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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Rustamiya	20060206	1015	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	E6

8. ORGANIZATION OR ADDRESS

B 3/67 AR 4ID 4BCT, FOB Rustamiya

9.

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

1. Describe the events that lead to an escalation of force on 05 FEB 06. Include the following in your statement, if known.
   a. What was your patrol's mission?
   b. What caused your patrol to search the parking lot?
   c. Describe your security perimeter. Include a sketch. Estimate the following, as you remember it:
      i. Locations of US and IP vehicles.
      ii. Locations of US and IP personnel.
      iii. Locations of any warning signs that were posted.
      iv. Any physical barriers to stop traffic that were used.
   d. Who first identified the driver of the VW as a threat?
   e. What did the driver of the VW Passat do that showed hostile intent?
   f. What graduated responses were used to try to stop the vehicle prior to firing at it? For each graduated response, indicate the following:
      i. How far away was the vehicle?
      ii. Who executed the graduated response action?
      iii. What was the driver's response?
2. Describe the actions were taken after the incident. Include the following, if known:
   a. What actions were taken to treat the local national after he was shot?
   b. What damage was done to the vehicle?
   c. Was a claims card issued? If not, why not?

On 5FEB06 my platoon was conducting a recon patrol in Baladiat. The patrol consisted ~~of~~ of 4 HMMWV uparmored vehicles and 16+1 PAX. We stopped near a parking lot in order to interact with the locals and possibly recieve intel for future operations. At approximately 1145, myself, [redacted] and [redacted] were securing our perimeter. An estimated 12-15 cars so far made their way SE towards our perimeter. All vehicles responded to our visual signals at about 250m-275m out by stopping and turning around. At 1145 we ([redacted] and myself) noticed a blue car proceeding towards our perimeter. As far as we could see (about 300meters out) we gave hand signals to stop. When the vehicle reached to 75m mark I observed the vehicle continuing its rate of speed of approx. 15mph towards our perimeter. The vehicle did not respond towards hand and verbal signals. I told SPC Earle to fire a warning shot at the vehicle. The shot was fired to the air above the car. Immediately after the warning shot was fired, the vehicle still continued to close in on our perimeter at the same speed of est 15mph. The vehicle did not slow or stop.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
F	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

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

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USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT 3/67AR TOC DATED 6FEB06

9. STATEMENT (Continued)

I ORDERED [redacted] AND [redacted] to shoot to DISABLE the vehicle. Two 5.56mm rounds were fired at approximately 50-60 meters distance. The car cut to the left and proceeded into our perimeter, finally stopping when it hit a pole. We all took cover behind vehicles due to possibility of the car being a VBIED. The driver showed hostile intent by approaching our perimeter at a rate of speed and by not responding to HAND AND VERBAL SIGNALS, as well as the warning shot. The medic on site checked the man out and determined he was DEAD. The damage to the vehicle was to the front Right end of the vehicle where it hit the pole. I came no knowledge of a claims card being issued. We all identified the car as a threat. JLB

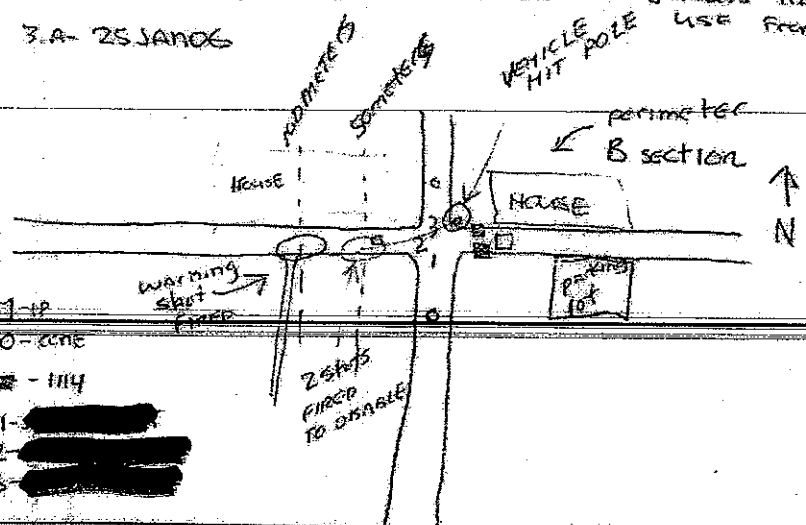
FOLLOW-UP QUESTIONS

1. WHAT PHYSICAL MATERIALS AND SIGNS WERE ON-HAND TO WARN DRIVERS? [redacted]
2. WHAT WARNING SIGNS AND OTHER MATERIALS DO YOU RUTINELY CARRY ON PATROL? [redacted]
3. WHEN WAS THE LAST TIME YOU RECEIVED ROE TRAINING? [redacted]

1.A- TRAFFIC CONES WERE ON ~~HAD TO~~ HAND TO ~~SHOW~~ WARN DRIVERS.

2.A- On patrol we have, each vehicle has a "DANGER STAY BACK 300m" sign visible on our spare tires as well as our gunners have small stop signs they can use from the turret.

3.A- 25 JAN06



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

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 3 PAGES

PAGE 2 DA FORM 2823, DEC 1998

USAPA V1.00

STATEMENT OF [redacted] TAKEN AT FOB Rustamiya DATED 6 FEB 06

9. STATEMENT *(Continued)*

NOTHING FOLLOWS

[redacted]

[redacted]

[redacted]

[redacted]

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 3. 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 of Person Making Statement)

WITNESSES:

[redacted]
[redacted] CPT, IN, COR
DETACHMENT FOB RUSTAMIYAH, IRAQ
ORGANIZATION OR ADDRESS

[redacted]
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of February, 2006 at Camp Rustamiyah, IRAQ

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: VLR

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 PMG.

PRIVACY ACT STATEMENT

AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 *(SSN)*.
PRINCIPAL	To provide commanders and law enforcement officials with means by which information may be accurately identified.
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DISCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE *(YYYYMMDD)*	3. TIME	4. FILE NUMBER
Rm #18 D co Area barracks	20060205	1820	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	SPC

8. ORGANIZATION OR ADDRESS
B co 3/67 AR

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

on 05 1130 Feb 06 during our area recon, our platoon stopped to engage the public for information. For future operations at [redacted]. SUCCESSFUL when we stopped me and PFC Binyons set our traffic cones out about 40 meters in front of our vehicle, to stop the traffic flow coming towards us. About 15 minutes into the halt a blue passat approached our perimiter about 200 meters away. We began using hand signals, and motioning the vehicle to stop or turn around. We also began shouting as the vehicle kept approaching, to try and get it to stop. The vehicle didnt respond to any of the signals. At 45-50 meters I fired one warning shot in the air over the top of his car. The driver didnt respond at the warning shot, and kept coming forward at 15-20 mph. At this time my self and [redacted] engaged the vehicle at 35-40 meters. We each fired one round intending to disable the vehicle. One round struck the windshield in front of the hood, the second round went through the windshield striking the driver in the head. Believed to be cause by a richochet. The vehicle then veered to the right and struck a pole to the right of our position. We then cleared the vehicle making sure nothing posed a threat to our unit. Then the medic assesed the casualty, and soon after pronounced him dead. We the return to pulling security, while the IP's and [redacted] did their intital investagtion and report.

Nothing Follows

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 2 PAGES
G		

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

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STATEMENT OF [redacted] TAKEN AT Rm # 18 Dio Greg DATED 20060205

9. STATEMENT *(Continued)*

Nothing Follows

[redacted]

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 HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[redacted]
(Signature of Person Making Statement)

WITNESSES:

[redacted] SGT.
Bn # 3167 HR 4th ID.
ORGANIZATION OR ADDRESS

[redacted] SGT
Bn 3167 HR 4th ID
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 05 day of FEB, 06
at

[redacted]
(Signature of Person Administering Oath)

[redacted]
(Typed Name of Person Administering Oath)

UCMJ Under Article 136
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 2 PAGES

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

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
Conference rm 3/67 TOC	20060218	10:13	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	E-3/PFC

8. ORGANIZATION OR ADDRESS
B Co 3/67 AR

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

1. Describe the events that lead to an escalation of force on 05 FEB 06. Include the following in your statement, if known.
   a. What was your patrol's mission?
   b. What caused your patrol to search the parking lot?
   c. Describe your security perimeter. Include a sketch. Estimate the following, as you remember it:
      i. Locations of US and IP vehicles.
      ii. Locations of US and IP personnel.
      iii. Locations of any warning signs that were posted.
      iv. Any physical barriers to stop traffic that were used.
   d. Who first identified the driver of the VW as a threat?
   e. What did the driver of the VW Passat do that showed hostile intent?
   f. What graduated responses were used to try to stop the vehicle prior to firing at it? For each graduated response, indicate the following:
      i. How far away was the vehicle?
      ii. Who executed the graduated response action?
      iii. What was the driver's response?
2. Describe the actions were taken after the incident. Include the following, if known:
   a. What actions were taken to treat the local national after he was shot?
   b. What damage was done to the vehicle?
   c. Was a claims card issued? If not, why not?

On 05 Feb 06 My platoon and I were given a recon mission to baladiat to gain information from the community for mission's in the future. As we SP'd from FOB Rustamiyah about an hour in half into our mission we went down a street and saw a gentleman standing in his drive way and decided to make a short halt so we could speak with him about what was going on in the area. With all four vehicle's to our 6 O'clock myself and [redacted] set up our perimeter come as usual about 30 to 40 feet away from the Hum V6. About 15 to 20 minutes into being dismounted and setting up our perimeter a blue Passat approached the top of the street

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 5 PAGES
H	[redacted]	

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

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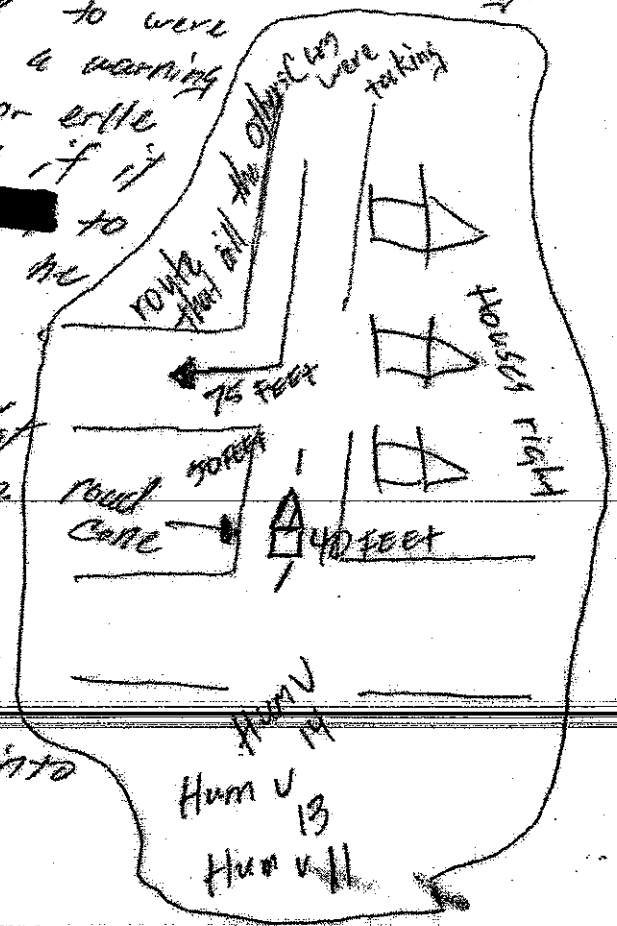
STATEMENT OF [redacted] TAKEN AT Rustamiyah DATED 4FEB06

9. STATEMENT (Continued)

about 600 to 800 feet away from us. As the blue passed was traveling down the street myself a SPC Erlle gave the first hand signals to the vehicle for about 30 to 40sec. Once the vehicle was within 75 to 100 feet away from us. Myself [redacted] and [redacted] pointed Our weapons in the direction of the vehicle hoping that he/she would take the same turn as the rest of the Car's were taking. As the situation escalated to were we were forced to use a warning shot. But before myself or erlle took the shot I asked if it was ok to [redacted] to take a warning shot and he said yes. So [redacted] did so and into the air shot his weapon. After that the vehicle did not stop. still traveling at about 10 to 15 mph myself and SPC Erlle decided to disable the vehicle and shot one round each into the engine.



INITIALS OF PERSON MAKING STATEMENT [redacted]

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PAGE 2 OF 5 PAGES

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USAPA V1.00

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT rustymiyah DATED 06FEB06

9. STATEMENT (Continued)

After the shots were taken the blue passat took a hard left turn right into a telephone pole. And at that point in time we were still not sure if the vehicle was a VBID or not so we approached the vehicle still take precautions and found out that one of the rounds that myself and [redacted] had gone through the window and hit the man in the forhead killing him instantly. After we checked the vehicle out for an VBID's and discovered that there were no threats. So we still continued pulling security and then the IT's showed up to investigate the situation and assess the damage to the vehicle. After that was done our medic [redacted] looked at the man and found out exactly where he was hit. And then we sped for the area back to Rustymiyah.

INITIALS OF PERSON MAKING STATEMENT [redacted]

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 USAPA V1.00

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT Mustamiyah DATED 6 FEB 06

9. STATEMENT (Continued)

FOLLOW-UP QUESTIONS

① WHAT WAS YOUR POINT OF AIM WHEN YOU FIRED YOUR WEAPON? [redacted]

② OTHER THAN TRIPPLE CONES, DID YOU HAVE ANY OTHER SIGNS WARNING DRIVERS TO STOP? [redacted]

① My point of Aim was into the engine block.

② No other warning signs were put up just the road cones -/End of Statement/-

[redacted]

[redacted]

[redacted]

[redacted]

INITIALS OF PERSON MAKING STATEMENT [redacted]

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

PAGE 4 OF 5 PAGES

PAGE 2, DA FORM 2823, DEC 1998

USAPA V1.00

STATEMENT OF [redacted] TAKEN AT Kustaniyah DATED 6 FEB 08

9. STATEMENT (Continued)

[redacted]

[redacted]

[redacted]

[redacted]

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

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. 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 of Person Making Statement)

WITNESSES:

[redacted]

[redacted] CDR

[redacted] IRAQ

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of FEB, 2008 at FOB Kustaniyah

[redacted]

(Signature of Person Administering Oath)

[redacted] MS. GW

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

USAPA V3.00

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).
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1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Rustamiyah	20060206		

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	E-5

8. ORGANIZATION OR ADDRESS
B. co. 3/67 AR BN

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

On Sunday Feb. 5 I was finishing taking care of a iraqi local who had cut his finger. I had my head in the 1114, closing my aid bag when I heard what sounded like a weapon fire. I turned around to see a soldier fire his weapon. a second weapon discharge was heard almost at the same time. I grabbed my aid bag and started running towards the fire. [redacted] motioned to me to stop. A blue car veered to the right of the 1114's blocking the road and crashed. I couldn't see what the car had ran into. I heard "medic" being called and took off running. as I [redacted] looked over the scene as I approached a blue passat had hit a telephone pole. A rather large man in a maroon shirt sat hunched over towards the steering wheel. a large wound pouring blood was visible. brain matter + CHF dripped from the mans forehead. I ran to the driver side window. The window was rolled down. He was definitly dead. I reached in and touched the man. no movement. I relayed the message that he was dead and walked back to my 1114, dropped off my aid bag and returned to the scene. The IP soon arrived. After what seemed like they were deciding how to remove the body from the car. I asked our interpiter what they [redacted] were saying. He said they think (the IP's) that it was a direct hit. I walked over to LT and showed him the two bulletholes. one had entered the windshield passed thru the dash board at an angle as to lodge itself in the roof of the car.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
I	[redacted]	

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

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STATEMENT OF [redacted] TAKEN AT FOB Rustamiyah DATED 6 FEB 06

9. STATEMENT *(Continued)*

A small hole was present in the fabric of the roof and a corresponding dent the shape of a bullet was visible on the roof. I showed the LT that the bullet that hit the man entered the windshield at a angle (see A). By this time the IP's had the man out of the car laying face down on a blanket/rug they had taken from a neighboring house. I [redacted] put on my latex gloves and rolled the man over. Showing LT [redacted] where the bullet entered in to the skull the man had reading glasses sitting on the dash board of his vehicle. There was a bullet whole in the glassed on the right glass, the only way those glasses could have been hit was, if they were on the mans forehead. The round was consistant with a upward angle shot. The bullet had to be quiet [redacted] deformed to leave such a crater in the mans head. the whole was larger at the bottom and split upward to his [redacted] hair line, same as the windshield. There were small sparkling fragments that glimmered as I rolled his body over. I assumed that since bone/flesh/blood/brain doesn't sparkle it must have been his glasses shards.

NOTHING FOLLOWS

[redacted]

[redacted]

[redacted]

[redacted]

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

A.

INITIALS OF PERSON MAKING STATEMENT: [redacted]

STATEMENT OF [redacted] TAKEN AT FOB Rustamiyah DATED 6 FEB 06

9. STATEMENT *(Continued)*

NOTHING FOLLOWS

[redacted]

[redacted]

[redacted]

[redacted]

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AFFIDAVIT

[redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 of Person Making Statement)

WITNESSES:

[redacted]

HHC 3-67 AR 4ID

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of February, 2006 at FOB RUSTAMIYAH

[redacted]

(Signature of Person Administering Oath)

[redacted] PFC

HHC 1/3-67 AR 4ID

ORGANIZATION OR ADDRESS

[redacted] CW3

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 3 OF 3 PAGES

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USAPA V1.00

SWORN STATEMENT

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PRIVACY ACT STATEMENT

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1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB MUSTIMIYAH, IRAQ	20060206	1013	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
[redacted]	[redacted]	O3/ACTIVE

8. ORGANIZATION OR ADDRESS
B/3-67AR, FOB MUSTIMIYAH, IRAQ

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

1. Describe the events that lead to an escalation of force on 05 FEB 06. Include the following in your statement, if known.
   a. What was your patrol's mission?
   b. What caused your patrol to search the parking lot?
   c. Describe your security perimeter. Include a sketch. Estimate the following, as you remember it:
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      ii. Locations of US and IP personnel.
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      ii. Who executed the graduated response action?
      iii. What was the driver's response?
2. Describe the actions were taken after the incident. Include the following, if known:
   a. What actions were taken to treat the local national after he was shot?
   b. What damage was done to the vehicle?
   c. Was a claims card issued? If not, why not?

I WAS NOT ON THE PATROL, BUT FROM [redacted] MY INITIAL INVESTIGATION THE BELOW STATEMENT IS WHAT I BELIEVE TO BE THE FACTS.
THE MISSION OF THE PATROL WAS AN AREA RECON WITH A PURPOSE TO GAIN INTEL FOR FUTURE OPS. THE PATROL WAS TASKED WITH THE AREA OF BALADIAT AND WHILE IN THE AREA THE PATROL STOPPED TO SEARCH A PARKING LOT AND TALK WITH LOCALS IN THE AREA. THE PATROL ESTABLISH A PERIMETER WITH CONES AND SOLDIERS APPROX. 50 METERS FROM THEIR VEHICLES WHICH WERE SET UP IN A BLOCKING POSITION IN THE ROAD. SPC EARLE AND [redacted] WERE PULLING SECURITY WITH [redacted] AS THE NECK OF THE AREA. THE VEHICLE, VW PASSAT, WAS FIRST SEEN AT APPROX. 200M AWAY FROM THE SOLDIERS AND THEY USED HAND SIGNALS TO GET THE VEHICLE TO STOP OR DRIVE A DIFFERENT DIRECTION. AT APPROX. 100M AWAY VERBAL COMMANDS WERE GIVEN IN CONJUNCTION WITH THE HAND SIGNALS. THE VEHICLE WAS TRAVELING AT APPROX 15-20 MPH AND WAS IGNORING NO SIGNS OF STOPPING. AT APPROX. 50M [redacted] WARNING SHOT

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
J	[redacted]	

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [redacted] TAKEN AT FOB AUSTIN IRAQ DATED 6 FEB 06

9. STATEMENT *(Continued)*

WAS Fired (5.56mm) over the [redacted] vehicle, There was approx. a one to two second pause and both [redacted] and [redacted] Fired one shot each with the intent to DISABLE The vehicle. One ROUND STRUCK the Hood of the vehicle and the other round went through the windshield hitting the Driver in the Forehead. The soldiers then took cover, but the vehicle veered off the road and stopped when it hit a light pole. A search of the vehicle FOUND NSTR. The medic on the scene attempted to Render First Aid, but pronounced the individual dead. [redacted] IPs, and the medic investigated the incident and determined that the shot which struck the driver in the Forehead was a Ricochet because of where the round entered the windshield was approx. 12 inches below where it struck the individual, The medic Also concluded it was a Ricochet due to the nature of the impact into the MAN's Forehead, it was not a clean entrance wound. From talking with the soldiers on the scene, The IPs also felt the vehicle was a possible VBIED and took cover before the vehicle was Finally stopped. The IPs Found a cell phone number in the man's pocket and determined it was his son's cell number. They attempted to call but got no Answer. I do not know if a claims card was issued, but I believe it was not. I also do not know the exact damage to the vehicle. BDE Legal taught ROE/EOF on 25 JAN 06 and ROE/EOF is Brief in every patrol Brief prior to leaving the FOB. |——— END OF STATEMENT ———|

[redacted] [redacted] [redacted]

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INITIALS OF PERSON MAKING STATEMENT [redacted]

USAPA V1.00

STATEMENT OF [redacted] TAKEN AT FOB BUSTIMIYAH DATED 6 FEB 06

9. STATEMENT *(Continued)*

[redacted]

[redacted]

[redacted]

[redacted]

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

AFFIDAVIT

I, [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 of Person Making Statement)

WITNESSES:

[redacted]
B 2/67 AR TRCT 410
ORGANIZATION OR ADDRESS

[redacted]
B 3/67 AR 4BL + 4SD
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of FEB, 2006
at FOB BUSTIMIYAH

[redacted]
(Signature of Person Administering Oath)

[redacted] MSG
(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2823, DEC 1998

USAPA V1.00

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	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
FOB Rustumayah	06Feb 06	11:17	

5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS
Glowin Haider Jabr		—

8. ORGANIZATION OR ADDRESS
Rustumayah Camp

9.

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

On Sunday, 05 Feb 06, we did a patrol in Al-Baladiyat area that we are incharge of, and we got accident by a VPIED and our soldiers shout the man, three or four shouts, and in the same time IP patrol came, one vechile with three guys, it was 1st LT and his two Sergeant, they saw the accident clearly, because they were driving to close to us, and after that, they did jump on the ground to see the guy, and we found him dead. I asked the Iraqi LT if he saw the accident, and he answers as follow; we saw a car was driving towards us (American convoy and truck) we thought he is VPIED and he didn't stop

10. EXHIBIT: K

11. INITIALS OF PERSON MAKING STATEMENT: [redacted]

PAGE 1 OF 3 PAGES

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

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STATEMENT OF [redacted] TAKEN AT FOB Rushmore DATED 06 Feb 06

9. STATEMENT (Continued)

Also another IP guy said we saw the two American soldiers who were doing a security on the ground did wave to that guy by their hands first and weapones. and after that the fired him. I asked them how many shout did you hear, he said three or four. another question was, have you seen them, when they shout. they said yes. did the soldiers shout a warning shout, he said, they fired directly to the car and they didnt shoot the ground or the tires. and we check the ground and the car together. we didn't find any mark or hitting sign on the ground. just the car two shout hit the windsheild. one on the top and the other on the bottom. finally the IP guy said the car was suspicious and we concidered him as a VBIED. but they didnt shoot the tires or the ground.

INITIALS OF PERSON MAKING STATEMENT [redacted]

PAGE 2 OF 3 PAGES

PAGE 2, DA FORM 2823, DEC 1998

USAPA V1.00

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STATEMENT OF [redacted] TAKEN AT FOB Rustamiyah DATED 06 Feb 06

9. STATEMENT *(Continued)*

Nothing Follows

Nothing

Nothing

Nothing

AFFIDAVIT

I [redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. 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 of Person Making Statement)

WITNESSES:

[redacted]

B 3/67AR 4BCT, 4ID

ORGANIZATION OR ADDRESS

[redacted] CPT, MC, CDR

FOB RUSTAMIYAH, IRAQ 01/7-67AR

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of February, 2006

at FOB Rustamiyah

[redacted]

(Signature of Person Administering Oath)

[redacted]

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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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

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مركز شرطة الرشاد
٦/٢/٢٠٠٦

السيد قاضي تحقيق بغداد الجديدة المحترم

- في ساعة ١٤٠٠ من ظهر يوم أمس أستدعينا من دورية الشرطة بوجود جثة شخص مجهول الهوية مقتول بداخل سيارته في منطقة البلديات وعلى الفور تم الانتقال الى محل الحادث وتبين أنه الجثة لشخص مجهول الهوية وهو مصاب بطلق ناري في جبهة رأسه ويحتوي بداخل سيارته ١٠٢٢٩٠ دينار عراقي وتم نقل قوات التحالف الامريكية وقد تم سير تحقيق بذلك ووسط نرفق الاوراق.

- أجريت الكشف والخطط لمحل الحادث ووسط نرفق الاوراق.
- أجريت الكشف على السيارة الاعلاه ووسط نرفق الاوراق.
- تم ضبط سيارة الاعلاه بموجب محضر ضبط أصولي ووسط نرفق الاوراق.
- أجريت الكشف على الجثة وأرسلت الى معهد الطب العدلي لمعرفة أسباب الوفاة الحقيقية ووسط بالاوراق راجين الاطلاع واتخاذ ما تراه مناسب.
- صباح اليوم حضر الى مركز الشرطة باكث لشخص يدعى ... وتعرف على جثة والده المجهول ودون اقواله ورفقت مع الاوراق للاطلاع.

الرائد
عامر حسين

المعقب

① اطلعنا وعقد لدعينا باكث لشرعية اثباتية
② نرفع بشبه الشرعي ونعرضها الى السيد

النائب
أحمد عبد الرحمن

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Al Rashad Police Station
2006/2/6

The Respectful Investigator Judge of New Baghdad

At 1400 of yesterday afternoon we have been informed from the area patrol of person have been killed in his car with no identity in the baladya area and we gone to the accident site and this is the following, the unidentified personal was shot from the side and he was inside of his car number 103390 Baghdad blue year 1986 by the American forces and we have identified this and recorded on paper.

- Order to look over the report and file it and organize the paper work.
- Order to check out the vehicle and add the outcome in the report.
- Order to sent the personal body to the hospital and find out the reason for his death
- This morning Mr. [redacted] and he have identified his father's body and gave his testimony and it was recorded.

The filing of the report until the completion of the evidence of the case

The judge
[redacted]

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EXHIBIT Q
PAGE 1 B

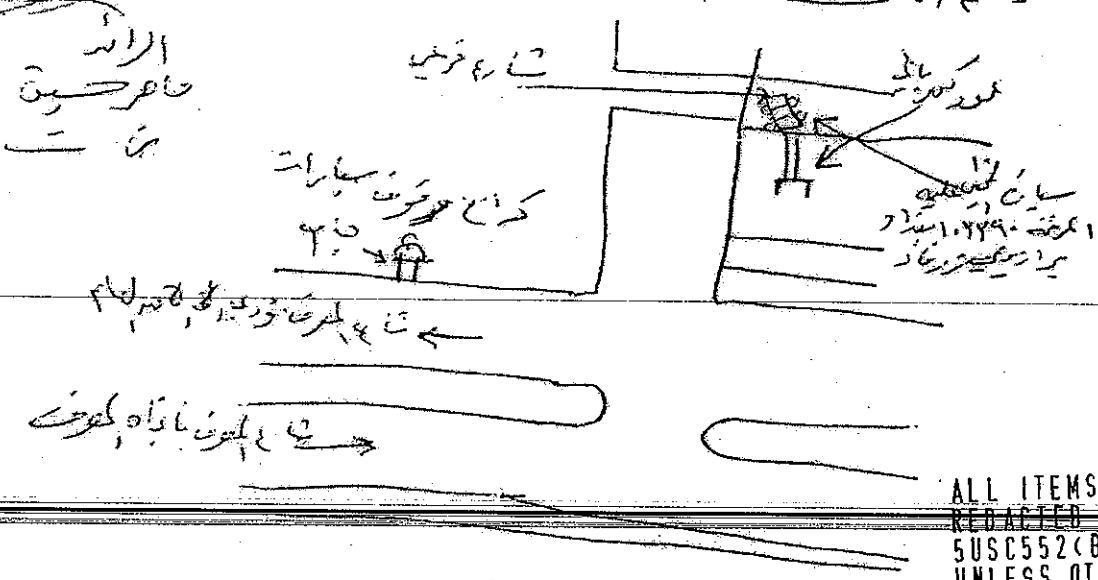
مركز شرطة الرشاد
٢٠٠٦/٥/٥

كشف ومحضر على محل الحادث

بناءً على إخبار الرائد [illegible] الساعة ٨ مساءً بوجود شخص مقتول مجهول في منطقة البلديات خطة تاجي قتيل قوات التحالف متعددة الجنسيات الكشف والمحضر لمحل الحادث وشاهدت ما يلي :-

١- محل الحادث يبعد عن المركز حوالي ١,٥ كم .
٢- محل الحادث عبارة عن شارع فرعي ضمن م ٧٢٨ .
٣- شاهدت جثة شخص مصاب بطلق ناري في جبهة رأسه مقتول قتيل قوات التحالف ميدان سيارة المرقمة ١٠٢٢٩٠ بغداد برازيلي ترنساد لون ١٩٨٦ وهي مرتطمة بعمود كهربائي واحد ماد شبل .
٤- شاهدت قوات التحالف متواجدة بالقرب من سيارة الجثة عليه .
٥- تم الكشف .

الرائد
ماهر حسين
[illegible]



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كشف على السيارة

١- شاهدت السيارة المرقمة ١٠٢٢٩٠ بغداد برازيلي ترنساد ١٩٨٦ وهي مرتطمة بالعمود الكهربائي
[illegible]

الرائد
ماهر حسين

Al Rashad police station
2006/2/5

Discovering and investigating on Accident reports

We have been informed from the our patrol of unidentified personal killed in the baladya area from the firing of the American forces and we have checked the accident area and recorded it the following

- The accident took place about 1.5 km from the station
- The accident took place in a sub street at M 738
- It was seen that the unidentified personal was shot by the American forces in his car with a tag number 103390 Baghdad blue color year 1986 and it was crashed into a street light

After the check out

Drawing of the accident site

The Vehicle condition report

1- The Vehicle with the plate number 103390 Baghdad was crashed into Street light.
2- The front of the vehicle and the two front wheel are totaled
3- The front windshield and the front driver side window were broken.

EXHIBIT Q
PAGE 2B

مركز شرطة الشاذ
٢٠/٥

كشف على جثة

بناءً على إخبار حراري وبناءً على تبليغ دورية التجوال بوجود شخص مقتول في شارع المتوالي بجانب سيارة نوع برازيلي عند إجراء الكشف على الجثة وجدت ما يلي :-

١- الجثة جالسة على الكرسي خلف المقود وهي مسبوكة اليدين والرجلين وقتيل من نوع برازيلي الموديل ١٠٢٢٩٢ بغداد بوزتيلي زرقاء ١٩٨٦

٢- الجثة للمقود المتوفى يبلغ من العمر حوالي ٦٠ سنة وهو أشيب الرجلين قتيل من الرأس .

٣- شاهدت مدخل طلق ناري في جبهة الرأس للجثة وخرج من مؤخرة الرأس قتيل من

٤- الجثة ترتدي دشداشة بيضاء اللون وبنطال أسود .

٥- ختم الكشف .

الرائد
عامر حسين
ضابط

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NOTED

Al Rashad Police Station
2006/2/5

The Check out of Doctor

We have been informed from the our patrol of unidentified personal killed in the baladya area from the firing of the American forces and we have checked the accident area and recorded it the following

1- The personal was sitting on his set and was looking to the back and he was bleeding in the car with tag number 103390 Baghdad blue year 1986.
2- The personal was about 60 year old.
3- He was seen getting shot in the head.
4- The end of the check out.

Officer
[redacted]

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EXHIBIT Q
PAGE 38

مركز شرطة الرشاد
٢٥/٣/٢٠٠٦

في الساعة ١٤٠٠ من ظهر اليوم استلمنا نداء من دورية الجيدة بوجود جثة شخص مجهول الهوية
مستقر داخل سيارته في منطقة البلديات وعلى الفور تم الانتقال الى الحادث وتبين
أن الجثة لشخص مجهول الهوية وهو مصاب بطلق ناري في جبهة رأسه ومستقر
بداخل سيارته بلوحة ١٠٢٢٩٠ بغداد نوع برازيلي زرقاء اللون موديل ٢٠٠٦ من قبل
قوات التحالف الامريكية وعليه نظم سير تحقيق بذلك .

الرائد
ظاهر حسين
ض.ت

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5USC552(B)(6)
UNLESS OTHERWISE
NOTED

Al Rashad Police Station
2006/2/5

Resume of the Report

At 1400 of today's afternoon we have been informed from the area patrol of person have been killed in his car with no identity in the baladya area and we gone to the accident site and this is the following, the unidentified personal was shot from the side and he was inside of his car number 103390 Baghdad blue year 1986 by the American forces.

Officer
[redacted]

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NOTED

EXHIBIT Q
PAGE 4B

مركز مندوب إسناد

العدد / ١٦٩٢

التاريخ ٦/٢/٢٠٠٩

موضوع الطلب الإداري / تنفيذ

م / مستشفى

لاحقاً لاستمارة التشريح المؤرخة ١٦٨٩ في ٥/٢/٢٠٠٩ يصبح المجهول باسم خضر عبد مرعي الشراب - اسم والده علي زايد - راجعه مستشفى ذوي بم لتقدير ...

المقدم
احمد هادي حسين
ضابط إقرار

ملاحظة
لا يوجد لهم أي إثبات إقرار
لا إقرار ٧٦/٥١/٧٦

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Helping file
SN/ 1693
Date 2006/2/6

Report from Baghdad Doctor

The report

From the postmortem and the file number 1689 in 2006/2/5 we have discovered the name of the unidentified is Khader Abdu Mary. Mothers name is [redacted]d and we have identified the paper work.

Officer
[redacted]

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

EXHIBIT Q
PAGE 5B