

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 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 INTERSECTION OF (b)(1)	2. DATE (YYYYMMDD) 2005/10/13	3. TIME 1942	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E-5/Active	
8. ORGANIZATION OR ADDRESS 1st PLATOON ACO 1st BSB 10th MTN DIV (LI)			

9. I, (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: ON THE DEFENSION OF 13 OCT 2005, OUR ELEMENT DISCOVERED AN IED AT THE INTERSECTION OF (b)(1). WE BLOCKED OFF ALL MAIN ROADS AND SERVICE ROADS IN ORDER TO PREVENT CIVILIAN TRAFFIC THROUGH OUR CORON. AT THE WIDEST POINT FROM NORTH TO SOUTH OUR CORON WAS APPROXIMATELY 8-1200 METERS FROM ONE SIDE TO THE OTHER. FROM EAST TO WEST APPROXIMATELY 800 METERS AT THE WIDEST POINT WE HAD TRAFFIC COMPLETELY SHUT DOWN THEREBY REDUCING RISK OF INJURY OR DEATH BY THE IED TO BOTH SOLDIERS AND LOCAL NATIONALS. A VEHICLE, A-16 HELD THE EASTERN SIDE OF THE PERIMETER UNTIL WE HAD SUPPORT FROM ANOTHER UNIT ARRIVE AT OUR LOCATION AND RELIEVE US IN PLACE. AFTER WE WERE RELIEVED, WE TOOK OUR VEHICLE BACK TO THE CENTER TO MAKE LINE UP WITH EDD AND THE ESCORT ELEMENT. AFTER MAKING LINE UP I MOVED BACK TO THE VEHICLE. I RAN SECURITY THERE FOR AN UNKNOWN AMOUNT OF TIME. THERE WAS SOME COMMOTION IN FRONT OF THE BUFFALO WHICH WAS COLLOCATED ABOUT 10-15 METERS TO OUR RIGHT. SINCE OUR ELEMENT IS SECURITY FOR THE BUFFALO, I WENT TO THE LEFT SIDE TO HELP CONTROL THE SITUATION. THERE WERE THREE OR FOUR SOLDIERS ON THE RIGHT SIDE OF THE BUFFALO. THE BUFFALO CREW WAS SOUNDING THEIR HORN. ALL OF THE SOLDIERS ON THE RIGHT SIDE OF THE BUFFALO AND I WERE SHOOTING AT A MAN WHO WAS APPROXIMATELY 40-45 METERS FROM THE BUFFALO AND WALKING STRAIGHT TOWARD ME AND THE BUFFALO. I SHOUTED THAT I WAS GOING TO FIRE A WARNING SHOT TO INFORM THE OTHERS OF MY INTENTIONS. I FIRED A WARNING SHOT AND THE MAN JUMPED BUT CONTINUED TO ADVANCE. ONE OR TWO OTHER WARNING SHOTS WERE FIRED FROM MY RIGHT SIDE. THE MAN FLINCHED AT BOTH OF THE OTHER WARNING SHOTS AND STILL CONTINUED TO ADVANCE. I FIRED MY SHOTS CENTER MASS ON THE MAN AS HE CONTINUED TO ADVANCE. I HAD NOICE EARLIER FROM A DISTANCE, HE WAS WEARING A WHITE DASHA AND APPEARED TO BE RECENTLY SHAVEN. AFTER I FELT THAT I HAD RECEIVED EARLIER ON IN THE DEPLOYMENT, HE FIT THE DESCRIPTION OF A SUICIDE BOMBER. GIVEN THAT, COUPLED WITH THE FACT THAT HE WAS STILL ADVANCING ON US, AFTER WAVING OUR HANDS, SHOOTING (b)(6) AND WARNING TO "STOP", "AGAF", AND "QAF". AND THEN IGNORING THREE WARNING SHOTS, I FELT A DIRECT THREAT TO MY SAFETY. I STARTED SQUEEZING MY TRIGGER. THEN A 2 OR 3 ROUNDS BURST OF AUTOMATIC WEAPONS FIRE WENT OFF. STATEMENT CONTINUED ON OTHERS' (b)(6)

10. EXHIBIT H	11. (b)(6) MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF (b)(6) TAKEN AT (b)(6) DATED (b)(6)"

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

STATEMENT OF

(b)(6)

TAKEN AT 1942

DATED 2005 10 13

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 INTO OUR PERIMETER IN ORDER FOR OUR MEDICS TO TREAT HIM. AFTER THE THREE SOLDIERS WERE SAFELY BACK WITHIN THE PERIMETER, I WENT BACK TO MY ORIGINAL SECURITY POSITION BEHIND THE TRUCK. AN E.G. (NAME UNKNOWN) THEN APPROACHED ME AND ASKED ME WHAT WAS GOING ON. I TOLD HIM THAT WE HAD AN IED AHEAD OF OUR POSITION (TO THE NORTH) AND THAT WE HAD ENGAGED A LOCAL NATIONAL AFTER REPEATED ATTEMPTS TO STOP HIM BY OTHER MEANS. I ASKED HIM IF HE WAS WITH EOD AND HE REPLIED THAT HE WAS WITH THE GENERAL'S PSD. UP TO THIS POINT, I WAS UNAWARE OF A GENERAL IN THE AREA. AFTER I FINALLY DID NOTICE HIM, HE WAS STANDING OVER THE MEDICS AND TALKING TO MY COMPANY COMMANDER, CAPTAIN (b)(6). AFTER THEY FINISHED TALKING, THE CO. CAME BACK TO A-16 TO TALK TO MY PLATOON LEADER 1LT (b)(6). I ASKED THE COMMANDER WHAT WAS GOING ON AND HE TOLD ME THAT WE HAD BEEN ORDERED BY THE GENERAL (NAME UNKNOWN) TO PUT OUR MEDIC WITH THE CASUALTY IN THE BACK OF AN IRAQI POLICE PICKUP TRUCK. SPLIT UP OUR ELEMENT AND LEAVE THE BUFFALO IN PLACE IN ORDER TO ESCORT THE CASUALTY IN THE TRUCK WITH THE OTHER HUMVEE IN OUR ELEMENT, TO THE NEAREST HOSPITAL. SOON THEREAFTER, A FIRE FIGHT STARTED APPROXIMATELY 4-500 METERS NORTH OF US. THE GENERAL THEN MOVED TO THE SIDE OF THE BUFFALO TO GET A BETTER VIEW OF THE FIGHT. GOING SO FAR AS TO MOVE WITH HIS PSD TO AN UNCOVERED POSITION. AFTER THE FIGHT DIED DOWN, HE CAME BACK OVER TO THE MEDICS AND STARTED DIRECTING THEM IN THE TREATMENT OF THE CASUALTY. AFTER THE MEDICS GOT HIM PREPARED TO MOVE, I STARTED 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 TO GO TO THE FIGHT THAT HAD RE-STARTED. END OF STATEMENT

(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 2. I FULLY UNDERSTAND THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR THREAT.

MADE

THREAT

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

I, (b)(6), being sworn to before me, a person authorized by law to administer oaths, depose that (b)(6) day of OCTOBER, 2005

at

(b)(6)

Iraq

(b)(6)

(Signature of Person Administering Oath)

2LT

(b)(6)

(Typed Name of Person Administering Oath)

2LT

US Army

(Authority To Administer Oaths)

INITIALS OF PERSON

ENT

(b)(6)

PAGE 2 OF 3 PAGES

PAGE 3, DA FORM

USAPA V1.00

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1. LOCATION (b)(1)	2. DATE (YYYYMMDD) 10/15/05	3. TIME	4. FILE NUMBER
5. GRADE/STATUS (b)(6)	6. GRADE/STATUS (b)(6)	7. GRADE/STATUS E-4	

8. ORGANIZATION AND ADDRESS
Aco 1st BSTB 2nd PLT

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

EOD was called to scene to investigate an IED we set up our cordon box on north Bowd on ramp of (b)(1) of (b)(1) a IN tried to walk up on us he was warned By voice then shown then 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 ~~was~~ then the sgt (b)(6) and I both aimed and yelled to stop and move a way and he still came on Sgt. (b)(6) then 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 (b)(6) with the SAW from the ~~teret~~ of the Humvee The IN fell with no movement we sent a team up to recover the IN and he was given aid. End of statement

10. EXHIBIT I (b)(6) LS OF PERSON MAKING STATEMENT PAGE 1 OF 2 PAGES

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

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1. (b)(1)	2. DATE (YYYYMMDD) 2005/01/3	3. TIME	4. FILE NUMBER
5. (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS E4	

8. A.C. 1st BSTB

9. I, SPC (b)(6), 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 unit. 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 (b)(6) fired one warning shot. The LN did not stop and kept walking @ the Buffalo and our unit. 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. INITIALS (b)(6)	ON MAKING STATEMENT	PAGE 1 OF 2 PAGES
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1. LOCATION	2. DATE (YYYYMMDD) 20051013	3. TIME 1630	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(6)	6. (b)(6)	7. GRADE/STATUS E-4 / SPC	
8. ORGANIZATION OR ADDRESS Aco 1ST BSTR 10TH MTN DIV			

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

As our EOD Personal was investigating an IED, a L.N. walked into our AO. SPC (b)(6) verbally warned, then gave warning shot, L.N. turned away and went behind a building. Some moments later the same L.N. appeared in the road we were operating in walking away, we (b)(6) screamed at him to get off the road, he did not respond. He then turned toward us and walked our way, we yelled at him, he gave no response, we continued to walk toward us. Then Sgt (b)(6) fired a warning shot near his feet, but the L.N. continued to walk, our gunner SPC (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. Sgt (b)(6) PFC (b)(6) and I ran out to check his status, I covered the body and PFC (b)(6) checked to see if he was alive, and he was, I then noticed the papers that blew from his hands was frag (b)(6)

10. EXHIBIT K	STATEMENT (b)(6)	PAGE 1 OF 2 PAGES
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STATEMENT OF SPC

(b)(6)

TAKEN AT

(b)(6)

DATED

13 OCT 05

9. STATEMENT (Continued)

money, PFC (b)(6) and I grabbed the L.V. 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

(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 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.

WITNESSES:

(b)(6)

WAC 1B5TB 1/10 MTN

ORGANIZATION OR ADDRESS

(b)(6)

A Co 1B5TB 1/10 MTN

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATE

(b)(6)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of October, 2005

at A Co 1B5TB

(b)(6)

Iraq

(b)(6)

2 LT

(b)(6)

(Typed Name of Person Administering Oath)

2 LT, US Army

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

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1. (b)(1)	2. DATE (YYYYMMDD) 2005 10 13	3. TIME	4. FILE NUMBER
5. (b)(6)	(b)(6)	6. GRADE/STATUS E-3	
8. ORGANIZATION OR ADDRESS HHC 1 BSB medics 1/10 Mountain			
9. (b)(6), WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			

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 spc. (b)(6) let me know what was going on. Then after that initial shot I heard a burst of fire, which spc. (b)(6) 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 (b)(6) with an (b)(6). After treating his wounds, he was evacuated via Iraqi ambulance.

Nothing Follows

10. EXHIBIT	11. (b)(6) PERSON MAKING STATEMENT	PAGE 1 OF 1 PAGES
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1. NAME (b)(1) <u>Irag</u>	2. DATE (YYYYMMDD) <u>20051013</u>	3. TIME	4. FILE NUMBER
5. (b)(6)	6. SSN (b)(6)	7. GRADE/STATUS <u>E-3</u>	

8. ORGANIZATION OR ADDRESS
Aco 1st BSTB 10th MTN DIV

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

As we were on scene investigating a possible IED at the intersection of (b)(1). A male had approached from the east side of (b)(1). He was given hand signals, sirens and yelling at him to stop. He kept coming and SPC (b)(6) 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, the air horn from the buffalo, I warned with our PA system and nothing stopped him. At that point SGT (b)(6) fired a warning shot and he continued to approach. At that time my view was blocked by the buffalo. I didn't see him actually engaged because of my vantage point.

(b)(6)

(b)(6)

(b)(6)

13 OCT 05

Nothing follows

10. EXHIBIT <u>M</u>	11. INITIALS OF PERSON MAKING STATEMENT (b)(6)	PAGE 1 OF <u>2</u> PAGES
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