Any Classified Document Downgraded in this packet is done so under the Memorandum for Record, dated 28 February 2007, Subject: Declassification Guidance for Operation Iraqi Freedom (OIF) 05-07 issued by the 4th Infantry Division G2
MEMORANDUM FOR Assistant Division Commander (Maneuver), 4th Infantry Division, Camp Liberty, Iraq, APO AE 09344

SUBJECT: Recommendation – 15-6 Investigation Escalation of Force (16 MAR 06)

1. I concur with the findings and recommendations. While this incident is unfortunate, the Marine's actions are consistent with the Rules of Engagement. With the exception of making a condoleance payment for the deaths of the local nationals involved, I recommend that this investigation be closed with no further action.

2. POC is the undersigned at [REDACTED]

Commanding

ALL ITEMS ARE REDACTED UNDER 50 USC 557 (B)(6) UNLESS OTHERWISE NOTED
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-8; the preparatory agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by

Commander 1/1 Marines

(Appointing authority)

on 16 Mar 04

(Authorization: Letter of appointment or summary of and appointment data. See para 3-15, AR 15-6.)

Date

SECTION II - SESSIONS

The (investigating) (board) commenced at FOB Abu Ghraib at 1700

(Place) (Time)

on 16 Mar 04. (If a formal board met for more than one session, check here.) Indicate in an include the date each session began and ended, the place, position present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present. (Write each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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5 USC552(b)(6)
UNLESS OTHERWISE
NOTED

The following persons (members, respondents, counsel) were absent. (Include brief explanation of each absence.) (See para 5-2 and 3-6a, AR 15-6.)

The (investigating officer) (board) finished gathering evidence and completed findings and recommendations at 1500

(Time) on 24 Mar 04

Date

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1. Includes (check AR 15-8) (a)

   Are the following included and maintained consistent with Roman numerals? (Attached in order listed)

   a. The letter of appointment or a summary of and appointment data.

   b. Copy of notice to respondent, if any? (See item 9, below)

   c. Other correspondence with respondent or witness, if any.

   d. All other written communications to or from the appointing authority.

   e. Privacy Act Statements (Certificate, if statement served at least)

   f. Information as to violations of a formal board not included on page 1 of this report?

   g. Any other significant papers, other than evidence, relating to administrative aspects of the investigation or board?

FOOTNOTES: See number of pages on an attached sheet.

DA FORM 1574, MAR 83

Edition of Nov 77 is OBSOLET.
<table>
<thead>
<tr>
<th>Exhibit (para 3-16, AR 15-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are all items offered (whether or not received) or considered as evidence individually numbered or listed as exhibits and attached to this report?</td>
</tr>
<tr>
<td>b. Is an index of all exhibits offered or considered by investigating officer or board attached before the first exhibit?</td>
</tr>
<tr>
<td>c. Has the testimony/statements of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?</td>
</tr>
<tr>
<td>d. Are copies, descriptions, or depictions (if authorized for real or documentary evidence) properly attached and to the location of the original evidence included?</td>
</tr>
<tr>
<td>e. Are descriptions or diagrams attached to locations visited by the investigating officer of board? (para 3-6, AR 15-6)?</td>
</tr>
<tr>
<td>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?</td>
</tr>
<tr>
<td>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)?</td>
</tr>
</tbody>
</table>

| Was a quorum present when the board voted on findings and recommendations? (para 4-1 and 5-2b, AR 15-6)? |

<table>
<thead>
<tr>
<th>COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</th>
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</thead>
<tbody>
<tr>
<td>4. At the initial session, did the respondent read or determine that all participants had read the letter of appointment? (para 3-1b, AR 15-6)?</td>
</tr>
<tr>
<td>5. Was a quorum present at every session of the board? (para 3-1b, AR 15-6)?</td>
</tr>
<tr>
<td>6. Was each absence of any member properly excused? (para 3-1a, AR 15-6)?</td>
</tr>
<tr>
<td>7. Were members, witnesses, reporter, and interpreter sworn, if required? (para 3-1, AR 15-6)?</td>
</tr>
<tr>
<td>8. If any members who voted on findings or recommendations were not present when the board received some evidence, does the reporter describe how they familiarized themselves with that evidence (para 3-2d, AR 15-6)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):</td>
</tr>
<tr>
<td>a. Was he properly notified (para 3-5, AR 15-6)?</td>
</tr>
<tr>
<td>b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel? (para 3-4a, AR 15-6)?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Counsel (para 3-6, AR 15-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Was each respondent represented by counsel?</td>
</tr>
<tr>
<td>Name and business address of counsel:</td>
</tr>
<tr>
<td><strong>(If counsel is a lawyer, check here □)</strong></td>
</tr>
<tr>
<td>b. Was respondent's counsel present at all open sessions of the board relating to that respondent?</td>
</tr>
<tr>
<td>c. If military counsel was requested but not made available, is a copy of (or, if oral, a summary) of the request and the action taken on it included in the report? (para 3-6b, AR 15-6)?</td>
</tr>
<tr>
<td>13. If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 3-7, AR 15-6):</td>
</tr>
<tr>
<td>a. Was the challenge properly denied and by the appropriate officer?</td>
</tr>
<tr>
<td>b. Did each member successfully challenge栽 to participate in the proceedings?</td>
</tr>
<tr>
<td>14. Was the respondent given an opportunity to (para 3-2a, AR 15-6):</td>
</tr>
<tr>
<td>a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?</td>
</tr>
<tr>
<td>b. Examine and object to the introduction of real and documentary evidence, including writings (if desired)?</td>
</tr>
<tr>
<td>c. Object to the summary of witnesses and cross-examine witnesses other than his own?</td>
</tr>
<tr>
<td>d. Call witnesses and otherwise introduce evidence?</td>
</tr>
<tr>
<td>e. Testify as a witness?</td>
</tr>
<tr>
<td>f. Make or have his counsel make a final statement or argument? (para 3-6b, AR 15-6)?</td>
</tr>
<tr>
<td>15. Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an unclosed exhibit to it? (para 3-11, AR 15-6)?</td>
</tr>
</tbody>
</table>

**FOOTNOTES:**
1. Explain all negative answers as attached above.  
2. Use of the word counsel constitutes a positive representation that the circumstances described in the question did not occur in this investigation.
SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (Investigating officer) (Signed), having carefully considered the evidence, finds:

See attached memorandum.

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

In view of the above findings, the (Investigating officer) (Signed) 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 his signature should appear.)

(Recorded)  

(Member)  

(Member)  

(Member)  

SECTIO VII - MINORITY REPORT (para 3-17, AR 15-6)

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

(Member)  

(Member)  

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

The findings and recommendations of the (investigating officer) hereby 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 the correspondance (or a summary, if oral) as a numbered enclosure.)

I approve the findings and recommendations.

THOMAS C. MAFFEY  
Brigadier General, US Army  
Assistant Division Commander (Maneuver)
FIRST ENDORSEMENT on Captain [REDACTED] Preliminary 5800 dated 20 Mar 06

From: Commanding Officer
To: Commanding General, Multi-National Corps-Iraq
Via: Commanding Officer, Regimental Combat Team-5
       Commanding General, Multi-National Forces-West

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT
       THAT OCCURRED IN THE VICINITY OF GRID [REDACTED] ON 16 MARCH 2006,
       INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2
       WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

1. I concur with the Findings of Fact and Opinions, and
   Recommendations of the Investigating Officer.

2. Although PFC [REDACTED] failed to strictly adhere to the EOF
   procedures, I believe that due to the fact that there has been an
   increase in SVBIED attacks in Ar-Ralegh, the high rate of speed
   of the vehicle and the failure of the driver to respond like all
   other drivers, PFC [REDACTED] actions were appropriate under the
   circumstances.

3. Task Force 1/1 is attacking this as a training issue to
   educate Marines on proper EOF procedures. We have already
   incorporated these recommendations into all Task Force 1/1 re-set
   training, to include proper training (ROC drills of potential EOF
   scenarios) of turret gunners, and TTP's that ensure multiple
   personnel are utilized for the different levels of EOF (1 for
   flag waving, one as a designated marksmen, and one to fire the
   pop-up) all under the control of the vehicle commander.

4. At the earliest opportunity, the Investigating Officer shall
   account for the injuries and identities of all of the passengers
   and the identities of the KIA involved in the EOF incident.

5. No further investigative action is required.

[Redacted]

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50 USC 552(2)(b)(6)
UNLESS OTHERWISE
NOTED
From: Captain
To: Commanding Officer

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID __________ ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

Ref: (a) JAGINST 5800.7C (JAGMAN)
(b) FRAGO_183 [23 JUL 05 DTU] TO MNC-1 OPORD 05-07
(c) FRAGO 388 [10 Nov 05 DTU] TO MNC-1 OPORD 05-02
(d) MNF-W FRAGO 379-05 [Reporting and Investigation Requirements for Escalation of Force]

Encl: (1) Appointing Order
(2) SIGACT 16 1700C MAR 06
(3) SIGACT Storyboard 16 1700C MAR 06
(4) Diagram of EOF Incident
(5) Photo of Scene of EOF Incident Facing Eastbound on MSR Michigan
(6) Photo of Driver’s Side of Vehicle
(7) Photo of Passenger’s Side of Vehicle
(8) Photo of Passenger Compartment of Vehicle
(9) Photo of Rear of Vehicle
(10) Sworn Statement of IatTT
(11) Sworn Statement of PFC
(12) Sworn Statement of Sgt
(13) Sworn Statement of Sgt
(14) Sworn Statement of PFC
(15) Sworn Statement of LCpl
(16) Sworn Statement of SGT
(17) Sworn Statement of
(18) Sworn Statement of Pvt
(19) Sworn Statement of LCpl

1. In accordance with references (a) through (d) and enclosure i, I was appointed to conduct a preliminary inquiry into the facts and circumstances surrounding the escalation of force (EOF) incident that occurred in the vicinity of grid ________ on 16 March 2006, involving Marines of Mobile Assault Platoon-2 (MAP-2), Weapons Company, 1st Battalion, 1st Marines and resulting in serious injury up to 10 civilians and the death of 3 Iraqi civilians.

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2. On 16 March 2006, MAP-2 was ordered to escort, a recovery vehicle to the vicinity of checkpoint 39, grid [redacted]. MAP-2 left for Abu Ghraib (AG) at approximately 1650. At approximately 1700 the convoy turned west onto [redacted] in the vicinity of Checkpoint 39. In a field to the south of [redacted], MAP-2 located the Charlie Company 7-ton truck that was the focus of the recovery effort. The lead vehicle (vehicle #1) of the convoy, commanded by Sgt [redacted] and containing PFC [redacted] and LCpl [redacted] halted to determine the best location at which to place a blocking position. No vehicle control devices were yet in place as the MAP-2 platoon commander, 1stLt [redacted] decided where to place his vehicles. At this time, the .50 caliber machine gunner in vehicle #1, PFC [redacted] noticed a civilian van, heading eastbound, approaching the convoy on [redacted]. The vehicle was traveling at approximately 60-70 mph. Neither at this time, nor at any time during the incident, could PFC [redacted] see how many passengers were in the vehicle. When the vehicle approached to within 300 meters of the convoy, PFC [redacted] began to waive a red flag, signaling the civilian vehicle to stop. The vehicle did not stop or change course in any way, but continued toward the convoy at approximately 60-70 mph. EOF procedures require that if a vehicle fails to respond to the flag, a pop-up flare must be used in an attempt to signal the vehicle to stop. As the vehicle came to within 250-300 meters of the convoy, PFC [redacted] made the decision not to fire the pop-up flare because he believed that he did not have time to do so. (At 60-70 mph, a vehicle will travel approximately 300 meters in 7-8 seconds.) Instead of firing the pop-up flare, PFC [redacted] fired one warning shot into the ground in front of the civilian vehicle with the .50 caliber machine gun. EOF procedures required PFC [redacted] to fire the warning shot with his M-16A4 rifle. However, PFC Perez made the decision to fire the warning shot with the .50 caliber machine gun because he did not believe that he had sufficient time to fire warning shots with the M-16A4 and then transition to the .50 caliber machine gun if required. The vehicle did not respond to the warning shot and continued toward vehicle #1 at approximately 60-70 mph. Per enclosure 12, the occupants of the civilian vehicle noticed the MAP-2 convoy ahead on MSR Michigan and requested the driver to stop. The passengers stated that the driver ignored their pleas and sped up. As the vehicle came to within 200-150 meters of vehicle #1, PFC [redacted] fired approximately 2 rounds into the grill of the civilian vehicle. The vehicle did not stop or alter its course in any way, but continued eastbound toward vehicle #1 at approximately 60-70
Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCES INCIDENT THAT OCCURRED IN THE VICINITY OF GRID __________ ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON 2-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

mph. PKC __________ fired two-5 round bursts at the windshield of the civilian vehicle when it came to within 125-50 meters of vehicle __________. The rounds hit the vehicle and it veered southbound off of __________. As it came to within 50 meters of vehicle __________, the civilian vehicle came to a stop in the field south of __________. Prior to arriving in AO Summit, elements of Task Force 1/1 had experienced 4 VBIEDs within several days in AO Raleigh. As a result, the MAP-2 waited to approach the civilian vehicle, believing that the vehicle may have been a VBIED. At about this time Marines of MAP-2 witnessed muzzle flashes and heard AK-47 gunfire approximately 700 meters to the west of their position. MAP-2 did not establish PID and did not return fire. It is unclear who fired the shots, or if the shots were intended for MAP-2. Eventually it was determined that the vehicle would not explode and MAP-2 and Charlie Company Marines approached the vehicle. The vehicle contained approximately 17 people although it is unclear exactly how many passengers were in the vehicle. Approximately 9 passengers were injured and 3 passengers were KIA. As corpsmen on the scene treated the injured Iraqis, a group of Iraqi Police (IP) and a platoon of Iraqi Army (IA) arrived at the scene. The IP and IA began to load the wounded civilians into an ambulance. The injured were transported to AG, and the IPs took custody of the 3 civilian KIA and the vehicle.

3. MAP-2 was tasked with escorting a recovery vehicle to a field where a Charlie Company 7-ton truck was stuck in the mud. MAP-2 was responsible for providing security for the recovery effort.

4. The Marines of MAP-2 received extensive ROE and ROF training prior to deployment. MAP-2 received training at Mojave Viper in November and December 2005. MAP-2 also received ROE and ROF training during a SAGO package at March Air Force Base prior to deployment. Further, the Marines of MAP-2 attended at least 2 Battalion lectures on ROE and ROF prior to deployment. Prior to every mission, including the mission on 16 March 06, MAP-2 receives instructions and orders on ROE and ROF.

5. Three Iraqi mates were killed as a result of the ROF incident (Abbas Muhammad Aythiab and 2 unknown individuals). The known KIA was verified by his wife, also a passenger, Reja Badur Ayfan. There are some discrepancies concerning which passengers were killed. Ayfan reports that the driver was killed, but MAP-2 reported that the driver was treated and taken to AG. There are also some discrepancies between the witnesses.
Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID M4 12065 8406X ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

concerning the number of wounded civilians. The Marines of MAP-2 believe that there were 9 Iraqi civilians injured (total of 12 passengers). The passenger Radja Badur Ayfan stated that there were 11 total passengers in the vehicle. However, the hospital released the names of 10 injured Iraqi civilians (total of 13 passengers). For enclosure 12, the names, sex and ages of the individuals on the hospital's list are: Iman Khalid Nimur, male, 27; Fatima Badur Ayfan, female, 42; Sijad Ra'ad Khalid, male 9; Allah Rahim, male, 18; Abbas Hassan Nadi, male, 15; Sadur Nuril, female, 54; Radja Badur Ayfan, female, 50; Halsham Muhammed, male, 24; Khaluda Hassan Khayir, female, 46; Zahra Hassan Nadi, female, 15 months. BRM-07 is currently attempting to verify the passenger list and determine the names of the KIA and the number of injured passengers.

6. The Investigating Officer believes that MAP-2 and PFC Perez responded appropriately during the EOF incident. The Marines of MAP-2 were aware of the recent increase of SVBIED attacks in AO Raleigh, and recognized that the civilian vehicle as a possible SVBIED. Further, at the speed the vehicle was traveling, PFC Perez had only 7-8 seconds to react to the vehicle and employ all EOF measures before it would have reached vehicle #1. Although PFC Perez did not use a pop-up flare and fired warning shots with the .50 caliber machine gun rather than his M-16A3, his actions were reasonable considering the limited time he had to respond to the threat.

7. In future incidents, MAP-2 must be prepared to immediately employ the full range of EOF measures. One Marine cannot be solely responsible for employing each of the measures. Any single EOF action (flag, pop-up flare, warning shot, kill shot) should be assigned to individual Marines. This allows a unit to progress through the EOF procedures rapidly, and ensures that each of the measures are used. In the case at hand, the pop-up flare and the M16A3 warning shots may have been employed if Marines other than PFC Perez were responsible for those actions. MAP-2 received reset training on this topic on 17 March 06. The Battalion will continue to instruct the respective platoons on this topic during all reset training events. Although the driver of the vehicle is yet unidentified, statements from passengers of the vehicle show that the driver was unresponsive to not only the EOF procedures, but to the demands of the passengers of the vehicle. The passengers gave no insight into the reasons the driver failed to stop the vehicle.
Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT THAT OCCURRED IN THE VICINITY OF GRID __________ ON 16 MARCH 2006, INVOLVING MARINES OF MOBILE ASSAULT PLATOON-2, WEAPONS COMPANY, 1ST BATTALION, 1ST MARINES

8. CFERP condolence payments will be made to the injured and to the families of the deceased. Those payments will be made once the investigating officer is able to verify the identities of the injured and the deceased. The POC for Task Force 1/1 CFERP condolence payments is Captain ________ at ________ Camp Fallujah, Iraq.

9. The investigating officer is of the opinion that the ultimate cause of this ECP incident was the actions of the driver of the civilian vehicle. The speed of the vehicle and the driver’s refusal to react to any of the ECP measures required PFC ________ to fire killing shots at the vehicle in defense of himself and his unit.

10. The investigating officer is of the opinion that no further investigation of this ECP incident is required. The investigating officer will continue to work with HET-07 in an attempt to properly identify the civilian KIA and the injured passengers.

11. The POC for this matter is Captain ________ at ________ or ________

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UNITED STATES MARINE CORPS
1ST BATTALION, 1ST MARINES
RCP 5, 1 MAR 2006
UNIT 40155
TAD AP 99420-0155

From: Commanding Officer, 1st Battalion, 1st Marines
To: Captain [Redacted]

Subj: PRELIMINARY INQUIRY INTO THE ESCALATION OF FORCE INCIDENT INVOLVING HAP 2, WEAPONS COMPANY, ON 15 MARCH 2006

Ref: (a) JAGINST 5800.7C (JAGMAN)

1. This appoints you, per Chapter II, Part A of the reference, to conduct a preliminary inquiry into the facts and circumstances surrounding the Escalation of Force (EOF) incident involving elements of Mobile Assault Platoon 2, Weapons Company, on 15 March 2006.

2. Investigate any fault, neglect or responsibility therefore, and recommend appropriate administrative or disciplinary action. Report your findings of fact, opinions, and recommendations in letterform by 1830, 19 Mar 2006, unless you request in writing and are granted an extension. You may also recommend that a command investigation take place if necessary to conduct further investigation. If you have not previously done so, read chapter II of the reference in its entirety before beginning your investigation.

3. Ensure that personnel are fully identified, the first time they are mentioned in the final report; i.e., rank, full name (first, middle initial, last, SSN, MOS) armed forces component, complete unit and address.

4. You are encouraged to seek advice from the Battalion Adjutant or Regimental Staff Judge Advocate during the course of your investigation.

5. This inquiry is your primary duty until all the requirements of paragraph 2, above, have been met.

Copy to:
Legal Officer
Files
Section IV - Findings

The investigating officers, having carefully considered the evidence, find:

1. On 16 March 2006, Mobile Assault Platoon-2 (MAP-2) was ordered to escort a recovery vehicle to the vicinity of Checkpoint 39, grid...

2. MAP-2 left FOB Abu Ghraib (AG) at approximately 1600.

3. At approximately 1700 the convoy turned west onto MSR Michigan in the vicinity of Checkpoint 39.

4. In the field to the south of MAP-2 located the Charlie Company 7-ton truck that was the focus of the recovery effort.

5. Sgt [REDACTED] commanded the lead vehicle (vehicle #1) of the convoy which contained FPC [REDACTED], LCpl [REDACTED], and LCpl [REDACTED] halted to determine the best location at which to place a blocking position.

6. No vehicle control devices were yet in place as the MAP-2 platoon commander, [REDACTED], was deciding where to place his vehicles.

7. At this time, the .50 caliber machine gunner in vehicle #1, FPC [REDACTED], noticed a civilian van, heading eastbound, approaching the convoy on...

8. The vehicle was traveling at approximately 60-70 mph. Neither at this time, nor at any time during the incident, could FPC [REDACTED] place how many passengers were in the vehicle.

9. When the vehicle approached to within 300 meters of the convoy, FPC [REDACTED] began to waive a red flag, signaling the civilian vehicle to stop.

10. The vehicle did not stop or change course in any way, but continued toward the convoy at approximately 60-70 mph.

11. As the vehicle came to within 250-200 meters of the convoy, FPC [REDACTED] made the decision not to fire the pop up flare because he believed that he did not have time to do...
Findings (cont.)

12. Instead of firing the pop-up flare, PFC [redacted] fired a warning shot into the ground in front of the civilian vehicle with the .50 caliber machine gun.

13. RDF procedures required PFC Perez to fire the warning shot with his M-16A4 rifle. However, PFC [redacted] made the decision to fire the warning shot with the .50 caliber machine gun because he did not believe that he had sufficient time to fire warning shots with the M-16A4 and then transition to the .50 caliber machine gun if required.

14. The vehicle did not respond to the warning shot and continued toward vehicle #1 at approximately 60-70 mph.

15. Per enclosure 12, the occupants of the civilian vehicle noticed the MAP-2 convoy ahead on [redacted] and requested the driver to stop.

16. The passengers stated that the driver ignored their pleas and sped up.

17. As the vehicle came to within 200-150 meters of vehicle #1, PFC [redacted] fired approximately 2 rounds into the grill of the civilian vehicle.

18. The vehicle did not stop or alter its course in any way, but continued eastbound toward vehicle #1 at approximately 60-70 mph.

19. PFC [redacted] fired two 6 rounds bursts at the windshield of the civilian vehicle when it came to within 125-50 meters of vehicle #1. The rounds hit the vehicle and it veered southbound off of [redacted] as it came to within 50 meters of vehicle #1.

20. The civilian vehicle came to a stop in the field south of [redacted].

21. In the days prior to Task Force 1/1's arrival in AO Summit, 3 VBKIDs occurred in AO Raleigh, 1 of which was aimed at the elements of Task Force 1/1. As a result, MAP-2 waited to approach the civilian vehicle, believing that the vehicle may have been a VBKID.
Findings (cont.)

22. At about this time Marines of MAP-2 witnessed muzzle flashes and heard AK-47 gunfire approximately 700 meters to the west of their position.

23. MAP-2 did not establish FID and did not return fire.

24. Eventually it was determined that the vehicle would not explode and MAP-1 and Charlie Company Marines approached the vehicle.

25. As corporals on the scene treated the injured Iraqis, a group of Iraqi Police (IP) and a platoon of Iraqi Army IIA arrived at the scene.

26. 3 Iraqi civilians were KIA.

27. 9 injured Iraqi civilians were checked into the hospital at Abu Ghraib.

28. The IPs and IIA began to load the wounded civilians into an ambulance.

29. The injured were transported to AG, and the IPs took custody of the civilian KIA and the vehicle.
Section V - Recommendations

In view of the above findings, the investigating officer recommends:

1. MAP-2 receive further training on proper EOF procedures including the appropriate weapons used to fire warning shots.

2. Task Force 1/1 develop an EOF plan that relies on more than one person to employ the full spectrum of EOF procedures that all fall under the control of the vehicle commander.

3. Task Force 1/1 will continue to train platoons on proper EOF procedure during all "reset training" events.

4. Task Force 1/1 units will be instructed during re-set training on different scenarios on EOF procedures that focus on units immediately arriving at a designated position.
Document was Removed under Exemption 5 USC 552(b)(1) or (2) because it is either Classified Secret or Top Secret and non-degradable to Unclassified
LCpl [redacted] waves the flag. No response from vehicle.

LCpl [redacted] fires one warning shot into the deck with .50 caliber machine gun.

LCpl [redacted] fires vehicle disabling shots at the grill of the vehicle.

LCpl [redacted] fires killing shots at the windshield of the vehicle.

Sgt [redacted] in Vehicle

Disabled Charlie Co 7-ton

Wrecker

Path of Vehicle

300m 200m 100m 50m

ALL ITEMS ARE REDACTED UNDER 5 USC 552(B)(6) UNLESS OTHERWISE NOTED
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is PAG.

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 201; Title 5 USC Section 552a; E.O. 12337 dated November 22, 1983 (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 identifier when identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

<table>
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<th>3. TIME</th>
<th>4. FILE NUMBER</th>
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<tr>
<td>Abu Ghraib</td>
<td>2006-03-17 15:35</td>
<td></td>
<td>14116</td>
</tr>
</tbody>
</table>

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS

7. GRADE/STATUS

9. [REDACTED]

I, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

I am the platoon commander for Mobile Assault Platoon 2 1/1. On 060316 I was tasked with escorting a recovery vehicle to pull a 7 ton out of the mud in the vicinity of Checkpoint 39. When we arrived on scene my lead vehicle closed to a stop blocking position. While we were discussing this, I heard a sound. I had been looking at my map and I looked up when I heard the shot fired. I saw a blue Kia driving toward my lead Humvee at extremely high speed. I estimate the speed to be between sixty to seventy miles per hour. I saw the gunman shoot into the grill and then, a few seconds later he fired another burst into the grill. I estimate that he fired into the grill at 75 meters and he made his kill shot into the grill at somewhere. He fired 1-2 shots at 75 and a 6.8 round burst for the kill shot. The vehicle did not alter its course and speed at any point in the execution of fire. After the car skidded off the road, I sent my Grumman at a controlled speed to provide medical aid. A squad from Charlie was already on the scene when they arrived. Some one later told that one of them fired a burst of M4 6MM at the van but I didn't see this. When I asked my lead vehicle what had happened they told me that he had used his flag at 300 meters distance, but the vehicle commander told him to give a pop-up flare. He told me that he had no flag and he.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

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

ALL ITEMS ARE REDACTED UNDER 5 USC 552(B)(6)
STATEMENT OF  
TAKEN AT ABU GHRAIB DATE 0603 

6. STATEMENT (Continued):  

I fired a warning shot to the ground with my 50 c.i.d. He said he  
saw small arms fire 400-500m to his west at this time.  
I did not see the small arms fire from my position, but I was  
not paying attention as I could have missed it. My vehicle commander  
reported the fire was brisk - 6-8 round burst of AK. He told me he  
made the grill shot at 75m and the kill shot at 40-50m.  
At this time, two Iraqi Army platforms were on site as well as  
a squad of Iraqi police. We stabilized the patient and medevac  
him to Abu Ghraib. I carried three dead and two wounded.  
I did not see any gunfire aside from our 50 cal fire. This incident  
occurred at 1800. I could not see inside the vehicle until it turned  
away, when I saw the vehicle I thought that it was a VBIED. It was  
moving abnormal fast for Iraqi traffic flow. We had hit him VBIED  
attacks in our AO in the last week, one of which struck our  
3rd property company. A Company 20 km away. No indication that he had  
seen any of our display of force procedures and did nothing to slow  
speed. I believe that if the gunman had not fired, the van would  
have collided with my lead vehicle, regardless of if he had leveled  
at the 75 meter mark.

AFFIDAVIT  
I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT  
WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 7. I FULLY UNDERSTAND THE CONTENTS OF THE COMPLETE 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: 

Signed and sworn to before me, a person authorized by law to  
administer oaths, this 17 day of March 2006  
at Abu Ghraib.

ORGANIZATION OR ADDRESS  

[Redacted]

INITIALS OF PERSON MAKING STATEMENT  

PAGE 2 OF 2 PAGES
**SWORN STATEMENT**

For use of this form, see AR 199-45; the proponent agency is PMAG.

<table>
<thead>
<tr>
<th>PRIVACY ACT STATEMENT</th>
</tr>
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<tr>
<td>AUTHORITY: Title 10 USC Section 301; Title 2 USC Section 2651; E.O. 6357 dated November 22, 1943 (SSA).</td>
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<tr>
<td>PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.</td>
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<tr>
<td>ABU GHRAIB</td>
<td>01/16/2002 14118</td>
<td>1425</td>
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</table>

**ADD RESIGNED FIRST NAME, MIDDLE NAME**

**ADD ORGANIZATION OR ADDRESS**

**ADD WPNCS CO. MAP 2**

"I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:" WE WERE GIVEN A MISSION, ESCORT TYPE, TO ESCORT A TRUCK TO PULL C COMPANIES 7 TON THAT HAD GOTTEN STUCK, OUT OF ITS CURRENT POSITION WE LEFT THE FOB OUT OF THE WEST GATE AND TURNED RIGHT THEN PROCEEDED TO WHERE WE TURNED LEFT TRAVELING SUOS 552(6) WEST BOUND INTO THE ONCOMING TRAFFIC LANE. WE ALMOST IMMEDIATELY SPOTTED C COMPANIES 7 TON TRUCK IN THE MUD. WE WERE LOOKING FOR AN ALTERNATIVE ROUTE TO THEIR POSITION WHEN A MINI VAN TRAVELING EAST BOUND AT A HIGH RATE OF SPEED CAUGHT MY ATTENTION, IT WAS COGGING IN OUR POSITION FAST. WHEN WE GOT TO APPROX 300M OUT I WAVE MY RED FLAG AT IT, IT DID NOT SLOW OR TRY TO PULL OFF THE ROAD, I WAS NOT USED TO THIS EVERY OTHER TIME I HAD USED MY FLAG CARS STOP INSTANTLY OR PULL TO THE SHOULDER, SINCE THE VAN WAS GOING SO FAST PROBABLY 50+ MPH I WENT CONDITION 4.

**10. EXHIBIT**

**11. INITIALS OF PERSON MAKING STATEMENT**

**PAGE 1 of 2 PAGES**

**ADDITIONAL PAGES MUST CONTAIN THE HEADERS "STATEMENT OF _____ 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

ALL ITEMS ARE REDACTED UNDER 5 USC 552(8)(6)  
UNLESS OTHERWISE REQUESTED

14118
STATEMENT OF [REDACTED] TAKEN AT AFGHANISTAN DATED 06/03/17

B. STATEMENT (Continued)

BEFORE I TRIED TO FLAG THE VAN I WENT FOR A POP UP BUT DID NOT FEEL I HAD TIME TO EMPLOY ONE, THAT IS WHY I WENT TO MY NEXT OPTION MY FLAG. AFTER FLAGGING AND GOING COND I ON MY SO CALLED THE CAR WAS APPROX. 200 M, BUT STILL CLOSING FAST SO I PUT 1 SHOT TO THE DECK STILL NO RESPONSE SO I PROCEEDED TO PUT ABOUT 2 ROUNDS TO THE GRILL STILL NO RESPONSE SO AT THIS TIME THE VAN WAS ABOUT 75-125 M AND STILL NOT SLOWING OR PULLING OFF OF THE ROAD SO I FIRED APPROX 2-4 ROUND BURSTS TO THE FRONT OF THE VAN IN THE MIDDLE OF MY SECOND BURST THE CAR BEGAN TO VEER TOWARD THE SHOULDER SINCE WE HAD 2 CCO. OVER THERE I CEASED FIRE ONCE THE CAR WENT OFF THE SHOULDER DOWN THE INBANKMENT I AT NO POINT IN TIME COULD EVER TELL HOW MANY OR WHO WAS IN THE VEHICLE.

AFFIDAVIT

I 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 INDUCTION.

[INITIALS OF PERSON MAKING STATEMENT]

WITNESSES:

[SIGNATURE OF PERSON ADMINISTERING OATH]

SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 17 DAY OF MARCH, 2006 AT PUL GHANI, AFGHANISTAN

[INITIALS OF PERSON ADMINISTERING OATH]

ORGANIZATION OR ADDRESS

[CAPTAIN, USMC]

[TYPEWRITTEN NAME OF PERSON ADMINISTERING OATH]

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

ALL ITEMS ARE REDacted UNDER 50C557B(G)(6)

DUE DATE: MAY 31, 2010
**SWORN STATEMENT**

For use of this form, see AR 190-6; the promoting agency is PAG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 531; Title 5 USC Section 551; 5 U.S.C. 2212 dated November 22, 1982 (55U).

**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.

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<td></td>
<td>024538477</td>
<td>1/35</td>
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9. INFORMATION FROM HOSPITAL STAFF AND PATIENT INTERVIEWS PERTAINING TO 161700CMAR06 EOD INVOLVING MAY 2, 2006, 1/1.

1. AT 2100 ON 16 MARCH 2006 I MADE LIASON WITH THE BATTLE CAPTAIN, 344 CSB, ABU GHURAYBA CONCERNING MY INTENT TO INTERVIEW THE WOUNDED CIVILIANS INVOLVED IN THE EOD ON 161700CMAR06. THE BATTLE CAPTAIN PROVIDED ME WITH A LIST OF TEN PATIENTS WHO WERE BROUGHT TOGETHER AFTER THE EOD. THE PATIENT INFO ON THE LIST WAS OBTAINED FROM THE CSH STAFF, VIA AN INTERPRETER, WHILE INITIAL ASSESSMENTS OF THE PATIENTS WERE BEING CONDUCTED. THE ATTENDING SURGEON GRANTED ME PERMISSION TO INTERVIEW TWO PATIENTS, ISN 883 AND 885. BOTH THE TWO PATIENTS WERE LUCID AND IN STABLE CONDITION DURING THE POST-AMPUTATION TREATMENT. THE PATIENTS, 883 AND 885 HAD BEEN TRANSFERRED TO THE 10TH CSH PRIOR TO MY ARRIVAL. THE REMAINING SIX PATIENTS WERE UNDERGOING TREATMENT AND WERE NOT AVAILABLE FOR INTERVIEW.


3. ISN 885 (HEREAFTER REFERRED TO AS 885) PROVIDED THE FOLLOWING: 885 IS A 46 YEAR OLD IRAQI FEMALE; HER NAME IS [REDACTED]. 885, HER DAUGHTER, SON AND GRANDSON WERE TRAVELING IN A BLUE KIA MINIBUS, WHICH WAS SERVING AS A TAXI. THE FAMILY WAS TRAVELING FROM HASWA TO BAGHDAD WHEN THE VEHICLE APPROACHED A CF ROADBLOCK. THE
USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF ____________________________ TAKEN AT Abu Ghurayib, IZ, DATED 2006 03 17

9. STATEMENT (Continued)

VEHICLE WAS TRAVELING AT A HIGH RATE OF SPEED AND THE PASSENGERS YELLED AT THE DRIVER TO STOP. THE DRIVER CONTINUED AT A HIGH RATE OF SPEED AND THE VEHICLE WAS FIRED UPON BY THE OF ROADBLOCK. THREE MEN INSIDE THE MINIBUS WERE KILLED AS A RESULT. 865 IDENTIFIED HER DAUGHTER AS A 22 YEAR OLD IRAQI FEMALE (ISN __________). 865 IDENTIFIED HER SON AS A 10 YEAR OLD IRAQI MALE (ISN __________). 865 IDENTIFIED HER GRANDSON AS A 9 YEAR OLD IRAQI MALE (ISN __________).

4. AFTER INTERVIEWING THE FOLLOWING: 863; 865; CPS ATTENDING; PLT CMND, MAP 2, WPNs 1/1, PLT SGt, MAP 2, WPNs 1/1 SEVERAL FACTS HAVE YET TO BE DETERMINED. THE THREE KIA WERE TAKEN TO A LOCAL IRAQI POLICE (IP) STATION AND I HAVE YET TO ESTABLISH THE IDENTITY OF TWO OF THE KIA. AT PRESENT THE JCC HAS BEEN CONTACTED AND 1/1 IS REQUESTING THAT THIS JCC COORDINATE WITH THE IP9 FOR THE IDENTITY OF THE THREE KIA. 863 CLAIMS THAT THE DRIVER WAS KILLED, BUT THE PLT CMND AND PLT SGt OF MAP 2 CLAIM THAT THE DRIVER WAS NOT KILLED, BUT WIA. THE PLT CMND AND SGt SAW THE MALE WHO THEY BELIEVE IS THE DRIVER BEING TRANSPORTED TO THE ABU GHURAYIB HOSPITAL FOR TRANSFER TO ANOTHER LOCATION. THEIR DESCRIPTION OF THE WOUNDS RECEIVED BY THE DRIVER COINCIDES WITH THE INJURIES RECEIVED BY ISN __________ WHO WAS TRANSFERRED TO 10TH CSH. MAP 2 CLAIMS THAT THERE WERE EIGHT PASSENGERS IN THE VEHICLE AND THAT FIVE WERE WIA WHILE THREE, WHO WERE MEN, WERE KIA. 863 CLAIMS THAT THERE WERE ELEVEN PASSENGERS IN THE VEHICLE, AND THAT THE DRIVER WAS KIA. TEN WIA WERE BROUGHT IN TO THE 334 CSH AFTER THE HOSPITAL. THESE TEN WIA, PLUS THE THREE KIA, WOULD BRING THE TOTAL NUMBER OF PASSENGERS TO THIRTEEN.

5. THE FOLLOWING INFORMATION STILL NEEDS TO BE OBTAINED. WHO IS ISN __________ WHO IS ISN __________ WHO ARE THE TWO UNIDENTIFIED KIA? WHO WAS THE DRIVER AND WAS THE DRIVER KIA OR WHAT IS ISN __________ THE DRIVER? WAS THE SON OF 865, KIA OR WIA? AT PRESENT I AM AWAITING A RESPONSE FROM THE IP AS TO THE IDENTITIES OF THE KIA. ON 17 MARCH I WILL RETURN TO THE 334 CSH IN ORDER TO TALK TO THE PATIENTS WHO WERE NOT IN STABLE CONDITION DURING MY INITIAL VISIT TO THE CSH.

<table>
<thead>
<tr>
<th>ISN</th>
<th>NAME</th>
<th>SEX</th>
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<td>F</td>
<td>22</td>
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<td>2</td>
<td></td>
<td>F</td>
<td>42</td>
<td>SHRAPNEL TO RGT CHEST/RGT WRIST</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>M</td>
<td>9</td>
<td>BILATERAL LMR EAT BLAST</td>
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<td>4</td>
<td></td>
<td>M</td>
<td>18</td>
<td>GSW LMR RGT EAT</td>
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<tr>
<td>5</td>
<td></td>
<td>M</td>
<td>16</td>
<td>MULT TRAUMA PELVIC/LFT LEG</td>
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<tr>
<td>6</td>
<td></td>
<td>M</td>
<td>54</td>
<td>GSW SHOULDER BLAST</td>
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<tr>
<td>7</td>
<td></td>
<td>M</td>
<td>50</td>
<td>RGT FOOT/SHOULDER BLAST</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td>F</td>
<td>24</td>
<td>GSW RGT FLANK</td>
</tr>
<tr>
<td>9</td>
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<tr>
<td>10</td>
<td></td>
<td>F</td>
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INITIALS OF PERSON MAKING STATEMENT

PAGE 2, DA FORM 2823, DEC 1998

ALL ITEMS ARE REDACTED UNDER 5USC552(b)(6) UNLESS OTHERWISE NOTED

14121
STATEMENT OF [REDACTED]

TAKEN AT [REDACTED], DATED 2006 03 17

END OF STATEMENT

AFFIDAVIT

I, [REDACTED], have read or have had read to me this statement which begins on page 1 and ends on page 2. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page containing the statement. I have made this statement freely without threat of punishment, and without coercion, unlawful influence, or promise.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of March 2006 at Abu Ghraib, Iraq.

[REDACTED]

ORGANIZATION OR ADDRESS

Captain USMC

(Official Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3
**SWORN STATEMENT**

For use of this form, see AR 190-6; the proponent agency is PMS.

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<td>2006-03-19</td>
<td>14:30</td>
<td>SGT 1E-5</td>
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<th>5. LAST NAME, FIRST NAME, MIDDLE NAME</th>
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<td>WOOL 6 MAP 2</td>
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<tr>
<td>7. RANK/STATUS</td>
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<tr>
<td>SGT 1E-5</td>
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9. I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AT ABOUT 1650 ON 2006 MARCH 19 I WAS IN MAP 2 PLATOON STEPPED OFF ON PATROL TO RECOVER A STUCK 7-TON IF COMPANY E IN THE AREA OF CP 39. I WAS IN THE LEAD TRUCK AS THE VC. THE DRIVER, THE GUNNER, BACK LEFT SEAT, AND WAS SITTING IN THE RIGHT SEAT. I LEFT THE WEST GATE I TURNED NORTH ON A ROAD USED TO 79. THEN TURNED WEST INTO ROUTE (REDacted). I Drove WEST FOR ABOUT 100 METERS UNTIL I SAW THE STUCK 7-TON. THE VC CHIEF DIRECTED ME TO MOVE UP ANOTHER 100M TO GET A BETTER LOOK AT ANY OTHER SIDE ROAD THAT LEAD TO THE 7-TON. AFTER LOOKING TO THE SOUTHWEST NOTES A ROAD RUNNING NORTH SOUTH THAT HAD A BETTER PATH TO THE TRUCK. I RANLED IT AND SAID I WAS GOING TO MOVE UP TO THE NEXT INTERSECTION AND TAKE A LEFT. AS I CROSSED I NOTICED A BLUE VAN MOVING AT 60 TO 70 MILES PER HOUR TO THE ROAD. I YELLED TO MY GUNNER TO "FIRE AND A POP UP." AT THAT POINT HE WAS ALREADY HAVING A RED FLAG TO SIGNAL THEM TO STOP. HE DID NOT HAVE ENOUGH TIME TO USE A POP UP DUE TO THE SPEED OF THE VAN. THE VAN WAS ABOUT 75 MILES AWAY. THEN I Told MY GUNNER TO "FIRE." AT THAT TIME HE FIRED ABOUT 7 ROUNDS INTO THE DECK WITH THE .50 CAL I BELIEVE. THE VAN WAS ABOUT 75 TO 100 METERS AWAY. THE VAN STILL MADE AN ATTEMPT TO STOP 1 A MILES OFF THE ROAD. THEN THE GUNNER FIRED ABOUT 3 ROUNDS OF .50 CAL INTO THE GUN. STILL THE VAN MADE AN ATTEMPT TO STOP AND WAS STILL MOVING TOWARDS OUR TRUCK. THEN MY GUNNER FIRED ABOUT 6 TO 8 ROUNDS INTO THE WINDOWS OF THE VAN AT ABOUT 75 MILES AWAY. |

<table>
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<th>10. EXHIBIT</th>
<th>11. INITIALS OF PERSON MAKING STATEMENT</th>
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