Statement (Redacted) I was relaying what the subject was doing the whole time to the interpreter, and PSAR was shooting at the subject. That we were American soldiers and just wanted to talk to him. They also asked if the subject could come to the gate and unlock it. This was done in English and Arabic. The subject stood back up and walked to the back wall. The subject picked up an AK-47 and began to turn around. Stated that the subject had an AK-I started to back away from the chair locked fire because I had no cover. That is when I witnessed the subject charge the AK-47. Resumed my kneeling position and aimed my weapon at the subject and began yelling stop (AR). I DPC announced to everyone that the subject was charging the AK-47. The subject then walked to the window and fired the weapon.

Affiant

I have read OR have had read to me this statement, which begins on page 1 and ends on page . 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 of reward, without threat or promises, and without coercion, hallucination, intoxication, or any induced excitement.

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of January 2006, at FOB Bostam, Iraq.

[Signature of Person Administering Oath]

Investigating Officer

[Signature of Investigating Officer]
WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

AK-47 at the front gate and put his finger on the trigger.

OFFICER fired two rounds to the subject's torso from my m-4. The subject fell out at sight. OFFICER gained access through the gate and proceeded to the office. OFFICER observed the subject lying on his right side in a pool of blood. The AK-47 was in front of the subject. OFFICER gained access to the office and moved the subject's vitals. OFFICER exited the office when the medic arrived. OFFICER then notified security outside the office until the medic arrived on scene. I took over the investigation.

No other further explanation.
STATEMENT
For use of this form, see AR 190-45; the proponent agency is DOD/OPS.

PRIVACY ACT STATEMENT
To provide commanders and law enforcement officials with means by which information may be accurately identified.
Your social security number is used as an additional identification means of identification to facilitate filing and retrieval.
Disclosure of your social security number is voluntary.

1. LOCATION
   For Custodian
   2. DATE (YYYY/MM/DD)
      2006/09/28
   3. TIME
      16:34
   4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
  病症

6. GRADE/STATUS
   E-5

301 TACTICAL PSYCHOLOGICAL OPERATIONS COMPANY (AIRBORNE)

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

A. At approximately 0400hrs on 27 September, I was on patrol with the
   company 3/67 ARNG as the Tactical Psychological Operations Team Sergeant.
   According to information from the previous night's patrol, threat material
   was reported to be CFP material present at a yard near an electrical
   facility. The patrol wanted to return to the yard to further investigate.

   During the mission brief prior to leaving for the yard from the night before, however, the mission might
   be different.

   When we arrived at the yard, the B Company Commander
   told me that a guard was present inside a shack located
   within a fenced off area. He identified some MILVANS that
   he wanted the patrol to search inside of but they were locked.
   I stated that the guard was in the shack sweeping
   but stopped when he saw us at the opening of the locked gate,
   at the opening of the gate. I noticed

EXHIBIT F

10. EXHIBIT F

11. NAME OF PERSON MAKING STATEMENT

PAGE 1 OF 6 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADINGS: STATEMENT TAKEN AT DATED

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

DA FORM 2823, DEC 1998
15370
At the gate and holding security on the local national that we thought was a guard, I looked over top of PFC ** and observed the local national staring at us with his arms folded across his chest. The local national, I called out to him in a clear American voice in English in a very non-threatening way and said "Hello" two times. I did not want him to feel threatened and have learned from eight months in Iraq that a friendly sounding "Hello" is the fastest and most effective way to make non-threatening contact. Then I said to open the door in Arabic, two times. The B Company Interpreter said the something very loud and in Arabic. The B Company Commander said "Americans." I was watching the local national, at this time, over PFC ** shoulder as he continued to hold on the man with his weapon. I quickly moved to the left of PFC ** because the local national acted unsure I have seen guards act in the past. I brought my M-4 to a guard position and watched him through a hole in the gate. The gate was chain link that was covered.
STATEMENT OF ___________ TAKEN AT 1800 DATED 28 JAN 06

9. STATEMENT (Continued)

IN CLOTH TO HELP KEEP PEOPLE FROM LOOKING IN. I SAWED IN ON THE LOCAL NATIONAL. WHEN HE TOOK HIs BACK TO US. HE HAD THE OPTION OF WALKING OUT THE DOOR TO HIS LEFT BUT HE DIDN'T AND IN IT JUST FELT WRONG. HE PICKED UP AN AK-47 AND IMMEDIATELY FACED US AGAIN. HE MANIPULATED A FUSION ON THE WEAPON AND BEGAN TO RAISE IT. I CALLED OUT "GUN" AND FIRED THREE SHOTS. THERE WAS NO TIME FOR COMMANDO COMMAND. MY FIRST TWO SHOTS WERE AIMED AT HIS CHEST. HOWEVER, I LOST SIGHT OF THE SECOND SHOT BECAUSE THE GAS FROM MY MUZZLE SHOOK THE CLOTH I WAS LOOKING THROUGH. I FOUND THE HOLE QUICKLY AND HE WAS STILL STANDING. MY THIRD SHOT WAS WELL AIMED AND IMPACTED AS HE WAS DROPING. AFTER MY THIRD SHOT, MY TARGET WAS NO LONGER VISIBLE, BECAUSE HE WAS BELOW THE WINDOW SILL. I SAID TO THE COMPANY COMMANDER THAT WE NEEDED TO BREACH THE GATE NOW. HE AGREED AND CALLED FOR BOLT CUTTERS.

AFFIDAVIT

I __________________ have read or have had read to me this statement which begins on page 1 and ends on page ______. 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 ______ day of __________, ______ at __________________________

[Signature of Person Administering Oath]

[Typed Name of Person Administering Oath]

[Authority To Administer Oaths]

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 6 PAGES
SWORN STATEMENT

A soldier attempted to cut the lock but the lock was on the inside of the gate and could not be cut. Then the 13 Company Commander remembered he could lift the gate off of the hinges. He lifted it off the hinges and I was the first thru the gate into the yard. Several of us closed the distance to the guard shack. Later, I paced it of as approximately 30 - 35 meters. The open yard was clear and no other local nationals were present, as I got within approximately ten meters I observed blood on the outside of the window. I also called out the hole in the guard shack that was from the second shot. I fired to notify everyone that I could not account for the actions of one of my shots. I wanted to make sure that nobody on the rear perimeter was hit. Nobody other than the local national in the guard shack was shot. As we came upon the guard shack, a soldier observed the local national down and bleeding with no weapon in his hand. The door to the guard shack was locked and would not open so...
Elbow and unlocked the door, the local national was bleeding and blowing blood bubble thru his nose and mouth. Called for a medic, the tactical psychological operations team specialist is a combat lifesaver and was the first to render aid until the medic arrived shortly thereafter. They both tried to find a pulse and the local national did not have a pulse. Told us that the local national's pupils were fixed and did not react to light.

I asked who else shot, he told me that and both fired one shot, and told me the same. Others were searching the body and found medication in his pocket. I noticed that a bullet hole in the window corresponded with a hole in the back wall. I asked the medic how many times the local national was hit. He told me twice in the chest and once in the head near his nose. I was concerned that a bullet was unaccounted for so I asked the medic if there were exit wounds. He said that there was not any, the shot fired thru the window did not hit the local national and passed thru the shack. Luckily, no others were hit. The 5 Company Commander was trying to call the Iraqi police but his phone did not work. I sent my assistant team leader, with our interpreter to find some Iraqi
STATEMENT OF ______________________________________
TAKEN AT 1800 DATED 28 JAN 06

9. STATEMENT (Continued)

POlice on the main street, _______ went with our vehicle and two vehicles from B Company. He returned in approximately fifteen minutes with four Iraqi police vehicles. As the guard shack was better searched B Company soldiers secured the area. I located an expended bullet casing on the floor of the guard shack that matched the caliber of the local national's AK-47. According to the B Company interpreter, the local national that was shot was taking the same medication as his terminally ill father. The contents of the local national's pockets also contained prayer cards written in Arabic, Farsi, the Sin. B Company Commander were the points of contact for the Iraqi Police. The Iraqi Police called for more officers, they loaded up the body and we departed the location.

11/11

WITNESSES:

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

AFFIDAVIT

I, ____________________________, have read or have had read to me this statement which begins on page 1, and ends on page 10. 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 enforcement.

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 28th day of Jan, 2006, at LDR 0:10.

Organizer (Authority to Administer Oaths)

Investigating Officer (Authority to Administer Oaths)

PAGE 6 OF 6 PAGES
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT
To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   FOB 13-47

2. DATE (YYYYMMDD)
   2007 01 11

3. TIME
   00 7

4. FILE NUMBER
   037 AC

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. __________ WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: __________

A: __________

Q: Do you believe Exhibit 6 is an accurate depiction of the fenced compound?

A: YES. ON EXHIBIT 6, I indicated in blue ink my approximate location when shots were fired.

Q: Did you have a clear view of the local national (LN) in the time leading up to and during weapons discharge?

A: YES. I was watching the individual from the fence up to the point that he started to raise his weapon. At that point I started towards the LN van to get out of the line of fire.

Q: What element did you leave the FOB with?

A: I left with 1/013-67AA FET and 9 other soldiers from H/013-67AA and the security team. Heuwo 2, __________ also accompanied the patrol. 1/013-67AA is the white element.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE READING "STATEMENT ________ TAKEN AT ________ DATED ________"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2233, DEC 1998 DA FORM 2233, JUL 72, IS OBSOLETE

15376
Q: What was the approximate length of time between initial verbal contact with the LN and when firing began?
A: IT WAS APPROXIMATELY 10-15 SECONDS.

Q: When was your last ROE training?
A: My company briefed ROE/RUUF in every patrol brief and we also received BDE ROE/RUUF training the day before this shooting. IT WAS TAUGHT BY THE BDE SJA.

END OF STATEMENT
AT 0050, CIDNE DATABASE REPORTS B/3-67 AR WAS CHECKING OUT A JUNKYARD VIC BEZERKER 6 KNOCKED ON THE DOOR TO THE JUNKYARD. BEZERKER 6 THEN IDENTIFIED HIMSELF TO THE LN. THE LN THEN CHARGED HIS WEAPON AND PUT IT UP TO THE WINDOW. BEZERKER 6 THEN SHOT THE INDIVIDUAL, RESULTING IN 1 KIA. AN SIR WAS STARTED ON THIS SITUATION. NO DAMAGE TO EQUIPMENT OR PERSONNEL. REPORTS IN THE TOC DURING DEBRIEFING "Went to electrical Co looked around out side at the sections of pipes laying around. Decided to go in. The gate was locked so looked through the fence, and saw that the light was on in the guard shack. The guard got up and looked at the American forces. They told the guard that they were Americans and that they wanted to talk to him 4-5 times in English and Arabic. The guard then turned around and grabbed an AK-47 turned back towards Bco charged the weapon and pointed it at them. The guard was then engaged w/ 7-8 shots. The guard then went down. Bco broke the gate down and secured the area. They then found the man was KIA, 1 shot to the head and 2 to the chest. The guard had 1x AK-47 (Romanian) w/ 2 magazines. When the weapon was cleared there was 1 round in the chamber and 1 spent round on the ground by the body. Bco then called the incident in to higher, and notified the IPs. The incident happened VIC END BDA: 1xLN KIA

//REL TO USA, MCFI//05000126
## Daily Staff Journal OR Duty Officer's Log

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>IN/OUT</th>
<th>INCIDENTS, MESSAGES, ORDERS, ETC.</th>
<th>ACTION TAKEN</th>
<th>INL</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>1039</td>
<td>0440 Area Blue 4 SP FOR 2veh 8pax enroute to</td>
<td>Notified battle CPT</td>
<td>CDM</td>
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<tr>
<td>2</td>
<td>0610</td>
<td>Copperhead Red 1 SP with 2V and 7pax and 1 interpreter enroute to</td>
<td>Updated Board</td>
<td>ER</td>
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<td>3</td>
<td>0705</td>
<td>Knight White 4 SP with 2V and 8pax enroute to secure route</td>
<td>Updated Board</td>
<td>ER</td>
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<td>1006</td>
<td>Area Red 1 SP with 2V and 16pax enroute to</td>
<td>Updated Board</td>
<td>ER</td>
</tr>
<tr>
<td>5</td>
<td>3015</td>
<td>Hound 5 SP with 2V and 11pax and 1 interpreter enroute to</td>
<td>Updated Board</td>
<td>ER</td>
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<tr>
<td>6</td>
<td>1025</td>
<td>Berserker Red 1 SP with 4V and 16pax enroute to</td>
<td>Updated Board</td>
<td>ER</td>
</tr>
<tr>
<td>7</td>
<td>1820</td>
<td>Knight 5 SP with 4V and 12pax and 1 interpreter enroute to</td>
<td>Updated Board</td>
<td>ER</td>
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<tr>
<td>8</td>
<td>1557</td>
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<td>Updated Board</td>
<td>ER</td>
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<tr>
<td>9</td>
<td>1256</td>
<td>Brigade calls to that 3-3 CDO is conducting a raid at vicinity prior 9 1300. In route to capture 9 wanted individuals. This has been MOI approved, and they have warrants. Element consist of 20V and 160pax.</td>
<td>Notified battle CPT</td>
<td>ER</td>
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<tr>
<td>10</td>
<td>1314</td>
<td>Report from BDE there are 5 bodies Located Vic. MB Water treatment plant.</td>
<td>Notified battle CPT</td>
<td>NEG</td>
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<tr>
<td>11</td>
<td>1334</td>
<td>Knight white 2 SP 2v8p for route sec and enroute to</td>
<td>Notified battle CPT and Knight make</td>
<td>NEG</td>
</tr>
<tr>
<td>12</td>
<td>1716</td>
<td>Copperhead 5 SP 3v 20p 1int to</td>
<td>Notified battle CPT</td>
<td>NEG</td>
</tr>
<tr>
<td>13</td>
<td>1449</td>
<td>Report from CPT CDE this is Company 7 1100 to 1200. In route to report</td>
<td>Notified battle CPT</td>
<td>NEG</td>
</tr>
<tr>
<td>14</td>
<td>1515</td>
<td>Knight white 2 SP 2v8p for route sec and enroute to</td>
<td>Notified S1</td>
<td>NEG</td>
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<tr>
<td>15</td>
<td>1515</td>
<td>Area Red 7 SP 4v13p enroute</td>
<td>Notified S1</td>
<td>NEG</td>
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<tr>
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<td>1515</td>
<td>Knight white 2 SP 2v8p for route sec and enroute to</td>
<td>Notified battle CPT</td>
<td>NEG</td>
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<tr>
<td>Time</td>
<td>Code</td>
<td>Description</td>
<td>Action</td>
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<td>1445</td>
<td>Area red 7 SP 4v 13p to</td>
<td>Notified battle CPT</td>
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<td>1459</td>
<td>Knight Green 7 SP 4v 14p</td>
<td>Notified battle CPT</td>
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<td>Area white 2 sp back to</td>
<td>Notified S1</td>
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<tr>
<td>1617</td>
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<td>Air Medevac is now black Urgent Surgical only</td>
<td>Notified Gordon</td>
<td></td>
</tr>
<tr>
<td>1655</td>
<td></td>
<td></td>
<td>Notified battle CPT and S2</td>
<td></td>
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<tr>
<td>1746</td>
<td></td>
<td>W4 sent to investigate suspicious vehicle VJC gate of POB Loyalty; update vehicle is a white Volkswagen in the South Bound lane of</td>
<td>Notified battle CPT and requested M88 from fox</td>
<td></td>
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<td>1752</td>
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<tr>
<td>0000</td>
<td>1804</td>
<td>Copperhead red 4 SP 2v 8p to</td>
<td>Notified battle CPT and S1</td>
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<td>1836</td>
<td>Area blue 1 SP 2v 8p to</td>
<td>Notified battle CPT</td>
<td></td>
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<td>2330</td>
<td>Areas red 2 SP POB 2veh 11pax enroute to</td>
<td>Notified battle CPT</td>
<td></td>
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<tr>
<td>0513</td>
<td>2348</td>
<td>Area red 2 SP POB 2veh 11pax enroute to</td>
<td>Notified battle CPT</td>
<td></td>
</tr>
<tr>
<td>0620</td>
<td>2352</td>
<td>Copperhead white 2 Alpha section SP POB 2veh 7pax 1pax enroute to</td>
<td>Notified battle CPT</td>
<td></td>
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<td>0800</td>
<td>0330</td>
<td>Bevinke red 3 SP POB 4veh 19pax 1pax enroute</td>
<td>Notified battle CPT, NCO, H-5, H-3, &amp; H-6</td>
<td></td>
</tr>
</tbody>
</table>

**All items are redacted under 5 USC 552(b)(6)(D)(2) unless otherwise noted**
09486 (S) Dissemination/Engagement Report:

1. Name of Operation: N/A
2. Unit Reporting TPT 1412
3. DTG of Dissemination/Engagement 252200JAN06-252300JAN06
4. Product # or Description of Product Disseminated N/A
5. Location of Dissemination/Engagement N/A
6. Dissemination Execution FF
7. Direct Impact Observations The LN's greeted the patrol and was excited to invite us into their home for chfi and conversation.
8. Collateral TAs and Impact Observations N/A
9. Additional Information: TPT 1412 accompanied B Co 3/67 AR on a presence patrol in the Balyadia to provide PSYOP support by providing FF with LN's and to coach leadership on how to utilize Talking Points during conversations ISO: ERT 1, 2, 3 & 3PO: A01, A02, A03, A04

The patrol was invited in to the home of Abdul Ilahi (IVD). He can be contacted through his son. TPT and the leadership from B Co. were invited in to the home for Chfi and conversation. The family was very open and compassionate about the current terrorist situation in Iraq. Additionally they were very upset with the level of corruption with law enforcement and Government. The family was very happy with efforts to stop
terrorism by CF. TL expressed themes of Empowerment and supporting the ISF during the current state of affairs. Tt told the TL and B Co. commander that he is most upset by fundamentalists that are conducting crimes in the name of God. Specifically he was very verbal about the ISF and B Co. commander were surprised at his openness regarding. He said because they are rarely spoken about and there is an Emergent Target that lives on the same ST as his family. He and his brother told us that the following groups; 

The family expressed happiness over recent news reports on TV regarding two Palestinian groups being arrested by the POB. One of them claimed responsibility for a VBIED attack that killed over 50 people in New Baghdad. Both groups were said to be from the neighborhood in their area. Since these groups were arrested five days ago the family already feels the area is safer. TL used the situation of their excitement to reinforce BCT 2 and told them that ISF is getting better.

9. Add Information: TPT 1412 accompanied B Co 3/87 AR on a presence patrol in the Habbabiya area to provide PSYOP support by providing FF with LN’s and to coach leadership on how to utilize Talking Points during conversations ISO BCT 1, 2, 3 & SPO; A01, A02, A06 & A09.

The patrol arrived at the storage area IVC that they were at last night during a patrol and had observed material that could potentially be used to make EFPs. At the facility there were several conex boxes that were locked. Tonight they wanted to open the boxes to inspect them. Last night the area was empty. But tonight there was a LN in what appeared to be a small guard shack. The guard shack was located within a fenced area and the gate was locked. The patrol wanted to ask the guard to open the conex boxes so that the locks would not have to be cut off.

The TL was at the opening of the locked gate and attempted to make contact with the LN in the guard shack. Several members of the patrol, TL, and an interpreter called out to the LN in English and in Arabic as he stared at the patrol through an open window. As soon as the man appeared to hear us, he immediately turned his back to the window, grabbed an AK-47 from a table behind him, faced us again, and chambered a round. The TL and two other soldiers in the patrol shot him as he raised the weapon to point it at us.

There was no time to issue compliance commands prior to him being shot. He appeared to act with the intention of shooting us. He was shot twice in the chest and once in the head. The patrol made entry into the gated area and closed the thirty meter distance to the guard shack. The B Co. commander broke the window of the locked guard shack door so we could get in and immediately called for a medic while the rest of the patrol secured the area. The PSYOP Specialist and platoon medic attempted to render first aid, however, the LN died as a result of his wounds.
The ATL took the PSYOP interpreter and went with two other vehicles of the patrol to locate any IP's that were in the area because the B Co commander was unable to make contact with them via cell phone. The ATL returned with four IP trucks. The B Co commander and the BN S-2 were the POC's for the Iraqi Police at the location of the incident. While searching through the contents of the guard shack the patrol located medication and one recently fired casing. According to the B Co. interpreter the LN that was shot was taking the same medication as his terminally ill father.

It appears the LN may have been laying in wait to kill CF.

00489 (S) Future Operations (Next 48 Hours):

26JAN06: TPT 1412 has not confirmed a patrol time yet, depending time needed to provide information regarding this incident and the needed availability of the team, we will schedule a patrol time accordingly. More than likely, we will be going out with the following: Now ISO EET 1, 2, 3 & SPO; AO1, AO2, AO6 & AO9.

SP 1900
ETR 2300
SIGNIFICANT EVENTS WITHIN RCT AO
LAST 12 HOURS


As of Thursday, January 26, 2006