STATEMENT

I continue to yell that we are Americans. I start to move towards the left side of the direction of were the men with the AK went to support other members of our team who were by the window and another near to the house. At this point I felt that the occupant inside had hostile intent. Right before I reached the window I heard 3 AK-47 rounds fire off. Then I observed one of my team members fire two rounds into the large window on the left side of the house. I then looked for more gunshots and hearing none I yelled "Cease Fire" I then looked into the room and saw someone holding a lantern and some kids running back into the hallway. At this point I yelled for everyone to move off target and start heading for extract.

Q: Which of your team members fired the two rounds into the window?
A: At the time I did not know who was standing security until we extracted.

Q: Do you use the same procedures when approaching an unknown house?
A: At every house or operation like this, we have used the same procedure with no problems.

Q: Did you see discharge his weapon?
A: Yes.

AFFIDAVIT

I, 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.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20th day of January, 2006

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

ALL ITEMS ARE REDACTED UNDER
SUBSEC 501(c)(1)(C)
UNLESS OTHERWISE
NOTED

PAGE 2 OF 3 PAGES

15299
Q: Do you believe the individual displayed hostile intent?
A: Yes. Without doubt the individual displayed hostile intent through his actions and threats towards my team.
Q: As patrol leader, do you feel all measures were exhausted to let the family know that you were American forces?
A: Yes. I yelled exhaustively that we were Americans (possibly complaining) our mission as well as using the interpreter.
Q: Do you believe the unit acted properly according to the rules of Engagement to preserve the life of US forces?
A: Yes, with absolute certainty.
Q: Did you see the target struck by the bullets or assess him as a casualty?
A: No.
Q: Did you see where the individual was aiming his weapon or where the rounds he fired struck?
A: No.
Q: When was the last time you conducted ROE training?
A: Before Every Mission.
Q: Was SGN Norlan present for this brief?
A: Yes.
Q: Do you have anything else to add?
A: I feel that our action were well within our Rules of Engagement. He acted in a mature manner and his actions in my mind saved the lives of 3 of my team members. There is no doubt in my mind that everyone in that house heard both myself and the Interpreter yelling that we were Americans.
SWORN STATEMENT
For use of this form, see AR 190-48; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT
Title 10 USC Section 301; Title 5 USC Section 221; E.O. 9397 dated November 22, 1943 (SSN).
To provide commanders and law enforcement officials with means by which information may be accurately
your social security number is used as an additional/alternate means of identification to facilitate filling and retrieval.
Disclosure of your social security number is voluntary.

1. LOCATION
For Custody, Baghdad, Iraq

2. DATE (YYYYMMDD)
20060120

3. TIME
1614

4. FILE NUMBER

5. LAST-NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
E-5, JA (J)

8. ORGANIZATION OR ADDRESS
MILL

9. 

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

MYSELF AND MY TEAM PATROLLED UP TO THE TARGET OR SITE AND
LENT INSIDE THE GATE SHORLY AFTER A WOMAN SPOTTED US
FROM INSIDE OUR TARGET AND BEGAN TO SCREAM, MY TEAM
LEADER TOLD ME TO MAKE EASY INTO THE HOUSE. SO I
BEACRED THE FRONT DOOR WHICH LED TO A Foyer WITH
THREE MORE DOORS. I TRIED TO BREAK THE DOOR TO MY
LEFT BUT AFTER A SECOND MORE WOUL I WAS TOLD TO
STOP. SO I WENT BACK OUTSIDE AND AS I DID I HEARD
"AK" FROM THE ARMY GU I LEAVE WITH. I THEN TURNED
AROUND LOOKED AROUND THE CORNER AND SAW MUZZLE FLASH
FROM INSIDE THE HOUSE THROUGH A LARGE GLASS WINDOW.
AND SHOT GO OFF. I THEN SAW A SILHOUETTE WITH A WEAPON IN
HIS HAND RAISED UP. SO I TOOK A SHOT AT THE TARGET
MY WEAPON TAMMED AND I WENT TO THE BACK OF THE
TRAIN. AS I DID SO I HEARD ANOTHER SHOT WE THEN
TOOK OFF FROM THE TARGET AND EXTRACTED SOONER.

Q: Did you actually fire around at the target?

A: Yes when I pulled the trigger my sights were directly
on his chest.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 3 PAGES

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 FILE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE
Q: Did you see the round impact on your target?
A: No

Q: Did you see the target aim his weapon at US personnel?
A: Yes

Q: Did you see where the rounds impacted?
A: No

Q: Did you see the target fall?
A: No

Q: Did you see him discharge his weapon?
A: No

Q: When was the last time your unit had ROE training?
A: Just prior to going over on the OP.

Q: Do you have anything else to add?
A: No

NOTHING FOLLOWS.
**SWORN STATEMENT**

For use of this form, see AR 180-45; the proponent agency is ODCSOPS

<table>
<thead>
<tr>
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<tr>
<td>PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately disclosed. Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.</td>
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<td>ROUTINE USES: Disclosure of your social security number is voluntary.</td>
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<tr>
<th>9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</th>
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ON 1/1/2003 A FOOT PATROL OF 5 NSW/1890, USAID AND 1 LOCAL NATIONAL INTERPRETER WAS EN ROUTE TO A HOUSE IN QUESTION. OUR INTENT WAS TO ENTER THE PREMISES WHICH ON A ROUTE RECON ACCOUNTED TO BE VACANT. OUR PLANNED MEANS OF ENTERING AN OCCUPIED HOUSE WAS A "SOFT KNOCK". FOR THE PATROL I WAS PART OF THE FRONT ELEMENT ALONG WITH, AND UPON REACHING THE HOUSE HE REMAINED OUTSIDE WHILE I WENT INSIDE THE WALL, DOOR WAS NOT ON THE SCENE AND HE CALLED FOR THE TACP IN ORDER TO "SOFT KNOCK". THE TACP TOOK AN EXTREMELY LONG TIME TO CATCH UP AND SHORTLY AFTER HE DIED EVERYONE IN THE PATROL HAD SHOWN UP. AND WERE LEFT OUTSIDE THE WALL ON SECURITY, AND STAYED BY THE KITCHEN DOOR TO AVOID THE TACP. ONCE HE HAD GOTTEN IN, THE TACP CAME TO ME, IT WAS AROUND THE CORNER OF A MAIN DOOR AND BRIEFLY OF THE HOUSE EXTERIOR. I THEN GRABBED THE TACP AND LED HIM TOWARDS THE KITCHEN. WE HAD JUST ABOUT REACHED THE KITCHEN DOOR WHEN SCREAMING WAS HEARD FROM INSIDE. THEN INSTRUCTED THE TACP TO TELL THE PEOPLE INSIDE THAT WE WERE AMERICANS. AT THAT POINT I PASSED THE TACP AND CAME UPON THE TACP IN THE FRONT DOOR AND WE ENTERED A FOYER WHICH HAD 3 MORE DOORS AT LEAST WE HAD LOST THE ELEMENT OF SURPRISE. I TOLD HIM TO GO WHILE LIGHT TO FLIP UP OUR NODS AND USE OUR FLASHLIGHTS. IT WAS THEN THAT YOUNG PULLED US OUT OF THE ROOM. I THEN TOOK UP A POSITION AGAINST THE BRICK WALL OUT OF VIEW OF THE MAIN WINDOW. I THEN HEARD WHAT I BELIEVE TO BE A MACHINE GUN IMMEDIATELY AFTER THAT I HEARD A MUSCLE AND SEVERAL PUNCHES FROM OUTSIDE PATROL. I THEN RECEIVED THE CALL TO TAKE IN OUT A LOCK POINT AND WE BEGAN OUR EXTRADITION |

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<th>10. EXHIBIT</th>
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<th>11. SIGNATURE OF PERSON MAKING STATEMENT</th>
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<th>PAGE 1 OF 5 PAGES</th>
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE MARKED "STATEMENT TAKEN AT _______ DATED _______." ALL ITEMS ARE SUBJECT TO FORCED RECONSTRUCTION UNDER 5 USC 552(b)(8) UNLESS OTHERWISE NOTED.
9. STATEMENT (Continued)

Q: Did you see an individual with an AK-47 at the window pointing it at US Forces?
A: My view was obscured by the angle of the wall.

Q: Did you see ROE Day discharge his weapon?
A: I cannot say for certain. I noticed several muzzle flashes from the building exterior, any of which could have been Day's.

Q: Did you see discharge his weapon?
A: Ebelive I saw his muzzle flashes.

Q: What was the last time you had ROE training?
A: We had a structured brief upon arrival in country (Feb). However, the platoon often have not been mentioned.

Q: Have you anything else to add?
A: I feel that this was an incident was a clear case of self defense. The man inside had shown hostile intent towards U.S. forces and the response shown was appropriate.

Nothing follows.
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, 1949 (SSN).

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
For Austalian, Baghdad, Iraq

2. DATE (YYYYMMDD) 20060120
3. TIME 1653
4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS E-5, OS2

8. ORGANIZATION OR ADDRESS NSW

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

WE APPROACHED THE HOUSE. THERE WAS A OUTER WALL
SURROUNDING THE HOUSE. ME AND ONE OTHER SWG GUNNER
SET UP SECURITY OUTSIDE THE WALL. THE REST OF THE TEAM
WENT THROUGH THE GATE TO THE DOOR. I COULD HEAR THE
INTERPRETER KNOCK ON THE DOOR AND SAY WE WERE
AMERICANS. A WOMAN BEGAN TO SCREAM, THE INTERPRETER
CONTINUED TO SAY WE WERE AMERICANS. I HEARD THE
TEAM LEADER TELL ME HE HAS AN AK-47 THEN ONE AK ROUND
FIRE. I HEARD SHOTS ENGAGED AND THE TEAM LEADER
CALL CAGE FIRE. WE GOT THE CALL TO PULL OFF TARGET.
WE PULLED OFF TARGET, HARD POINTED IN A BARRACKED
BUILDING AND CALLED FOR EXTRACT.

Q: Could you see the muzzle flash from the AK-47?
A: NO

Q: Could you see the Iraqi that was fired upon?
A: NO

Q: Did you see him discharge his weapon?
A: NO

Q: When was the last time you had ROE training?
A: BEFORE THE OR

Q: Do you have anything else to add?
A: NO

NOTHING FOLLOW

10. EXHIBIT H
11. INTERROGATION MAKING STATEMENT

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.
**WITNESSES:**

**AFFIDAVIT:**

I, [redacted], do solemnly swear and affirm that all of the statements made in this affidavit are true and correct to the best of my knowledge and belief. I am [redacted].

Sworn to and subscribed before me, a person authorized to do so by law at the [redacted] this [redacted] day of [redacted], 20[redacted].

[Signature]

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**SWORN STATEMENT**

For use of this form, see AR 130-45; the proponent agency is DCSOPS

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<tr>
<td>3-67 AR, BAQ, Akm FOB Rustamiyah</td>
<td>2006 01 21</td>
<td>105</td>
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EXHIBIT I

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1030 on 14 Jan 06, I received an operations order as an attachment to NAVSOIF. The objective was to secure a residence along Route [redacted] for the purpose of OP [redacted] operations overlooking intersection 515 to prevent emplacement of EFPs. We began movement to the intersection at or around 0130 hrs on 15 Jan 06 by means of M2 Bradley. We turned off of Route [redacted] approximately 400 meters North of our objective. Upon dismounting the Bradley, we began movement toward our objective in a file along the street. Once we arrived at our objective, security was emplaced to secure the remaining personnel into the courtyard of the house and moved toward the door with the interpreter. As the interpreter and the team leader arrived at the door, a woman inside the house began screaming. The team leader instructed the interpreter to tell the woman that we were American soldiers and we meant them no harm. The team leader then instructed us to enter the other door which was located to the left of the door for left of the courtyard and began pulling...
9. STATEMENT (Continued)

security on a large window. Two NAVSOF personnel moved to the second door and kicked it in. This led to another small "breezeway" with a door leading to the house. They began kicking the second door, but after two or three attempts the team leader instructed them to pull back. The two NAVSOF personnel then moved back into the courtyard around the corner from the window. Immediately following that, I heard the interpreter and the team leader continuing their efforts to identify us as Americans, all while the woman inside was screaming in Arabic. I then heard someone yell: "Here comes a man, he's got an AK!" The man then appeared in my field of view with an AK in one hand and a lantern in the other. He sat down the lantern and faced the window. He then loaded a magazine into the weapon. He then charged the weapon. During this I yelled out that I saw the AK and I saw him load a magazine and charge the weapon. Immediately after he charged the weapon, he pointed it directly at me. I fired three rounds at his chest. My weapon jammed and I began applying SPLCFTS. Immediately after I fired, a NAVSOF soldier weapon jamming as well. The team leader ordered a cease fire as he assessed the situation. Following the shots, I heard a woman screaming again as we began to pull out of the courtyard. We moved North on.
Route to on west-bound road. We moved up the road to an abandoned house. Once inside the gates, we set up security and sent several NAVSOF personnel upstairs to clear and secure the house. I heard the team leader call for extraction, and we waited for the Bradley's to arrive. Once the Bradley's arrived, we backed up and moved back to Camp Rustamiyah.

Q: Describe your task and purpose (sum your personal task and purpose and the task and purpose of the team)?
A: To add security to the team and assist them on the OP.

Q: Describe the uniforms being worn by friendly forces that night?
A: I wore DCU's with ACU helmets and body armor. NAVSOF wore DCU's with SPECS helmets (tactical) and SPECS Body armor (desert color).

Q: What intelligence information did you have prior to execution?
A: We had satellite imagery as well as video footage recorded by NAVSOF during daylight recon.

Q: Did you conduct rehearsals prior to execution?
A: We conducted ROC drills immediately following the OP order as well as going over imagery and video tapes as a team and talk through.

Q: Was there any other friendly forces that fired their weapons if so, who, and what type weapons system?
A: Yes, one NAVSOF soldier fired a single round through what I believe to be an SR-25, but I am not 100% sure of his name.

Q: Did you expect the building to be occupied or unoccupied?
A: We suspected that the building was vacant, however we were prepared in the event that it was indeed occupied.

Q: Were there any instructions given as to what to do if the building was occupied?
A: Yes, we were to secure the personnel inside and continue mission.

Q: Was there any information given or rehearsal conducted in regards to exploitation criteria?
A: Yes, if we become compromised at any time, we were to execute.
9. STATEMENT (Continued)

Q: [Redacted]

A: [Redacted]

I was below the center window inside the courtyard. The security keys had already been placed and the team leader and interpreter were at the door. The screaming started prior to any door being opened.

---

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.

[Signature of Person Making Statement]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 21st day of January, 2006, at Camp Rustamiah.

[Redacted]

[Typed Name of Person Administering Oath]

[Authority To Administer Oath]

[Redacted]