On 08 May 2005 my platoon set up a Checkpoint on Route [redacted]. The checkpoint was in place and operating at 0600. At approximately 0945 a blue Kia Besta minivan approached our position. We had a stop sign in place approximately 50 to 60m in front of our position. The entire road 50 to 60m back from the stop sign were parked closest to the wire. Until the Kia arrived, we had no problems with traffic disobeying the stop sign. There were also local nationals near the stop sign who were helping us keep traffic from passing the sign. As the Kia approached the sign that would be difficult to stop prior to passing the stop sign. As he blew by the sign I was concerned. I noticed it was traveling very quickly at a speed of [redacted] when he was approximately 10m passed the sign I said "[redacted] to shoot...someone needs to shoot!" SPC [redacted] was the Gunner of my truck and was equipped with a 240B. No sooner than I said this he [redacted] several warning shots into the ground in front of the van. The driver did not slam on the brakes nor swerve at all in an attempt to slow down even after the warning shots were fired. At this time the van ran...
9. STATEMENT (Continued)

was about 25-30m away. SFC walked the rounds up the flank of the van and into the wind.
shield when he realized the driver was not stopping. Because I was still standing outside of my truck, but did not have a clear angle to fire, I jumped into the truck as the van passed and braced myself for the explosion, because I was sure it was a VBIED. With VBIEDs being the biggest threat in theater at that time, any vehicle that does not make an attempt to stop at a clearly visible checkpoint is regarded as a threat. The van was traveling so quickly that it stretched the c-wire for about 10-15m past its initial position. Once the van passed my truck SFC stopped firing to prevent fratricide. The van continued to move through our position and everyone else who had a clear shot continued to fire into the vehicle until it came to a rest 25m past the first trucks. All of my soldiers know the ROE and we discuss them prior to every OP. The van posed a threat by making no attempt to stop at the warning sign, it did not slow at all after waving at him, and did not attempt to stop after warning shots were fired; therefore, we were forced to use deadly force.

Nothing else follows.

STATEMENT OF  ILT  DATED 17 May 2005

TAKEN AT  FEB

AFFIDAVIT

I, ILT, 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 REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998

PAGE 2 OF 2 PAGES

USAPA v1.00

16084
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 2851; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL ROUTINE USES: To provide commanders and law enforcement officials with means by which information may be accurately identified.

DISCLOSURE: Your social security number is used as an additional/alternative means of identification to facilitate filing and retrieval.

Disclosure of your social security number is voluntary.

LOCATION
6. LAST NAME, FIRST NAME, MIDDLE NAME

5. ORGANIZATION OR ADDRESS

6. ORGANIZATION NAME

7. SSN

8. GRAD/STATUS

DATE (YYYYMMDD)

TIME

FILE NUMBER

4. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 5th of May, our unit was sent on a traffic search in support of FOB Qayyarah. We arrived on the 5th A foot patrol was sent off the unit. The mission was to search vehicles coming out and look for vehicles inbound. After we set up, the trucks and tanks were facing east towards the base. There was a stream of vehicles in front of our trucks and a sign about 75m up the road just in front of the side street saying stop. All morning, the unit had tried to clear down the road and were facing from the side street. At the intersection were the sign was in front of the side street. Some US had posted themselves telling people not to come down the road. At about 940 I was in my truck watching the gun when some up the guys were saying there were people in a vehicle to the south about 200 away. I took the turret to the south to keep an eye on the guys. About 0400, I spotted my Division HSL (helicopter) say "O my god I see it in the turret to see what he was talking about, I suppose saw a guy in dark clothes approaching the C-wire at a tough rate of

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF 2 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

16085
9. STATEMENT (Continued)

Speed. The driver had not passed the sign in the road and was half way through between the sign and the crime when, when the man was turning at about 40 to 50 mph. The man continued through the crime and when I tells the driver at that point I dropped down in my turret my first thought was visited. My driver jumped back in the truck as well. As he passed my truck he kept walking west in front of the truck that made on road and then started just

uncharted. I tell the man worked several until a car that was coming fast from the road and then roared into a ditch and stopped. The firing continued for about 10 to 15 sec. And then the vehicle was called. I did not fire any shots because my turret was turned at the time and the vehicle was moving so fast that I did not have time to react. We had not waited that ten before we were on site about three before the incident. After the range fire was called.

END OF STATEMENT

AFFIDAVIT

I, [Name], 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]

WITNESSES:

[Names of Witnesses]

ORGANIZATION OR ADDRESS

[Organization Name] [Address]

[Signature of Person Administering Oath]

[Authority To Administer Oaths]

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2023, DEC 1998
**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. Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. Disclosure of your social security number is voluntary.

1. LOCATION
   - Camp [redacted] IRAQ
   - Unit [redacted] HHC 1/4 AR CAMP [redacted] IRAQ APO AE

2. DATE (YYYYMMDD)
   - 20080517

3. TIME
   - 0949

4. FILE NUMBER
   - [redacted]

5. LAST NAME, FIRST NAME, MIDDLE NAME
   - [redacted]

6. SSN
   - [redacted]

7. GRADE/STATUS
   - E-7

**WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

At DTC 080914SMANOS, 3rd & 4th Sqd and some augmentation from C Co 1/182 FA were located at an established checkpoint on ASR [redacted] in support of 1/9 FA operation [redacted] at the above DTC.

I was next to my vehicle observing a building that overwatched our position from the south. I heard automatic weapons fire to my left and observed a blue in color MINI VAN had passed our warning sign and was headed toward our final protective wire. The vehicle continued to accelerate and was engaged with lethal fire. The vehicle struck the final protective wire at approximately 35 miles per hour and continued on into the secure area of our checkpoint, when the vehicle cleared for a shot I opened fire and engaged the driver with 20 rounds of 5.56 mm from my M4. The vehicle continued west, left the traveled way of the road, continued to turn south and camp to rest at a dirt burin and wall facing south. The area was secured and SGT [redacted] (Medic 1st LT) rendered medical aid, but found no signs of life. The vehicle was cleared of explosive and the body and vehicle were taken by [redacted] MP POLICE.

The checkpoint had been well marked and established in accordance with Platoon and 2nd BDE SOPs. The checkpoint had been up and running without incident for 3½ hours.

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

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

USAPA V1.00

16087
9. STATEMENT (Continued)

This was the first time we have conducted a checkpoint at this location. ROE were reviewed during the mission brief prior to roll out. My understanding of ROE is clear and the vehicle represented a direct threat of violence to bodies known to the personnel at the checkpoint and was engaged as such.

END OF STATEMENT

---

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 inducement.

(Signature of Person Making Statement)

Witnesses:

__________________________________________

__________________________________________

(Names of Witnesses)

ORGANIZATION OR ADDRESS

__________________________________________

__________________________________________

(Names of Organizations or Addresses)

INITIALS OF PERSON MAKING STATEMENT

__________________________________________

PAGE 3, DA FORM 2823, DEC 1998

PAGE 2 OF 2 PAGES

SUBSCRIBED AND SWORN TO BEFORE ME, A PERSON AUTHORIZED BY LAW TO ADMINISTER OATHS, THIS 17 DAY OF MAY, 2005, AT HOSPITAL CAMP, 1242.

(Signature of Person Administering Oath)

INVESTIGATING OFFICER

__________________________________________

(Authority To Administer Oaths)

136 (S/N) USAF
SWORN STATEMENT

For use of this form, see AR 190-46; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

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/alternate means of identification to facilitate filing and retrieval.

Disclosure of your social security number is voluntary.

Location: Camp

Date: 05/17

Time: 0930

File Number

Last Name, First Name, Middle Name:

SSN:

Grade/Status: E-5

Organization or Address:

WCU 2-3 RIA MVP PAK Camp , Baghdad

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

While conducting a Checkpoint (TCP) on 8 May 2005 in support of a cordon and search for 1-2 FA. My squad was patrolling RTE 2. I decided to go to the TCP and take a break. My 4 Vehicles were parked behind the front vehicle. SPC was the Gunner of that Vehicle. At 0945 I was standing outside my Vehicle beside the Bear Watch. When I heard SPC Fire 3 quick Shots when I moved to the TE Side at that time SPC was Fire several shots. At what appeared to be a Vehicle traveling at a high rate of speed. I thought it was a VEHICLE I quickly drew My Fire at the Vehicle until My magazine was empty. I had to wait until the Vehicle passed ahead. At Vehicle before I could Fire I did not want to risk hitting any Soldiers. The Vehicle in question went through the Checkpoint and the Vehicle was hung up on the Vehicle and pulled it to the left impacting a vehicle coming from the South bound side. The Vehicle came to rest about 55 meters past and to the left of meters before a unit. Still thinking

10. Exhibit 5

11. Initials of Person Making Statement

Page 1 of 2 Pages

Additional pages must contain the heading "Statement" taken at date.

The bottom of each additional page must bear the initials of the person making the statement, and page number must be indicated.

DA FORM 2823, DEC 1996 DA FORM 2823, JUL 72, IS OBSOLETE

USAF A V1.00
9. STATEMENT (Continued)
the vehicle was a JEEPD we as in skicar. Shot at 36 and myself approached the vehicle with caution. I looked under the vehicle to see if there was anything that remotely looked like a bomb. I found nothing. Someone discovered the keys. I approached the passenger side seat that the driver was dead. My squad was at the location for a break for about 10 before it took place. I have never worked in this area. No other local national traffic had any problem with following instructions and all traffic proceeded away from TCP. This was the only incident of that day. Nothing else follows.

III End of Statement

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 management.

(Signature of Person Making Statement)

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

PAGE 3, DA FORM 2823, 2003

16090
**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, 1843 (SSN).

**PRINCIPAL ROUTINE USES:** To provide commanders and law enforcement officials with means by which information may be accurately identified.

**DISCLOSURE:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

**Disclosure of your social security number is voluntary.**

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I, ________________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

**ON THE 17TH OF MAY 2005 WE WERE RUNNING A TCP ON RT. WE HAD ALREADY BEEN AT THIS TCP SINCE AROUND 0600. THE SHOOTING TOOK PLACE AROUND 1000. UP TO THAT POINT THERE WERE FEW INCIDENTS INVOLVING VEHICLES DISOBEDIING THE TCP INSTRUCTIONS AT THE TIME OF THE INCIDENT I WAS SITTING IN THE TC SEAT. OUR VEHICLE WAS 1 OF 2 POSITIONED AT THAT OPENING OF THE TCP. THE FIRST THING I OBSERVED WAS THAT I HEARD THE OTHER VEHICLE DRIVER START FIRING THE 240B. AS I LOOKED UP I SAW THAT THE VEHICLE HAD ALREADY PASSED OUR STOP SIGN AND WAS STILL TRAVELING AT A VERY HIGH RATE OF SPEED. THE VEHICLE WAS A BLUE VAN WITH WHAT APPEARED TO HAVE ONLY A DRIVER. THE VAN CONTINUED WITHOUT SLOWING DOWN RACING THROUGH OUR/CUIRE. IT CONTINUED RACING AFTER PASSING THROUGH OUR/CUIRE UNTIL IT STARTED TO DRIFT LEFT AND RAN INTO A WHITE CAR THAT WAS COMING FROM THE OTHER DIRECTION. IT CONTINUED RACING AFTER STRIKING THE WHITE CAR FOR A FEW MORE FEET BEFORE COMING TO A STOP. FROM THE TIME THE VAN STARTED DRIFTING UNTIL A FEW SECONDS AFTER THE VAN CAME TO A COMPLETE STOP IT WAS ENGAGED BY MANORUS. I FIRED APPROX. 10-10 ROUNDS FROM AN M-16A4. WE CAREFULLY APPROACHED THE VAN AND DISCOVERED HE WAS DEAD. WE DISCOVERED NO VISIBLE CONTRABAND. WE DISCUSSED THIS ROLE QUITE FREQUENTLY BEFORE MISSIONS. THE VAN WAS THE FIRST INCIDENT WHERE A VEHICLE CAME WITHIN 30 YARDS OR SO. THERE WERE A FEW THAT HAD COME A FEW FEET PAST OUR STOP SIGN WHICH WAS APPROX. 30-40 YARDS FROM OUR/CUIRE STAND. THERE WERE A LOT OF VEHICLES THAT WOULD STOP AT THE STOP SIGN.**

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ADDITIONAL PAGES MUST CONTAIN THE HEADINGS "STATEMENT TAKEN AT DATED"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
9. STATEMENT (Continued)

AND SEEM TO NOT KNOW WHAT TO DO. BUT AFTER WAVING THEM AWAY THEY WOULD EITHER TURN AROUND OR TAKE THE IMMEDIATE RIGHT AT THE STOP SIGN. OVERALL THERE WERE FEW THAT PASSED THE STOP SIGN AND THE FEW THAT DID ONLY TRAVELED A FEW FEET PAST IT. BEFORE SEEING US AND TURNING AROUND, THE VAN HOWEVER MADE NO EFFORT TO SLOW DOWN FROM THE TIME IT CAME TO THE STOP SIGN ALL THE WAY TILL IT RAN OVER THE WIRE. *** END OF STATEMENT ***

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:

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

(Subscribed and sworn to before me, a person authorized by law to administer oaths, this __th day of MAY, 2005 at ___)

(Signature of Person Administering Oath)

(Title of Person Administering Oath)

(Authority To Administer Oaths)
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 2851; E.O. 9357 dated November 22, 1943 (SSN).
PRINCIPAL: 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: Hospital on FoB
2. DATE (YYYY-MM-DD): 11-29
3. TIME: 17205055
4. FILE NUMBER:

5. LAST NAME, FIRST NAME, MIDDLE NAME:

6. SSN:

7. GRADE/STATUS: E-5 / AD

8. ORGANIZATION OR ADDRESS: HHC 213 BTH Mp Plt

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

On the day in question we left the post very early so the TCP would be up and operational by 0400H. Once we arrived on site, we picked a spot to set out the TCP. The TCP was set up to block traffic on one end of the street and search vehicles on the other. There had many people in the area who had seen us put up the TCP. On the blocking side a young boy would tell people almost before we could get them to stop and turn around. There was also an older man that lived near the TCP, who did the same. They would let if they lived past the TCP, then they turn them around. Foot traffic that day wasn't too bad, with the help of the young traffic, only a few vehicles pulled past our stop sign but had been set up for approximately 3/4 hours before the van came to our TCP. All other traffic did everything that was told to them. We were in plain view of all and the stop sign placed in the middle of the road. We had no other problems until the van came along, and once it was out the vehicle traffic and foot traffic continued to do go around. The van never slowed, it didn't do anything to show he had any plans on stopping. After the shooting other individuals helped to make sure vehicles were turning, the ROC was gone over the night before, I sat my two soldiers down and went over the mission we had and what we had to do. The mission

10. EXHIBIT:

11. INITIALS OF PERSON MAKING STATEMENT:

PAGE 1 OF 2 PAGES

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
3. STATEMENT (Continued)

For that day was to say search vehicles coming out of the area. We had IP's helping with search and we provided security for the area. The TCP was set up to search vehicles that were coming out of the area that units were searching to make sure no weapons or RIF members were leaving the area. We travel out the fog but every day, so RIF is gone over all the time.

END OF STATEMENT

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:

Organization or Address

Organization or Address

Page 3, DA FORM 2223, DEC 1998

PAGE 2 OF 2 PAGES
On 8 May 2005, 1-9 FA conducted a battalion level operation to neutralize AIF activity in the [redacted] area. As part of the concept of the operation, the MP platoon was tasked to contain enemy elements within the objective area through the sequential use of traffic control points, blocking positions, and screening patrols. In accordance with the battalion OPORD, LT [redacted] established a traffic control point at the intersection of Route [redacted] and Route [redacted], vicinity [redacted]. During the course of operations, I stopped at the traffic control point to ensure that it met the commander's intent. LT [redacted] had adapted the traffic control point to the mission and terrain while maintaining the basic principles of the division's TCP standard. The traffic control point spanned the distance from the specified intersection to the next road intersection to the northeast on Route [redacted] (known to local nationals as Industrial Road). Two stop lines controlled vehicle movement from the northeast. The second stop line employed concertina wire as an obstacle. The concertina wire was forward of all coalition forces. A small bypass was established on the southern shoulder of the road to allow coalition and Iraqi security force passage. A MP vehicle overwatched the bypass. I observed both the TTPs used at the contain position and the Iraqi local national response. Given the compressed urban environment and the constraints of the mission, the MP position met the commander's intent while meeting the basic principles of the division TCP guidelines. Satisfied with the position, I departed the area without requiring any modifications. Later in day, I was informed of an incident at LT [redacted] position. A mini van attempted to run through the position without stopping or responding to LT [redacted]'s escalation of force. When I arrived, a green mini van was awkwardly parked on the extreme southern shoulder of the road approximately thirty-five meters beyond the second stop line near the wall to an adjacent industrial complex. After getting the facts of the incident, I inspected the vehicle for possible explosives. Since the vehicle was not riding low on the suspension, the windows were not tinted, and optics did not reveal any vehicle modifications, I approached the vehicle for a visible inspection. During a search of the undercarriage, I saw concertina wire wrapped around the axle. The interior of the vehicle was uncluttered and free of visible ammunition and explosives. The dashboard and vehicle controls were free of any non-standard electrical or mechanical device. The driver did not have a pulse. I provided LT [redacted] with a body bag, instructed her to sketch the scene in detail, gather statements for a probable commander's inquiry, and, upon completion of the mission, provide the necessary facts to complete the serious incident report. From the statements of LT [redacted] along with other soldiers at the scene, I was satisfied that there was not any violation of the rules of engagement, and I departed the area to coordinate the removal of the dead local national and the vehicle.