MEMORANDUM FOR MAJ [REDACTED], HQ, 1-69 IN Bn

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as investigating officer pursuant to AR 15-6 to conduct an informal investigation into the facts and circumstances surrounding a shooting incident that resulted in the death of a local national child.

2. In your investigation, all witness statements will be sworn on DA 2823. If written statements cannot be obtained, you will summarize the content of any conversations and attach them to your report. If any physical evidence is obtained during the investigation, include the evidence, or if more practical, a photograph of the physical evidence in your report. If during the course of your investigation you develop information suggesting a person has violated the Uniform Code of Military Justice, you will advise the person of his or her Article 31, UCMJ rights before questioning the person. Use DA 3881 to conduct rights and advisement.

3. From the evidence, you will make findings as to what happened in the incident, what event's, if any, precipitated this event, who was involved in the incident, and who if anyone is responsible for this incident and whether their actions should be subject to any form of administrative or UCMJ action.

4. Submit your findings and recommendation on DA Form 4697 to me within 20 days.

Verbal Appointment

COL, IN
Commanding
Classified Documents Removed
REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS
For use of this form, see AR 16-6; the proponent agency is OTJAG.
IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by COL [redacted], Commander 2nd Brigade, 10th Mtn Div
(Appointing authority)

on 8 April 2005
(Date)

(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) board commenced at Camp [redacted], Iraq at 1700
(Place) (Time)

on 8 April 2005
(If a formal board met for more than one session, check here □. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The (investigating officer) board finished gathering/hearing evidence at 2200 on 9 April 2005
(Time) (Date)

and completed findings and recommendations at Camp [redacted], Iraq on 9 April 2005
(Time) (Date)

A. COMPLETE IN ALL CASES

1. Inclosures (para 3-15, AR 15-6)
   a. The letter of appointment or a summary of oral appointment data?
   b. Copy of notice to respondent, if any? (See item 9, below)
   c. Other correspondence with respondent or counsel, if any?
   d. All other written communications to or from the appointing authority?
   e. Privacy Act Statements (Certificate, if statement provided orally)?
   f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
   g. Information as to sessions of a formal board not included on page 1 of this report?
   h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

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

DA FORM 1574, MAR 83 EDITION OF NOV 77 IS OBSOLETE.
2. Exhibits (para 3-16, AR 15-6)
   a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibit and attached to this report?
   b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?
   c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?
   d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?
   e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?
   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?
   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)?

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

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

5. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)
   a. Notice to respondents (para 5-3, AR 15-6):
      i. Is the method and date of delivery to the respondent indicated on each letter of notification?
      ii. Was the date of delivery at least five working days prior to the first session of the board?
      iii. Does each letter of notification indicate –
          (1) the date, hour, and place of the first session of the board concerning that respondent?
          (2) the matter to be investigated, including specific allegations against the respondent, if any?
          (3) the respondent’s rights with regard to counsel?
          (4) the name and address of each witness expected to be called by the recorder?
          (5) the respondent’s rights to be present, present evidence, and call witnesses?
      iv. Was the respondent provided a copy of all unclassified documents in the case file?
      v. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?
   b. Counsel (para 5-6, AR 15-6):
      i. Was each respondent represented by counsel?
      ii. Name and business address of counsel:
         (If counsel is a lawyer, check here [ ])
      iii. Was respondent’s counsel present at all open sessions of the board relating to that respondent?
      iv. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?
   c. If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):
      i. Was the challenge properly denied by the appropriate officer?
      ii. Did each member successfully challenge cease to participate in the proceedings?
   d. The respondent given an opportunity to (para 5-8a, AR 15-6):
      i. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?
      ii. Examine and object to the introduction of real and documentary evidence, including written statements?
      iii. Object to the testimony of witnesses and cross-examine witnesses other than his own?
      iv. Call witnesses and otherwise introduce evidence?
      v. Testify as a witness?
      vi. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?
   e. If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?
   f. Are all of the respondent’s requests and objections which were denied indicated in the report of proceedings or in an inclusion or exhibit to it (para 5-11, AR 15-6)?

FOOTNOTES:
1. Explain all negative answers on an attached sheet.
2. Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.
FATAL SHOOTING AT ECP 1

A - Report of Findings
B - [Redacted]
C - E-mail from MAJ [Redacted]
D - SIGACT
E - Sworn Statement, SSG [Redacted]
F - Sworn Statement, SPC [Redacted]
G - Sworn Statement, SPC [Redacted]
H - Sworn Statement, CPT [Redacted]
I - Sworn Statement, 2LT [Redacted]
J - Sworn Statement, SSG [Redacted]
K - Sworn Statement, SGT [Redacted]
L - Sworn Statement, SPC [Redacted]
M - Sworn Statement, SGT [Redacted]
Mc - Sworn Statement, SGT [Redacted]
N - Sworn Statement, SSG [Redacted]
O - Sworn Statement, SPC [Redacted]
P - Sworn Statement, Mr. [Redacted]
Q - Sworn Statement [Redacted]
R - TF 1-69 SALUTE Report and Duty Log
S - 2-299th IN Serious Incident Report
T - [Redacted] Serious Incident Report
U - [Redacted]
The (investigating officer) (board), having carefully considered the evidence, finds:

1. Findings: It is not possible to determine with certainty who fired the bullet that killed [redacted]. It is likely that the bullet was fired by US personnel. It is possible that the bullet was fired by DoD security personnel, military security of an unknown PSD, or ECP security from the 2-299th IN. There is a smaller likelihood that the bullet was fired by the AIF.

Facts:

a. Timeline, 7 April 2005:

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>0800-1155</td>
<td>Possible VBIED closes down [redacted] (Exhibit T)</td>
</tr>
<tr>
<td>1140</td>
<td>Traffic backs up outside [redacted]</td>
</tr>
<tr>
<td>1155</td>
<td>BOD conducts a controlled detonation of the suspected VBIED (Exhibits K, T)</td>
</tr>
<tr>
<td>1218</td>
<td>AIF initiates attack with two RPGs and small arms fire (Exhibits E, F, K, L, M, Mc, N, O, N, O)</td>
</tr>
<tr>
<td>1218-1220</td>
<td>DoD convoys and unknown military PSD return fire (Exhibits E, M, N, O)</td>
</tr>
<tr>
<td>1219-approximately 1225</td>
<td>AIF bounds to rearward alternate positions and breaks contact (Exhibits E, H)</td>
</tr>
<tr>
<td>Approximately 1220-1225</td>
<td>AIF and 2-299th IN exchange fire (Exhibits N, O)</td>
</tr>
<tr>
<td>Approximately 1230</td>
<td>Wounded child identified and treated (Exhibits K, L, M, Mc, N, O)</td>
</tr>
</tbody>
</table>

b. Other Facts:

1. The LN child killed by fire was in the line of both AIF and US fires (Exhibit Q).
2. TF 1-69 personnel did not fire any rounds during the engagement (Exhibits E, F, G, H, I, J).
3. The round that killed the LN child was possibly a 9mm round (Exhibit C).
4. The AIF fought from a populated neighborhood, placing the residents in danger (Exhibit B).

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

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

1. Solatia payments be made to the family of the child who was killed.
2. ROE re-training be required for the soldiers on [redacted] at the time of the shooting.
3. All PSDs that fire at Iraqis be required to report their shootings to the BDOC, or some Corps level central authority.
4. All DoD personnel who fire at Iraqis be required to report their shootings to the BDOC, or some Corps level central authority.
**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.)

<table>
<thead>
<tr>
<th>Recorder</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Investigating Officer) (President)</td>
</tr>
<tr>
<td>Member</td>
</tr>
<tr>
<td>Member</td>
</tr>
<tr>
<td>Member</td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member</td>
</tr>
</tbody>
</table>

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

If findings and recommendations of the (investigating officer) (board) are approved (disapproved) (approved with following exceptions/situations), (if the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)
MEMORANDUM FOR Commander, 2nd BCT (10th Mountain Division, Light), 3rd Infantry Division, Camp [redacted], Iraq APO AE [redacted]

SUBJECT: Concurrence With 15-6 Investigation

1. I concur with the findings and recommendations of MAJ [redacted], the 15-6 investigating officer for the 7 April 2005 shooting incident involving this battalion.

2. This action is forwarded for your review and comments.

3. POC is the undersigned, at DSN [redacted].

LTC. IN
Commanding
DEPARTMENT OF THE ARMY
1st BATTALION, 69th INFANTRY, 256th BCT
CAMP [REDACTED], IRAQ

9 April 2005

MEMORANDUM FOR Commander, 2nd Brigade Combat Team (10th Mountain Division (Light Infantry)), 3rd Infantry Division, Camp [REDACTED], Iraq, APO AE [REDACTED]

SUBJECT: Informal 15-6 Report on the Fatal Shooting at ECP 1, 7 April 2005

1. Findings: It is not possible to determine with certainty who fired the bullet that killed [REDACTED]. It is likely that the bullet was fired by US personnel. It is possible that the bullet was fired by DoD security personnel, military security of an unknown PSD, or ECP security from the 2-299th IN. There is a smaller likelihood that the bullet was fired by the AIF.

2. Facts:

   a. Timeline, 7 April 2005:

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximately 0800</td>
<td>Possible VBIED closes down [REDACTED] (Exhibit T)</td>
</tr>
<tr>
<td>0800-1155</td>
<td>Traffic backs up outside</td>
</tr>
<tr>
<td>1140</td>
<td>EOD conducts a controlled detonation of the suspected VBIED (Exhibits K, T)</td>
</tr>
<tr>
<td>1155</td>
<td>[REDACTED] opened to traffic (Exhibits K, T)</td>
</tr>
<tr>
<td>1218</td>
<td>AIF initiates attack with two RPGs and small arms fire</td>
</tr>
<tr>
<td>1218-1220</td>
<td>(Exhibits E, F, K, L, M, Mc, N, O)</td>
</tr>
<tr>
<td>1219-apprx. 1225</td>
<td>DoD convoys and unknown military PSD return fire (Exhibits E, M, N, O,</td>
</tr>
<tr>
<td>1225</td>
<td>AIF bounds to rearward alternate positions and breaks contact (Exhibits E, H)</td>
</tr>
<tr>
<td>Approximately 1225</td>
<td>AIF and 2-299th IN exchange fire (Exhibits N, O,</td>
</tr>
<tr>
<td>1220-1245</td>
<td>C/2-156 searches eastern edge of [REDACTED] (Exhibits E, F, G, H, I, J)</td>
</tr>
<tr>
<td>Approximately 1230</td>
<td>Wounded child identified and treated (Exhibits K, L, M, Mc, N, O)</td>
</tr>
</tbody>
</table>
b. Other Facts:
   (1) The LN child killed by fire was in the line of both AIF and US fires (Exhibit Q).
   (2) TF 1-69 personnel did not fire any rounds during the engagement (Exhibits E, F, G, H, I, J)
   (3) The round that killed the LN child was possibly a 9mm round (Exhibit C).
   (4) The AIF fought from a populated neighborhood, placing the residents in danger (Exhibit B).

3. POC is MAJ [redacted] VOIP [redacted]
To: CPT 2BCT 10MTN
Subject: MAJ

CPT
If you can't find my e-mail, just reply to this.
MAJ
<table>
<thead>
<tr>
<th>Sigact:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>071222</td>
</tr>
<tr>
<td>Event:</td>
<td>SAF</td>
</tr>
<tr>
<td>Time Observed:</td>
<td>01/07/05 12:21</td>
</tr>
<tr>
<td>Grid Coord:</td>
<td></td>
</tr>
<tr>
<td>Affiliation:</td>
<td>HOSTILE</td>
</tr>
<tr>
<td>Color:</td>
<td></td>
</tr>
<tr>
<td>Outcome:</td>
<td></td>
</tr>
<tr>
<td>Place Name:</td>
<td>DA MNF</td>
</tr>
<tr>
<td>Zone:</td>
<td></td>
</tr>
<tr>
<td>Quantity:</td>
<td></td>
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</tbody>
</table>

**Comments:**

SIGACT 4 1222: AN 82 GS CONVOY HEADING TO *** WAS STOPPED IN THE WESTBOUND LANE OF *** FOR APPROXIMATELY 2.5 HOURS. DUE TO A SEARCH OF A SUSPICIOUS VEHICLE AT *** AS TRAFFIC BEGAN TO MOVE FORWARD THE CONVOY RECEIVED SAF FROM THE NORTH. A 500 GS CONVOY WAS ALSO IN THE AREA AND RETURNED FIRE WITH AN UNKNOWN RDA. A 500 CHILD WAS INJURED AND EVACUATED TO *** TMC. THE TMC LATER REPORTED THE VICTIM DIED AND WAS A 5-10 YEARS OLD CHILD SHOT IN CHEST WITH A LOW VELOCITY ROUNDS. THE CHILD'S FATHER IS AT *** AND THE MOTHER AT *** IS AT LOCATION AND IS CURRENTLY WORKING TO LINK THE PARENTS WITH THEIR CHILD. ADDITIONALLY *** TRACK RECEIVED *** A 500 IN A-55 AT *** THE SAF AND SEARCHED THE AREA NORTHEAST OF ROUTE 500. 600 DURING THE AREA REPORTED SEEING *** AT WEARING BLACK GLOVES W/ 5547S AND APPEARED FED UP ON HIS INITIAL MANEUVER TO CLEAR THE AREA IN A WHITE TOYOTA SUV AND A GREY OPEL. A 911 DATED FIND SMALL CASING IN THE AREA THE 146 REPORTED THE CASINGS TO HAVE ORIGINATED FROM THE PATROL COULD NOT REGAIN CONTACT AND CONTINUED MISSION.

Created: 2005-10-15 08:30
Modified: 2005-10-15 08:30

4/8/2005
SWORN STATEMENT
For use of this form, see AR 135-45, the Proposed Agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 552b; E.O. 12337, dated November 22, 1983 (SSN).
PRINCIPAL PURPOSE: To provide command and law enforcement officials with means by which information may be accurately
ROUTINE USES: Disclosure of your social security number is used as an additional verification means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: HQ, 1-49TH IN (ML) CAMP, IRAQ
2. DATE (YMD) 20040408
3. TIME 1732 HRS
4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS:

9. STATEMENT:

On 7 Apr 04 at about 1230 hours, I was the Bradley commander of [redacted]. We (my crew) were in an
overwatch position on Route [redacted] in the vicinity of Grid [redacted]. My vehicle was facing east
when I heard a loud explosion. I looked over my left shoulder and saw a small dust cloud
about 200 meters behind us. As I was looking over my shoulder, small arms fire started from
the same area as the dust cloud. I told my driver, SPC [redacted], to turn the vehicle around
and head west toward the gun fire. As we were approaching, I noticed several people (15-20
 civilians) laying on the ground. I also noticed 8-8 males, all wearing helmets and body armor.
Those males all had automatic weapons and were firing them. I (we) pulled next to a dark
Chevy suburban and I asked (yelled) what was going on. I asked if an RPG (rocket propelled
grenade) was fired at us. He pointed in a north-west direction at a corner. When I looked in
that area we started receiving fire. I told my driver to drive toward that area. Once we
started moving, the males stopped firing, but we were still taking fire from the front. My
vehicle was not hit but the rounds were impacting the dirt around us. Once at the corner,
we scanned the street northbound. We did not have positive identification (PID) on anyone
with a weapon. LT [redacted], the truck commander (TC) of [redacted] arrived and we searched the area.
No rounds were fired from my vehicle. During the entire incident, I was in constant radio
communication with my commander.

Q: How many vehicles were in the DOD convoy?
A: I remember seeing 3 dark colored suburgans.

Q: As best as you can tell, what type of weapons did the air use?
A: From the best that I could see, they were using AK-47's and one machine gun.

Q: What kind of weapons were the DOD personnel firing?
A: I do not remember, I didn't get a good look at them.

Q: How long did the DOD personnel fire?
A: They started firing immediately after the impact of the RPG, and it took us about a minute
to maneuver to their position.

Q: Did they stop firing once you got there?
A: Once we started maneuvering, they stopped firing.

Q: Was the DOD personnel firing on semi or automatic?
A: Automatic.
Q: WERE YOU AWARE OF ANY DOD PERSONNEL INJURED?
A: NO.

Q: WERE YOU AWARE OF ANY LOCAL NATIONALS INJURED?
A: NO.

Q: WERE THE DOD PERSONNEL GO AFTER THE FIREFIGHT?
A: I CANNOT SAY FOR SURE, I DID NOT SEE THEM LEAVE THE SCENE.

Affidavit

I [Redacted], have read or have had read to me this statement which begins on page 1 and ends on page [Redacted], and 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 for any person, without threat of punishment, and without coercion, unlawful influence, or unlawful promises.

(Signature of Person Making Statement)

Witness:

[Redacted]

APD AE 0588

Organization or address:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Investigating Office:

(Signature of Person Administering Oath)

Type Name of Person Administering Oath

[Redacted]

Page 2 of 2 Pages

Page 2, DA FORM 2232, REV 1995
SWORN STATEMENT

For use of this form, see AR 190-45; the cognizant agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 222; Title 5 USC Section 2808; E.O. 12382 dated November 22, 1984. (SSW)

PRINCIPAL PURPOSE: To provide commanders and law enforcement officers with means by which informants may be securely identified.

ROUTINE USES: Your social security number is used as an identification tool to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION

Camp

2. DATE (YYYY/MM/DD) 2005/04/08

3. TIME 1615

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. ORGANIZATION OR ADDRESS

C Co. 2/155

7. GRADE/STATUS: E4

8. I, SPC ____________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the day of Apr. 7, 2005 at about 1245, I was sitting at [redacted] during our static when my gunner and BC heard a RPG hit near DOD convoy. I was facing toward [redacted] so I really couldn't see anything. I was told to turn the Bradley around and go onto the road. While in route that's when I heard gunshots fired for about 3-4 minutes. We got to the road and DOD was behind their vehicles dodging and firing back. My BC (SFC) asked DOD where the shots were coming from and they pointed toward the alley. We went toward that alley and blocked the road off. Called [redacted] and told him what was going on. We then rolled down the alley parallel to [redacted] section and kept watching. As we came back up we saw the section spotted rounds and took cover for an AK-47 near a house. They didn't need us anymore so we left and went back to our static.

Q: How many vehicles were in the DOD convoy?
A: 2 DOD convoys the lead one had 4 or 5 vehicles and the one behind it had 4 vehicles. Their were 4 rifle vehicles on the south side of the convoy.

Q: What kind of vehicles have?

Q: As near as you can tell what weapons did the ALP use?
A: It sounded like AK-47.

Q: What kind of weapons did the DOD have?
A: They had AK-47s.

Q: Were the DOD firing Automatic or Semi Automatic?
A: They were firing fully Automatic.

Q: Were any DOD personnel injured?
A: Negative.

Q: Were you aware of an injury to DOD?
A: Negative.

Q: Were they DOD people go after the fire fight?
A: They went behind there vehicles and pointed it towards the direction of fire.

Nothing Follows

TO EXHIBIT

X. 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 PAGE NUMBER MUST BE INDICATED.

DA- FORM 2020, DEC 1998

DA FORM 2020 (DA FORM 2020, JUL 72, R-5932216)

15859
SWORN STATEMENT

For use of this form, see AR 15-60; the reporting agency is OOCOPS.

A. LOCATION: 1180
B. DATE: 11/21/2014
C. TIME: 1510
D. FILE NUMBER: 15860

E. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted]
F. SSN: [redacted]
G. GRADE/STATUS: E-4

H. ORGANIZATION OR ADDRESS: Co. 2/155

I. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While sitting in front of the building, we heard a bang on our rear. So we turned around and drove to the scene. Where DOD was taking fire. When we got their DOD pointed us down the street where the fire was coming from. We rushed to the street, but when we got there no one was there, just smoke and shells.

Q: How many vehicles were in the DOD Convoy?
A: I don't know.

Q: What is your duty position on the building?
A: I am the engineer.

Q: Were you buttoned up or out the tank?
A: Buttoned up.

Q: What kind of vehicles is the DOD Convoy have?
A: Dark color SUV's.

Q: As best as you can tell what kind of weapons did the AIP use?
A: AK-47 and one belt feed machine.

Q: What kind of weapons did the DOD use?
A: All I saw in their hands was AK-47.

Q: About how long did the DOD personnel fire their weapons?
A: About 2-3 Minutes.

Q: Were the firing on Semi or Automatic?
A: Automatic.

Q: Did you know of any DOD personnel injured in the fire fight?
A: Negative.

Q: Did you know of any UN personnel injured in the fire fight?
A: Negative.

Q: Did you see were the DOD personnel went after the fire fight?
A: Negative.

Nothing Follows

DA FORM 2623, DEC 1986
SWORN STATEMENT

For use of this form, see AR 190-40, the proponent agency is GCSOPS

PRIVACY ACT STATEMENT

TITLE 5 USC Section 308; Title 5 USC section 2236; 22 USC 2236, dated November 22, 1992 (SSB)

Your social security number is used as an additional legitimate means of identification to facilitate filing and retrieval.

Disclosure of your social security number is voluntary.

LOCATION: BAGHDAD, IRAQ

DATE (YYYYMMDD): 20050507

TIME: 1200

FILE NUMBER: 15861

LAST NAME, FIRST NAME, MIDDLE NAME: [Redacted]

GRADE/STATUS: [Redacted]

ORGANIZATION OR ADDRESS: CO A 2-160th INF

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

On 07 APR 05 at approximately 1200 hours, I was patrolling NBZ west bound lane in the vicinity of [Redacted] when I received a radio transmission from [Redacted] about a possible RPG shot and machine gun fire in the vicinity of [Redacted]. I proceeded west to respond and arrived on scene. I proceeded north into [Redacted] which was the point of origin for the automatic gunfire. I proceeded past the position to the west and found I parked my vehicle there and dismounted and began to ask questions of the local national victims. I received conflicting reports of the vehicle that was responsible for the shooting, so returned to my vehicle to maintain an adjacent patrol with an interpreter. At that time, the TF CDR informed me that they had possession and I shared this information and evidence with TF CDR. The TF CDR then conducted tactical questioning with the interpreter to gain insight of what the locals saw. I related to the conversation between the TF CDR, the TF CDR’s interpreter, and a local national. After the inspection of the local national, I conferred with TF CDR and initiated movement back towards the patrol. I then sent [Redacted] EVY and crew to return [Redacted] and removed my vehicle and proceeded east bound NBZ into sector.

Q: DID you hear the initial fire fight?

A: NO.

Q: When you arrived at the scene did you see any ROCI Convo?

A: NO, 5 small trucks and cargo.

Q: Did you see any evidence to indicate what weapon was used?

A: Yes, I found a belt like at approximately 150 762 1100, and the small amount of shell casing I also found about 2762.

Q: Did you see any evidence to indicate what type of weapon was DOD Convo was using?

A: NO.

Q: Did you see any bodies on these [Redacted] that were shot or burned in sector?

A: NO.
<table>
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<tr>
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<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
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<tbody>
<tr>
<td>1/1/23</td>
<td>John Doe</td>
<td>123 Main St</td>
<td>Anytown</td>
<td>CA</td>
<td>12345</td>
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I certify that the information provided is true and correct.

John Doe
1/1/23
ON 07APR05, I WAS LEADING A COMBAT PATROL ON ROUTE [REDACTED] AT APPROXIMATELY 1230 HOURS. I HEARD [REDACTED] COME OVER THE RADIO WITH A REPORT OF AN EXPLOSION, POSSIBLY AN RPG. I RESPONDED TO HIS LOCATION. AS REPORTS OF SAF/SMALL ARMS.fire CAME ACROSS THE NET, [REDACTED] TOLD ME THAT I SHOULD HEAD TO ROUTE [REDACTED] AND PARALLEL HIM Down THE ROAD IN A NORTHERLY DIRECTION. I DID SO AND FOUND NOTHING. I TALKED TO A FEW CIVILIANS AND THEY REPORTED ON THE COLOR AND MAKE OF A CAR WITH 4 MEN CARRYING WEAPONS. I HEARD NO GUNFIRE OR EXPLOSIONS. I WAS UNAWARE OF ANYONE BEING INJURED OR KILLED UNTIL TODAY.

Q: DID YOU HEAR THE FIREFIGHT AT ALL?
A: NEGATIVE.

Q: WHEN I ARRIVED AT THE SCENE, DID YOU SEE THE DOD CONVOY?
A: WHEN I DROVE BY THERE WAS A LARGE TRAFFIC JAM, THERE APPEARED TO BE A NUMBER OF DOD VEHICLES IN IT.

Q: DID YOU SEE ANY EVIDENCE TO WHAT KIND OF WEAPONS THE DOD USED?
A: NO.

Q: DID YOU SEE ANY BULLET MARKS ON THE BUILDINGS IN THE MAHALLA?
A: NO.

Q: WERE YOU AWARE OF ANY LOCAL NATIONALS INJURED IN THE FIREFIGHT?
A: NEGATIVE.
**SIGNED STATEMENT**

**AUTHORITY:** Title 10 USC Section 3041; Title 8 USC Section 287; E.O. 8083 dated November 22, 1942; ISSU.

**PRINCIPAL PURPOSE:** To provide command and law enforcement officials with means by which information may be accurately identified.

**ROUTINE USER:** Your social security number is used at an additional/alternative means of identification to facilitate filing and retrieval.

**DISCLOSURE:** Disclose of your social security number is voluntary.

<table>
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<th>1. LOCATION</th>
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<th>3. TIME</th>
<th>4. FILE NUMBER</th>
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<th>6. ORGANIZATION OR ADDRESS:</th>
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<td>C Co, 2/156</td>
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I am the platoon Sergeant for 3rd PLT, C Co, 2/156. On 07 Apr 2003 I was on patrol with my platoon on Route [redacted]. At approximately 1215 I was advised over the platoon net that by the platoon leader, PLT [redacted], that [redacted] was coming up [redacted]. The patrol was in the eastbound lane around [redacted]. We did a U-turn and passed [redacted] and after [redacted] we called Route [redacted] to get around traffic. We took an off-road position and [redacted] were we went final along the [redacted]. We entered the [redacted] from the west. I was the last vehicle in the patrol and stayed with the vehicle while the patrol dismounted.

**Q. Did you hear the RPG Impact?**
**A.** I was very close from it.

**Q.** When you got to the scene did you see the DOD convoy?
**A.** A line of about 6 while Suburbans parked on one of the U-turns and with several men standing around with AK-47. I noticed several other DOD vehicles that were in the line of traffic, one of which was black.

**Q.** Did you notice what kind of weapons did you see?
**A.** The people by the white suburbs had AK-47s and the had it by their pistol side.

**Q.** Did you find an evidence indicating what kind of weapons the AIF fired?
**A.** No

**Q.** Did you see any evidence of rounds hitting the [redacted]?
**A.** No

**Q.** Were you aware of any EOD threat?
**A.** No. Everyone in that area seemed normal.

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