coming and SP4 fired a warning shot at which time he then stopped and turned around. Approximately 10 to 15 minutes later, the same individual approached from the north on the access road. He was walking directly towards our cordon and dangerously close to the IED. Again, he was given hand signals, sirens, and yelling. SGT fired a warning shot and he continued to approach. At that point, I ordered my section to approach. At that time, my view was blocked by the buffalo. I didn't see him actually engaged because of my vantage point.

10. EXHIBIT M

11. INITIALS OR SIGNATURE SIGNING STATEMENT (b)(6)

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED ____________". THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
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 (SSM).
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: IRAQ
2. DATE (MM/DD/YYYY): 03/05/13
3. TIME: 1600
4. FILE NUMBER: (b)(6)

5. LAST NAME FIRST NAME MIDDLE NAME:
6. SSN: (b)(6)

7. GRADE/STATUS: E-4

8. ORGANIZATION OR ADDRESS:

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WE WERE ON SCENE PERFORMING DUTIES AS EOD ESCORT AT (b)(1) WHEN I HEARD A LOT OF YELLING. I LOOKED AND SAW SPC (b)(6) AND SGT (b)(6) SHOOTING FROM SECRET AREA AND USING THE HAND SIGNAL FOR STOP WHILE THEY YELLED AT THE MAN WALKING TOWARDS THE BUFFALO. HE KEPT WALKING TOWARDS US AS HE IGNORED ORDERS TO STOP. SGT (b)(6) FIRED A WARNING SHOT AS HE WAS ABOUT 35M, THE BUFFALO WAS RUNNING ITS WIRE HOOD PRIOR TO THE WARNING SHOT. AFTER THE WARNING SHOT, THE MAN KEPT WALKING TOWARDS US AND SPC (b)(6) FIRED ON HIM, HITTING HIM IN THE ABDOMEN AT 29M, PFC (b)(6) AND SGT (b)(6) RAN OUT TO GET HIM, THEY BROUGHT HIM BACK AND PFC (b)(6) WORKED ON HIM UNTIL HE CAME BACK.

10. EXHIBIT:

11. PERSON MAKING STATEMENT:

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT __________ TAKEN AT ________ DATED ________"

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

DA FORM 2823, DEC 1998
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 2551; E.O. 9397 dated November 22, 1943 (SSM).
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.

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<td>06/01/13</td>
<td>1600</td>
<td></td>
</tr>
</tbody>
</table>

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

We were pulling security for EOD at (b)(5). I was facing the rear and heard some people yelling at someone to "involve." I heard 3 or 4 people yell then I heard an air horn blow. About 10 seconds later I heard a warning shot. 3 seconds later I heard a burst from the saw. Sgt. (b)(6) yelled for me and (b)(6). The 3 of us approached the man on the ground. There was blood all over the road and he wasn't moving. I approached him with my weapon on him and tapped him on the shoulder with my foot. He did not move so I bent down and looked at his face. His eyes were moving around so and I picked him up and carried him to the cordon and (b)(6) started performing first aid.

Nothing Follows

DA FORM 2823, DEC 1998
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; D.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

5. LAST NAME FIRST NAME MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. [Redacted]

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON OCTOBER 13, 2005 IN BAGHDAD, IRAQ

I WAS IN THE BUFFALO WITH 550 5(6) AS MEDIC, 530 6(6) AS OBSERVERS. WE WERE ON AN IED SIGHT AT

THE CONFIRMED IED. THEY WERE ALL SIGNED TO GO AWAY. TWO OF THE LOCAL NATIONALS WALKED

AWAY AND ONE OF THE LOCAL NATIONALS WALKED INTO THE MIDDLE OF OUR Cordon. THE LOCAL NATIONAL

WALKED TOWARDS THE BACKSIDE OF THE Cordon. HE WAS SIGNED TO LEAVE THE Cordon. THE

LOCAL NATIONALS RETURNED AND STARTED WALKING TOWARDS THE BACKSIDE OF THE Cordon. WE

SIGNED TO LEAVE THE Cordon.

THE MEDIC SET DOWN IMMEDIATE AID.

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 BE INDICATED.
## 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

| (b)(6) |

### 2. DATE (YYYYMMDD)

| 2005 10 14 |

### 3. TIME

| 8:00 |

### 4. FILE NUMBER

| (b)(6) |

### 8. ORGANIZATION OR ADDRESS

| Army 1st BSTB |

---

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

On Thursday 18th 2005, the Buffalo Crew (Ssg [Redacted] Sct [Redacted] Spc [Redacted] Spc [Redacted]) and I (Redacted) was sitting on the [Redacted] on range F-9 providing cover for E.D. We had already positively identified the suspected item as an I.E.D., so the next step we took was to cordon off the area to protect ourselves and the local nationals. While sitting in our cordon, local nationals approached the I.E.D. and we quickly began to get their attention for their own safety. As the Buffalo Crew blew the horn, we were, and screaming to get their attention to direct them in a different direction. 2 of the local nationals turned right and went down the 1st street near the I.E.D. as the 3rd local national continued to walk towards our inner cordon. E.O.D. escort begin to start firing warning shots at him and he keeps walking towards our inner cordon. The local national finally was shot by Pfc [Redacted] when he was about 20-25 meters away from us. Nothing follows [Redacted].

---

10. EXHIBIT Q

11. INITIALS OF PERSON MAKING STATEMENT [Redacted]

PAGE 1 OF __ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED ___."

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE BE INDICATED.

DA FORM 2823, DEC 1998 DA FORM 2823, JUL 72, IS OBSOLETE.

USAPA V1.00

11643
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) 14 OCT 05
3. TIME 1349
4. FILE NUMBER

5. LAST NAME FIRST NAME MIDDLE NAME
6. ORGANIZATION OF BUSINESS

7. GRADE/STATUS

A-LD 1507355 B

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I was out on an EOD site and, seeing the area, more than 50 people away from our perimeter, there were approaching, and I was
was able to discern a movement. The third
kept going, despite multiple attempts to:get him to stop.

A movement which was fired and impacted directly in front of him. He stopped for a second, then kept going.

I saw that he was holding something in his right hand.

When he was about 20 meters away, I saw 3 rounds
strike him, and he collapsed. After about a minute,

I believe I couldn’t definitely meet out to check him,

and they returned him to our area, where aid was

END OF STATEMENT

10. EXHIBIT R

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 BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

11645
STATEMENT OF  

9. STATEMENT (Continued)

AFFIDAVIT

I, __________, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS IN THE COLUMN OF 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 AND VOLUNTARILY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE.

WITNESSES:

__________________________________________

__________________________________________

ORGANIZATION OR ADDRESS

__________________________________________

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON PREPARING STATEMENT

PAGE 3 OF 3 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
2. DATE (YYYYMMDD)
3. TIME
4. FILE NUMBER

5. LAST NAME FIRST NAME MIDDLE NAME
6. SSN
7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. (b)(6)

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

During a route clearance mission on Thursday the 13th of October, 2005, our unit found an IED. The EOD team came to the scene to eliminate the IED. Local Nationals were told to leave the area. I saw three men approaching and watched multiple Soldiers tell them to get off the street. Two of the men left while the third man continued on. We watched him walk past the IED and toward the buffalo. The yelling and signaling did not convince him to leave. He started moving faster toward us in the buffalo as if intending to do something radical. A soldier from the EOD team, whom I did not see, fired warning shots. The man still continued and the same soldier made a critical decision to defend the buffalo and the troops inside. With his crew served weapon, the soldier disabled the man a short distance from the buffalo. The man was recovered and taken to a hospital.

END OF STATEMENT

10. EXHIBIT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE 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