

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 Camp Liberty, Iraq	2. DATE (YYYYMMDD) 2005/02/26	3. TIME 1911	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS 03	
8. ORGANIZATION OR ADDRESS HHC Task Force 1-41 Infantry, 3rd Brigade Combat Team, 1st Armor Division			

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

Gentlemen, the following is additional information that was gleaned from the IPs that spoke with CPT [REDACTED] after the incident had occurred. To the best of our knowledge 4 LN's were killed and 3 wounded. They were then taken to the Alshura Hospital to the North of our AO. CPT [REDACTED] received the majority of his information from an IP Captain, CPT [REDACTED]. This individual works at the Gazaliya IP station.

- The names of the LN that were killed:
- [REDACTED] (He is apparently an IP LT.)
 - [REDACTED] (Brother of the LT.)
 - [REDACTED] (possibly a cousin)
 - [REDACTED] (possibly a cousin)

- The names of those LN wounded:
- [REDACTED] (possibly a cousin)
 - [REDACTED] (possibly a cousin)
 - [REDACTED] (possibly a cousin) Unconfirmed at this time.

CPT [REDACTED] has repeatedly asked for the ID's of these individuals and as of yet has not seen any of them. Nor has there been any substantiating evidence proving that one of the killed was a IP-LT.

Above are the two statements given by 1LT [REDACTED] Pathfinder White 1) 1st Platoon C 1-41 IN and the members of the SEAL Team that did the shooting on 25 FEB 05. Additionally, are unconfirmed reports from Company Commander who spoke with CPT [REDACTED] individuals in the crowd.

- This group was responding to a supposed kidnapping of a family member and had assembled in that area to either retrieve the kidnap victim or exchange the victim for money. Certain questions arise from this:
 - Where was the victim?
 - Where was the money?
 - The family member leading the retrieval was an (unconfirmed as of yet) IP LT. Why was he not in uniform and why was he allowing the other family members to open display weapons in the street?
 - The shooting was near a Shia mosque on Route Alpha in a predominately Sunni neighborhood. It is unconfirmed that the men were either Sunni or Shia, though it is suspected that they are Sunni.
- Based on all accounts, including that of CPT [REDACTED] the group of LNs that were killed initiated fire first. THE LN GROUP BEGAN THE FIREFIGHT. They did so because of a report from a neighbor that said that there were AIF laying in ambush for them. This is possible but highly unlikely.
 - Each of the SEAL members wears distinctive uniforms and carries equipment that AIF usually do not have access too or choose not to use.
 - Of all the members that I have met of the Team, (I have personally met 7.) only one has a beard. That being Chief [REDACTED]
 - It is questionable that this is a true statement as the neighbor could not be found or a name given.
 - CPT [REDACTED] asked to go and speak with the family and was told several times no or that they would not be there. CPT [REDACTED] eventually promised to take the company commander there in 3 days.
 - CPT [REDACTED] when asked about possible payment to innocent victims if this was a mistake, he said it was not necessary. Again saying that it was there fault. He was insistent on this point.
 - The crowd atmospheric was neutral the entire time, not openly displaying aggression or a mourning response in any way.

EXLO

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

9. STATEMENT (Continued)

- 3. The cars involved were not at the site after the shooting. They were used as CASEVAC for the dead and wounded LN's.
 - a. [REDACTED] also requested to see these vehicles but was unable to.
 - b. Subsequently, one of the vehicles that was at the hospital was on the BDE BOLO List: A RED OPAL. Further information is required on this.
- 4. Approximately an 1 to 1.5 hours after the shooting, a [REDACTED] called CPT [REDACTED] asking to meet with him at 0900 on 26 FEB 05 at the Suad Al-Ivaqueeb Mosque. He did not say what for or why he needed to meet with the Company Commander. The phone call was taken by the XO of the company and he was told to not try and call back as [REDACTED] cell phone was broken. [REDACTED] considers himself the [REDACTED] even though he does not hold that position. He has claimed this many times and it is the opinion based upon action and reaction of the other NAC members and information given that he is either highly corrupt or a supporter of AIF activities; possibly both. Hard evidence has not been gathered to support this statement, though it is a considered more than coincidence that this call came so quickly after the incident and at this specific mosque. (TF 1-41 believes that this mosque is a anti-coalition mosque.) Three possible hypothesis come to mind:
 - a. This is an attempt to kill or capture an American officer who the AIF/Local criminal group believe responsible for the deaths of their compatriots. (Highly unlikely but possible.)
 - b. This is an attempt to circumvent the [REDACTED] ^{NAC by} gain favor or power inside Gazaliya. (Possible)
 - c. Legitimate meeting based upon an unknown agenda. (Possible)

EXC

Based upon the statements given and the circumstances surrounding the incident in question, TF 1-41 hold that this was a legal shooting and that the SEAL Team acted within the boundaries of the existing ROE. Currently, at this time it cannot be proven that the LN's that were killed were indeed going to retrieve a kidnapped family member but based upon their actions at that moment and the actions prior to the shooting it is believed that they were a possible AIF cell or part of the local criminal group that were engaging in some type of illegal or seditious act.

AFFIDAVIT

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

[REDACTED SIGNATURE]
(Signature of Person Making Statement)

EXC

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26 day of Feb, 2005 at [REDACTED]

ORGANIZATION OR ADDRESS

[REDACTED SIGNATURE]
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED NAME]
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

TF XO
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

FOUO

	YES	NO ^{1/}	NA ^{2/}
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?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
3. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
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)?			
Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
4. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate -			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
(4) the name and address of each witness expected to be called by the recorder?			
(5) the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here <input type="checkbox"/>)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b. Examine and object to the introduction of real and documentary evidence, including written statements?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d. Call witnesses and otherwise introduce evidence?			
e. Testify as a witness?			
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
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)?			
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)?			

NOTES: 1/ Explain all negative answers on an attached sheet.
 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

FOUD

FOUO

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

The (investigating officer) (board), having carefully considered the evidence, finds:

This investigation was completed based on the patrol debrief of Black Beard 2 team leader and the verbal statements of an IP investigator. There are many questions as to what activities the local nationals that were shot were involved in that are not answered as of yet.

FACTS: On 25 February the scout platoon of TF 1-41 inserted a Navy Seal Team, call sign Black Beard 2, into a house in Gazaliya [REDACTED] at 0308 hrs. The task and purpose of the unit was to destroy AIF emplating IEDS IOT facilitate freedom of movement in [REDACTED] zone. (See Exhibit 1) Their extraction was scheduled for 1500 hrs that day. At 1000 hrs their hide site was compromised when a local national, believed to be the owner of the building, entered the building. (See Exhibit 2) He departed the building almost immediately before the sniper team could apprehend him. The owner returned at approximately 1210 hours with an Iraqi Policeman. Black Beard explained to the IP through the use of their interpreter why they were in the house. The owner and the IP seemed satisfied and left the area. Black Beard decided that their position was compromised and called the Stalwart TOC via FM at 1310 hours to request early extraction. Stalwart TOC arranged for their extraction at 1330 hours. At approximately 1315 hours, Black Beard observed two cars (1xBlack Opel, 1xBlue Opel) pull into the open area in front of their position. Black Beard 2 reported five local national men got out of the two cars brandishing weapons. Four were carrying AK-47s and 1 was carrying a pistol. The men appeared to be either gathering equipment or exchanging equipment between the two vehicles and a residence directly across from Black Beard's position. At approximately 1320 Black Beard heard small arms fire just to the North of their position at approx [REDACTED] LT [REDACTED] Pathfinder White 1, was also in sector at the time and heard the gunfire. (See Exhibit 3) At this time, the local nationals raised their weapons, fired shots and begin to action on the house Black Beard had occupied. Black Beard engaged the men and reported killing 4 and wounding another man. (See Exhibit 4 and 5) Hospital reports later showed that there were 4 killed and two wounded; one of which later died of wounds. Soon after, IPs arrived to collect up the dead and wounded and the vehicles. A small crowd gathered to watch the events after the shooting started but appeared very neutral to the events. There was no wailing, chanting or yelling. The crowd was also observed as helping direct traffic around the scene and help guide in follow on coalition forces to the scene. The dead were evacuated to the Al Noor hospital in Shula. The wounded were evacuated to the Kadhimiya hospital. The vehicles were evacuated to the Gazaliya police station. The Stalwart scout platoon evacuated Black Beard at 1330 hours. CPT [REDACTED] Pathfinder 6, met with CPT [REDACTED] of the Gazaliya IPs after that afternoon to find out what information they had on the incident. CPT [REDACTED] reported that one of the men was an IP LT and that the other men were either brothers or cousins. He also stated that the men attacked Black Beards position because they believed someone was ambushing them. The men were reported to be in the process of either paying off a kidnapper or arranging a meet with a kidnapper. CPT [REDACTED] reported that he collected up 2 AK-47s and one pistol from the scene. CPT [REDACTED] was very emphatic in stating that the incident was the fault of the IP LT and his relatives. (See Exhibit 6) He also implied there was no reason to investigate the incident any further and the case was closed.

FINDINGS: The Black Beard team acted within the ROE. The local nationals exhibited hostile intent and committed hostile acts against Black Beard 2.

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

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

RECOMMENDATIONS: In view of these findings, I recommend no action against Black Beard 2. However, it is still unknown exactly what the six Local National men were doing that day. The IP statements do not entirely make sense. The kidnapping story could possibly be true, but is more likely a cover for whatever operation they were getting ready to conduct. The IPs unwillingness to blame coalition forces or conduct further investigation into the matter is very suspicious.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

[Redacted signature]

Ex 6

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

See Attached

[Redacted signature]

Ex 6

LIC, IW
Comments

[Redacted signature]

FOOD

1. Black Beard 2 occupies Sniper position [redacted] 0308 hrs

2. Black Beard 2 is 'soft' compromised by owner of house coming home at 1000 hrs

3. Man comes back with JP to investigate at 1210. BB2 interpreter explains situation to JP

4. At 1310 hrs BB 2 calls for early extraction at 1330 hrs

5. At 1315 BB 2 observes 5 men and two cars (one blue, one black). 1 pistol and 4 AK-47s seen. Men are possibly engaged in some sort of exchange of equipment. Weapons held at low ready

6. BB 2 hears Audible fire just north of their position.

7. LNs raise weapons, engage and begin to action on Snipers hide site.

8. BB 2 Kills 4 and wounds the 5th LN.

9. IPs arrive and evacuate bodies and vehicles

10. Crowd arrives to watch the events. Very neutral. Observed to be waving off approaching traffic and pointing out the incident to arriving Stalwart elements

11. Stalwart picks up BB 2 at 1330 and returns to Camp Liberty

Crowd of observers

Audible

FB2

Five