

SWORN STATEMENT

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

LOCATION C 171 CP	DATE 13 OCT 03	TIME 0900	FILE NUMBER
(b)(6)	(b)(6)	NUMBER	GRADE/STATUS F4/acting
ORGANIZATION OR ADDRESS Cmp 1-71 (AV)			

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

1. Were you aware that friendly forces were in the (b)(1) and therefore believed those friendly forces had positively identified the enemy? *yes* (b)(6)

2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element? *yes* (b)(6)

3. Did the engagement occur during hours of limited visibility (ie darkness and under NVGS)? *yes* (b)(6)

4. What was the distance between your vehicle and the suspected enemy vehicle? *100 m* (b)(6)

5. In respect to time, how long after you turned the corner onto (b)(1) did you realize that the (b)(1) was in contact? *a few seconds* (b)(6)

nothing follows

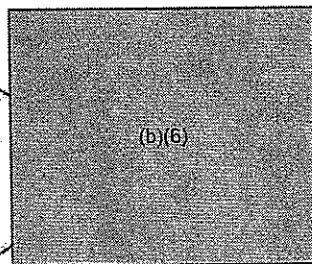
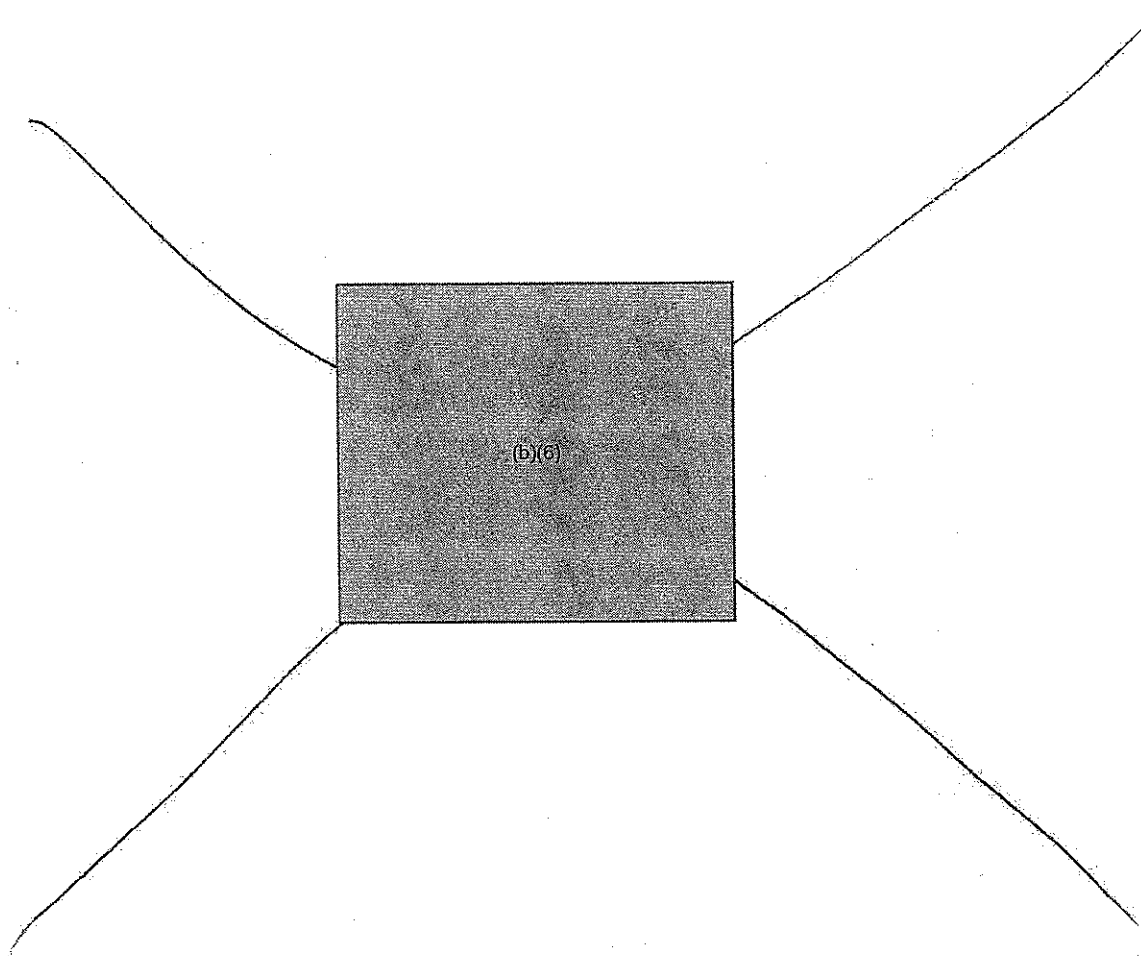


EXHIBIT <i>H1</i>	INITIALS (b)(6)	IN MAKING STATEMENT	PAGE 1 OF <u>2</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)



AFFIDAVIT

I, (b)(6), 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.

(b)(6)

(Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of Oct, 2003 at

(b)(6)

(Administering Oath)

ORGANIZATION OR ADDRESS

167
(Type)

(b)(6)

(Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

USAPPC V2.00

RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
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 C 171 CP	2. DATE 13 OCT 05	3. TIME 0800	4. FILE NO.
5. (b)(6)	8. ORGANIZATION OR ADDRESS		
6. SSN (b)(6)	7. GRADE/STATUS E-3 / Active		

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army 1-22 Infantry A2 15-6
Investigating officer and wanted to question me about the following offense(s) of which I am suspected/accused: Civilians killed as the battlefield

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for me at no expense to me, or both.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (If available)		3.	(b)(6)
1a. NAME (Type or Print)	4.		
b. ORGANIZATION OR ADDRESS AND PHONE	5.		
2a. NAME (Type or Print)	6. ORGANIZATION OF INVESTIGATOR		
b. ORGANIZATION OR ADDRESS AND PHONE			HHC 2-22 IN

Section C. Non-waiver

1. I do not want to give up my rights.
☐ I want a lawyer
 ☐ I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

AUTHORITY:

Title 10 USC Section 301, Title 5 USC Section 2901, E.O. 9597 dated November 22, 1999 (2001).

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.

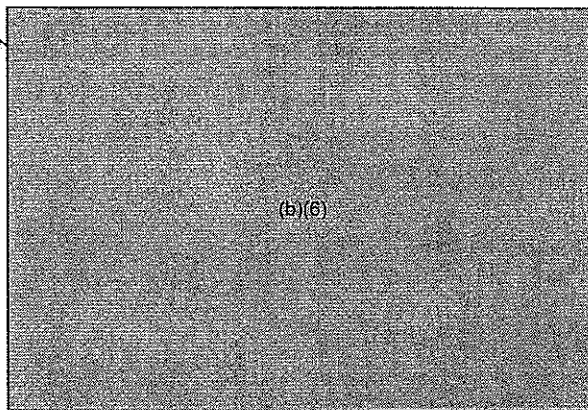
1. LOCATION Vicinity (b)(1)	2. DATE (YYYYMMDD) 2005/10/11	3. TIME 1900 Local	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(1)	7. GRADE/STATUS E-3/ ACTIVE	

8. ORGANIZATION OR ADDRESS
CTR 1-71 CAV (b)(1)

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

At approximately 1900hrs as I turned the corner I saw (b)(1) engaging upon a vehicle. I also saw (b)(1) receiving fire. We drove onto the other lane in which the vehicle already was in front of (b)(1) while it was receiving fire. When we drove towards the vehicle it began moving in which my gunner opened fire. After the vehicle stopped, my platoon leader gave the order to cease fire.

NOTHING FOLLOWS



(b)(6)

10. EXHIBIT I	11. INITIALS (b)(6)	12. MAKING STATEMENT	PAGE 1 OF 1 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT DATED

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

NOTHING FOLLOWS

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE ____ I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(6)

(b)(6) (Signature)

WITNESSES:

(b)(6)

(b)(1)

(b)(6)

(b)(1)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of October, 2005

at (b)(1) Tracy

(b)(6)

(b)(6) (Signature of Person Administering Oath)

(b)(6)

(b)(6) (Typed Name of Person Administering Oath)

Executive Officer CTR 1-71 CAU
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

LOCATION e 171 CP	DATE 15 Oct 05	TIME 0600	FILE NUMBER
(b)(6)	SO (b)(6)	GRADE/STATUS E-3 Active	
ORGANIZATION OR ADDRESS			

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

1. Were you aware that friendly forces were in the (b)(1) and therefore believed those friendly forces had positively identified the enemy? (b)(6) yes
2. At the time, did you believe that the vehicle you engaged was a hostile enemy that posed a threat to your element? yes (b)(6)
3. Did the engagement occur during hours of limited visibility (ie darkness and under NVGS)? yes (b)(6)
4. What was the distance between your vehicle and the suspected enemy vehicle? Under 100 meters (b)(6)
5. In respect to time, how long after you turned the corner onto (b)(1) did you realize that the (b)(1) was in contact? When I saw sparks banging off (b)(1) wall; I saw them engaging the target. (b)(6)

NOTHING FOLLOWS

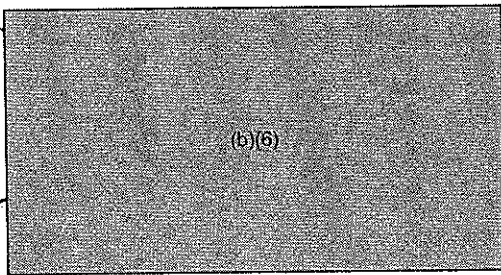


EXHIBIT I 1	INITIALS (b)(6)	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

STATEMENT (Continued)

(b)(6)

AFFIDAVIT

I, (b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH (b)(6) 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

(b)(6)

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12 day of Oct, 1983, at

(b)(6)

(Administering Oath)

ORGANIZATION OR ADDRESS

121

(b)(6)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

USAPPC V2.00

AUTHORITY:

Title 10 USC Section 3071, Title 5 USC Section 2971, E.O. 9807, dated November 22, 1997 (2007).

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 (b)(1)	2. DATE (YYYYMMDD) 2005/10/11	3. TIME 1900 Local	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-3/ ACTIVE	

8. ORGANIZATION OR ADDRESS

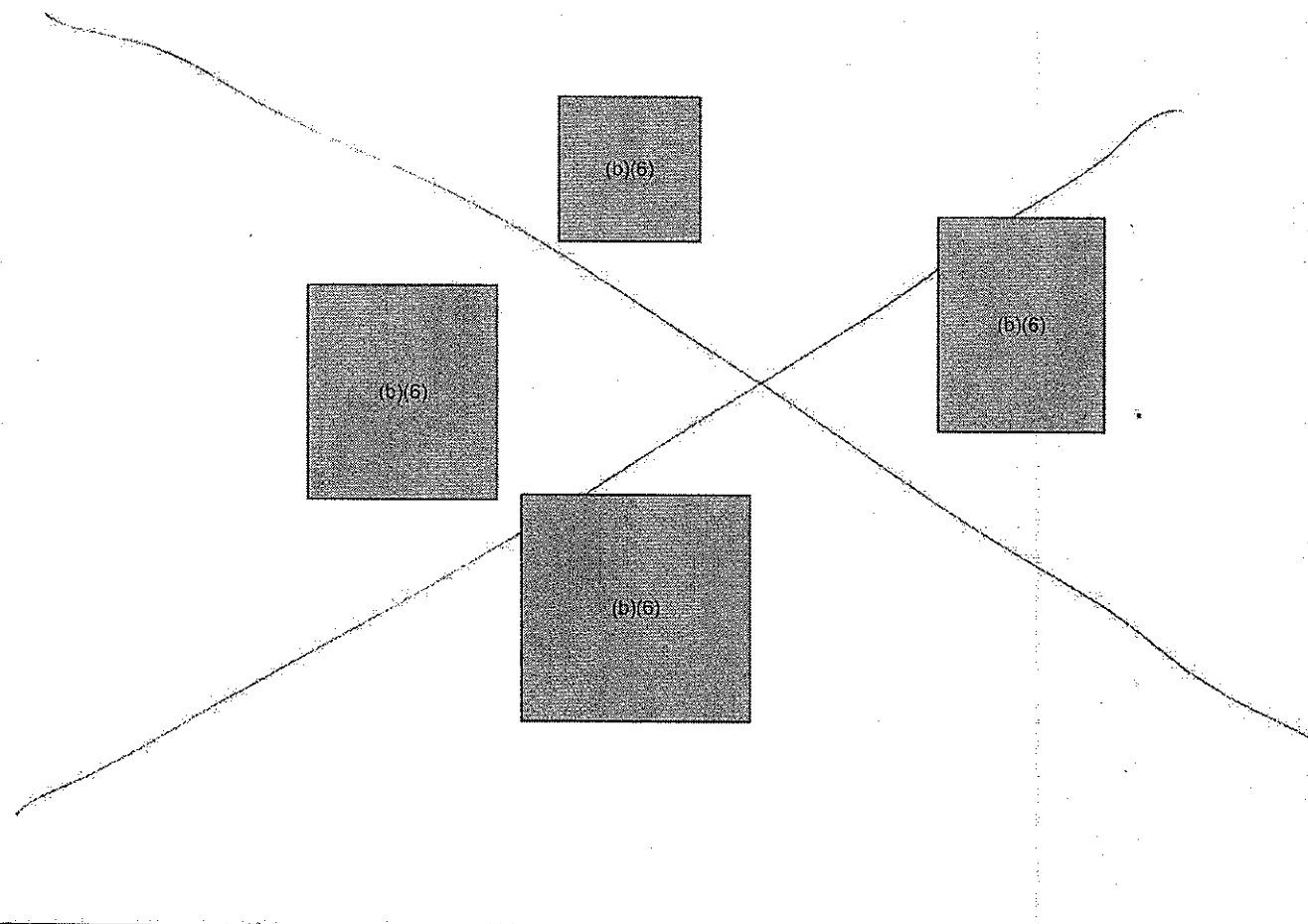
C Troop 1-71 CAV

9.

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

On 11 OCT 2005 at 1900, we came out of RTE (b)(1) and took a left on (b)(1). As we were crossing over the overbound lane, my gunner heard shots. I then seen muzzle flash on top of (b)(1). I then saw rounds impacting into (b)(1) and my TC told me to turn around. When we turned around I then saw a car that was shot up. My TC told me to take far security and thats where we sat.

NOTHING FOLLOWS



10. EXHIBIT J	11. IN (b)(6) MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT"

IN AT _____ DATED _____

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

Nothing to see

(b)(6)

(b)(6)

(b)(6)

(b)(6)

AFFIDAVIT

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(b)(6)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to

ad (b)(6) 12 day of October, 2005

at (b)(1) Figs

(b)(6)

(Signature of Person Administering Oath)

(b)(6)

(Typed Name of Person Administering Oath)

Executive Officer C TAZ (H) CAU

(Authority To Administer Oaths)

Sgt (b)(6)
C Troop 1-71 CAU
Ft. Drum NY 13602
ORGANIZATION OR ADDRESS

156 (b)(6)

C Troop 1-71 CAU

(b)(1) 1609 APO AE 09370
ADDRESS

INITIALS OF PERSON MAKING STATEMENT

(b)(6)

PAGE 2 OF 2 PAGES

Exhibit J

Report

At hour of 1900 from the
11/10 2005/ from twisday American
force shooting the one car that
(unknown car) that stopped
behind the American patrol near
~~the~~ The (b)(1) that
lead to kill 3 person inside
the car. also one check point
in the (b)(1) for shooting
above the (b)(6)
L.t. colonel (b)(6)

11/10/2005

بسم الله الرحمن الرحيم

م/ تقرير

في الساعة ١٩٠٠ من يوم ١١/١١/٢٠٠٥ المصادف الثلاثاء قامت القوات العراقية بالهراق النار على سيارة مجهولة على الطريق السريع أثناء دورياتهم حيث كانت السيارة متوقفة خلف المنزل الاسفلكي قرب إحدى نقاط الجيش العراقي مما أدى الى مقتل الشخص الموجد في داخل السيارة المجهولة. وكذلك قامت إحدى النقاط بالهراق النار فدعه لعلبة (السيارة) حتى رقت قبل اطلاق النار من قبل لعدائهم.

(b)(6)

Page S3 redacted for the following reason:

(b)(1)