REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6, the appropriate agency in CTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

<table>
<thead>
<tr>
<th>SECTION I - APPOINTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed by</td>
</tr>
<tr>
<td>Commander, 48th BCT, BG</td>
</tr>
<tr>
<td>(Appointing authority)</td>
</tr>
</tbody>
</table>

5 July 05
(Date)

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

<table>
<thead>
<tr>
<th>SECTION II - SESSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>The (investigating) board commenced in Iraq at 1400</td>
</tr>
<tr>
<td>Place</td>
</tr>
<tr>
<td>Time</td>
</tr>
</tbody>
</table>

(The formal board met for more than one session, check □. Indicate in an enclosure 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 following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

| The (investigating officer) (board) finished gathering/hearing evidence at 1700 on 6 July 05 |
| Time                           |
| Date                           |

and completed findings and recommendations 1500 on 7 July 05
(Times) (Date)

<table>
<thead>
<tr>
<th>SECTION III - CHECKLIST FOR PROCEEDINGS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. COMPLETE IN ALL CASES</td>
</tr>
<tr>
<td>Indecisive (para 3-15, AR 15-6)</td>
</tr>
<tr>
<td>Are the following included and numbered consecutively with Roman numerals: (Attached in order listed)</td>
</tr>
<tr>
<td>a. The letter of appointment or summary of oral appointment data?</td>
</tr>
<tr>
<td>b. Copy of notice to respondent, if any? (See item 5, below)</td>
</tr>
<tr>
<td>c. Other correspondence with respondent or counsel, if any?</td>
</tr>
<tr>
<td>d. All other written communications to or from the appointing authority?</td>
</tr>
<tr>
<td>e. Privacy Act Statements (Certificate, if statement provided orally)?</td>
</tr>
<tr>
<td>f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?</td>
</tr>
<tr>
<td>g. Information as to sessions of a formal board not included on page 1 of this report?</td>
</tr>
<tr>
<td>h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOOTNOTES</th>
<th>YES NO NA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Explain any negative answers on an attached sheet.</td>
<td></td>
</tr>
<tr>
<td>2. The use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.</td>
<td></td>
</tr>
</tbody>
</table>

16465
<table>
<thead>
<tr>
<th>Exhibit (para 3-16, AR 15-6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?</td>
</tr>
<tr>
<td>b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?</td>
</tr>
<tr>
<td>c. Has the testimony statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?</td>
</tr>
<tr>
<td>d. Are copies, descriptions, or depictions (if substituted for oral or documentary evidence) properly authenticated and is the location of the original evidence indicated?</td>
</tr>
<tr>
<td>e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?</td>
</tr>
<tr>
<td>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?</td>
</tr>
<tr>
<td>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)?</td>
</tr>
</tbody>
</table>

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

B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)

- 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)?
-Was a quorum present at every session of the board (para 5-3b, AR 15-6)?
-Was each absence of any member properly excused (para 5-2a, AR 15-6)?
-Were numbers, witnesses, reporter, and interpreter sworn, if required (para 5-1, AR 15-6)?
-If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-4d, AR 15-6)?

C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)

9. Notice to respondents (para 5-5, AR 15-6):
   a. Is the method and date of delivery to the respondent indicated on each letter of notification?
   b. Was the date of delivery at least five working days prior to the first session of the board?
   c. 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 present, present evidence, and call witnesses?
      6. Was the respondent provided a copy of all unclassified documents in the case file?
   a. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?

10. If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):
   a. Was he properly notified (para 5-5, AR 15-6)?
   b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6, AR 15-6)?

11. Counsel (para 5-6, AR 15-6):
    a. Was each respondent represented by counsel?
    b. Name and business address of counsel:

   (If counsel is a lawyer, check here.)

   b. Was respondent's counsel present at all open sessions of the board relating to that respondent?
   c. 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 5-9b, AR 15-6)?

12. If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):
   a. Was the challenge properly denied and by the appropriate officer?
   b. Did each member successfully challenged cease to participate in the proceedings?

13. Was the respondent given an opportunity to (para 5-5a, AR 15-6):
    a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?
    b. Examine and object to the introduction of oral and documentary evidence, including written statements?
    c. Object to the testimony of witnesses and cross-examine witnesses other than his own?
    d. Call witnesses and otherwise introduce evidence?
    e. Testify as a witness?
    f. Make or have his counsel make a final statement or argument (para 5-8, AR 15-6)?

14. 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 5-9, AR 15-6)?

15. Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?

FOOTNOTES
1. Explain all negative answers on an attached sheet.
2. Use of the NO column constitutes a negative representation that the circumstances described in the question did not occur in this investigation or board.

Page 2 of 4 pages, DA Form 1574, Mar 63
SECTION IV - FINDINGS (para 3-10, AR 15-6)

The investigating officer (board), having carefully considered the evidence, finds Farshad Khalid Abraham that the shooting of a local national (unnamed) on 5 July, 2005 was due to no negligence on the part of SSG [Redacted]. Appropriate use of force was utilized throughout the incident IAW with published rules for use of force. SSG [Redacted] utilized his escalation of use of deadly force as applicable throughout this incident.

The sequence of events, as listed in exhibit 3a through 3f (sworn statements), clearly demonstrates the appropriate use of force throughout this incident. To further amplify this, SSG [Redacted] utilized the moments prior to the shooting to review the ROE with his crew one more time. He received a current ROE brief from his commander 3 days prior to the incident and personally gave one to his crew the day before. This platoon clearly understands the ROE and utilizes them on a daily basis.

His response to the incident was quick and effective. His mission was to protect the EOD in order to allow them to do their job. Clearly, he did exactly that and followed the ROE to the letter. This was an unfortunate event, no doubt, however, according to eye witnesses and based on personal interviews conducted by myself, I find that a greater weight of evidence than supports a contrary decision, shows that SSG [Redacted] was justified in this incident. Any soldier, put in this set of circumstances, would act in a similar fashion.

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

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

No further action be taken.
<table>
<thead>
<tr>
<th>Member</th>
<th>Member</th>
<th>(Recommending Officer Signatures)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SECTION VII: MINORITY REPORT (Form 47, 48, 50)**

In the instance indicated in the minority report, the findings and/or recommendations of the board may be included in the minority report. To the extent indicated in the minority report, identify any manner each finding and/or recommendations may be included in the minority report. Additional information, findings and/or recommendations may be included in the minority report.

**SECTION VIII: ACTION BY AUTHORITY (Form 47, 48, 50)**

If the authority indicates that findings and/or recommendations of the board are subject to amendment or approval by a higher authority, attach the appropriate form to the recording officer or board for further proceedings.

**SECTION IX: AUTHENTICATION (Form 47, 48, 50)**

Section 107. Follow, indicate the reason in the space where the signature should appear.
MEMORANDUM FOR CPT [REDACTED], HHC 108th AR

SUBJECT: Appointment as 15-6 Investigating Officer

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, paragraph 2-1(a)(3) into investigate the facts and circumstances of the alleged shooting of a civilian, on 050908JUL05, involving unknown personnel of 108th AR. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is completed, this will be your primary duty responsibility.

2. Your investigations and findings will include, but not be limited to the following:

   a. The exact chronology of events;

   b. Did the person(s) involved have proper training on cordon and search, patrolling, and Rules of Engagement;

   c. Were the Rules of Engagement followed;

   d. What is the 4SBCT SOP dealing with cordon and search, patrolling, and Rules of Engagement?

3. You will use informal procedures under AR 15-6, Chapter 4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented on DA Form 3881. Witness statements should be sworn and recorded on DA Form 2823.

4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You must submit any requests for delay to me in writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.

5. Before proceeding with the investigation you must contact ILT [REDACTED] at the Brigade TOC for an initial legal briefing. ILT [REDACTED] will serve as your primary legal advisor.

6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor.
SUBJECT: Appointment as 15-6 Investigating Officer

If during the course of your investigation you discover systemic training deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.

BG, LINE, USA
Commanding
MEMORANDUM FOR: CPT [REDACTED], HHC 1-108th AR BN, 48BCT, 3ID FOB [REDACTED], Iraq 09378

SUBJECT: Appointment as Investigating Officer

1. Pursuant to AR 15-6, paragraph 2-1, you are hereby appointed as an investigating officer to investigate the engagement of local national that occurred at West of [REDACTED] Grid Vic. [REDACTED] on 5 July 2005 in which a HHC 1-108th AR Battalion,

2. In your investigation, use procedures under AR 15-6, Chapter 4, for an informal board of officers. All witness statements will be sworn, and you will follow the procedures in AR 15-6, paragraph 3-7e for Privacy Act statements. If the person you are interviewing states that he/she does not know anything about the allegations, prepare a sworn statement to that affect for the witness to sign. If, in the course of your investigation, you suspect a soldier has committed an offense under the UCMJ, you must advise and read him/her their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate, prior to conducting any interview.

3. In your investigation you need to determine:

   a. What was the sequence of events that led up the incident?
   b. Was there a ROE briefing given to the crew? If so, by whom?
   c. When was the last time ROE Briefing attend?
   d. Was proper ROE used?
   e. Were there any malfunctions to the weapon?
   f. Was the response to the incident quick and effective?
   g. Were there any other contributing factors that, if changed, could have altered the outcome?

4. You may obtain assistance from the Command Staff Judge Advocate of 48BCT, 3ID Judge Advocate will serve as your legal counsel and can be contacted at 646-2010 (see Maj [REDACTED] coordinate). Prior to starting your investigation, you should contact him for legal guidance concerning your investigation.

5. Submit your findings and recommendations on DA Form 1574 to for legal review no later than 7 July 2005.

LTC, AR
Commanding
EXHIBIT INDEX
A. Chronology of events
B. DA 2823-Sworn Statement from SSG □□□□ dated 05 July 2005
C. DA 2823-Sworn Statement from LT □□□□ dated 06 July 2005
D. DA 2823-Sworn Statement from SFC □□□□ dated 06 July 2005
E. DA 2823-Sworn Statement from SGT □□□□ dated 05 July 2005
F. DA 2823-Sworn Statement from SFC □□□□ dated 05 July 2005
G. DA 2823-Sworn Statement from SPC □□□□ dated 06 July 2005
H. DA 2823-Sworn Statement from SGT □□□□ dated 05 July 2005
I. DA 2823-Sworn Statement from SSG □□□□ dated 05 July 2005
J. DA 2823-Sworn Statement from SGT □□□□ dated 05 July 2005
K. DA 2823-Sworn Statement from SSG □□□□ dated 05 July 2005
L. CIR
M. Appendix 3 to Annex R to the Infantry Brigade TACSOP
Exhibit A
Chronology

- 050630JUL05  Mortars/EOD SP from FOB to IED site VIC
- 050733JUL05  3rd PLT E TRP begins IED Cordon vic
- 050827JUL05(approx) SGT spots individual during initial sweep to IED location with SSG, SFC, and SSG
- 050828JUL05(approx) SGT fires warning shot, SSG shouts “cough” at individual, continues move toward individual shouting cough and fires 3-5 warning shots in front of individual.
- 050829JUL05(approx) SSG fires fatal GSW to local national
- 050830JUL05(approx) SSG informs SFC (EOD) that the individual has fallen down and is showing no movement. SFC informs him to continue escort mission to IED site and that he will notify the CAV of the downed individual.
- 050845JUL05  Medics confirm death of
- 050906JUL05  108th Cav-Reports that the female has been confirmed dead after one of the Battalion Medics examine the wounds and tried to revive the victim. All of the elements have consolidated and the Eagle element is medevac the victim to the local hospital.
- 050934JUL05  The Punisher escort and EOD element reports in their brief that they fired (4) warning shots at the female, trying to deter the individual from walking towards the area of the friendly forces located.
- 051030JUL05  Dr. assumed custody of the deceased
- 051055JUL05  Eagle reports that their Blue element has dropped off the female body at the local hospital, along with link up of the Iraqi Police returning to the site of the victim family.
- 051400JUL05  Received Appointment orders
- 051500JUL05  Received initial verbal guidance from LTC
• 051530JUL05 Received Sworn Statement from SSG [redacted]
• 051620JUL05 Received Sworn Statements from SGT [redacted] and SSG [redacted]
• 051730JUL05 Interviewed SSG [redacted]
• 061830JUL05 Received Sworn statements from SFC [redacted]
• 071000JUL05 Received Sworn Statements from SFC [redacted], SPC [redacted], SGT [redacted], SSG [redacted], and SGT [redacted]. All CAV statements were delivered by SFC [redacted]
Exhibit B
SWORN STATEMENT

For use of this form, see AR 190-45: the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2671; E.O. 9397 dated November 22, 1943 (SSN).

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

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

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB

2. DATE (YY/MM/DD) 2015/07/05

3. TIME 1200

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS SSG

8. ORGANIZATION OR ADDRESS 169TH AR, 48 BCT

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

At approximately 0630hrs 5 JUL 05, the mortar platoon departed FOB  and enroute to a known IED south west of the FOB (Grid 430). Once on site, we were told there was an IED placed between two large mounds of dirt and rocks approximately 25 meters apart. I was informed by LT  (Mortar Platoon Leader) and SSG (EOD) that the suspected triggerman house was to the south, approximately 200 to 300 meters through a palm grove. After E troop secured the near and far side of the IED (including 4 houses), SFC (EOD), SSG (EOD) and SGT (MORT) and I moved to a point 200 meters south of the IED - in between the trigger house and the IED site. All of us began to search for command detonation wires leading to the IED. I told SGT that if we encountered anyone in our search area, we would fire a warning shot to let them know we were there and to prevent them from detonating the IED while EOD was working at the site. As we continued to move and were directly in line with the trigger house and IED, SGT observed a local national moving between the EOD/MORT element and the trigger house. SGT fired a warning shot and pointed at the person, and I immediately moved towards the threat. I observed a person walking at a "range walk" pace. At this point we were separated by about 100 meters, and I yelled "COUGH (Arabic for "STOP") as loud as I could. When the person did not stop I fired two to three quick warning shots. The person only responded by continuing to walk at a fast pace, and then quickly grabbed a white bag off the ground, threw it over her shoulder, and changed direction towards the trigger house (increasing her speed to a shuffled run). At this point I had moved closer to her having crossed under a barbed wire fence. I was extremely concerned that the bag the person had just picked up contained a remote detonating device, and the persons reaction to my verbal commands and warning shots led me to believe the individual had hostile intent. The act of picking up the bag after being told to "STOP" and after receiving warning shots elevated my concern for the safety of my EOD/MORT element. At this point I again yelled "COUGH" as loud as I could. There is no doubt in my mind that the person heard me. She did not stop so I fired another two to three controlled warning shots. These shots were 2 to 3 feet in front of the person and she still continued to move at a faster than "range walk" pace towards the trigger house. At this point, I had a canal between myself and the individual and could not move any closer without finding a crossing site. As the person moved towards a thickly vegetated area enroute to the trigger house area, I felt she posed a direct threat to the lives of all friendly forces in the immediate area. At no time up to this point did the individual react in an ordinary way to my warning shots. She never locked in my direction, made any kind of protective gestures, or hesitated in her movement at all. Her movement at this point was at a shuffled run. Her only concern appeared to be the bag and moving to the house. I again yelled "COUGH", as she moved nearer to the thick vegetation where I knew I would no longer be able to stop her. When she did not respond, I fired a single aimed shot, striking the individual. After I fired, SFC directed me to secure SSG (who was in the bomb suit). He stated that he would handle coordinating with E troop as to the last known location of the shot individual. Sometime later, SSG (TRP) informed me that they had performed first aid on the individual upon arriving on the scene, however, the individual had expired due to wounds sustained.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF __________ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF __, TAKEN AT __, DATED ___.

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
<table>
<thead>
<tr>
<th>INITIALS OF PERSON MAKING STATEMENT</th>
<th>PAGE OF PAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>WITNESSES:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>COMPANY COMMANDER (Authority To Administer Oaths)</td>
<td></td>
</tr>
<tr>
<td>(Typed Name of Person Administering Oath)</td>
<td></td>
</tr>
<tr>
<td>WITNESS OF DEATH OR INJURY</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**STATEMENT**

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

(Signature of Person Making Statement)

(Typed Name of Person Administering Oath)

(Signature of Person Administering Oath)

PAGE 3, DA FORM 2823, DEC 1998

16479
Full vector 05 July 05 1930 - 1905

SOS w/ CPR Fri night 2230 1 July prior to blank resupply.

- SSC [redacted] gave one to his section on Sunday 3rd of July to his crew.
  - Close came SOS and of all times...

- Cav trooper did not have the area coded off. SSC [redacted] use 1/2 of the motes to help in the Outer Cordon. Fields was not Special pow to EOP on scene... Cav did not know to overwatch the "trigger house" - fly was on an ambush all night.
  - but did not overwatch the correct house...

was not a ROE brief today...

- Cav SGT [redacted] a quick for brief as EOP was getting in the hands.
  - SFRT.
  - Report had already verified that IED was at location...

was not procurable - a good procural SSC [redacted] for closing any further with the individual. "Try to get away from the combat" according to SSC [redacted]...
SWORN STATEMENT

For use of this form, see AR 190-45 the proponent agency is PMS.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION

FOB [redacted], Iraq

2. DATE (YYYY/MM/DD)

2005/07/06

3. TIME

1409

4. FILE NUMBER


5. LAST NAME, FIRST NAME, MIDDLE NAME

[redacted]

6. SSN

[redacted]

7. GRADE/STATUS

02/1LT

8. ORGANIZATION OR ADDRESS

HHC 108th AR APO AE 09372

9.

[redacted]

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 030630JUL2005, the mortar platoon left FOB [redacted] with SSG [redacted], SPC [redacted], and PFC [redacted] of BOD to dispose of a known IED location at grid [redacted]. When we arrived at the location, we linked up SPC [redacted] who was an NCO from the E troop platoon securing the site. They said that the IEDs were in two rock piles, which were about thirty meters apart. The rock pile nearest to our location was about 150-200m away to the west, located on the south shoulder of the road. The trigger house for the IED, which was about 50m south of the IED, had been identified by the informant who gave the location of the IED. The vegetation between the trigger house and the IED consisted of palm groves and dense undergrowth, which became thicker as one approached the trigger house from the north. BOD asked E troop if the trigger house had been secured. E troop said that they had not been aware of the trigger house, but that they would secure it for BOD. At this point, BOD got out their Talon robot and began to probe the area of the IED to identify its location. They identified one IED in the center of the rock piles. About an hour after E troop went to secure the trigger house, they said that the house had been secured. SSG [redacted] then put on the bomb suit to go and look for command wire leading from the house to the IED. SSG [redacted], SGT [redacted], and SPC [redacted] went with SSG [redacted] as a security element during his movement through the brush. SSG [redacted] and the security element left the inner cordon from the road and traveled into the bush between the IED and the trigger house. As they left the inner cordon, my vehicle was east of the IED on the inner cordon, facing west. I watched them move in to brush sat in my 1114 and monitored the radios. I lost sight of them about 3-5 minutes after they left. About 10 minutes later, SFC [redacted] the mortar platoon sergeant, came to my vehicle and asked me if I had "heard those shots." I said "no" and he replied that they had come from that direction and indicated in the direction that EOD and the security element had traveled. I looked and did not see anyone. I continued to look down the road and a few minutes later saw SSG [redacted] inspecting the IED. He and the security element returned to the inner cordon shortly after that. At that time SSG [redacted] told me he had shot someone in the leg (he thought) and that the E troop medic was looking at the wounded person. He briefly told me the circumstances of the incident and I said it sounded like the right thing. As EOD continued the process of preparing to detonate the IED, SSG [redacted] of E troop told me that they were trying to get a medevac for the wounded person because the medic said the person had been shot in the the base of the spine. After EOD had detonated the IED, (about 15-20 minutes after returning from looking for the command wire), SSG [redacted] of B troop said that the individual had died at the scene. SSG [redacted] took a preliminary statement from SSG [redacted] and then the mortars and EOD departed the BOD site to return to FOB [redacted].

I—NOTHING FOLLOWS—

10. EXHIBIT

11. 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 THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.
Exhibit D
SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2651; E.O. 9397 dated November 22, 1943 (SSM).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
FOB __________, Iraq

2. DATE (YYYY/MM/DD)
2005/07/06

3. TIME
15:17

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
__________

6. SSN

7. GRADE/STATUS
SPC

8. ORGANIZATION OR ADDRESS
717 EOD

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

Regarding Shooting event from the morning of 5 Jul 05

During the IED incident, Myself, SGT __________, and SSG __________ were all acting as a local security team for SSG __________ who was in the bomb suit. During the recon from the truck to the IED, SSG __________ decided to go to the south of the suspected location, skirting the road by about 100 meters. In a direct line south from the IED, during the approach, SGT __________ noticed a person approximately 75 meters to our southwest. He immediately fired a warning shot in order to prevent the person from approaching any closer. SSG __________ then directed him to follow SSG __________ who was continuing on his recon to the IED. SSG __________ then proceeded outside of the fractured area that we were in, and fired more warning shots. The person continued in a slow deliberate approach to approximately 50 meters. During this time, SSG __________'s warning shot pattern was two single rounds, while shouting hail in Iraqi to the person. Then a procession of three more single rounds, and still shouting hail. During this time, myself and SSG __________ continued to recon to the north on our approach to the IED. One more shot was fired, and SSG __________ called out to me that the person had been hit. I verified the situation by asking if she had been hit. She replied that she had. I directed him to follow SSG __________, while I broke off from the recon to see to the injury. At this time, a team from the supporting Cav unit approached from the southeast, and I directed them to see to the casualty while we finished the IED. During our final approach to the IED, another person was on a donkey directly across from the road from the IED. Once this person was removed, the IED was exactly located, and the rounds were disposed of.

On an after the fact, I have heard that the shot came from 250 yards away. That is not true. SSG __________ broke off from our location to confront the person. At their closest, our team and the person was 50 meters away. SSG __________ also came back to our location, and then was sent up to SSG __________. This is when the other team approached. It would be easy to understand the distance error. I also happen to know that if you are deliberately aiming at something on the move even with a scope, at 250 yards, that is an extremely low percentage chance. To the best of my legal knowledge this was a shooting that occurred to a person that had ignored at least six previous warning shots and continued to approach an IED team leader that was working on an IED.

Upon arrival to FOB __________, I personally conducted a round count from SSG __________'s M-4 magazine. There were 23 rounds remaining in the magazine.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

16485
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<th>ORGANIZATION OR ADDRESS</th>
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<tr>
<th>INITIALS OF PERSON MAKING STATEMENT</th>
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<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**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)

<table>
<thead>
<tr>
<th>Subscribed and sworn to before me, a person authorized by law to administer oaths, this 6 day of July, 2005, at ________________ at __________.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Signature of Person Administering Oath)</td>
</tr>
</tbody>
</table>

(Typed Name of Person Administering Oath)  COMMISSIONED OFFICER  (Authority To Administer Oaths)

---

PAGE 3, DA FORM 2823, DEC 1998
Exhibit E
SWORN STATEMENT
For use of this form, see AR 190-46; the proponent agency is PMG.

PRIVACY ACT STATEMENT

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

2. DATE (YYYYMMDD)
   2005/07/03

3. TIME
   1420

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS
   E-3/SGT

8. ORGANIZATION OR ADDRESS
   HHC/1-108th AR APO AE 09372

9.
   WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
   
   At 0630 on 05JUL2005, the mortar platoon left FOB 
   on an EOD escort mission to grid 
   We
   linked up with E troop/108th CAV on site, who had set up an outer cordon. At about 0830, SSG 
   of the mortar platoon
   and I were assigned as guards for SSG 
   and SFC 
   from EOD. Our team walked in a generally south west direction
   between the IED on the road and the trigger house to look for any command wires to the IED. The area was a dense palm grove
   with thick underbrush. As I was walking, I saw an individual pop up from the shrubs between the us and the trigger house and
   started to walk toward some dense brush and the trigger house. I fired a warning shot and the individual continued to move toward
   the brush. After the shot, SSG 
   came up to my left and fired another warning shot and yelled "cough". The individual
   continued to move away. SSG 
   fired again and yelled "cough" but the individual continued to move toward the brush.
   SSG 
   yelled "cough" again and shot a final time. During the time SSG 
   was engaging the individual, I
   continued to move with EOD. SSG 
   came back to the group and said something to the effect of "The individual went down" and we continued our EOD mission.

   ______________________________

   NOTHING FOLLOWS

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 BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER
MUST BE BE INDICATED.

DA FORM 2923, DEC 1998
DA FORM 2923, JUL 72, IS OBSOLETE

USAPA V1.01
Exhibit F
SWORN STATEMENT
For use of this form, see AR 190-46; the proponent agency is PMG.

PRIVACY ACT STATEMENT
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1943 (SSW).
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
   [Illegible]
2. DATE (YYYYMMDD) 2005-07-05
3. TIME
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS E-7
8. ORGANIZATION OR ADDRESS
   E Troop 108th Cavalry, 48th BCT

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
   On 6 July 05 at approximately 0730 our platoon (3rd E 108 Cav) left FOB
   to assist 1st Platoon in clearing off an IED location so that
   EOD could respond and destroy the IED. When we arrived, approx. 0750,
   the platoon began splitting into sections in the vicinity of the IED.
   One section, my truck (E31) and E33 (Sgt. [Illegible])
   moved to the west side of the area. 5S6 [Illegible] truck (E34)
   stayed on the east side of the area. E32 (Sgt. [Illegible] vehicle)
   and E36 (Sgt. [Illegible] vehicle) moved to the south side of the
   area. As we were completing our task up to relieve 1st Platoon in place,
   shots were heard to my southeast (in the vicinity of E32 + E36). I initially
   heard one shot and after a pause of a second, more shots were heard.
   Sgt. [Illegible] reported to me that shots were being fired somewhere near our
   location (in a palm grove). A short time later Sgt. [Illegible] called me
   on the radio and advised me that a female civilian was injured and
   that she had been shot by a U.S. soldier. Efforts to coordinate a medevac
   were hampered by the EOD's use of warlock ECM which prevented
   both me and Sgt. [Illegible] from being able to talk to 5S6 [Illegible].
   The platoon sergeant
   I was in the process of clearing houses to the west of the IED
   location when Sgt. [Illegible] informed me that the female civilian
   had been shot in the spinal cord. A few minutes after that, Sgt [Illegible]
   again called me on the radio. He told me that the female civilian had
died.

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 84 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 PAGE NUMBER
MUST BE INDICATED.

DA FORM 2823, DEC 1998   DA FORM 2823, JUL 72, IS OBSOLETE
USAPA V1.01
9. STATEMENT (Continued)

After EOD had detonated the IED, I had 3rd Platoon collapse our cordon and link up at SSG location. I spoke with all TC's about what they had observed then went with SGT back to the location where he had previously been. At this time, the female civilian had been placed in a body bag and was being transported in SGT truck. Prior to going back to the incident location, SSG told me that he had spoken to two soldiers who had been providing security for EOD and one of them, SSG, had admitted to shooting the Iraqi female.

SGT led me back to his previous location where I met with Mr. at Grid . Mr. told me that he was related to the victim, that she was his uncle's wife. (My conversations with Iraqi civilians were facilitated by my translator - ) Mr. was aware that his aunt had been shot. He told me that her name was . He told me that she had resided at # in the neighborhood. Sgt. led me and a dismounted security team back to the exact location where Mrs. had been shot - grid . Photos of the location were taken.

The victim had been shot and had fallen in a farmer's field. Some packaging materials for 1st aid supplies that had been used on Mrs. were still on the ground. A large bundle of plants that she had apparently been harvesting was still on the ground there also. The incident location was south of the roadway where the IED had been planted. The distance to the roadway was approximately 200-300 meters by my visual estimate.

I then linked back up with my platoon at SSG and took the body to the hospital. I initially met with Mr. , the morgue attendant. The body was unloaded by stretcher from SGT truck and SGT took digital photos of Mrs. . I observed a small blue bruise on Mrs. abdomen and an
8. STATEMENT (Continued)

entrance wound on her back. There was no exit wound. The entrance wound was in the middle portion of her back, just to the right of her spine.

Mr. [Name] located Lt. [Name], head of the hospital security department and Dr. [Name], head of the medical staff. Both of them were informed of the situation. Dr. [Name] said that he would assist with releasing the remains to the family. Dr. [Name] assumed custody of the deceased at 051030 July 05.

As I was preparing to leave the hospital, I met with Iraqi Police Lt. Col. [Name], chief of police of the district. I asked him about the situation and offered to help his police officers notify the victim's family that she was dead. LTC [Name] had a patrol car meet with me. Together with the IP, we returned to Mrs. [Name] residence.

I met with several family members, including her son, her husband, and Mr. [Name], whom I had previously spoken with. I informed them through my interpreter that she was dead. I expressed my condolences and attempted to answer their questions. After a few minutes of speaking with the family of Mrs. [Name], my platoon and the 4 IP officers who had accompanied me left the residence. My platoon returned to FOB [Name] and I informed my commander of the details of the incident. I directed SGT [Name], SGT [Name], SGT [Name], and SPC [Name] to write statements about the incident since they all had first-hand knowledge about what had happened.

Nothing Follows
Exhibit G
SWORN STATEMENT
For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSN.
PRINCIPAL 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
2. DATE (YYYYMMDD)
3. TIME
4. FILE NUMBER
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:

   Third plt. left the FOH @ 733 on a sector patrol/IED cordon mission. While
   scouring the cordon I heard what sounded like two warning shots followed by two volleys
   of three or four shots each. A few moments later I heard a call for a medic amid the
   traffic on the radio (sicom). Sgt. covered my position so I could move to the patient.
   On arriving I found an agitated 36 y/o female in the left recumbent position. I called her over
   to find her pupils were fixed and dilated, pulse was weak (feeling), and her breathing was
   rapid and labored. I continued my assessment and observed an entry wound in the spine (highlander).
   Sgt. and helped me load the patient on a litter and move her to the Humvee for
   Evac. At the Humvee I reassessed to find no signs of life (O & P). No pulse, no respirations,
   pupils fixed and dilated. I then moved the patient to lst platoon. There, chck
   Confirmed that the female had expired, we moved to the marquee and
   turned the remains over to the

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT ______ DATED ______
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
Exhibit H
SWORN STATEMENT

For use of this form, see AR 190-48; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL 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
   2. DATE (YYYYMMDD)
   3. TIME
   4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME
   6. SSN
   7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS
   E TRP 105th CAV, 3rd PLT.

9. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On July 8, 2005 around 0930 we left FOB [redacted] to relieve 1st platoon. We were overwatching a I.E.D. (Improved
Explosive Device) at Grid [redacted]. FOB was also at
this location. Upon our arrival we found that 1st platoon already
had a good perimeter on both sides of the I.E.D. I was then
told by my platoon Sgt. to go with E-32 (Sgt. [redacted]) to
a location at the suspected trigger man to relieve some of 1st
platoon's soldiers at Grid [redacted]. Upon our arrival,
Sgt. [redacted] told me that the East house was not secure. After
the house had been searched and all the people inside were brought
outside, I heard a single shot. I started toward the gate when
I heard 3 more quick shots. Sgt. [redacted], Cpl. [redacted], and I
ran to our trucks. E-32 Gunner said the shots came from the
palm tree field (North West). Cpl [redacted] and I were in the palm
tree field (searching for the person/person's that did the shooting).

When Sgt. [redacted] said over the radio that a woman was on
the ground, we headed that way. We then said that she had
been shot. When I got to there location I saw a woman lying
down with a bag of flowers on her head. Sgt. [redacted]
fell down with a bag of flowers on her head. Sgt. [redacted]
was on his way when
immediately called for a medic. Spc. [redacted] was on his way when
we found out that a U.S. Soldier Shot her but found no one.

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.
We then returned back to where the trucks were. The
woman was being put into the back of my truck when I
arrived. After several minutes passed, we moved back to our
link up point with 1st platoon at Grid. Where I
thought a medical chopper was in route too, but it was not
called. The woman died in the back of my truck (E-56). SFC. I
told the family and we then took the body to the
hospital.

Meahudigh

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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 7th day of
(Title of Person Administering Oaths)

(Typed Name of Person Administering Oaths)

(Authority To Administer Oaths)
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

LOCATION: [Redacted]
DATE (YYYYMMDD): 2005-07-05
TIME: 2000
FILE NUMBER:

LAST NAME, FIRST NAME: [Redacted]
SSN: [Redacted]
GRADE/STATUS: SSgt

ORGANIZATION OR ADDRESS:
E/108th Cavalry, 3rd PCT

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

5 July 05 about 0845, while providing security for an
EOD Team dispatched to identify and render safe a possible
IED location, I observed [Redacted] of the EOD Team, along with
IED Team, walk to the west and south of my
3 soldiers (his security team) walked to the west and south of my
position, in order to approach the possible IED from the west (left
position), while the team was in a perimeter, I heard a first a
(shots), while the team was in a perimeter I heard the first a
series of shots, I heard a 2 vehicle Section
with 10 soldiers securing some horses and civilians in the
vicinity of the shots. I called my Section Leader SGT. [Redacted]
and asked them security detail still on vehicles at my location if
they had communication with the diminished element because
I heard the shots coming from the last known location, I
was told they did not. A few minutes later SGT [Redacted]
reported in on FM that he had a female casualty that sustain
a gunshot wound to his back, about this time [Redacted]
I(EOD Search Team arrived back to my location. I then
asked [Redacted] if his TEAM fired any shots, he said yes
they did, at a person to them rear, he then proceeded to
deal with the confirmed IED, I was then notified by SGT
[Redacted] that the female casualty had died.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

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

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

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

16502
9. STATEMENT (Continued)

At this time EOD called for me to ride and blew the IED off. After the dust had settled I asked to see the Security Men who fired at the female. I talked with SSgt [redacted] who told me he shot 1 shot and SSgt [redacted] fired 3 shots at the female because she didn't respond to him telling her to get back. (Kneel on floor.) I asked SSgt [redacted] and whether he aimed at the ground or the female's leg, he told me he aimed center of mass, but thought that the female was between a bush, when he fired. I then told SSgt [redacted] I had to ask him this question because the female had died. 1st Lt [redacted] was also present during this conversation.

nothing follows
Exhibit J
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<th>3. TIME</th>
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<tr>
<th>5. LAST NAME, FIRST NAME, MIDDLE NAME</th>
<th>6. SSN</th>
<th>7. GRADE/STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. STATEMENT (Continued)

NEEDED TO BE DONE, SSG [REDACTED] INDICATED THAT
HE NEEDED THE HOUSE TO THE EAST OF WHERE
WAS STANDING TO BE CLEARED, AND THE OCCUPANTS
MOVED OUTSIDE, I TOOK MY TEAM, CONSISTING OF
CPL [REDACTED] AND SPC [REDACTED] TO THE HOME AND
HAD ALL THE OCCUPANTS 1 MALE AND 5 FEMALES
TO THE COURTYARD. SGT [REDACTED] WITH E-36 WATCHED
THE OCCUPANTS WHILE MY TEAM AND I CONDUCTED
A BRIEF SEARCH TO SECURE THE LOCATION, A
MICROWAVE OVEN CONTAINING 4 C.D.'S WAS LOCATED
IN THE HOME. WHILE QUESTIONING THE MALE
ABOUT THE C.D.'S I HEARD MULTIPLE GUNSHOTS
TO THE NORTH OF OUR LOCATION. I HAD
SPC [REDACTED] STAY WITH THE OCCUPANTS AND
MYSELF AND CPL [REDACTED] RAN OUTSIDE THE
COURTYARD TO INVESTIGATE. I RAN TOWARDS
WHERE I HEARD THE GUNFIRE AND IN PASSING
MY VEHICLE E-32, MY GUNNER SPC [REDACTED] AND
MY DRIVER, SPC [REDACTED], POINTED TOWARDS
WHERE THEY HEARD GUNFIRE. INDICATING NORTH
WEST. WE BEGAN MOVING TOWARDS THE LOCATION
AND I OBSERVED TWO US SOLDIERS, TO THE
NORTHWEST, ON THE SOUTH SIDE OF THE ROAD THAT
THE IED HAD BEEN LOCATED ON. I WALKED
CLOSER TO THE SOLDIERS AND SPOKE TO
ONE, LATER IDENTIFIED AS SSG [REDACTED].
I ASKED SSG [REDACTED] "WHO WAS SHOOTING?"
HE REPLIED WITH "I WAS". I ASKED WHO HE WAS SHOOTING AT?, HE REPLIED "A LADY OVER THERE" I ASKED "WHERE?". HE REPLIED OVER THERE AND POINTED SOUTHWEST. SSG THEN SAID "SHE'S WEARING BLACK" AND "SHE'S PROBABLY WOUNDED". SSG THEN BEGAN WALKING TOWARDS THE ROAD AND AWAY FROM ME. I STARTED WALKING SOUTHWEST AND COULD SEE A BODY LAYING FACE DOWN WITH A LARGE SACK OF FLOWERS ON THE HEAD ABOUT 150 METERS FROM WHERE SSG HAD BEEN STANDING. I RAN CLOSER TO THE BODY AND PULLED THE SACK OF FLOWERS OFF THE HEAD, IT APPEARED TO BE AN ELDERLY WOMAN WEARING A TRADITIONAL IRAQI BLACK BAKRA. I OBSERVED NO BLEEDING, AND SHE SEEMED UNRESPONSIVE. I ADVISED MY PLT LEADER AND PUT SGT OF THE SITUATION (0832) HRS. I THEN YELLED FOR SPC A MEDIC TO COME AND TREAT THE WOMAN. SPC ARRIVED WITH HIS MED BAG AT 0835 HRS ALONG WITH SPC (E36) AND SPC WITH A STRETCHER. SPC TRIAGED THE PATIENT AND PREP MEDIC TO MOVEMENT TO E-36. SPC HAD DETERMINED THE WOMAN HAD A BULLET ENTRY WOUND TO
STATEMENT OF ____________ TAKEN AT 1430 DATED 2005.07.05

9. STATEMENT (Continued)

HER LOWER BACK, NEAR THE SPINAL CORD. THE PATIENT WAS LOADED INTO E36. SSG 236 TOLD ME TO SETUP A LANDING ZONE AT MY LOCATION, I ADVISED THAT I WAS IN A PALM GROVE AND THE CONDITIONS WOULD NOT ALLOW IT. I COLLAPSED THE SECURITY AT THE SITE AND THE MALE WE HAD SPOKEN WITH EARLIER SAID THAT WAS HIS MOTHER. I TOLD HIM SHE WAS SHOT AND WE WERE TRYING TO HELP HER. I THEN HAD E32 AND E36 MOVE TO THE ORIGINAL LOCATION AT GRID ____________. I ADVISED SSG ___________ OF THE URGENCY OF THE SITUATION AND HE BEGAN TO DISCUSS A MEDEVAC VIA HELICOPTER. AT 0905, TEN MINUTES AFTER ARRIVING AT THE LOCATION, SPC ___________ INFORMED ME THAT THE PATIENT HAD DIED AS A RESULT OF THE BULLET WOUND TO HER BACK, I INFORMED SSG ___________ AND INSTRUCTED THE DECEASED WOMAN WAS PLACED INTO A BODY BAG. THE BODY WAS TAKEN TO HOSPITAL AND IDENTIFICATION AND CONTACT WITH HER FAMILY WAS MADE.

AFFIDAVIT

1. ____________ HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 42. 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 HOPES OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INCITEMENT.

(Signature of Person Making Statement)

WITNESSES:

E-Troop 108th Pre. 48th BCT

ORGANIZATION OR ADDRESS

E-Troop 108th Pre. 48th BCT

INITIALS OF PERSON MAKING STATEMENT

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Exhibit K